

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

Helsinki on the Hill Podcast

**“Massive, Systematic, Proven beyond Doubt: Human Rights Violations in
Belarus Exposed by the OSCE’s Moscow Mechanism”**

Guest:

**Wolfgang Benedek, Professor, Institute of International Law, University of
Graz**

Host:

**Alex Tiersky, Senior Policy Advisor, Commission for Security and
Cooperation in Europe**

TIERSKY: Hello, and welcome back to Helsinki on the Hill, a series of conversations hosted by the United States Helsinki Commission on human rights and comprehensive security in Europe and beyond. I'm your host, Alex Tiersky.

Listeners, many of you have followed the ongoing political crisis in the country of Belarus. Let me just remind everyone that President Alexander Lukashenko has been in power there since 1994. The current crisis began this summer as the country looked ahead to the presidential elections scheduled for August the 9th. In the runup to the election, the regime sought to eliminate political competition to President Lukashenko through disqualification, intimidation, and imprisonment. Now despite this pressure, unprecedented crowds have been participating in rallies in support of opposition candidate Sviatlana Tsikhanouskaya.

Election day proper, as many of you know, featured widespread allegations of fraud. The regime claimed victory for Lukashenko who supposedly had taken 80 percent of the vote. Since then, many countries, including the United States, rejected the election's outcome as illegitimate and refused to recognize Lukashenko as the legitimate leader of Belarus. The days, weeks, and months since the election have seen an unrelenting crackdown by Belarusian authorities on peaceful protests, civil society, and the media.

Listeners, Belarus is a participating state in the OSCE. And in that context, it is party to a number of commitments on human rights and fundamental freedoms, such as the right to free and fair elections and the right to peaceful assembly. In response to the apparent violation of these rights, 17 other OSCE states invoked one of the key human rights tools at their disposal – the Moscow Mechanism. Now, the Moscow Mechanism is a procedure which allows for the establishment of a short-term fact-finding mission tasked with producing a report on a specific human rights concern and, crucially, recommendations on how to resolve it.

Our guest on today's episode is the expert appointed by these 17 states to address the crisis in Belarus. Professor Wolfgang Benedek, welcome to Helsinki on the Hill.

BENEDEK: Thank you very much.

TIERSKY: Professor, you're joining us, of course, from your office in Graz, Austria. And by way of introduction, let me just say you are indisputably among the most expert voices in the global human rights community, with decades of academic work and advocacy in the field. Among the many testaments to your leadership in this field is, of course, this is not the first time that you've been chosen as an independent expert to conduct a fact-finding mission under the OSCE Moscow Mechanism. In fact, in 2018 you were similarly entrusted to investigate human rights abuses in the Chechen Republic.

Now, I have your report here, in both English and Russian. It runs to some 56 pages, demonstrating both extraordinary scope as well as an incredible amount of detail. During our conversation today, I'd like to talk about process, how you went about gathering the information. I'd like to talk about substance, what you found. And finally, I want to spend some time talking about your detailed recommendations to Belarus and to other OSCE participating states about the

way ahead. But before we dig into the details, I would be very grateful if you could please give us a short overview of your conclusions for our listeners.

BENEDEK: OK. Thank you. Hi, everybody.

It's not an easy task to give a short overview because of a very wide mandate. So if I summarize, then I would say that there were two sides in this mandate. The one was dealing with the quality of the election, where the election of President Lukashenko on 9 August is suspected to have taken place as election fraud. And the other one is the very serious human rights violations which were alleged to have taken place in the context of the election – even before, but in particular after.

These elections were not transparent. They suffered from a number of significant shortcomings. And as a result, they have to be considered neither free nor fair. And with regard to the human rights violations, they have been massive and systematic, and unfortunately still ongoing at this time. In particular, the report found that in the first days after the elections, when there were spontaneous protests in the streets, the repression reached the level of torture and inhuman treatment in quite a number of cases. And since that time the number of basic human rights have been systematically violated. And what makes things worse is that so far not a single person has been held accountable for these violations, which shows that there is a general situation of impunity.

