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Political Affairs Committee

Situation in Belarus

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Information note on developments following the adoption of PACE Resolution 1790 (2011) on 27 January 2011

¹ This information note has been made public by decision of the Political Affairs Committee dated 12 April 2011

1. Introduction

1. In the evening of the presidential election day of 19 December 2010 a protest rally contesting the official results of the election was violently suppressed in the centre of Minsk and up to 700 participants were arrested. According to domestic and international human rights organisations, while in detention, those arrested were subjected to various forms of inhuman treatment. In the aftermath of the elections, the repression against the civil society and free media intensified and many civic activists were arrested.

2. On 27 January 2011, the Parliamentary Assembly adopted Resolution 1790 (2011) on “*The situation in Belarus in the aftermath of the presidential election*” condemning the violent repression of political protests². In this Resolution, the Assembly urged, *inter alia*, the Belarusian authorities, to release immediately all persons detained on political grounds, to stop the repression against political opponents, civil society and independent media and to conduct a transparent investigation into the abusive use of force by riot police. The Assembly also asked the Belarusian authorities to reform the electoral law, to declare a moratorium on the death penalty and to reconsider their decision to close the OSCE Office in Minsk.

3. To date, none of the demands of the Assembly have been met by the Belarusian authorities. Since the January 2011 Resolution, the human rights situation has not improved in the country; on the contrary, new concerns have arisen. Politically motivated trials led to sentences, including imprisonment for three to four years, against civic activists who had participated in the protest rally of 19 December 2010. Many opposition activists, journalists and politicians will face trials shortly; some of them are detained in the KGB remand prison or under house arrest.

4. The circumstances of the investigation into the “mass disorders” raise also serious concerns: the investigation is conducted in secret; there are allegations of torture and inhuman treatment, of refusals to provide proper legal and medical assistance, of impediments to communication between persons in custody, on the one hand, and their families and lawyers, on the other. There are also allegations of administrative pressure against lawyers of the persons accused of participation in, and organisation of, mass disorders.

5. It would seem that no investigation into police violence during the repression of the protest rally of 19 December has been conducted.

6. Repressions against the civil society and free media continue. Numerous civic activists have been interrogated; their homes have been searched. Human rights defenders and independent media have received a number of official warnings from the Ministries of Justice and Information.

7. The death penalty has not been abolished nor has a moratorium been introduced. On the contrary, there has been one confirmation of a death sentence and, possibly, a refusal of the President on the requests for clemency addressed by two prisoners on death row.

8. Disregarding the calls of various international organisations, including the Parliamentary Assembly, the Belarusian authorities have not reconsidered their decision to close the OSCE Office in Belarus. The Office was definitively closed down on 31 March 2011.

9. In response to such developments, the Bureau of the Assembly decided, on 10 March 2011, to set up an *ad hoc* committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus. The mandate of the committee is to collect and assess all relevant information concerning the events of 19 December 2010 in the aftermath of the Presidential elections and the subsequent detention, prosecution and conviction of members of the opposition in Belarus and to submit the conclusions of its work to the Bureau, including any proposals for further action.

10. Moreover, on 9 March 2011, the Political Affairs Committee decided to hold, during the April part-session of the PACE, an exchange of views on the “Situation in Belarus” with the participation of Belarusian civil society representatives, as well as an OSCE expert who could speak on the OSCE human dimension “Moscow mechanism”. The Committee also decided to ask the Venice Commission to assess the compatibility with universal human rights standards of the warning addressed by the Ministry of Justice of Belarus to the Belarusian Helsinki Committee on 12 January 2011.

² Resolution 1790 (2011) The situation in Belarus in the aftermath of the presidential election
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1790.htm>

2. Investigation into the “mass disorders” of 19 December 2010

2.1. Accused and suspects

11. The most urgent concerns in the field of human rights and the rule of law in Belarus today are the investigation and trials on the criminal case on “mass disorders” started in the aftermath of the protest rally of 19 December 2010.

12. 29 civic activists, journalists, intellectuals, including four former candidates to the presidency (Mr Ales Mihalevich, Mr Andrey Sannikau, Mr Nikalay Statkevich and Mr Dmitri Uss) are accused of organisation of, and participation in, mass disorders (paragraphs 1 and 2 of Article 293 of the Belarusian Criminal Code)³, facing up to fifteen years of imprisonment. In addition, 8 other people have already been found guilty of participation in mass disorders⁴.

13. On 30 March and 4 April 2011, the criminal charges against ten more opponents of the regime, including two former candidates to the presidency (Mr Uladzimir Niakliayeu and Mr Vital Rymasheuski), were softened to a certain degree: they are now accused of “organisation and preparation of actions, that grossly violate public order or active participation in such actions” (paragraph 1 of Article 342 of the Belarusian Criminal Code). The accused persons risk up to three years of deprivation of liberty. They can also be sentenced to six months of imprisonment, three years of limitation of freedom or a fine.

