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Political Affairs Committee

Situation in Belarus

Rapporteur: Mrs Sinikka HURSKAINEN, Finland, Socialist Group

**Update on developments following the second part of the 2011 Ordinary Session:
human rights, rule of law and political situation (12 April – 26 May 2011)**

¹ This information note has been made public by decision of the Political Affairs Committee dated 31 May 2011
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1. Introduction

1. On 27 January 2011, the Parliamentary Assembly adopted Resolution 1790 (2011) on *The situation in Belarus in the aftermath of the presidential elections* condemning the violent repression of the post-electoral political protests. 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 the 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.

2. I informed my colleagues on developments which occurred since the adoption of the Resolution in January in an information note I prepared for the April 2011 part-session (see docs AS/Pol(2011)9rev and AS/Pol (2011)10). With this information note, I would like to inform my colleagues on developments in the country since mid-April.

3. To date, repression against civil society, political opposition and independent media continues. Political trials of former presidential candidates and members of their campaigns have led to sentences to various terms of imprisonment or to suspended or probation sentences.

4. No tangible steps have been taken by the Belarusian authorities towards abolishing the death penalty or introducing a moratorium on it.

2. Act of terrorism in the Minsk metro

5. On 11 April 2011, Minsk Kastychnitskaya central metro station was rocked by a powerful blast, claiming 13 lives and causing injuries to over 200 more people. 13 April was declared a national day of mourning. The explosion was qualified by the authorities as an act of terrorism. A few days later, the authorities declared that four suspects had been detained, all Belarusian citizens. According to investigators, the same group of suspects could have been involved in organising a series of bombings in 2005 in Vitebsk and in 2008 in Minsk.

6. On 12 April 2011, Belarus official media condemned the hearing organised by the Political Affairs Committee in Strasbourg and labelled the human rights defenders attending the hearing as the "fifth column", naming their action as "dancing on bones". The state-run media failed to mention that the Assembly had stood for a minute of silence at the opening of the April part-session, in memory of the victims of the terrorist attack.

3. Criminal trials and sentences against political activists and protesters

7. In April-May 2011, a large number of participants in the events of 19 December 2010 stood trial.

8. On 27 April 2011, Dzmitry Bandarenka, coordinator of the civil campaign *European Belarus*, was sentenced to two years of imprisonment.

9. On 5 May 2011, Ales Kirkevich (Young Front leader) and Pavel Vinahradau (*Tell the Truth* campaign activist) were sentenced to four years, and Dzmitry Drozd (electoral team of Andrei Sannikau), Uladzimir Khamichenka (not affiliated with political movements) and Andrei Pratasenia (member of the team of presidential candidate Y. Ramanchuk) to three years in a higher-security prison colony.

10. On 14 May 2011, former presidential candidate Andrei Sannikau was sentenced to five years of imprisonment in a higher-security prison colony. Other participants of the post-election protest who stood trial together with the politician were also convicted: Aleh Hnedchyk (three and a half years), Illya Vasilevich (one of the youngest convicted, born in 1991), Fiodar Mirzayanau and Uladzimir Yaromenka (three years), all of them in a higher-security prison colony. Siarhei Kazakou (another of the youngest convicted, born in 1992), Vital Matsukevich, Yauhen Sakret and Uladzimir Loban were sentenced to three years in a higher-security prison colony, Dzmitry Daronin and Aleh Fedarkevich received sentences of three and a half years of imprisonment.

11. On 16 May 2011, the wife of Mr Sannikau and prominent journalist Iryna Khalip was sentenced to a two-year suspended prison term. Pavel Seviarynets (member of presidential candidate Vitali Rymasheuski's team) was sentenced to compulsory labour for two years. Siarhei Martseleu (member of presidential candidate Mikalai Statkevich's team) was sentenced to a two-year suspended prison term.

