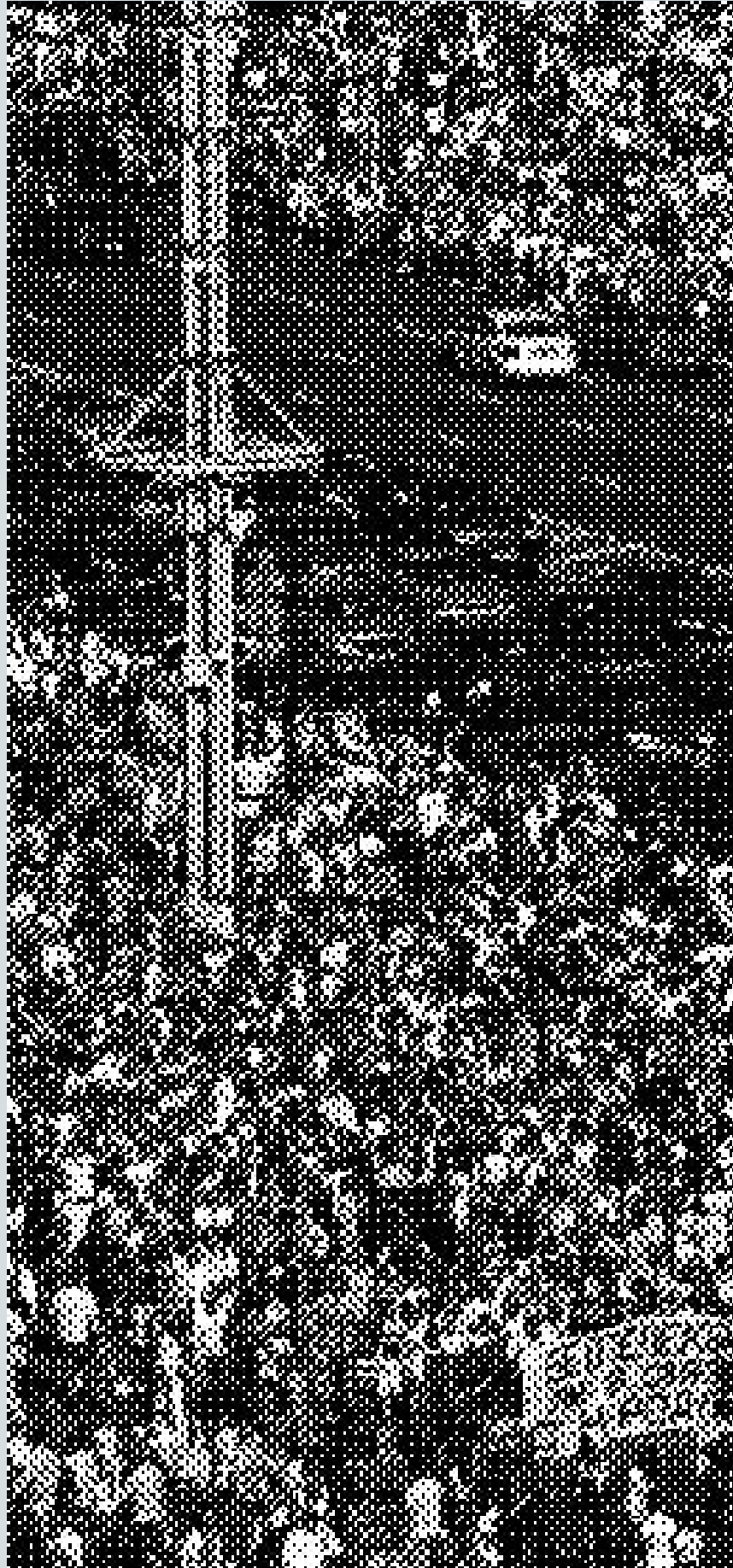


Third progress report to supporting States

February to September 2022



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About the International Accountability Platform for Belarus

The IAPB is a coalition of independent non-government organisations that have joined forces to collect, consolidate, verify, and preserve evidence of gross human rights violations constituting crimes under international law allegedly committed by Belarusian authorities and others in the run-up to the 2020 presidential election and its aftermath. To this end, the IAPB builds on the ongoing efforts of Belarusian human rights organisations to collect information about human rights violations committed in Belarus. The information and evidence collected by the IAPB will assist independent and fair criminal investigations and prosecutions, carried out in accordance with international law and standards, in national or international courts or tribunals that have or may have jurisdiction over those crimes. The information and evidence will also support other mechanisms aiming to ensure accountability for crimes under international law allegedly committed in Belarus, including the UN Office of the High Commissioner for Human Rights Examination of the human rights situation in Belarus.