14. 26 out of 39 accused persons are detained in remand prisons, including two former candidates to the presidency: Mr Andrey Sannikau and Mr Nikalay Statkevich. 11 other accused persons were released pending trial on the condition that they do not to leave the city of residence. Two of them have since fled the country. In addition, Ms Irina Khalip, prominent independent journalist and Andrey Sannikau’s wife, and Mr Uladzimir Niakliayeu, former presidential candidate, were placed under house arrest. They have no right to speak to anyone other than their closest family members, to answer the phone or to approach the windows. Two guardsmen, reportedly from the KGB, are constantly present in their apartments.

15. In addition, 13 other persons are suspects in the criminal case on “mass disorders”.

2.2. Procedural violations and allegations of torture, inhuman treatment and administrative pressure

16. On numerous occasions, human rights defenders have reported on grave procedural violations during the investigation into the “mass disorders”. The most flagrant of these violations are the denials to meet the lawyers in private (some people in detention have only been able to meet their lawyers once or twice since the beginning of the investigation), limited access to medical assistance, impossibility to meet relatives and restriction of contacts with them (not all the letters and parcels reach the people in detention). For instance, on 23 March 2011, Mr Anatoli Lebedko, leader of the United Civil Party, met his lawyer for the first time since his arrest on 29 December 2010.

17. The meetings of the detainees with their lawyers have been held primarily in the framework of the investigative action – in the presence of the investigators (and not *tête-à-tête*). The lawyers, as well as the suspects and the accused, had to sign non-disclosure statements and therefore could not share more information on the process. This atmosphere of secrecy surrounding the investigation raises serious concerns about the extent to which the rights of the people held in custody are respected.

18. In particular, the medical state of Mr Dmitri Bandarenka, detained in the KGB remand prison, seems to be extremely poor. According to his family, he needs to be hospitalised and undergo serious treatment that he cannot be offered in the detention facility.

19. Besides, there have been allegations of torture and inhuman treatment during custody. After his provisional release, Mr Ales Mihalevich, former presidential candidate, organised a press conference where he described the way in which he had been tortured while in detention – including torture by cold, sleep

³ Article 293 of the Criminal Code of the Republic of Belarus on mass disorders reads as follows:

- a. Organisation of mass disorders, accompanied by violence against persons, pogroms, arsons, destruction of property, armed resistance to the authorities is punishable by five to fifteen years of imprisonment.
- b. Participation in mass disorders, expressed in the immediate participation in the acts mentioned in part 1 of the article is punishable by three to eight years of imprisonment.

⁴ For a complete and updated list of persons accused, sentenced or suspected see: <http://spring96.org/en/news/41575>

denial and physical torture. He also stated that the KGB servicemen were forcing him to become an informant. Mr Mihalevich declared that he had signed the “agreement on cooperation” with the intention to get released and render that information public.

20. Several other accused persons (and most notably Mrs Natalia Radina, journalist) declared that similar forms of torture and inhuman treatment had been applied to them while they were detained in the KGB remand prison. Mr Mihalevich subsequently fled to the Czech Republic, where he was granted political asylum. Mrs Radina also left the country, fearing an unfair trial and acts of revenge.

21. On 4 April 2011, the Belarusian Prosecutor General’s office refused to open a criminal investigation into the allegations of torture in the KGB remand prison, declaring that the preliminary examination had not collected any evidence of recourse to torture. Previously, the Prosecutor General’s office refused to consider a testimony in *absentia*, offered by Mr Mihalevich.

22. There have also been allegations of administrative pressure against lawyers of accused persons. Ms Tatiana Ageyeva, Mr Oleg Ageyev, Mrs Tamara Gorayeva, Mr Pavel Sapelko and Mr Vladimir Tolstik, five lawyers of prominent opposition activists accused in the “mass disorders” case, lost their professional licences (their licences were invalidated by the Ministry of Justice).

23. Various international lawyers’ associations, including the Council of Bars and Law Societies of Europe, have called on the Belarusian authorities to cease the pressure against the lawyers⁵.

3. Criminal trials and sentences against political activists and protesters

24. Since January 2011, ten political activists and opponents of the regime have been found guilty of participation in “mass disorders” and hooliganism.