TIERSKY: Professor, thank you very much for that.

Let's now talk a bit about the process of compiling the information that is included in your report and arriving at the recommendations that you provided. So I want to start by making sure our listeners are aware that not just anyone can simply volunteer to draft these reports. In fact, experts such as yourself who conduct these missions and write reports are not only widely regarded as experts on international human rights, they also go through a vetting process within the OSCE itself, intended to ensure an unbiased process.

Let me start by asking you: How and when did you find out that you would be responsible for compiling this report, and what was your reaction to the challenge that was put before you at that time?

BENEDEK: I was asked whether I could do this report in the early days of September. And as you said, there is a list – the so-called rostrum of experts, up to five per participating country in OSCE, which have to be consented to when they have been nominated by their respective governments. And in order to be chosen as an expert, you must not be a citizen of any of the invoking states. So in that case, Austria has not been part of these invoking states, and therefore they could approach me for the possible role of a rapporteur. And I think I have been approached because of my report on Chechnya two years ago, which was the last time when the Moscow Mechanism has been launched.

TIERSKY: And in this case, Professor, what was your mandate as rapporteur for this mission?

BENEDEK: The mandate was rather wide. It talks about intimidation and persecution of political activists, candidates, journalists, media actors, lawyers, labor activists, and human rights defenders, as well as the detention of prospective candidates, election fraud, restrictions on access to information including internet shutdowns, excessive use of force against peaceful protesters, arbitrary and unlawful arrests and detentions, beatings, sexual and gender violence, abductions and enforced disappearances, torture and other cruel inhuman and degrading treatment or punishment, and widespread impunity for all of the above. This was quite a challenge to respond to this in the relatively short time available.

TIERSKY: Professor, as I understand it, the timeline that you're provided under the Moscow Mechanism to conduct your investigation and write your report, as you say, is very short. It's just two weeks, if I'm not mistaken. How did you undertake to gather information and to do it so quickly, in this timeframe?

BENEDEK: Actually, I was made aware that I might be chosen for this role about two weeks before I actually had to start with the process. And that meant that I had a certain preparation time. But as you rightly say, the Moscow Mechanism foresees only 14 days for the writing up of the report, collection of all the pertinent information. And also the information channel which is being set up for that purpose is only opened two weeks before you have already to hand in the report. So this is quite a challenge, but it was feasible in the circumstances.

TIERSKY: What is this information channel that you've mentioned?

BENEDEK: ODIHR, which is the Office of Democratic Institutions and Human Rights, in Warsaw, and which supported or serviced my role as rapporteur, they opened a mailbox for the Moscow Mechanism. And in this mailbox everybody could send information which was then to be passed onto me. And as a matter of fact, I received quite a number of reports from NGOs, civil society organizations. But after an appeal by Sviatlana Tsikhanouskaya to her supporters to share information on this channel, we received also more than 700 emails with a lot of data, documents, photos, videos, and so on, which I had to analyze, with the help of several assistants who spoke the language, in that case Russian, very well. And that was another part of this challenge.

TIERSKY: Professor, if I understand the Moscow Mechanism correctly, the state which is being investigated, in a certain sense, has the opportunity to also appoint its own expert. I wanted to ask you about the government of Belarus and how it approached your mission. Did it have the opportunity to appoint its own expert to also participate in this process?

BENEDEK: You are right. The Moscow Mechanism envisages actually a mission of inquiry, which should consist of three persons – the expert appointed by the invoking states, an expert to be appointed by the state under investigation. And the two then should agree on the third one as a chair. However, so far the practice always has been that the states under investigation have not cooperated. And therefore, the expert appointed by the invoking states remained as a single rapporteur. And this was the case two years ago when I had to do the report on human rights violations in Chechnya. And the same happened, unfortunately, also this year.