The IAPB is composed of a Steering Committee, responsible for leading the IAPB's work, a secretariat, and an Advisory Council. The Steering Committee is composed of DIGNITY – Danish Institute against Torture (lead), Human Rights Centre “Viasna” (Viasna) (co-lead), International Committee for the Investigation of Torture in Belarus (co-lead) and REDRESS (co-lead). In addition to a number of Belarusian organisations that do not wish to be publicly listed for security reasons, the Advisory Council is composed of the following organisations: European Center for Constitutional and Human Rights (ECCHR); International Federation for Human Rights (FIDH); International Rehabilitation Council for Torture Victims (IRCT); Norwegian Helsinki Committee; Physicians for Human Rights (PHR); Reporters Without Borders (RSF); and World Organisation Against Torture (OMCT). The work of the IAPB is carried out by a Secretariat composed of legal and medical practitioners with expertise and experience in international criminal investigations and prosecutions.

The IAPB was launched on 24 March 2021 in response to the OSCE Moscow Mechanism rapporteur's report to the OSCE Permanent Council on 5 November 2020. Among other things, the report calls on states to hold perpetrators of torture and inhumane treatment, including sexual violence, and other gross human rights violations committed in the context of the 9 August 2020 presidential elections in Belarus to account.

The IAPB is supported by a wide range of states, notably Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, Switzerland, Lichtenstein, the United Kingdom and the United States of America, as well as the European Union.

EXECUTIVE SUMMARY

Two years after the August 2020 Presidential elections, Belarusians continue to be arrested and detained on politically motivated charges by a regime that persists in issuing legislative amendments to entrench its power. More than 1,100 persons protesting against constitutional amendments and Belarus complicity in Russia's aggression against Ukraine were arrested in February and, as at the end of September 2022, 1,324 political prisoners languish in prison. Those released continue to allege they were tortured or subject to other forms of mistreatment. Persons fleeing the country risk the appropriation of property they left behind and losing their citizenship, while exposing themselves to discrimination in third countries given Belarus' role in the conflict in Ukraine. Many Belarusians in Ukraine, including members of IAPB Belarusian co-lead teams, were forced to flee for the second time.

Still, the commitment of Belarusians to documenting alleged gross human rights violations in Belarus does not waiver. IAPB Belarusian co-leads—Human Rights Centre “Viasna” and International Committee for the Investigation of Torture in Belarus—continue to collect information and evidence from survivor-victims/witnesses, which the IAPB consolidates, preserves and analyses along with open-source intelligence to support accountability processes. In recognition of its contribution to the promotion of human rights in Belarus, Viasna was awarded the Clooney Foundation for Justice Albie Award in the “Justice for Democracy Advocates” category and its founder, Ales Bialiatski, the Nobel Peace Prize.

Collection of information and evidence

Since 1 April 2021, Viasna and International Committee collected information and evidence from 857 victims and other witnesses (584 men and 273 women) regarding alleged crimes under international law, including relevant documentary evidence such as medical and court records, bringing the total to around 20,000 documents. The IAPB also collected over 600,000 items from open sources, including 82,000 videos, 238,292 images and 159,030 text items from 213 sources.

Consolidation, preservation and analysis of information and evidence

As of 30 September 2022, approximately 14,300 documents relating to 2,052 survivor-victims and witnesses, including witness statements, medical reports and court records, and related translations into English, had been restructured and uploaded to the IAPB's digital archive. Of these, approximately 9,000 files had been reviewed according to the IAPB's survivor-victim/witness file review strategy, screened for relevance and readability and tagged according to a custom-made coding layout.

The IAPB also preserved its collection of open-source intelligence, including important metadata, ensuring it is available for accountability purposes in years to come. As of 30 September 2022, the IAPB had reviewed and tagged 1,800 open-source files according to its file review strategy.

The coding layouts developed by the IAPB, based on the Belarus context, enable data reviewers to tag each piece of information and evidence according to identified facts. IAPB analysts and lawyers can then analyse the material according to the legal framework-based coding layout also developed by the IAPB during the reporting period, and develop analytical briefs. They also enable searches of the data according to requests for assistance made by accountability bodies now, and in the future.

Support to the OHCHR Examination on the human rights situation in Belarus

The IAPB provided substantial assistance to the OEB between February and September 2022. The assistance provided by the IAPB to the OEB in December 2021 was reflected in the High Commissioner for Human Rights report to the UN Human Rights Council (HRC) in March 2022. After several in-person and online discussions in February and March 2022, in April 2022 the IAPB and OEB entered a second data sharing agreement. After the continuation of the OEB's mandate by the HRC on 7 April 2022, the IAPB continued to provide support to the OEB throughout their transition period. Following the commencement of the new OEB team in July 2022, the IAPB met with the

OEB numerous times to discuss IABP support for their investigation, as a result of which the IABP shared information regarding 140 survivor-victims and witnesses willing to speak with OEB investigators and provided substantial logistical assistance to the OEB to carry out interviews with a number of them. As of 30 September 2022, the IABP expects to receive further targeted requests for assistance from the OEB.

Support to criminal justice authorities

The IABP expanded on existing collaborations by engaging with criminal justice authorities in other jurisdictions, increasing the European states with which it has directly engaged for assistance to four. As a result of these engagements, the IABP is providing access to survivor-victims/witnesses, analytical brief/s and other reports on the data collection.