12. On 20 May, two former presidential candidates, Vladimir Nyaklyayev and Vitali Rymasheuski, were sentenced to a two-year suspended prison term and two years on probation, respectively. The Belarusian authorities did not pursue further charges of "mass disorder" against Mr Nyaklyayev and his colleagues, as announced earlier on in December 2010. Activists of Niakliayeu's campaign team Aliaksandr Fiaduta, Siarhei Vazniak and Andrei Dzmitryeu were sentenced to two years on probation. Nasta Palazhanka, an activist of Vital Rymasheuski's campaign team, was sentenced to one year on probation.

13. On 26 May 2011, former presidential candidates Mikalai Statkevich and Dzmitri Uss received extremely harsh sentences of respectively six and five and a half years in a higher-security prison colony. Former police officer Aliaksandr Klaskouski was sentenced to five years in a higher-security prison colony. Other participants in the court proceedings were sentenced to various terms of imprisonment: Aliaksandr Kviatkevich to three and a half years, Dzmitry Bulanau to three years and Artem Gribkov to four years. According to human rights defenders, the severity of the sentences is the result of a personal revenge of A. Lukashenka towards Mr Statkevich. It has been reported that during the investigation Mr Uss was put under pressure to testify against his friend Mr Statkevich.

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

14. In May 2011, the Committee on International Control over the Situation with Human Rights in Belarus published the Interim Human Rights assessment of the Events of 19 December 2010 in Minsk. The Special Rapporteur of the Committee, Mr Neil Jarman, concluded that "the peaceful protest in the Independence Square and the violent attack on the House of Government should be considered as two separate and distinct simultaneous assemblies."

15. The Committee concluded that the peaceful protest, although not authorised, cannot be considered as a "mass riot". The attack on the House of Government in the evening of 19 December could indeed be regarded as a crime although this involved far fewer people than the demonstration itself. The authorities had indeed all the necessary means and tools to prevent this crime from being committed by a small group of individuals.

16. Finally, the Special Rapporteur of the Committee called for a prompt, independent and transparent investigation in Belarus into the events on 19 December 2010.²

5. Civil society, independent media and opposition

5.1. Harassment of independent media

17. The 11 April terrorist act was followed by an escalation of police harassment of independent media, with prosecuting and executive authorities addressing warnings to individual journalists and editorial boards of several media. State-run media launched a campaign to discredit independent media. Under these circumstances, the Belarusian Association of Journalists issued a statement entitled "Stop Persecution of Our Colleagues!"

18. On 27 April 2011, the Ministry of Information announced that a case was filed with the Supreme Economic Court to shut down the newspapers "Narodnaya Volya" and "Nasha Niva" for alleged improper coverage of the terrorist attack.

19. Civil activists kept campaigning for the release of journalist Andrzej Poczobut, arrested on charges of libel of the President. The Polish journalist of the "Gazeta Wyborcza", resident of Grodno, Andrzej Poczobut has been in prison since 6 April on charges of "insulting and slandering of the President".

² http://www.hrwatch-by.org/sites/default/files/Interim_HRights_Assessment_of_19-12-10_in_Minsk.pdf

5.2. *Pressure against human rights defenders*

20. On 4 May 2011, Belarusian police officers arrested several human rights defenders from Russia and Ukraine who were in Minsk to attend a conference on the state of human rights in Belarus in the wake of the presidential elections. After several hours, the majority of them were released, but two Russian citizens were ordered to leave Belarus within 24 hours and were banned from entering the country for one year and two years respectively.

21. On 6 May 2011, the Belarusian police arrested three Russian human rights activists, who were in Minsk to monitor the trials. They were placed on the list of individuals who were unwelcome in Belarus and were ordered to leave the country within 24 hours.

22. The decision to deport human rights defenders to the Russian Federation and Ukraine has been met with protests from Russian human rights organisations. For its part, the Russian Foreign Ministry also issued a statement.