TIERSKY: In a climate where the state under investigation is not cooperating, I imagine that creates quite a number of possible risks for those who are providing information to you. Could you talk a little bit about – to the extent that you're able – how that information came your way? You talked about an information channel where there were emails coming in in various languages. Did you also attempt to perhaps travel to Belarus? Were there interviews conducted in person or by telephone?

BENEDEK: Yes, indeed. The first step I took when I was entrusted with this task was to write to the delegation of Belarus in Vienna at the OSCE and to ask to facilitate a trip to Belarus, and also to respond to the allegations which already existed in my mandate so that I would also have their point of view. Unfortunately, like in the case of Russia two years ago, Belarus took the position that they did not want to cooperate, and therefore they could also not facilitate my trip, in spite of clear obligations under the Moscow Mechanisms, which however were not respected.

Unfortunately, they also did not want to take any position on the serious allegations in my mandate. And therefore, I had to investigate on my own with the help mainly of sources which you can reach online, and with regard to interviews which I undertook online. Now in these corona times, we are all used to work[ing] online. And it was actually not difficult because the events in Belarus are – belong to the best documented ones. It's happening under our eyes.

The journalists are reporting, there's video footage, there is any amount of pictures of the results of torture in the internet, there are testimonies in large numbers. There are a few NGOs who are specializing in bringing together all this information. So you have, for example, daily accounts what is happening. You have lists of persons who are considered as political prisoners. You have lists of journalists who have been violated in their safety, and who were restricted or punished, and what have you, beaten up and so on.

So all this information is there. And my task now was to collect this information and then to cross check, because on the one side I had, let's say, these reports. And then I had these many communications from more than 700 people who shared their personal experience. And in addition, I made a number of interviews with key persons, but also with victims. And all this then was to fit together. And it actually corresponded very well to each other.

TIERSKY: Let's move to talking about then what, as you say, is happening right under our eyes, what you were able to find, and cross check, and conclude. I propose we start at the beginning. As you summarized your own findings, I think you started with the presidential elections themselves. And if I can go back to the language of your report, you conclude that, quote, "the allegations that the presidential elections were not transparent, free or fair were found confirmed." I would like you to tell us, tell our listeners, please, how did you come to this conclusion that the presidential elections were not transparent, free, or fair?

BENEDEK: Yes, this was not so easy indeed, because normally such elections are observed by ODIHR, who have their procedures of election observation. In this particular case, they were not invited before the registration of the candidates was completed. And this was a

very sensitive period because a number of those candidates were actually refused to be registered, and even persecuted under various provisions of the criminal law in order to keep them away from the elections.

So ODIHR, after having already announced that they would not be ready to come in only for the last weeks, but they wanted to do a full observation of the elections or none, finally refrained from going there at all. Although Belarus then invited them after this period had already elapsed. So there were hardly any international elections observers. There were a few diplomats, but otherwise the elections were observed by the people – organized by certain NGOs. And that was quite interesting also, by using the internet and so on to show people who shared what they were voting for in order to get a feeling what was democratically going on.

And then there are these election commissions. And this time hardly any members of the opposition were admitted on the election commissions. They exist on various levels, but there's the local election commission and there's the national one. And again, there was hardly a possibility to monitor their work. And we had also reports from individuals, for example, who were asked to sign the forms before the figures were filled in. So an amount of the voting allegedly has already gone on the five days before the real vote. Nobody could control what was happening in that time. And in the counting, again, the observers were largely excluded. So there was hardly a chance really to observe this election in any sensible way.

There are a few reports, mainly from civil society organizations, which really comprehensively document all the shortcomings. And if you compare this also with the recommendations of ODIHR from previous elections, which have not been implemented, then you come to this conclusion that from the early phase – from the registration till the end, the counting of the votes, these elections were neither transparent, nor free, nor fair.

TIERSKY: Thank you for that, Professor. And here, I'd just mention our prior episode of this podcast was on international election observation. We featured, among other guests, Michael Link, a distinguished German parliamentarian who's also a former head of ODIHR, who described in some detail the methodology of this international election observation process, what it can bring in terms of democratic legitimacy, and also mentioned the case of Belarus in particular. So I commend that to our listeners.