3.1. Participation in “mass disorders” on 19 December 2010

25. In February-March 2011, five political activists were sentenced to three to four years of imprisonment, two protesters were fined and one sentenced to a suspended prison term. None of the defendants were discharged:

26. On 17 February 2011, Mr Vasil Parfiankou, activist of the “Speak the Truth” campaign and member of the electoral team of Mr Uladzimir Niakliayeu, was sentenced to four years maximum security prison term. On 2 March 2011, Mr Aliaksandr Atroshchankau, journalist and press-secretary of Mr Andrey Sannikau was sentenced to four years of imprisonment in a high-security colony; Mr Aliaksandr Malchanau was sentenced to three years of imprisonment in a high-security colony; Mr Dzmitry Novik was sentenced to three and a half years of imprisonment in a high-security colony.

27. On 10 March 2011, Mr Artem Breus and Mr Ivan Gaponov, both Russian citizens, were sentenced to fines of 10.5 million Belarusian roubles (some. 2,500 Euros) each. Mr Dmitri Myadzvedz was sentenced to a three-year suspended prison term.

28. On 29 March 2011, Mr Nikita Lihovid, a twenty-year-old activist of the “For Freedom” movement, was sentenced to three and a half years of imprisonment in a high-security colony.

29. Human rights defenders report that the sentences were politically motivated. The pieces of evidence presented during the hearings were clearly insufficient to find the defendants guilty. The statements of allegedly injured police officers were inconsistent.

30. In March 2011, the Belarusian Ministry of Foreign Affairs invited experts of the OSCE to monitor the trials on the “mass disorders” case. Subsequently, on 9 March 2011, the OSCE/ODIHR sent its observers. The conclusions of the observers are not yet known.

3.2. Hooliganism

31. On 18 December 2010, Mr Dmitri Dashkevich and Mr Eduard Lobau, two activists of the opposition youth organisation Youth Front, officially registered in the Czech Republic, were arrested and subsequently

⁵ See the “CCBE letter concerning the situation of lawyers in the aftermath of the presidential elections” to Victor Golovanov, the Minister of Justice of the Republic of Belarus, http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/270111_Letter__Vikt1_1301046949.pdf

accused of hooliganism. According to the prosecutor's office, they had started and participated in a fight with two unknown persons (later identified).

32. Belarusian human rights defenders suspect that the fight could have been set up by the police with the intention to neutralise the activists on the eve of the protest rally of 19 December 2010.

33. On 24 March 2011, Mr Dmitri Dashkevich was sentenced to three years of imprisonment in a minimum security prison and Mr Eduard Lobau was sentenced to four years of imprisonment in a maximum security prison.

34. While protesting against the trial in front of the court building, two activists of the Youth Front, Mr Ivan Shila and Mr Grigori Astapenia, were arrested and subsequently sentenced to thirteen and ten days of administrative arrest for participation in an unauthorised meeting.

4. Investigation into the violent suppression of the protest rally of 19 December 2010

35. Up to 700 people were arrested during the protest rally of 19 December 2010. Many of them were beaten up severely by riot police. Numerous Belarusian and foreign journalists were beaten up and some were arrested.

36. Domestic and international human rights defence organisations, including Amnesty International⁶ and Human Rights Watch⁷, reported that, while in provisional detention, the arrested persons were subjected to inhuman treatment – often they were not given proper medical care and legal assistance; in some cases they awaited trials during more than 24 hours in unsuitable facilities: police trucks, remand prison corridors and courtyards although, it was extremely cold outside. Sometimes, the arrested were prevented from informing their relatives about their situation.

37. The majority of the arrested protesters were subjected to summary trials and sentenced to fines or to five to fifteen days of administrative arrest for participation in illegal demonstrations and disorderly conduct. The sentences were carried out with procedural violations, e.g. in the absence of lawyers. The appeals were sometimes not transferred to the courts.

38. In its Resolution 1790 (2011), the Assembly urged the authorities of Belarus to “conduct a transparent investigation into the abusive and disproportionate use of force by police and security forces against the demonstrators”. The use of brutal police force against the protesters was also condemned by the European Parliament⁸ and the Conference of the INGOs⁹ of the Council of Europe. Nevertheless, no investigation has been conducted into police violence and disproportionate use of force during the suppression of the protest rally.

5. Civil society, independent media and opposition

39. Repression against civil society and free media has not stopped since January 2011. In relation to the criminal case on “mass disorders”, numerous civic activists were interrogated and their homes were searched.

5.1. Suppression of peaceful protest rally

40. On 25 March 2011, the Belarusian opposition organised the traditional “freedom day” rally. The municipal authorities refused to authorise the meeting in the city centre. Subsequently, some of the organisers (notably leaders of the Belarusian Popular Front and “For Freedom” movement) refused to take part in the rally; while others (namely civil campaign “European Belarus” and Youth Front) called on the citizens to gather at an unauthorised meeting point.