5.3. *Political opposition's action*

23. On 11 April 2011, the National Coordinating Council of the Democratic Forces of Belarus issued a statement regarding the "conditions for the participation of the Belarusian democratic forces in the upcoming parliamentary election campaign". The council asked the authorities to release all political prisoners, to cease political repression in the country, to respect constitutional rights and freedoms and to reform the electoral system. It also underlined that the democratic opposition reserved its right to boycott the upcoming election campaign if the demands put forward were not fulfilled.

24. On 25 April 2011, the Movement "For Freedom", led by Alaksandr Milinkievic, launched a new phase of the campaign "*The People's Programme*" to open a broad public discussion on "the vexed problems of the Belarusian society". Round tables, public hearings, thematic conferences and internet forums are to serve the Campaign's goal.

25. On 29 April 2011, the United Civic Party launched a nation-wide campaign on "*Building new, preserving the best*", to elaborate political and economic development programmes for Belarus and plans to engage in a dialogue with the authorities.

5.4. *Upcoming parliamentary elections*

26. On 21 April 2011, Mr Lukashenka delivered his annual address to the National Assembly and the Belarusian people, announcing that Belarus would not change the electoral system into a proportional one prior to the 2012 parliamentary elections.

6. **Economic situation in the country**

27. During the last weeks, the foreign currency market situation in Belarus has been snowballing, with the authorities losing control over the process. According to economic experts, the country is in an "inflation-devaluation" spiral.

28. On 23 May 2011, Belarus's National Bank devalued the national currency by over 30 percent. Shops in the capital Minsk lie empty as Belarus runs out of currency to buy foreign goods. Due to the process of devaluation in May 2011, the people have practically lost half of their savings in national currency.

29. The authorities seem unwilling to assume responsibility for the implementation of a coherent financial policy. The government seems to count on a Russian loan without changing the existing economic model. Observers stressed the growing interests of some members of the government to benefit financially from the crisis.

7. Reactions of the international community

7.1. Council of Europe

30. On 12 April 2011, the Political Affairs Committee held an exchange of views with Dr Elena Tonkacheva, Human Rights Defender, Foundation for legal technologies development, Mr Aliaksandr Bialiatski, President of the Human Rights Centre (HRC) "Viasna", Vice-President of the International Federation for Human Rights (FIDH), Mr Andrey Yurov, Head of the International Observation Mission of the Committee on International Control over the situation with human rights in Belarus (CICHR-Belarus), and Mr Michael Hamilton, Chair of the group of experts from OSCE countries on freedom of assembly and police response measures of the CICHR-Belarus (see press release appended). The meeting was also attended by the rest of the group of independent civil society representatives from Belarus who are traditionally invited by the Council of Europe Secretariat during the PACE sessions. Mr Vladimir Ulakhovich, Director of the Center of International Studies of the Belarusian State University, also attended the hearing, upon the proposal of the Belarusian authorities.

31. At the beginning of this meeting, the Chair of the Committee expressed his deepest condolences in connection with the tragic incident in Minsk the day before and demanded an impartial investigation to clarify what happened. Mr A. Bialiatski, in the name of the Belarusian group, also condemned the bomb blast and expressed concerns that this incident could be used for a further crack down on opposition and civil society as had happened in 2008.

32. The participants provided us with a detailed account of the continuing harassment of opposition figures, human rights defenders and independent media. EU sanctions were qualified as not effective. They called for a timely reaction by the Assembly as well as international support to independent NGOs in Belarus.

33. Representatives of civil society stated that international assistance is needed to position civil society as a partner in the dialogue on the future of Belarus. Talks with the authorities could start only after the release of political prisoners, so that they do not become hostages of the authorities in exchange for dialogue. Human rights defenders indicated they were ready to co-operate with the *ad hoc* Committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus. They also noted the active role of the CoE, especially in the past. The CoE could still play an important role in the field of human rights and rule of law: protection of human rights defenders (including lawyers, independent journalists); freedom of assembly and association, especially with respect to Article 193 of the Criminal Code; judicial system and the prevention of torture; investigation of 19 December 2010.