Professor, if I could, I'd like to move to the second broad category of your findings, which is – as you described – human rights violations. Again, coming back to the language of your report – let me cite it for our listeners. Quote, “Regarding the allegations related to major human rights abuses, they were found to be massive and systematic, and proven beyond doubt.” Now, as difficult as it might be for our listeners to hear, I would very much like for you, Professor, to describe how you came to this particular conclusion.

BENEDEK: As I said, there were quite a number of detailed reports based on testimonies from victims of these violations. So, for example, somebody would in a detailed way recount what has happened to him or to her. And that was usually following a similar pattern. So, for example, people would be picked up on the street, severely beaten, then put into a police car, further beaten, kept there for many hours, then taken to a police station and finally

to the detention center, where they were again beaten, had to stand naked for many hours, did not get any food or water for more than a day, were put in cells where in some cases even pepper spray was used in the cells to calm them down. The cells were totally overcrowded, so they could not sleep. They had to stand and sleep in shifts.

The conditions were simply unbearable. And after two, three days they were asked to sign something which they didn't have the possibility to read. They had no chance to talk to their lawyers during this process. They had no chance to talk to relatives so they could inform them about their situation. On the contrary, relatives who came to the police station to inquire about the situation of their, let's say, sons and daughters, in a few cases they were even detained themselves and underwent a similar treatment.

So it was a brutal clampdown on the protests in the intention to intimidate people not to go out in the streets anymore. And one has to say that there have been previous elections, I think here of 2011 in particular, where also protests took place. And they were brutally clamped down. And then people gave in, and they accepted. But this time not. This time people came out every weekend again. And then the same happened again. Police used rubber bullets, shot sometimes from a very short distance. So a few people died because of that. They used stun grenades, even when they tried to disperse a demonstration which takes place every Monday by pensioners, by old people, by retired people. And they also detained minors, people who are not yet adults, and also they were beaten. And some of them had to be taken to hospitals.

There were also allegations of disappearances. And here, I found out that most of these disappearances could be resolved later on, so there are only a few cases which remain unresolved. There were also allegations of sexual violence. And what I found out that was that this sexual violence was mainly used as a threat to women. There might have been a few cases [of rape], but not a single woman dared to come out and talk about it, because this also might have an implication on her future. But there were a few cases where males actually were subjected to sexual violence. And they talked about it. So also that was found confirmed, but in the form I just reported.

TIERSKY: I just wanted to point out here, again, the umbrella description that you used for this treatment is the word "systematic." And I think I really want to emphasize that point, because as I understand it, you've linked it to the authorities' intent to suppress the protest and to suppress democratic activity. And that's done both in a widespread fashion and with an intent behind it. Am I right in understanding what you mean there?

BENEDEK: This was the intention, in particular in the first three days where the major violations took place. And it remained systematic, but not at the same level of violence, later on. Still, the level of violence and brutality is very high. And every weekend hundreds of people who protest are detained. And before, they are beaten, and so on. We only had a case this week where somebody died as a result of this violence. I'm thinking of the case, for example, of the flower seller. There was – there is a flower shop where a guy with his wife sells flowers. And on Saturdays it is usually the demonstration of women in white. So they go out in white, and they have flowers in their hands. And this guy was providing them with flowers.

And recently he was taken to the police station and severely beaten up so that he landed in the hospital. And his wife reported that he was not able to recognize her anymore because he was so severely beaten up. So that shows a bit what is happening. It is ongoing, as I said.

TIERSKY: Professor, I also want to make sure our listeners heard one of the very disturbing allegations that you verify in your report about the intimidation of women activists who are mothers in particular with the threat of removal of their children. Could you talk about that a bit?

