

## Reakcja IBAHRI na przymusowe lądowanie samolotu w Mińsku

**Instytut Praw Człowieka Międzynarodowego Stowarzyszenia Prawników (IBAHRI) wraz z Centrum Praw Człowieka Raoula Wallenberga (RWCHR) i Międzynarodową Federacją Dziennikarzy (IFJ) wydały komunikat, w którym stanowczo potępiły przymusową zmianę kierunku lotu Ryanair FR4978 na trasie z Aten do Wilna w dniu 23 maja 2021 roku przez białoruskie władze oraz późniejsze aresztowanie i domniemane tortury dziennikarza Romana Protasiewicza.**

Ponadto wezwały Organizację Międzynarodowego Lotnictwa Cywilnego (ICAO) do pilnego wszczęcia międzynarodowego śledztwa w sprawie usankcjonowanego przez państwo białoruskie porwania i zagrożenia dla bezpiecznej żeglugi powietrznej.

Pełna treść komunikatu:

Belarus: Forced diversion of flight and arrest of journalist Raman Pratasevich condemned by rights groups

The International Bar Association's Human Rights Institute (IBAHRI), the Raoul Wallenberg Centre for Human Rights (RWCHR) and the International Federation of Journalists (IFJ) strongly condemn the forcible diversion by Belarusian authorities of Ryanair flight FR4978 en route from Athens, Greece to Vilnius, Lithuania on 23 May 2021 and the subsequent arrest and alleged torture of journalist Raman Pratasevich. Furthermore, the rights groups call upon the International Civil Aviation Organisation (ICAO) to urgently launch an international investigation into this state-sanctioned hijacking and threat to safe air navigation.

Ryanair flight FR4978 was forcibly diverted to Belarus' Minsk airport after Belarusian authorities falsified a bomb threat as a pretext to arrest Mr Pratasevich – co-founder of 'NEXTA', a popular Belarusian opposition media channel along with university student Sofia Sapega, with whom he was travelling. At the time of the diversion, the aircraft was only a few minutes away from entering Lithuanian airspace. The plane was 'escorted' to the new destination by a MiG-29 fighter jet, reportedly on personal order of the country's president Alexander Lukashenko.

IBAHRI Co-Chair and Immediate Past Secretary General of the Swedish Bar Association, Anne Ramberg Dr Jur hc, commented: 'The politically motivated forced diversion of a passenger plane to Minsk, under the guise of a bomb threat, was a reckless and abhorrent act of state terrorism to detain Raman Pratasevich by any means necessary. The IBAHRI calls for the immediate release of Mr Pratasevich and his companion Ms Sapega.'

Ms Ramberg added: 'The forcible repatriation of Mr Pratasevich reveals the unrestricted lengths to which the Lukashenko administration will go to silence opposition voices and subvert the fundamental freedoms of the media and expression. The deterioration of the Belarusian media landscape is reprehensible. The baseless charges of extremism levelled against Mr Pratasevich and the threat of capital punishment if found guilty are incredibly concerning. The IBAHRI unequivocally condemns the actions of the Belarusian authorities and welcomes the swift and unanimous measures taken, thus far, by the European Union. Nations that conduct themselves with such behaviour must not be left thinking they can do so with impunity and complete disregard for the international laws by which they are bound.'

Mr Pratasevich is the first Belarusian citizen to be listed on the country's terrorist list. He stands accused of 'gross violation of public order' and 'inciting mass riots' and 'social hatred' against law enforcement — all for his journalistic work. In 2020, the Belarusian authorities also classified NEXTA,

with which Mr Pratasevich is affiliated, as an extremist organisation due to its role in organising and broadcasting opposition protests in response to the widely disputed 9 August 2020 re-election of Mr Lukashenko as president of Belarus. It is speculated that Ms Sapega was detained solely due to her association with Mr Pratasevich.

The charges facing Mr Pratasevich carry a potential 15 years in prison, and reportedly possible death penalty, if he is found guilty.

Belarus remains the only European country to practise capital punishment. Despite assurances that its removal would be considered in 2020 by the National Assembly, Belarus has consistently disregarded calls from the international community, including the European Union, to join the international moratorium on the death penalty. The 2008 IBAHRI Council Resolution on the Abolition of the Death Penalty maintains that the death penalty is illegal as a breach of international human rights standards.

‘Lukashenko’s criminal hijacking of a civilian aircraft to arrest, torture, and threaten a prominent journalist with the death penalty for the purpose of repressing media freedom and democratic opposition is an attack on us all,’ said the Hon. Irwin Cotler, RWCHR Chair, former Minister of Justice and Attorney-General of Canada and member of the High Level Panel of Legal Experts on Media Freedom. ‘This escalation comes against the backdrop of a growing authoritarian impunity for crimes against journalists, who should never have to live in fear in their own countries, let alone abroad, on land or in air. The international community of democracies simply cannot stand by and allow this brazen attack on media freedom and democracy to become precedent.’

The forced landing has been condemned by the CEO of Ryanair as a ‘state-sanctioned hijacking’ and referenced by others in the outraged international community as an unprecedented ‘act of piracy.’ Furthermore, it has been alleged that KGB agents were among passengers on the aircraft. At the start of the flight in Athens, 125 passengers boarded the flight. However, only 121 disembarked in Vilnius, its original destination.

The actions of Belarus violate international law and may have been in contravention of the 1944 Chicago Convention on International Civil Aviation, as warned by the UN’s ICAO. Article 3 bis(a) specifies that ‘in cases of interception, the lives of persons on board and the safety of aircraft must not be endangered.’ The interception of the flight by a military aircraft, and its diversion to an airport further in distance to that of its intended destination could constitute endangerment. However, an independent investigation would need to make a conclusive determination.

Regarding the unsubstantiated bomb threat used as a pretext to order the diversion, Article 1 of the 1970 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, states that ‘a person commits an offence if [s]he unlawfully and intentionally [...] communicates information which [s]he knows to be false, thereby endangering the safety of an aircraft in flight.’ Under Article 10 of the Convention, the state must take all practicable measures to prevent the offences mentioned in Article 1 and must ‘facilitate the continuation of the journey of the passengers and crew as soon as practicable’, where the offence is committed. Thus, according to this provision, Mr Pratasevich and Ms Sapega should be permitted to proceed to Vilnius.

Anthony Bellanger, IFJ General Secretary, said: ‘The unacceptable act of hijacking a plane with the sole purpose of arresting Raman Pratasevich, if left unpunished, sets a dangerous precedent. We call for the immediate release of Raman, whose only crime is to have exercised his freedom of expression. We urge strong action against the government. If there is impunity for this act it puts at risk the liberty of any journalist or blogger the government wants to label a terrorist.’

The diversion comes against a backdrop of increased harassment, extradition, and kidnappings of dissidents, as well as the steady erosion of the safety of journalists across Europe. Throughout 2020, the High Level Panel of Legal Experts on Media Freedom, to which the IBAHRI is appointed

Secretariat, produced a series of four advisory reports, aimed at states and the Media Freedom Coalition, with a focus on improving international mechanisms to enforce international human rights norms to enhance protections for journalists globally.