34. All speakers stressed that, so far, the authorities in Minsk have cynically disregarded all international proposals in the field of human rights, rule of law and democracy and called upon the Assembly not to lower its standards and stick to previously adopted decisions on the situation in Belarus. They also hoped for the support of the CoE Commissioner for Human Rights.

35. Mr Hamilton, the OSCE expert, informed the meeting about the legal aspects of the OSCE Moscow Mechanism, which would investigate into the 19 December events and verify compliance by Belarus with its obligations as an OSCE member state, in particular as regards freedom of peaceful assembly and police behaviour.

36. During the last April part-session, some members of the *ad hoc* Committee of the Bureau of the Assembly on recent detentions, prosecutions and convictions of members of the opposition in Belarus met with human rights defenders and NGOs from Belarus to collect and assess relevant information concerning the events of 19 December.

37. On 16 May 2011, following the recent sentencing of former presidential candidate Andrei Sannikau to five years of imprisonment, President Çavuşoğlu strongly condemned the ongoing politically motivated trials by the Belarusian courts and called upon the Belarusian authorities to cease the arbitrary prosecution and continuous harassment of political opponents, independent media and non-governmental organisations (see press release appended).

38. On 17 May 2011, the Secretary General of the Council of Europe also condemned the sentence of Mr Andrei Sannikau, as well as the prison terms handed down to opposition activists by the same court in Minsk.

The Secretary General reiterated the Council of Europe's call to the Belarusian authorities to immediately release presidential candidates, journalists and human rights 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 society.³

39. On 25 May 2011, in his Human Rights Comment, the Council of Europe Commissioner for Human Rights expressed his concern that "in Belarus, the crackdown on opposition politicians, civil society groups, human rights defenders and media continues." The Commissioner stated that it is important that the fate of the Belarusian people is not forgotten, and that we extend constructive support to civil society in this European country.

40. Taking into account that civil society and democratic opposition in Belarus consider Article 193-1 of the Criminal Code and the present situation with respect to the rights of non-registered organisations as one of the key problems in the democratic process in the country, I propose, supported by the Chair of the Political Affairs Committee of the Assembly, that a request be made to the Venice Commission to provide an assessment of the compatibility with universal human rights standards of Article 193-1 of the Criminal Code and the rights of non-registered associations in Belarus. As long as Article 193-1 is in force, civil society groups, rights defenders and opposition figures in Belarus face constant threat of criminal prosecution.

7.2. *European Union*

41. On 14 April 2011, the Hungarian Presidency of the Council of the European Union issued a statement on the freedom of the media in Belarus, expressing the regret of the European Union that the respect for freedom of the media in Belarus continues to deteriorate and was deeply concerned by recent detentions of journalists, specifically referring to the detention of Mr Andrzej Poczobut and the criminal investigations against Ms Irina Khalip and Ms Natalia Radina. The European Union strongly condemned all harassment, arrests and intimidation of representatives of independent media by the authorities in Belarus.

42. On 3 May 2011, the Euronest parliamentary assembly of the Eastern Partnership initiative was finally inaugurated. No Belarusian delegation was present at the event. A working group was set up on Belarus to "study and make proposals on which way the Euronest Parliamentary Assembly might contribute to the fulfillment by Belarus of the membership criteria."

43. On 12 May 2011, the European Parliament adopted a resolution in which it once again expressed concern over the deteriorating human rights situation in Belarus and called on the Belarusian authorities to immediately free all opposition activists detained after the presidential elections. It also called on Minsk to stop its harassment of independent media and journalists, to free Andrzej Poczobut, to cease the closing down of the Narodnaya Volya and Nasha Niva, and to suspend the restrictions on internet access to independent internet websites. The EP requested the EU institutions and EU partner countries to increase pressure on the Belarusian regime, including through the introduction of targeted economic sanctions, particularly against state-run companies.