⁶ “Security, peace and order”? Violations in the wake of elections in Belarus. Amnesty international report <http://amnesty.org/en/library/asset/EUR49/003/2011/en/0d876db1-5cfb-423b-ac4f-a9a516f5d203/eur490032011en.pdf>

⁷ Shattering Hopes. Post-Election Crackdown in Belarus, HRW report <http://www.hrw.org/sites/default/files/reports/belarus0311Web.pdf>

⁸ European Parliament resolution of 20 January 2011 on the Situation in Belarus (P7_TA(2011)0022, 20.01.2011), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0022+0+DOC+XML+V0//EN&language=EN>

⁹ Resolution Concerning Civil Society in Belarus (27.01.2011) http://www.coe.int/t/ngo/Articles/CONF_PLE_2011_RES2_Belarus_en.asp

41. The rally was suppressed by the police. About 50 protesters were arrested during the rally and about 50 more opposition activists were placed in preventive detention. The majority of them were released without any further action. On 29 March 2011, three activists were sentenced to fifteen (Mr Nikalai Dzemedzenka, activist of the Youth Front), ten (Mr Viktor Ivashkevich, coordinator of the civil campaign "European Belarus") and three (Ms Irina Hubskaya, activist of the unregistered Belarusian Christian Democracy party) days of administrative arrest.

5.2. Pressure against independent media

42. In the aftermath of the presidential election, police conducted searches in the offices of numerous independent media, including *Nasha Niva* newspaper, Charter97.org web-site, European radio, Belsat TV channel; computers and data storage devices were confiscated. Several journalists, including Mrs Irina Khalip, Mrs Natalia Radina, Mr Dmitri Bandarenka and Mr Alexander Feduta, were accused of organisation of and participation in mass disorders. The charges against Mrs Khalip, Mr Bandarenka and Mr Feduta were softened afterwards. Mr Aliaksandr Atroshchankau, journalist, was sentenced to four years of imprisonment.

43. In its statement of 29 March 2011, the Belarusian Association of Journalists declared that "the situation with freedom of journalistic activity in Belarus has deteriorated dramatically recently" and urged the authorities to "terminate immediately the pressure on journalists and mass media"¹⁰.

44. On 14 January 2011, *Narodnaya volia* independent newspaper received a warning from the Ministry of Information for "dissemination of information on behalf of an unregistered organisation", after having published an interview with an activist of the Youth Front, opposition organisation legally registered in the Czech Republic. According to the 2008 law "On the mass media", state organs may close down media outlets without a court order after a single warning. The Supreme Economic Court dismissed the appeal of the newspaper.

45. An FM radio station "Avtoradio" was shut down in January 2011 following the warning issued by the Ministry of Information. The warning concerned broadcasting by the station of an electoral spot of Mr Andrey Sannikau. In this spot Mr Sannikau said, in particular, that "the future of the country is decided on the square [meaning the protests], not in the kitchen". The Ministry of Information considered these words to be a "public appeal to extremist activity" (even though this address was published in official newspapers, the spot was also broadcasted by the state radio, and the Central Electoral Committee did not ban it). On 9 March 2011, the warning was dismissed by the Supreme Economic Court, but on 17 March this decision was reversed by the Reviewing Commission of the Court. The appeals of the Avtoradio were turned down.

46. Belarusian police and security forces continued to impede the work of journalists during protest rallies. On the eve of the traditional "Freedom day" protest rally organised on 25 March, three journalists from Mohiliov (Mr Uladzimir Laptsevich, Mr Ales Asiptionsou, and Mr Dzmitry Salauyou) were arrested and sentenced to three to seven days of administrative arrest, and Mr Uladzislau Staravierau, a TV cameraman from Vitsiebsk, was detained by the police during several hours. According to the Belarusian Association of Journalists, the arrests were carried out on made-up grounds in order to prevent journalists from covering the protests.

47. On 24 March 2011, Alexander Lashmankin, Russian journalist, editor-in-chief of the information agency Svoboda (Freedom), was arrested and sentenced to three days of administrative arrest for "disorderly conduct". Subsequently, the Belarusian Ministry of Foreign Affairs withdrew his official accreditation, compulsory for all foreign journalists in Belarus.

48. During the 25 March Freedom day, numerous men in plain clothes, allegedly members of police forces, prevented journalists from reporting on protests by covering photo and video cameras, blocking the access of reporters to the midst of the protest rally, etc.

49. On 28 March 2011, a criminal case on "public defamation of the President of Belarus" (art. 368 of the Belarusian Criminal Code) was initiated against Mr Andrey Pachobut, Belarusian independent journalist and correspondent of the Polish newspaper *Gazeta Wyborcza*. Mr Pachobut is suspected of having publicly insulted the President in his articles published in the Polish newspaper and on his personal blog. If found guilty, he could face up to 2 months of imprisonment or 2 years of compulsory "corrective" labour or a fine.