The IABP also participated in a number of information-sharing and collaboration-targeted criminal justice forums, including a meeting between prosecutors and civil society organised by the US Office of Criminal Justice and the Centre for Justice and Accountability at Eurojust on 8 April 2022 and panel discussions with investigators and prosecutors on investigating torture and the conflict in Ukraine.

Governance and knowledge sharing

The IABP Steering Committee and operational level teams continued to meet weekly to make policy and strategy decisions and discuss operational matters. Workshops and trainings were carried out with the support of the IABP's expert advisors, the International Institute for Criminal Investigations, Partners in Justice International and Mnemonic.

The IABP also met with the Advisory Council regularly, including a workshop in June 2022 to discuss lessons learned until the end of Phase I. To strengthen its work with both the Advisory Council and other non-government organisations more broadly, the IABP will implement a strategy for facilitating increased collaboration and coordination with respect to accountability related work in Phase II.

The IABP continued to implement referral

pathways for evidence-based mental health and psychosocial support (MHPSS) for all survivor-victims and witnesses, as well as IABP teams. Since December 2021, 71 survivors (56 women and 15 men) have received MHPSS services. In May and September 2022, IABP teams received training on self-care and the prevention of burnout by experts on secondary trauma.

Communications and advocacy policy

From March, the IABP implemented a revised public relations strategy, which included a new twitter account (@IAPBelarus) and website (www.iapbelarus.org) to disseminate information, including through twitter posts and press releases, about IABP activities where it does not jeopardize the confidentiality or independence of the IABP's work.

Extension of operations in Phase II and the future

In the months leading up to the conclusion of Phase I, the IABP successfully engaged in consultations with donor states regarding the need to continue the IABP's work for a second phase. In addition to the fourteen states that confirmed pledges for Phase II, six other states indicated they would seek to provide funding in 2023.

Donor commitment to a second IABP phase reflects the reality that accountability is a long-term endeavour. Not only does the process of analysing large volumes of information and evidence and producing materials to support accountability bodies take time, but the complexity of criminal investigations and prosecutions of large-scale international crimes requires a lens beyond the short project funding cycles donors ordinarily impose. Criminal prosecutors may not decide to investigate for years after crimes have been committed, or until an alleged perpetrator enters their jurisdiction. At such points, ready access to information and evidence is vital to ensure effective prosecutions, making the IABP's collection, and access to it long into the future, invaluable for criminal justice authorities. To support these goals, in the next 12 months the IABP will, among other things:

- Continue to collect, consolidate, analyse and preserve information and evidence of crimes under international law;
- Continue to support, and strengthen relationships with, national criminal justice authorities conducting effective, independent and impartial investigations under universal jurisdiction or other forms of jurisdiction and to engage in initiatives enhancing cross-border cooperation between criminal justice authorities;
- Support the OHCHR examination on the human rights situation in Belarus throughout its second term, and possibly third should its mandate be extended, and seek to support other UN human rights bodies and mechanisms when possible; and
- Support IAPB Steering Committee and Advisory Council members' accountability related work.

Donor commitment also reflects recognition of the value the IAPB generates as a model in other contexts, and the possibility that the considerable work involved in developing its infrastructure may be applied elsewhere. Accordingly, in addition to ensuring longevity of impact of the IAPB's work, one of the IAPB's objectives in Phase II is to examine how it might apply the infrastructure and tools it has developed in other contexts and in Belarus beyond Phase II. With minimal adjustments, standard operating procedures, guidance documents and digital infrastructure are transferrable to other contexts, with a ready-built team to implement them in partnership with local experts and support efforts to collect, preserve, verify and analyse information and evidence of crimes committed elsewhere in accordance with international best practice standards. Indeed, the IAPB has already shared some of its expertise and tools with other civil society organisations and accountability projects working in the Ukraine context and also funded by the Danish Ministry of Foreign Affairs.

A. The situation on the ground

The human rights situation in Belarus continues to deteriorate. Mass arrests, detentions and prosecutions of persons on politically motivated charges continue to be the norm, with those released from detention continuing to allege they were subject to torture and other forms of mistreatment. Legislative amendments to criminal and administrative laws and those governing the legal profession, as well as the constitutional referendum in February, appear designed to entrench the Lukashenko regime's power. The few remaining independent non-profit organisations, including public associations, trade unions, foundations, and non-governmental institutions and associations, continue to be liquidated and Telegram and You Tube channels and other media sources classified "extremist." The Belarusian authorities have failed to hold any perpetrators of gross human rights violations in Belarus accountable.

Following Russia's aggression against Ukraine, commencing on 24 February 2022, thousands of Belarusians took to the streets in protest against Belarus' support for Russia, and some persons engaged in proactive attempts to prevent the movement of military equipment and weapons through Belarusian territory. Belarusian authorities allegedly responded with excessive force against peaceful protestors at anti-war rallies and used military weapons against participants seeking to block the movement of arms on rail networks.¹ On 27 February 2022, the day of the referendum on amendments to the Constitution, Belarusian authorities detained hundreds of citizens across the country. By the end of February 2022, more than 1,100 people had been detained. Persons released from detention since then have alleged that they had been tortured and subject to other forms of ill-treatment. Outside of protest contexts, Belarusian authorities continue to raid homes and workplaces and interrogate and detain persons.