44. Commenting on the 12 May 2011 resolution, the spokesman for the Belarusian Foreign Ministry, Mr Andrei Savinikh, said that the document was calling for actions which would affect the stability of the Belarusian society and the Belarusian economy, and accused it of presenting an inaccurate picture of the situation in the country. Mr Savinikh announced that Minsk would take steps in response to the resolution, particularly against those individuals and structures which actively generate anti-Belarusian actions. However, he stressed that Belarus was still willing to constructively co-operate with the EU.

45. Belarusian websites reported that the authorities are planning to ban from leaving the country some 200 opposition activists, who have most actively lobbied the EU for the introduction of sanctions against Minsk. An anonymous source reported that Belarus may also decide to expel ambassadors of certain Western European states that have been particularly active in persuading their countries to adopt anti-Belarusian measures.

46. In the days following the end of the trial of Mr Andrei Sannikau, the EU High Representative for Foreign Affairs and Security Policy, Ms Ashton, US Secretary of State, Ms Clinton, as well as the Foreign Ministers of the

³ http://www.coe.int/t/dc/press/news/20110517_belarus_sg_en.asp

Czech Republic, France, Germany and Poland all condemned strongly the harsh prison sentence. Belarus was called to move into conformity with basic international standards of justice and human rights, to end at once the ongoing crackdown on the political opposition and civil society, to release all political prisoners and to discontinue all politically motivated trials.

47. Following these events, on 23 May 2011, the Council of the European Union strengthened the restrictive measures against the regime and placed an additional 13 individuals on the list of persons subject to travel restrictions and an asset freeze.

7.3. OSCE

48. Starting from 9 March 2011, upon the invitation by the Belarusian Ministry of Foreign Affairs, a group of OSCE/ODIHR observers has been monitoring the trials of presidential candidates, campaign activists and other individuals charged in relation to the events following the 19 December 2010 presidential election in Belarus. The observers will assess the trials for their consistency with national law and fair trial standards as specified in OSCE documents and legally binding international covenants. ODIHR will publish a consolidated report based on the findings from all observed trials. Until completing their task, the observers are not issuing preliminary reports or giving interviews. The consolidated report is expected to be issued after the last relevant court cases, scheduled for 26 May 2011.

49. Numerous calls to the Belarusian authorities by the Lithuanian Chairmanship of the OSCE, the Council of Europe and the European Union to reconsider the decision to close the OSCE office in Belarus have been left without a positive response.

50. On 6 April 2011, 14 OSCE participating States invoked the OSCE "Moscow Mechanism" to establish a mission of independent observers to study the situation within the country after 19 December 2010. The mission would produce an independent and objective report based on facts, with recommendations and advice on improvement of the situation with observation of OSCE commitments by Belarus. On 6 May 2011, Emmanuel Decaux, Professor of International Law at the University of Paris, began work as Rapporteur for this mission. As of 19 May 2011, Belarus had failed to grant assistance and access, in particular by not issuing a visa, to Professor Decaux.

51. On 28 April 2011, the OSCE Representative on Freedom of the Media, Dunja Mijatovic, expressed alarm over the lawsuits filed by the Belarusian Information Ministry aimed at shutting down *Nasha Niva* and *Narodnaya Volya*, two of the country's largest independent publications. On 16 May 2011, Ms Mijatovic condemned the sentencing of Belarusian journalist, Iryna Khalip.

52. On 10 May 2011, despite requests, the Head of the OSCE Parliamentary Assembly Ad-Hoc Working Group on Belarus, Ms Uta Zapf (Germany,) was not granted a visa to Belarus to observe the recent trials in connection with the events on 19 December 2010 in Minsk.

53. On 16 May 2011, OSCE Parliamentary Assembly President, Petros Efthymiou, criticised the authorities of Belarus following the sentencing of Mr Andrei Sannikau saying that "in no democracy does the winner throw the loser in jail." He condemned this ruling as symbolic of the growing political repression experienced by those trying to simply express an independent voice in Minsk.