¹⁰ Belarusian Association of Journalists, Statement on the tightening of pressure on journalists at the end of March 2011. <http://baj.by/m-p-viewpub-tid-1-pid-10299.html>

50. Earlier Mr Pachobut served a 15-day prison sentence after the protests of 19 December 2010. At the beginning of March 2011, he was denied press accreditation by the Ministry of Foreign Affairs on the grounds that his reports were “biased.” On 23 March 2011, he was prevented from travelling abroad.

51. On 29 March 2011, Reporters Without Borders condemned continuous repressions against independent media in Belarus¹¹.

5.3. *Pressure against human rights defenders*

52. Following the protest rally of 19 December, the offices of major Belarusian human rights defence organisations (including Belarusian Helsinki Committee, the unregistered human rights centre *Viasna* and Centre of Human Rights) were searched and computers and data storage devices were confiscated. Prominent human rights defenders were interrogated and their homes were searched.

53. On 19 December 2010, Mr Aleh Hulak, chairman of the Belarusian Helsinki Committee, was arrested for participation in the protest rally, even though he was conducting monitoring of human rights violations. He was kept in a police truck for one night, and then released.

54. On 12 January 2011, the Belarusian Helsinki Committee received a warning from the Ministry of Justice concerning the Committee’s complaint on the pressure exerted against accused activists’ lawyers addressed to the UN Special Rapporteur on the independence of judges and lawyers. The warning stated that the complaint was discrediting the Belarusian Ministry of Justice and law-enforcement organs and demanded its recall in two days time. This warning might serve as a ground to shut down the organisation.

55. The Belarusian Helsinki Committee lodged a complaint against the warning of the Ministry of Justice to the Supreme Court, but the Court dismissed the complaint.

56. On 9 March 2011, in order to support the Belarusian Helsinki Committee and give a sign of strong support to the Belarusian civil society, the Political Affairs Committee addressed the Venice Commission with a request to issue a legal opinion on that warning.

57. On 16 February 2011, Mr Ales Bialiatski, Chairman of the unregistered human rights defence centre *Viasna* and vice-president of the FIDH, received an official warning from the General Prosecutor’s office for “acting on behalf of an unregistered organisation”. According to paragraph 1 of Article 193 of the Belarusian Criminal Code, such action constitutes a criminal offence punishable by up to two years of imprisonment.

58. On 27 December 2010, the Committee on International Control, consisting of non-Belarusian human rights defenders organisations from the OSCE member states, launched an International Observation Mission to monitor the human rights situation in Belarus in the aftermath of the presidential election. The Mission observes the trials and gathers information on the human rights violations in Belarus. In February 2011, the Committee on International Control on the Human Rights Situation in Belarus appointed a special rapporteur on the events of 19 December 2010.

59. On 17 March 2011, Mr Andrey Yurov, Russian human rights defender and head of the Mission, was expelled from Belarus. Previously, on 9 March 2011, another member of the Mission, Ukrainian human rights defender Mr Maxim Kitiuk, was also expelled from the country.

5.4. *Political opposition*

60. Many prominent Belarusian opposition leaders were accused of organisation of and participation in “mass disorders” and await trials. Numerous political activists were interrogated in the framework of the “mass disorders” case and their homes were searched.

61. Central or regional offices of political parties and movements (e.g. United Civil Party, “For Freedom” movement, Belarusian Social-Democratic *Hramada* Party and Belarusian Popular Front) were searched. Often computers and data storage devices were confiscated.

62. In the aftermath of the 19 December 2010 protest rally, civil society organisations and opposition political forces organised campaigns of assistance and solidarity in order to help the persons in detention.

¹¹ Reporters Without Borders, “Open season declared on journalists”, 29 March 2011, http://en.rsf.org/belarus-open-season-declared-on-29-03-2011_39889.html

63. Nevertheless, this wave of solidarity did not lead to unification of political opposition. On the contrary, the relationship between different political forces remains strained, also due to a series of mutual accusations between former candidates and political forces. In March 2011, one of the major opposition parties of Belarus, the Belarusian Popular Front, split following the decision of some members of the party to support a presidential candidate other than the party candidate, Mr Ryhor Kastusiou, during the electoral campaign. The decision to establish a national Co-ordinating Council of opposition and the proposal of the Belarusian Council of Intelligentsia to introduce a moratorium on political concurrence were not sufficiently successful. Today there is no consensus among the opposition forces whether the forthcoming parliamentary elections to be held in 2012 should be boycotted or not.