Since February 2022, the number of political prisoners known to human rights activists has reportedly increased to 1,324 people,² up from 1,022 reported in January.³ Seven members of Viasna, including joint Nobel Peace Prize winner President Ales Bialiatski and board member Valiantsin Stefanovic, continue to be held in detention.⁴ In June 2022, Viasna member and the head of Center for Strategic Litigation, Mr. Leanid Sudalenka, was sentenced to three years' imprisonment; and Viasna volunteer Ms. Tatsiana Lasitsa was sentenced to two years and six months.⁵ In September 2022, the tax evasion charges against President Ales Bialiatski and board member Valiantsin Stefanovic were replaced with the smuggling of funds and financing group actions disrupting public order, which attract an increased term of imprisonment of seven to 12 years.⁶ In recognition of Viasna's work, on 29 September 2022 the Clooney Foundation for Justice awarded them the Albie Award in the "Justice for Democracy Advocates" category.

The Belarusian authorities amended legislation to impose harsher penalties for terrorism-related charges. On 27 April 2022, hasty amendments to articles 59 and 67 of the Criminal Code imposed the death penalty for attempting to commit an act of terrorism, a crime of which a number of political prisoners have been charged.⁷ Based on recent convictions,⁸ the amendment appears targeted at persons seeking to express their political views.

By 1 July 2022, according to the Investigative Committee of Belarus, the authorities had launched 11,000 criminal cases of "an extremist nature" since the August election.⁹ The authorities systematically apply Article 19.11 of the Administrative Code—punishing the dissemination of "extremist materials"—to repress independent reporting and

continue to add to the list of “extremist” sources, such as local Telegram channels, social media groups and YouTube channels. By end of September, the Ministry of Internal Affairs and the State Security Committee (KGB) had listed 2,400 entities (including the Young Front of Belarus and Charter ‘97) and 573 individuals as “extremist.”¹⁰

Access to legal counsel continues to be hampered. At the time of writing, 11 lawyers had been detained on a variety of allegedly politically motivated charges¹¹ and 70 registered lawyers deprived of their right to practice. The remaining number of lawyers slowly reduced over the last year—from 2,031 in October 2021 to 1,742 in July 2022)¹²—following legislative amendments which enable the Ministry of Justice to directly interfere in the appointment and disciplining of lawyers.

In an effort to further silence civil society in Belarus, Belarusian authorities continued to liquidate non-profit organisations, including public associations, trade unions, foundations and non-government institutions. Since the August 2020 election, 646 non-profit organisations had been liquidated or are in the process of liquidation; another 374 organisations decided to self-liquidate.¹³

On 17 August 2022, the Belarusian Council of Ministers removed one of the last remaining options for redress at the UN level, by initiating legislation to withdraw from the First Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR), which has now been passed by both the House of Representatives and Council of the Republic and signed by Lukashenko.¹⁴ The law removes the right of victims of human rights violations under the ICCPR to seek recourse from the UN Human Rights Committee.

Since the outbreak of conflict in Ukraine, the general situation for Belarusians in and outside Belarus has deteriorated. Many Belarusians living in Ukraine, including members of IAPB co-lead teams, were forced to flee for the second time. They and other Belarusians face discrimination in other countries given Belarus’ alliance with Russia and their perceived role in the conflict. Due to the imposition of sanctions on Belarus, Belarusian bank accounts and transactions have been blocked, seriously impacting citizens’ purchasing power. The invasion of Ukraine and ensuing armed conflict constitutes the worst human rights crisis in recent decades in Europe and carries serious security threats for Belarus and the region. Given the scale of the atrocities in Ukraine, the violent repression in Belarus risks becoming a “forgotten” human rights crisis in which the Lukashenko regime could escape accountability.

B. Fulfilling Core IAPB objectives

Since establishing the infrastructure and working procedures for the collection and preservation of information and evidence discussed in the February 2022 progress report, the IAPB progressed considerably with analysing information and evidence collected, laying the foundation for the production of analytical briefs for criminal justice authorities and continued support to the OEB.

The IAPB met its core objectives in Phase I (from April 2021 to June 2022) of collecting, consolidating and preserving information and evidence of crimes under international law allegedly committed in Belarus with a view to assisting fair and independent criminal proceedings and other accountability bodies and processes. In Phase II (from July 2022 to September 2023), the IAPB continued to work towards supporting accountability bodies by continuing to preserve information and evidence collected by IAPB Belarusian co-leads and from other sources (including open-source intelligence), reviewing more than 50% of the information and evidence in its collection,

commencing the preparation of analytical products for accountability bodies, expanding its engagement with criminal justice authorities and supporting the OEB. To support this work, the IAPB also implemented knowledge sharing and capacity building activities and supported access to MHPSS and tools to mitigate secondary traumatisation and stress.