BENEDEK: Yes. This is a particularity. And this falls under the issue of reprisals and extrajudicial punishment. There are various forms of this. And one of the forms is that parents are told that if they allow their kids to participate in demonstrations, or if they themselves participate in demonstrations and leave the kids at home their kids would be taken away. And this has happened in a few cases, but fortunately the kids were returned to their parents later. But this threat, which was expressed in various ways and is also based on a legal document, was noted by parents as a particular form of intimidation and reprisal for participating in peaceful demonstrations.

TIERSKY: Mmm hmm. Now, these actions that you were able to verify, these infringements of human rights, they've also been characterized by impunity. There's been very little accountability for the perpetrators of these acts. Can you talk about the implications of that impunity and what is absent when accountability does not exist in a situation like this?

BENEDEK: Yes. Belarus does have a legal system which, starting from the constitution to various laws, would actually require a certain accountability. And there are mechanisms where you can bring complaints and so on. But the finding is that when it comes to so-called political cases – and all these protesters were considered as political – then this system does simply not work. Meaning that the independence of judges does not exist. It does hardly exist in normal times, but it does not exist at all in such times like they are now. The prosecutors are obviously under obligation to follow a certain path, the minister of justice overlooks all this, and even the lawyers are under massive pressure.

So some of the lawyers had to leave the country. Some of them were detained when they were representing political cases. And their life was made as difficult as possible. So for example, to see your client you had to line up at 5:00 in the morning, and stand in the line for several hours to have a chance to get into the one room which is available to see your client, and where this – but where other prisoners are meeting their relatives, and so on. And also no possibility to speak to your client in private. The trial is rushed through, 10 minutes per person. And so on. So this is everything else than a fair trial, what is going on here.

And what makes things worse is that this system is concentrating on sentencing people who have opposed the state as peaceful demonstrators, or in other ways by, for example, going on strike or putting any other protest actions. And in reprisal, the state is using all its powers by firing people, students losing their study places, professors being fired from their jobs, sportspersons being detained because they speak out, and so on.

So this kind of reprisals is also an important point. And so far the whole machinery has been used only to put protesters on trial. In the end, to criminalize them because now we see more and more criminal cases opened against protesters, which means that they could be detained, put into prison, for years and not only for days, as it is the practice now. Whereas, I said, not a single case has been brought to completion, which – or, even to indictment – which concerns those responsible for the violence.

TIERSKY: Professor, you've mentioned a couple of times the role of journalists in getting the story out and the particular ill-treatment of journalists and the media in Belarus during this time period. could you talk a little bit about the challenges that the media have faced?

BENEDEK: Yes, here the challenges are multifold because, for example, if you are a foreign journalist you need accreditation in order to work there. And in many cases, this accreditation has been refused. As countermeasures against the sanctions by the European Union in particular on 2nd of October, all the accreditations of foreign journalists were cancelled. And for those operating locally as well as their international colleagues, they risk being beaten up just for reporting on the events.

We had cases even of journalists from Russian media who were beaten up, yeah? And some of them were detained, and even sentenced, not just the journalists also the media workers, the cameramen. The footage was destroyed, the cameras were destroyed, and so on. So there were hundreds of cases of violence against journalists, while Belarus has only two years ago, as well as other OSCE member states, in a ministerial conference adopted a document on the safety of journalists, which was totally ignored in this present situation.

TIERSKY: Professor, let me transition to another part of this conversation, because you've done an extraordinary job in documenting, per your mandate, this really tragic situation. But it seems to me that one of the most potentially valuable and important parts of this process, the exercise of the Moscow Mechanism, is that you as rapporteur are empowered not just to document what you're finding but also provide recommendations to address the problems that you have confirmed.

Could you broadly describe what it is that you are recommending to the government of Belarus as the way ahead, based on the allegations that you have verified of what's gone on in the runup, during, and after the presidential elections of August 9th?

BENEDEK: Yes, as you rightly said it is part of the Moscow Mechanism, and therefore also it was part of my mandate to make recommendations toward the state in question, Belarus, but also to OSCE participating states and to the international community at large. Now, with regards to Belarus I structured my recommendations to first focus on the issue of elections and then on the massive human rights violations.