64. On 17 February 2011, the Belarusian Popular Front party was denied renewal of the rental contract for its main office in Minsk because of late rent payment. According to the party, the rent was paid on time, and the refusal to extend the contract was due to political reasons. On 31 March, the Belarusian Popular Front was supposed to leave the premises, but the party appealed to the Minsk Economic Court and will stay in the office until the judgment is given.

65. The issue of the headquarters of the Belarusian Popular Front is of high importance for Belarusian civil society and political forces, as numerous important cultural and socio-political events are held in this very centrally located office. Moreover, the office served as a legal address to several NGOs and political organisations. These organisations risk being shut down if they lose their legal address.

5.5. Repression against students

66. Several students who had taken part in the protest rally of 19 December were expelled from Belarusian universities on formal grounds (doubtful non-attendance and poor results). Nevertheless, there were no massive expulsions of participants in protest actions from universities as feared by human rights defenders. The rectors of universities, from which the students had been expelled, were included in the "blacklists" introduced by the EU.

6. Confirmation of death sentences

67. The death penalty has not been abolished and a moratorium has not been introduced. On the contrary, there has been one confirmation of a death sentence and possibly a refusal of the on the requests for clemency addressed by two prisoners on death row.

68. On 11 February 2011, the Belarusian Supreme Court confirmed the death sentence of Mr Ihar Mialik, pronounced by the Mogiliev Regional Court on 14 September 2010.

69. According to the Belarusian official television, on 22 February 2011, the President of Belarus dismissed the requests for clemency addressed by Mr Andrei Burdyka and Mr Aleh Hryshkautsou, two prisoners on death row. This information was later denied by the Ministry of the Interior. Nevertheless, as the circumstances of the procedure of requests for clemency are classified, it is difficult to determine the decision of the President and if it was really made.

70. The confirmation of death sentences provoked a series of condemnations. The Secretary General of the Council of Europe, the PACE Rapporteur on abolition of the death penalty and the PACE Rapporteur on the Situation in Belarus issued statements on this matter.

7. Reactions of the international community

7.1. Council of Europe

71. On the same day that the Parliamentary Assembly adopted Resolution 1790 (2011) on "The situation in Belarus in the aftermath of the presidential election",¹² on 27 January 2011, the Conference of the INGOs of the Council of Europe adopted a Resolution Concerning Civil Society in Belarus, condemning the persecution of Belarusian NGOs and civic activists¹³.

¹² Resolution 1790 (2011) The situation in Belarus in the aftermath of the presidential election
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1790.htm>

¹³ Resolution Concerning Civil Society in Belarus (27.01.2011)
http://www.coe.int/t/ngo/Articles/CONF_PLE_2011_RES2_Belarus_en.asp

72. On 15 February 2011, the Secretary General of the Council of Europe Mr Thorbjørn Jagland expressed his disappointment concerning the confirmation of the death sentence of Mr Ihar Mialik and called on the Belarusian authorities to immediately introduce a moratorium on executions¹⁴. On 18 February 2011, the Secretary General condemned the severe sentence given to Mr Vasil Parfiankou and reiterated the insistence of the Council of Europe that the authorities of Belarus release all the activists arrested in the wake of the presidential elections and put an immediate end to the oppression of the democratic political opposition, the independent media and civil society¹⁵.

73. On 1 March 2011, Mrs Renate Wohlwend (Liechtenstein, EPP/CD), PACE Rapporteur on abolition of the death penalty, condemned the imminent execution of Mr Andrei Burdyka and Mr Aleh Hryshkautsou, sentenced to death on 14 May 2010.¹⁶

74. On 4 March 2011, Mr Mats Johansson, Standing Rapporteur of the PACE on Media Freedom, and Mr Arne König, President of the European Federation of Journalists, issued a joint statement “Belarus: stop the silencing of media”, in which they demanded that the authorities in Belarus cease threatening freedom of expression¹⁷.

75. On 9 March 2011, at a meeting of the PACE Political Affairs Committee in Paris, I issued a press statement, condemning the continuing repression of civil society, human rights defenders, independent media and political opponents in Belarus. I expressed strong concerns about the unfair and politically motivated trials and non-transparent investigation into the “mass disorders”, as well as about recent confirmations of death sentences¹⁸.

76. During the same meeting, the Political Affairs Committee decided to organise an exchange of views on the Situation in Belarus with the participation of Belarusian civil society representatives and an OSCE expert, to be held during the April part-session of the PACE, and to request the Venice Commission to prepare a legal opinion on the warning addressed by the Ministry of Justice to the Belarusian Helsinki Committee (see above).

77. On 10 March 2011, the Bureau of the Assembly decided to set up an *ad hoc* committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus. The committee’s mandate is to collect and assess all relevant information concerning the events in the aftermath of the Presidential elections and submit its conclusions and proposals to the Bureau (see above).