In the months leading up to the conclusion of Phase I, the IAPB engaged in consultations with donor states regarding the need to continue the IAPB's work for a second Phase. Once states committed to funding Phase II, the IAPB re-assessed the activities it planned to carry out by the end of Phase I to take into account the longer time frame under which it would be operating. Accordingly, adjustments were made to the verification and analysis of information and evidence collected and production of analytical products, to increase the support that could be provided to accountability bodies. Such adjustments will be explained in further detail below.

a. Objectives and scope of work

As identified in its last semi-annual report, the IAPB aims to consolidate and preserve information and evidence to support factual and legal research and analysis on three pillars relevant to the alleged commission of crimes in Belarus:

- a. The **crime base**, namely underlying acts of crimes against humanity such as persecution, torture, sexual and gender-based violence, deportation, imprisonment and murder/extrajudicial killings;
- b. The **contextual elements of crimes against humanity**, namely the existence of a widespread or systematic attack directed against any civilian population, pursuant to or in furtherance of a Belarusian state policy; and
- c. Perpetrator **linkage** to the underlying criminal acts, including physical perpetrators as well as those otherwise responsible due to their roles within command structures.

With initial funding running until 30 June 2022, the IAPB planned to review the collection of material gathered and produce limited-scope analytical products for accountability bodies based on their requests for assistance. In addition to providing access to survivor-victims/witnesses and material in the IAPB's evidence hub, this plan included the production of analytical reports. As discussed further below (Part B.c.i), initial projections that even this more limited scope of work could be carried out by the end of Phase I proved optimistic, such that narrower approaches to analysing the data and supporting accountability bodies had to be identified.

As it became apparent that the IAPB would be funded for a second phase, the IAPB was able to reconsider these approaches and adjust its working methods to adopt a more comprehensive, and thereby more effective, approach, while expanding the scope of evidentiary products and tools it will produce.

b. Collection of information and evidence

The IAPB continued to collect information and evidence from survivor-victims and witnesses and open sources that may provide evidence of crimes under international law committed by Belarusian state authorities.

One of the key challenges for collecting information and evidence as a non-government actor is the lack of a legal mandate by which the provision of information and evidence can be compelled, coupled with the need to ensure any engagement with survivor-victims, witnesses and other sources of potential evidence does not adversely impact future criminal trials. For example, repeat interviewing of a single survivor-victim or witness by multiple actors may influence their recollection and/or create multiple records of their story, the credibility of which may then be challenged by the accused at trial. Where criminal justice authorities will likely interview survivor-victims/witnesses or call them as witnesses at trial, best practice dictates that non-government actors should consider whether they need to interview them in the circumstances, taking into account other accountability options. Similarly, interviewing potential insider witnesses (i.e. (former) members of the state security apparatus), who may themselves be implicated in the commission of crimes, is ordinarily treated cautiously by criminal justice authorities, who have an obligation to caution such persons on their rights, including to remain silent, according to domestic or international criminal procedure. Non-government actors should accordingly treat any engagement with insiders for the purpose of collecting information with extreme care. The IAPB, in determining whether to re-interview survivor-victims/witnesses and when considering seeking access to other sources of information and evidence, takes these factors into account.

i. Collection of information from survivor-victims and other witnesses

Since 1 April 2021, Viasna and International Committee collected information and evidence from 857 victims and other witnesses (584 men and 273 women) regarding alleged crimes under international law, including relevant documentary evidence such as medical and court records, bringing the total to around 20,000 documents. These continue to be structured for preservation and analysis (discussed in Part B.c.i below), with a selection of witness interviews and documentary material translated from Russian/Belarusian in English and preserved along with the original language material

ii. Collection of open-source information

Parallel to the collection and preservation of survivor-victim/witness-related material, the IAPB continued to collect open-source intelligence throughout the reporting period. Since April 2021, the IAPB has collected over 600,000 items from open sources, including 82,000 videos, 238,292 images and 159,030 text items from 213 sources, which is being preserved and analysed (discussed in Part B.c.ii below).

c. Consolidation, preservation, verification and analysis of information and evidence

To preserve the information and evidence collected, verify its authenticity (where appropriate) and analyse it, the IAPB relies on two tailor-made digital archives. From February to September 2022, the IAPB tested and finalized the working procedures relevant to their use, uploaded most of the information and evidence collected to date, including open-source intelligence, and analysed a significant volume of the material.

i. Survivor-victim/witness sourced material

The structure for the upload of material was developed by the IAPB secretariat in

November and December 2021. From January 2022, the process of restructuring and uploading information and evidence collected by the IAPB to its digital archives commenced. As of 30 September 2022, approximately 14,300 documents¹⁵ relating to 2,052 survivor-victims and witnesses, including witness statements, medical reports and court records, and related translations into English, had been restructured and uploaded.