7.4. Other international reactions

54. On 16 May 2011, the Ministry of Foreign Affairs of the Russian Federation called on Belarus to take a more responsible approach towards observance of international obligations in the area of human rights and liberties, noting that the harsh sentences handed down on protesters of 19 December 2011 raise questions. It was also stated that the actions of the Belarusian authorities have been assessed by the Russian leadership several times.

8. Concluding remarks

55. With freedom of speech and association still being restricted and harassment and political trials of civil society and political opponents still ongoing, the human rights situation in the country has not improved, on the contrary. The crackdown on freedom of expression has increased as well and the largest private socio-political newspapers *Narodnaya Volia* and *Nasha Niva* risk being shut down.

56. The relatively “mild” sentences for the “group of Nyaklyaeu” were regarded by some political analysts as a signal of willingness to make some steps “towards Europe”. It may be recalled that Nyaklyaeu’s movement “*Tell the Truth*” was initially presented by the Belarusian state propaganda as the main subversive force, supported by Polish and German think tanks. It should also be borne in mind that these politically motivated court decisions are taken under the threat of economic sanctions by the European Union.

57. So far, notwithstanding the threats by the authorities following the 11 April terrorist attack, there has been no open repression against politically active citizens. The general political climate of the past weeks suggests that the threat voiced by the authorities against the “fifth column” during the investigation of the attack has not finally resulted in increased repression against the opposition. Nonetheless, taking into account the continuing harassment of civil society activists and independent media in Belarus, the pressure is expected to increase in the course of this year in view of the upcoming parliamentary elections in 2012. The last severe sentences for former presidential candidates Mr Statekevich and Mr Uss only confirm these fears.

58. It is my opinion that the Belarusian authorities still continue to fail to respond positively to the calls of the Assembly with respect to the Council of Europe standards of democracy, human rights and the rule of law.



12/04/2011

Spring session: 11-15 April 2011

PACE relations with Belarus authorities to stay frozen

The human rights situation in Belarus has “not improved” since January 2011, on the contrary, and therefore there can be “no progress” in relations between the Assembly and Belarus, according to PACE’s rapporteur on Belarus Sinikka Hurskainen (Finland, SOC).

In an information note made public today, Mrs Hurskainen said “new concerns” had arisen about politically motivated trials, allegations of torture in detention, procedural violations during investigations and trials, and confirmations of death sentences. High-level contacts with the Belarusian authorities should therefore remain on hold.

However, the Assembly should continue to strengthen its dialogue with Belarus’s democratic forces, civil society, opposition groups, free media and human rights defenders, the rapporteur said.

The committee, meeting today during PACE’s plenary session in Strasbourg, held a hearing with prominent human rights defenders from Belarus, who described the human rights situation in the country as being the worst in 15 years. The head of a group of experts from OSCE countries, which is monitoring freedom of assembly and police response measures in Belarus, also explained the OSCE’s “Moscow mechanism”, which has been recently activated in the country.

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16/05/2011
President

Belarus: PACE President calls on the authorities to cease the continuous harassment of political opponents

Strasbourg, 16.05.2011 - Following the recent sentencing of former presidential candidate Andrey Sannikau to five years of imprisonment, Council of Europe Parliamentary Assembly President Mevlüt Çavusoglu, today strongly condemned the ongoing politically motivated trials by the Belarusian courts of the former presidential candidate as well as several other representatives of opposition parties, independent journalists and human rights defenders.

The President expressed his solidarity with all the politically prosecuted people and their families, who are still awaiting trial in connection with the events of 19 December 2010.

“I call upon the Belarusian authorities to cease the arbitrary prosecution and continuous harassment of political opponents, independent media and non-governmental organisations. The first step would be to stop immediately the politically motivated trials in Belarus,” Mr Cavusoglu stated.

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