7.2. European Union

78. On the initiative of the European Parliament¹⁹, on 31 January 2011, the Council of the European Union decided to reintroduce the visa bans on high Belarusian authorities, expanding it to state officials, members of judiciary and security officers who could be held responsible for the electoral fraud, repression and arrests of the members of the opposition, and to freeze their assets in the EU²⁰.

79. On 10 March 2011, the European Parliament adopted a resolution, condemning unfair trials, repressions against civil society, procedural violations in the investigation into the “mass disorders” and the use of torture against civic activists held in custody. The European Parliament proposed to extend the

¹⁴ Jagland calls Belarus to adopt an immediate moratorium on executions:

[https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR138\(2011\)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR138(2011)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)

¹⁵ Jagland reacts to sentencing of opposition activist in Belarus:

<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1749597&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>

¹⁶ Renate Wohlwend dismayed about imminent executions in Belarus:

http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=6379&L=2

¹⁷ Belarus: stop the silencing of media:

http://www.assembly.coe.int/Communication/040311_MatsJohanssonstatementBelarus.pdf

¹⁸ PACE rapporteur on Belarus condemns continuing political repression:

[https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR197\(2011\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR197(2011)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)

¹⁹ European Parliament resolution of 20 January 2011 on the Situation in Belarus (P7_TA(2011)0022, 20.01.2011):

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0022+0+DOC+XML+V0//EN&language=EN>

²⁰ Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:028:0040:0056:EN:PDF>

restrictive measures to further officials and to consider the possibility of introduction of targeted economic sanctions against major Belarusian state-owned companies if the situation did not improve²¹.

80. On 18 March 2011, Baroness Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, condemned, on behalf of the EU “the continued detention, trials and sentencing on political grounds of civil society representatives and opposition leaders, including former presidential candidates, in the context of the elections of 19 December 2010”. She also expressed concerns regarding the allegations of torture and other forms of intimidation in the investigation into the “mass disorders”²².

81. On 21 March 2011, the Council of the EU adopted a decision and a regulation enlarging the EU “blacklist” to include the rectors of universities from which students had been expelled on political grounds, as well as the prosecutors, officials of the Ministries of the Interior and Justice and judges responsible for severe sentences handed down in the “mass disorders” case.²³

82. Several non-EU countries, namely Croatia, “the Former Yugoslav Republic of Macedonia”, Montenegro, Iceland, Albania, Bosnia and Herzegovina, Serbia, Liechtenstein and Norway joined the EU decision concerning the restrictive measures against certain officials of Belarus.

83. The EU also decided to increase its financial assistance to Belarusian civil society initiatives. On 21 March 2011, the press service of Mr Štefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy, declared that the assistance of the EU to the Belarusian civil society would increase to 17,3 million Euros in 2011-2013, of which 1,7 million Euros would be used to provide assistance to the victims of political repressions and their families.

84. On 2 February 2011, a donors’ conference “Solidarity with Belarus”, sponsored by the Polish Ministry of Foreign Affairs and gathering funding organisations from the EU and the USA, was held in Warsaw. Some 87 million Euros were raised in pledges of assistance for democratic forces and civil society of Belarus during this conference.

85. On 22 March 2011, the Ministry of Foreign Affairs of Belarus declared that, in response to the European restrictive measures against Belarusian officials, Belarus also prepared a list of European and American officials, to whom the entry in Belarus would be denied. The list was not declassified, and the Ministry of Foreign Affairs declared that the officials would know they were included in the list when they apply for a Belarusian visa.

7.3. *United Nations*

86. On 1 February 2011, Mr Ban Ki-moon, Secretary-General of the United Nations, reiterated his call for the release of journalists, opposition candidates and their supporters detained after the recent presidential elections in Belarus²⁴.

7.4. *OSCE*

87. Soon after the presidential election, the Belarusian authorities declared they would not extend the mandate of the OSCE Office in Minsk. Regardless of continuous calls, including the appeal of the PACE, to reconsider the decision, the OSCE office was definitively closed down on 31 March 2011.