An initial detailed survivor-victim/witness file review strategy was developed in February and March 2022 and then refined in the months thereafter according to knowledge developed through its implementation. Under this review strategy, files are screened for relevance and readability, then reviewed and tagged according to the coding layout developed by the IAPB. A quality control check is then carried out, before select data is further analysed for the preparation of analytical briefs and reports. By 30 September 2022, 9,000 files (45% of the total number) had been reviewed and tagged. The IAPB will produce reports on select topics to guide accountability bodies to the collection. The database therefore not only supports the IAPB's factual and legal analysis and production of evidentiary and analytical reports, but also the identification of requests for assistance and access to information and evidence by accountability bodies according to their identified needs in both the short and the long-term.

One of the key challenges faced by the IAPB has been the length of time the review, tagging and analytical process takes. Initial projections that such work could be completed by June 2022 proved to be difficult to meet due to a number of factors, including: (i) the time needed to establish the IAPB team in 2021 and internal procedures and structures necessary to meet international criminal justice standards; (ii) the limitations of in-built transcription and translation functions, which required the identification and implementation of an alternate solution meeting the stringent security requirements under which the IAPB operates; and (iii) the significant human resources required to review lengthy witness statements and related material, which contain traumatic content requiring systems to be established to minimise secondary traumatisation, including regular breaks and diversification of tasks. Once states committed to funding Phase II, the IAPB was able to dedicate the additional human resources required to carry out this work.

ii. Open-source material

The preservation of original open-source intelligence in the IAPB's dedicated digital archive ensures it is available to accountability bodies and others in years to come. This tool minimises the possibility that access to open-source intelligence providing evidence of crimes committed in Belarus is lost when Belarusian authorities impose restrictions on access to independent media (e.g. by removing media licenses) or data is removed by hosting sites or individuals posting it. Already, open-source intelligence collected by the IAPB has been deleted from the original hosting sites; such material would have been permanently lost had the IAPB not archived it. The archive also ensures the material is preserved in a form that makes it usable by accountability bodies in the years to come, by preserving a copy of the original open-source material along with metadata such as the date and time of archival and the URL.

Given the volume of material in its open-source collection (over 600,000 files), the IAPB cannot review and tag all of it. Instead, in accordance with investigative and analytical goals, the IAPB uses various search terms and search techniques to identify the relevant materials which are then organized into thematic groups to

enable quick navigation (discussed in Parts B.a and C.d). This material is then reviewed and tagged according to the IAPB's coding structure. As of 30 September 2022, the IAPB had reviewed and tagged 1,800 open-source files, including videos of protests, arrests and other incidents.

d. Assistance to accountability bodies

The IAPB continued to engage with and support accountability bodies, including the OEB, the Special Rapporteur on the situation of human rights in Belarus and numerous national criminal justice authorities.

i. OHCHR examination on the human rights situation in Belarus

The IAPB is dedicated to supporting the OEB in its mandate to carry out a comprehensive examination of all alleged human rights violations committed in Belarus. The assistance provided by the IAPB to the OEB in December 2021¹⁶ was reflected in the UN High Commissioner for Human Rights report to the UN Human Rights Council (HRC) in March 2022.¹⁷ Support continues to be provided to the new OEB team following the continuation of its mandate by the HRC on 7 April 2022.¹⁸

Until the conclusion of the mandate of the first OEB team in March 2022, the IAPB and OEB teams held numerous discussions on topics related to their respective work. As a result of these discussions, in March 2022 the IAPB and OEB agreed in writing to a second data sharing arrangement (the first agreed in December 2021).

Following the renewal of the OEB's mandate, the IAPB engaged in numerous conversations with the OEB transition team through to June 2022 and the new team when appointed in July 2022 to discuss ongoing support. Based on these discussions, in August and September 2022, the IAPB shared information regarding 140 survivor-victims and other potential witnesses and provided substantial logistical assistance to OEB investigators to carry out interviews with a significant number of them. Members of the Belarusian co-lead teams were also interviewed regarding the general context in which violations were committed, and the IAPB provided information regarding more general accountability related matters.

When the IAPB was designed, it was intended that it would collect and preserve information and potential evidence and provide it, along with analytical reports, to the OEB for use in their investigation when they were established. However, adjustments to this original concept were required. The IAPB and OEB teams operated in parallel, such that the IAPB's work structuring, reviewing and analysing data occurred in parallel with the OEB's investigations. It was also apparent early on that some survivor-victims and other potential witnesses did not consent to provide their materials to the OEB, and the informed consent provided by others required renewal given the period that had elapsed and the considerably worsening situation for those in Belarus. OHCHR human rights documentation standards also requires the OEB to conduct their own interviews. While this raises some concern regarding duplication of efforts and the possibility of re-traumatising survivor-victims and witnesses, in the IAPB's experience, survivor-victims and witnesses it has assisted to engage with the OEB wish to retell their story and in doing so contribute to published findings on gross human rights violations committed in Belarus. To minimize the re-traumatisation of survivor-victims and witnesses, the IAPB provided survivor-victims and witnesses with the option of having clinical psychologists present during and/or available after their interviews (see also Part D on the provision of MHPSS).

ii. Special Rapporteur on the situation of human rights in Belarus

During the reporting period, the IAPB met with the Special Rapporteur on the situation of human rights in Belarus to discuss her work and possible IAPB support for her priorities in the future. Dialogue with the Special Rapporteur with a view to identifying potential areas of support is ongoing.

