

COUNCIL COMMON POSITION 2004/848/CFSP

of 13 December 2004

amending Common Position 2004/661/CFSP concerning restrictive measures against certain officials of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 24 September 2004, the Council adopted Common Position 2004/661/CFSP concerning restrictive measures against certain officials of Belarus⁽¹⁾.

(2) The International Election Observation Mission in Belarus came to the conclusion that the parliamentary elections and referendum in Belarus on 17 October 2004 fell significantly short of Belarus' basic OSCE commitments. The EU considers that the Belarusian authorities are directly responsible for the irregularities noted by the observers.

(3) The EU also notes that violent attacks were carried out by Belarusian police and other security forces against several opposition leaders and media representatives on the occasion of peaceful political demonstrations in Minsk after the elections and the referendum.

(4) Consequently, the Council on 22 November 2004 decided to impose restrictions on admission against the officials directly responsible for the fraudulent elections and referendum and against those responsible for severe human rights violations in the repression of peaceful demonstrators.

(5) In this context, the Council on the same date called upon President Lukashenko and his Government to reverse their present policies and to embark on fundamental democratic and economic reforms to bring the country closer to European common values. The Council further stated that the EU remains open for dialogue with Belarus on gradual development of bilateral relations, as

soon as the Belarus authorities demonstrate by concrete actions a sincere willingness to re-engage. Further to this, the Council reiterated its willingness to deepen its relationship with Belarus, including within the European Neighbourhood Policy (ENP), once the Belarusian authorities clearly demonstrate their willingness to respect democratic values and the rule of law.

(6) The scope of the restrictive measures imposed by Common Position 2004/661/CFSP should therefore be expanded to persons who are directly responsible for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum in Belarus.

(7) The restrictive measures against the persons who are directly responsible for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum, should be reviewed in the light of reforms made to the Electoral Code to bring it in line with OSCE commitments and other international standards for democratic elections as recommended by the OSCE/ODIHR, and in light of concrete actions by the authorities to respect human rights with regard to peaceful demonstrations,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 2004/661/CFSP is hereby amended as follows:

1. Article 1(1) shall be replaced by the following:

'1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons, who are responsible:

⁽¹⁾ OJ L 301, 28.9.2004, p. 67.

- for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and those who are considered by the Pourgourides Report to be key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the following cover-up, in view of their apparent obstruction of justice, as listed in Annex I;
- for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum in Belarus, as listed in Annex II.’

2. Article 2 shall be replaced by the following:

‘Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the lists contained in Annex I and Annex II as required by political developments in Belarus.’

3. The Annex shall be replaced by Annexes I and II as contained in the Annex to this Common Position.

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 13 December 2004.

For the Council
The President
B. R. BOT

ANNEX

ANNEX I

List of persons referred to in Article 1, paragraph 1, first indent

1. SIVAKOV, YURY (YURIJ) Leonidovich, Minister of Tourism and Sports of Belarus, born on 5 August 1946, in Sakhalin Region, former Russian Socialist Federative Soviet Republic.
2. SHEYMAN (SHEIMAN), VICTOR Vladimirovich, Head of Presidential Administration of Belarus, born on 26 May 1958, in Grodno region.
3. PAVLICHENKO (PAVLIUCHENKO), DMITRI (Dmitry) Valeriyevich, officer of the special forces of Belarus, born in 1966 in Vitebsk.
4. NAUMOV, VLADIMIR Vladimirovich, Minister of the Interior, born in 1956.

ANNEX II

List of persons referred to in Article 1, paragraph 1, second indent

1. Lidia YERMOSHINA, Chairperson of the Central Election Commission
2. Yuri PODOBED, Commander Minsk OMON.