88. On 1 February 2011, Mrs Dunja Mijatovic, OSCE Representative on Freedom of the Media, reiterated her call on the Belarusian government to stop harassing independent journalists and media outlets. She also expressed her regret about the fact that the authorities did not make her proposed visit possible in January.²⁵

²¹ European Parliament resolution of 10 March 2011 on Belarus (in particular the cases of Ales Mikhalevic and Natalia Radina) (P7_TA(2011)0099)

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0099+0+DOC+XML+V0//EN&language=EN>

²² Declaration by the High Representative on behalf of the European Union on recent trials and sentences in Belarus (18.03.2011)

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/120028.pdf

²³ Council Implementing Decision 2011/174/CFSP of 21 March 2011 amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:076:0072:0094:EN:PDF>

²⁴ Belarus: Ban again calls on Government to release detainees:

<http://www.un.org/apps/news/story.asp?NewsID=37440&Cr=belarus&Cr1=>

89. On 22 February 2011, the OSCE/ODIHR published the Election Observation Mission Final Report on the presidential election of 19 December 2010. The Mission concluded that “the presidential election indicated that Belarus has a considerable way to go in meeting its OSCE commitments for democratic elections. There was a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process.” The OSCE/ODIHR also deplored the violent suppression of the protest rally of 19 December 2010, which “undermined confidence in the election.”²⁶

90. On 9 March 2011, following an invitation by the Belarusian Ministry of Foreign Affairs, the OSCE/ODIHR sent observers to follow the trials on the “mass disorders” case.

91. During the OSCE Parliamentary Assembly winter session held in Vienna on 24-25 February 2011, Mrs Uta Zapf, Chair of the OSCE PA Ad Hoc Working Group on Belarus, suggested organising a visit to Belarus in late March to assess the situation in the country. On 3 March 2011, Mr Viktor Guminski, Deputy Chair of the House of Representatives (lower chamber of the Belarusian Parliament), declared that such a visit was “not necessary”.

92. Already on 3 January 2011, the Committee on International Control over the situation with human rights in Belarus, had referred to the initiation of the OSCE “Moscow Mechanism” as a possibility for prompt and effective action in response to the situation in Belarus. On 12 January 2011, civil society representatives from 27 OSCE member countries sent an appeal for urgent action in response to the human rights crisis in Belarus to the Embassies of OSCE member countries. The appeal included a petition to initiate the “Moscow Mechanism” for independent monitoring. More than 100 organisations have already signed up the petition. These organisations include Human Rights Watch, Amnesty International, International Federation of Human Rights, and Freedom House

93. On 6 April 2011, 14 OSCE participating States²⁷ invoked the “Moscow Mechanism” by requesting that impartial, international experts undertake a fact-finding mission to Belarus to address questions regarding particularly serious threats to human rights, fundamental freedoms, democracy and the rule of law (see separate Memorandum prepared by the Secretariat on the “Moscow Mechanism” AS/Pol (2011)10).

94. On 7 April 2011 the group of 14 OSCE states contacted ODIHR for future co-operation on the establishment of the fact-finding mission and confirmed the appointment of Professor Emmanuel Decaux of France from the resource list of experts to serve as a rapporteur on the fact-finding mission.

95. On 7 April 2011, the Ministry of foreign Affairs of Belarus refused co-operation on the independent investigation within the “Moscow Mechanism”, qualifying it as continuation of the “policy of rough pressure” and as an effort to involve the OSCE in this process.

8. Concluding remarks

96. To sum-up, to date, none of the demands addressed to the Belarusian authorities by the Assembly in Resolution 1790 (2011) have been met. Since January 2011, the human rights situation in the country has not improved; on the contrary, new concerns have arisen with respect to politically motivated trials, allegations of torture and inhuman treatment of persons in detention, procedural violations during investigation and trials, confirmations of death sentences etc. There can therefore be no progress in the relations between the Assembly and Belarus and no ground upon which the Assembly could reverse its decision to put on hold its activities involving high-level contacts with the Belarusian authorities.

97. Equally, pending a moratorium on the execution of the death penalty, as well as substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe, the suspension of the special guest status for the Parliament of Belarus should remain into force.

²⁵ OSCE media representative reiterates call for end to harassment of the media in Belarus, regrets authorities’ failure to facilitate timely visit <http://www.osce.org/fom/75277>

²⁶ Republic of Belarus. Presidential Election 19 December 2010. OSCE/ODIHR Election Observation Mission Final Report: <http://www.osce.org/odihr/75713>

²⁷ *Germany, United States Canada, Denmark, Finland, United Kingdom, Iceland, Norway, the Netherlands, Poland, Romania, Slovakia, Sweden and the Czech Republic*

98. At the same time, the Assembly should continue to strengthen its dialogue with Belarus' democratic forces, civil society, opposition groups, free media, and human rights defenders. It is against this background, that I hope that the hearing organised by the Political Affairs Committee on 12 April 2011, with the participation of prominent human rights defenders both from Belarus (Dr Elena Tonkacheva and Mr Aliaksandr Bialiatki) and the International Observation Mission to monitor the human rights situation in Belarus (Mr Andrey Yurov and Mr Michaël Hamilton), will be fruitful for fixing the priorities in the Committee's work on Belarus for the months to come.