iii. Criminal justice authorities

In accordance with the IAPB's goals identified in its last progress report, the IAPB has expanded on existing collaborations by engaging with criminal prosecuting authorities in other jurisdictions. These engagements occurred through bilateral meetings, exchanges in writing and participation in multilateral events. Such events include a meeting at Eurojust on 8 April 2022, hosted by the US Office of Global Criminal Justice and the Centre for Justice and Accountability, attended by criminal justice authorities from a number of states and Belarusian and international NGOs. As a result of these exchanges, the IAPB has received requests for access to information and evidence and analytical briefs from criminal justice authorities in a number of European states, and is working to prepare responses.

One of the challenges with preparing analytical briefs relates to the role the IAPB plays in the context of criminal investigations and prosecutions. As noted above, the IAPB does not work on the basis of a legal mandate, limiting its ability to compel the production of evidence and requiring that it take into account the impact any collection of information and evidence might have on subsequent criminal trials. Additionally, while the IAPB does identify exculpatory evidence, it is not under an obligation to collect it. These factors mean access to certain materials may be limited in reality, or by design. The IAPB must, therefore, transparently outline these limits and take them into account in terms of the standard of proof relied upon in any analysis prepared for criminal justice authorities.

C. Knowledge sharing and capacity building

a. Secretariat, lead and co-lead teams

The IAPB's structure ensures close collaboration among the lead, co-lead and secretariat teams. The Steering Committee met on a weekly and *ad hoc* basis to make decisions regarding policy and the strategic direction of the IAPB's work, and jointly participated in events and stakeholder meetings, both public and confidential, throughout the February to September 2022 period. The IAPB secretariat continued to work in close collaboration with the lead and co-leads documentation teams, including through weekly meetings on operational matters and regular in-person workshops. As part of this engagement, the IAPB holds dedicated workshops and trainings on relevant topics, which are carried out with the support of the IAPB's expert advisors (discussed in Part F.e below).

b. Advisory Council

The Advisory Council met throughout 2022 to share information about group members' work, facilitate coordination and collaboration, as well as discuss lessons learned to date. Advisory Council members frequently jointly participate in events, including those listed in Part E.b below. In the coming months, the IAPB will implement a

strategy to more actively engage with the Advisory Council with a view to strengthening collaboration and the coordination of accountability related work.

D. Supporting access to mental health and psychosocial support

As part of its survivor-centred trauma-informed approach to pursuing accountability for crimes under international law committed in Belarus, the IAPB is committed to ensuring that survivors receive evidence-based mental health and psychosocial support (MHPSS). The IAPB continued to implement referral pathways for MHPSS and its unified clinical monitoring and evaluation system, which includes the collection of data on stress, depression, sleep and well-being. Since December 2021, 71 survivors (56 women and 15 men) have received MHPSS services.

The IAPB also ensures its teams have access to MHPSS and prioritises improving the capacity of all teams involved in the work to manage secondary trauma and stress. In May and September 2022, IAPB teams received training on self-care and the prevention of burnout by experts on secondary trauma. Referral pathways for access to MHPSS provided by specialists were established for all IAPB teams and utilized.

E. Public relations and advocacy

a. Communications policy

The IAPB has maintained a cautious policy for public communication of its activities and results, to protect the security of people involved in the work and those who provide information to the IAPB, and to maintain its neutrality and independence. Initially, the IAPB declined most media requests for interviews and only accepted interviews in writing.¹⁹

At the same time, it is important to ensure transparency in the IAPB's work to enable victims and the Belarusian public more broadly to be informed about the IAPB's work and have the opportunity to contribute. Accordingly, from March 2022, the IAPB implemented a revised public relations strategy. A new twitter account (@IAPBelarus) and website (www.iapbelarus.org) were launched in March and April respectively and have, since then, been used to disseminate information, including through twitter posts and press releases, about the IAPB activities where it does not jeopardize the confidentiality or independence of the IAPB's work.²⁰

b. Advocacy

Similarly, the IAPB has maintained a cautious advocacy policy to preserve the independence and impartiality, and perceived independence and impartiality, of its investigative and advisory work. Nevertheless, the IAPB regularly engaged at the political level in bilateral discussions with policy makers and other key stakeholders, and at times public forums. Participation in speaking engagements include:

- Presentations by the IAPB Head and the International Committee representative in a side event to the 49th session of the HRC in Geneva on Next steps towards accountability at the Human Rights Council (23 February 2021).
- A presentation at the OSCE's Supplementary Human Dimension Meeting in

- Warsaw on international co-operation to address violations of international humanitarian law and international human rights law (28-29 March 2022).
- Presentations by the IAPB Head and the REDRESS representative at the OSCE's Conference on Fighting Impunity for Acts of Torture: Ensuring accountability for perpetrators and justice for victims, in panels on "Specific challenges to achieving accountability for acts of torture and other ill-treatment in armed conflicts and how to overcome them" and "How to overcome obstacles to achieving accountability for acts of torture and other ill-treatment" (13 June 2022).
 - A presentation at OSCE's Warsaw Human Dimension Conference Side Event on Internal Repression and Transnational Aggression: Ensuring Accountability in Belarus (28 September 2022).