Now, with regard to elections quite logically the recommendation is to repeat these elections, because they cannot be accepted as free and fair, and therefore this was the main recommendation to the government of Belarus, to organize new elections, however based on

reforms of the election law which should meet the recommendations of OSCE/ODIHR, and also under the appropriate international supervision so that ODIHR can play its role. And this, I think with regard to the election, is more than logical.

Now, when it comes to other areas, human rights in particular, then, again I put a number of priority recommendations which should be met immediately, and which can also be implemented immediately. And this is to stop the violence and to release all those who have been detained for political reasons, but for those who are still being detained also to improve the detention conditions, to allow lawyers to do their job and have access to their clients, to allow journalists to do their work without interference, and to protect their safety.

So these recommendations to stop every form of violence and mistreatment of people I think is the most urgent ones. However, there are many more which partly have a more structural nature, because they relate to the reforms of the law. For example, the law on mass meetings, which does not fully respect international standards on freedom of assembly and association. The question of strengthening the independence of judges and prosecutors. The question obviously also to not use these mechanisms and methods of reprisal, like, against the parents, as we just discussed before.

One issue also is not to interfere with access to the internet, because - we did not yet talk about it - but there have been regular blackouts of the internet and restrictions, in particularly on the mobile internet, to make these demonstrations more difficult to organize, and to respect legitimate protest in various fields – starting from culture, to universities, and sports, or in particular also labor activists, people who go on strike. But we also have reprisals for example against religious leaders who speak out and express their concern about the measures of the government. And here we have a Catholic bishop who was prevented from returning from a visit to Poland to Belarus, also he is a citizen of Belarus. So all these various forms of reprisals have to be stopped. And then certainly the question of accountability. is focal to establish proper accountability procedures, traditional remedies, oversight, and so on.

And then there are the recommendations of a more structural nature where, for example, I recommend to use the Venice Commission of the Council of Europe, which has already done a similar job in the past to help with reforming the constitution and also several laws of the Republic of Belarus to make sure that they meet European and international standards. This might be more long-term recommendations, but anyway we have to think about the situation as it exists now with the present government, where certain priority and emergency measures need to be taken. But we also have to think about a future where most likely there will be a more democratic government. And this government then will have to undertake a number of reforms.

TIERSKY: Professor, I'd like to push you a little bit on where these recommendations come from and on what basis you make these recommendations. Of course, these aren't just things that Belarus should do because Professor Wolfgang Benedek believes that they are important. These have to do with international commitments that Belarus is already a party to or, as you mentioned, the best standards in Europe and internationally. Can you talk a little bit about what the basis of your recommendations comes from?

BENEDEK: Yeah, the main basis obviously [is] the identification of the shortcomings between international obligations and the practice on the ground. When you see massive human rights violations, then a recommendation has to be to put the practice in conformity with the obligations and to stop such violations. However, I have also analyzed the work of others, like for example the U.N. Special Rapporteur on the Situation of Human Rights in Belarus, who has over the years made a number of recommendations to the United Nations Human Rights Council, to the General Assembly, and so on. Again, this mandate [holder] was never able to visit Belarus, but there have been a number of useful and well-prepared ideas in these recommendations, some of them I could take up.

Then there is quite a number of recommendations from ODIHR from the past, how to establish or how to organize free and fair elections. This goes into much detail. And so I have also built on some of these recommendations. And there were also recommendations made by civil society organizations, who said this is what we think needs to be done in order to improve the situation on the ground. So I also studied those recommendations and based myself on those which I found reasonable.

TIERSKY: Professor, I suspect I know the answer to this next question I have for you, but has the government of Belarus, the authorities there, shown any signs of taking into account any of your recommendations so far?

BENEDEK: Not at all. When I have presented my report in the Permanent Council of OSCE on the 5th of November this year, the reaction by Belarus, and also supported by Russia, was that this is interference into internal affairs, and that this does not respect their sovereignty, and that they are not prepared to listen to any of these recommendations. OK, this could be expected from a state which refuses cooperation in any way. Belarus also has refused, for example, the good services of the present chair of OSCE, which is Albania, and the future chair, which is Sweden, who offered their assistance, their mediation, in order to establish a dialogue with the opposition.

