

Partnership for Good Governance  
Партнё́рства для эфэкта́ўнага кіраваньня



**Project “Strengthening the right to a fair trial on Belarusian criminal justice”**



**Centre for Constitutionalism and Human Rights of  
European Humanities University**



**International Partnership “International Law in Advocacy”**

**Webinar “Lawyers against impunity: accountability for ill-treatment and torture during mass protests in Belarus”**

In August 2020, Belarusian legal community faced with an unprecedented number of claims on the alleged use of ill-treatment and torture by law-enforcement during the street protests in the aftermath of the Presidential elections. Belarusian lawyers – members of bar associations and human rights defenders – acknowledge that they lack specific knowledge on how to deal with such allegations, including the methodology of collecting and documenting the evidence, getting information from the authorities and forming the legal position and the possible qualification of each occurrence under relevant articles of Belarusian criminal legislation. The lawyers require more awareness on international and European standards as regards the prevention of torture, as well as on the application of norms of Belarusian Criminal Code concerning international crimes through the prism of the international criminal justice.

Article 128 of the Criminal Code of Belarus contains provisions on crimes against security of mankind” which include “torture or acts of cruelty based on racial, national or ethnic belonging of civilian population, its political beliefs or religious faith”.

In its joint [statement](#), the Chairman of the Committee of Ministers, the President of the Parliamentary Assembly and the Secretary General of the Council of Europe called for the immediate release of all detained protesters, the stop to all ill-treatment and for the urgent and transparent investigation into acts of law enforcement brutality”, as well as to a dialogue with the civil society.

Lawyers of Belarus are invited to discuss these matters online with national and international experts on 15 September 2020 at 16.00 (Minsk time). The working language is Russian.

Key questions to be discussed:

### 1. Belarusian practice: status quo and perspectives

Experts:

Pavel Sapelko, human rights lawyer, Human Rights Center “Viasna”, former member of the Minsk Bar Association, expelled in 2011, alumni of the ILIA

Viktoria Fedorova, human rights lawyer, executive director of the NGO “Legal Initiative”, doctorant of the Belarusian State University, alumni of the ILIA of the Belarusian Helsinki Committee

What is the lawyers’ practice on cases which involve torture and ill-treatment? What are the key challenges?

How to qualify the crime? Is there a need in a co-ordinated approach by the legal community due to the scale and systemic nature of events?

What could be considered as an effective investigation?

Can reports by mass media become an evidence in a legal case?

What can a lawyer expect following an application to prosecutor’s offices and the Investigative Committee?

What kind of lawyers work on cases of ill-treatment and torture?

Elements of crimes against security of mankind in the national legislation: standards and national practice

### 2. International legal standards and practice

Experts from the Registry of the International Criminal Court and Russia, Ukraine (tbc)

International individual criminal liability

What instruments of international criminal justice are applicable for the prevention of impunity in case of torture and ill-treatment?

Does the International Criminal Court have the jurisdiction over individuals in Belarus?

May International Court of Justice exercise its jurisdiction over Belarus?

Which countries applied the principle of universal jurisdiction towards foreign nationals who committed crimes against humanity?

Standards of the European Court of Human Rights as regards remedies to the victims of torture and ill-treatment.

### 3. Comments and Exchange of best practices of CIS countries

ILIA Alumni and experts of Azerbaijan, Belarus, Moldova, Russia and Ukraine

The speakers will include representatives from the Registry of the International Criminal Court, practicing lawyers from Russia, Ukraine and Belarus working with cases of ill-treatment and torture.

The webinar is organised by the Council of Europe in the framework of the joint programme between the CoE and the EU “Partnership for Good Governance” (Project “Strengthening the right to a fair trial on Belarusian criminal justice”) in co-operation with the Centre for Constitutionalism and Human Rights of European Humanities University (Vilnius, Lithuania) and with the International Partnership “International Law in Advocacy”.