F. IAPB infrastructure

a. Funding

Until June 2022, the IAPB was supported by a wide range of states, notably Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, Switzerland, Lichtenstein, Ireland, the United Kingdom and the United States, as well as the European Union.

For Phase II, running from July 2022 to September 2023, Austria, Czech Republic, Denmark, Finland, Germany, Iceland, Lithuania, the Netherlands, Norway, Slovakia, Sweden, Switzerland, the United Kingdom and the United States, as well as the European Union have so far confirmed funding. Six other states have indicated that they will confirm additional funding in late 2022 or 2023.

As previously reported, the IAPB received funding from pledging states on a rolling basis throughout the reporting period. Given only nine states contributed through the European Endowment for Democracy (EED), the work involved in meeting each state's funding requirements was considerable.

b. Standard operating procedures

The IAPB continued to refine its standard operating procedures, which are adjusted according to procedures added while the work progresses. As noted, the SOPs continue to inform the development of guidance documents implemented in the context of the IAPB's work.

c. Information technology and security

Minor adjustments were made to the information technology (IT) and security infrastructure, including the addition of a secure contact form on the IAPB webpage (see Part E.a)

d. Expert advice

The IAPB continued to seek the advice and support of expert organisations, including IICI, PJI and Mnemonic, and additionally FORCYD.

G. Planning ahead – Phase II and the future

In the months leading up to the conclusion of Phase I, the IAPB successfully engaged in consultations with donor states regarding the need to continue the IAPB's work for a second phase. In addition to the fourteen states that confirmed pledges for Phase II, six other states indicated they would seek to provide funding in 2023. As for Phase I, the work involved in meeting the widely varying donor requirements is considerable, and delayed contributions from states risk the IAPB's ability to complete all planned activities.

Donor commitment to a second phase reflects the reality that accountability is a long-term endeavour. Not only does the process of analysing large volumes of information and evidence and producing materials to support accountability bodies take time, but the complexity of criminal investigations and prosecutions of large-scale international crimes requires a lens beyond the short project funding cycles donors ordinarily impose. Criminal prosecutors may not decide to investigate for years after crimes have been committed, or until an alleged perpetrator enters their jurisdiction. At such points, ready access to information and evidence is vital to ensure effective prosecutions, making the IAPB's collection, and access to it long into the future, invaluable for criminal justice authorities. To support these goals, in the next 12 months the IAPB will, among other things:

- Continue to collect, consolidate, analyse and preserve information and evidence of crimes under international law;
- Continue to support, and strengthen relationships with, national criminal justice authorities conducting effective, independent and impartial investigations under universal jurisdiction or other forms of jurisdiction;
- Support the OHCHR examination on the human rights situation in Belarus throughout its second term, and possibly third should its mandate be extended, and seek to support other UN human rights bodies and mechanisms when possible; and
- Support IAPB Steering Committee and Advisory Council members' accountability related work.

Donor commitment also reflects recognition of the value the IAPB generates as a model in other contexts, and the possibility that the considerable work involved in developing its infrastructure may be applied elsewhere. Accordingly, in addition to ensuring longevity of impact of the IAPB's work, one of the IAPB's objectives in Phase II is to examine how it might apply the infrastructure and tools it has developed in other contexts and in Belarus beyond Phase II. With minimal adjustments, standard operating procedures, guidance documents and digital infrastructure are transferrable to other contexts, with a ready-built team to implement them in partnership with local experts and support efforts to collect, verify, analyse and preserve information and evidence of crimes committed elsewhere in accordance with international best practice standards. Indeed, the IAPB has already shared some of its expertise and tools with other civil society organisations and accountability projects working in the Ukraine context and also funded by the Danish Ministry of Foreign Affairs.

Endnotes

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2. Viasna, Human Rights Situation in Belarus: September 2022: <https://spring96.org/en/news/108381>.
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4. Viasna, Human Rights Situation in Belarus: September 2022: <https://spring96.org/en/news/109379>.
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11. Viasna, Human Rights Situation in Belarus: August 2022: <https://spring96.org/en/news/109095>.
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14. Lawtrend, Monitoring the situation with freedom of association and civil society organizations in the Republic of Belarus: September 2022 (in Russian): <https://www.lawtrend.org/freedom-of-association/monitoring-the-situation-of-freedom-of-association-and-civil-society-organisations-in-the-republic-of-belarus-september-2022>.
15. <https://pravo.by/document/?guid=12551&p0=H12200217&p1=1&p5=0>.
16. In the second 2022 quarterly report, the IAPB reported that it had preserved approximately 15,000 files relating to 1,722 witnesses. While the number of witnesses has increased, the number of files has reduced due to the removal of audio and video files after the IAPB changed the system it relied upon to translate survivor-victim/witness interviews.
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