TIERSKY: If we could, let's transition to talking about your recommendations for OSCE participating states that are not Belarus. As our listeners know, there are 57 participating states in the OSCE. I wonder if you could take us through your recommendations and perhaps how some of the OSCE participating states have reacted.

I should mention here, of course, the Helsinki Commission has been active on this issue. The fraudulent elections were condemned by our members, including our chairman Alcee Hastings, who also asked the Trump administration to revoke access to the U.S. financial system for the nine largest state-owned companies in Belarus. At that time, he stated that it is unacceptable for the United States to be doing business with this brutal regime. So there's been some reaction at least from the United States congressional perspective. Again, could you tell us what it is that you're recommending to OSCE participating states?

BENEDEK: Yes. I certainly had to start in the similar way, meaning that the first recommendation is not to recognize the results of the presidential elections, and then also to

request new elections monitored by ODIHR and other international observers, based on OSCE standards. So with regard to elections, this is I think important to state, also in the context of OSCE.

Furthermore, there is a general recommendation. Namely, to help implementing all these other recommendations made to Belarus. So to put pressure behind this in order to help implementing them. However, I also recommend to continue efforts of facilitating a dialogue between all actors. I think this is something which always has to be tried, and sooner or later has to take place in any case. And one recommendation which I also made to the international community is to establish and participate in an international investigative mechanism of human rights violations. So here to OSCE states I say: Please participate and support such a mechanism. To the international community I say: Please set it up, because I have on my mind these hundreds of people who sent me their testimonies. And nobody has looked in detail into their cases. I mean, these were people who suffered trauma, who suffered medical injuries, who need support, who need help, and in particular also who need justice.

And in order to document their cases for future trials which have to come and which could take place either inside the country, but if the country refuses, even outside – because when we talk about torture then there is the principle of universality. And many states who have signed up to the anti-torture convention are under the obligation to bring torturers to justice wherever they are. So, for all this we need a very detailed analysis of those cases. I could only do so much in the given time, and as an individual, as a single rapporteur. A commission which would have forensic experts and may draw on expertise from several international organizations and other experts could and should do much more.

And finally, for OSCE I see a big role in giving technical assistance once this reform process comes into being. There's a lot to be done where all sources or organizations will be needed to help a future government to build structures and institutions based on democracy, rule of law, and human rights.

TIERSKY: Professor, as we come to the end of our discussion, you say I can only do so much. And I am struck by how much you were able to accomplish in this incredibly short time with your really detailed and compelling report. I particularly appreciated a phrase that I think you used in the executive summary of the report, that the recommendations you offer are, quote, “done in a constructive spirit with a view to the future of Belarus as a European country based on human rights, democracy, and the rule of law.” And I think that's a very positive vision for why you undertook the job that you've undertaken.

Professor Wolfgang Benedek, I would like to thank you so much for joining us on Helsinki on the Hill. I'd like to share with our listeners that the professor's report on Belarus under the Moscow Mechanism is readily available on the OSCE website. I would also recommend to our listeners an excellent explainer on the Moscow Mechanism itself, which is on the Helsinki Commission website, authored by my colleague Janice Helwig. And I'd like to also thank my colleague Rachel Bauman for her crucial contributions to this episode.

Professor, thank you for joining us today. Thank you for your extraordinary work that you've done with this report. And we wish you all the best going forward with your important work.

BENEDEK: Thank you very much. It was a pleasure to explain my work. And hope the listeners will enjoy hearing about it.

TIERSKY: Thanks again, Professor.

And listeners, as always, we always welcome hearing from you with feedback. You can get in touch via our website, our Facebook page, or on Twitter. Thanks again for joining us on Helsinki on the Hill. Until the next conversation, I'm Alex Tiersky, signing off.