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The situation in Belarus in the aftermath of the presidential election

Report¹

Political Affairs Committee

Rapporteur: Mrs Sinikka HURSKAINEN, Finland, Socialist Group

Summary

The violent repression of the political protests that followed the presidential election in Belarus on 19 December 2010 and the targeted crackdown on political opponents, human rights defenders, media workers and citizens constitute not only a disproportionate response to the action of the protesters but also an outright disregard for the core values upheld by the Council of Europe.

The Political Affairs Committee strongly condemns the recent events in Belarus and resolves to strengthen dialogue with the country's democratic forces, civil society, opposition groups, free media and human rights defenders.

In view of the current serious setbacks, the committee proposes that the Parliamentary Assembly calls on its Bureau not to lift the suspension of the special guest status for the Parliament of Belarus until a moratorium on the execution of the death penalty has been decreed by the competent authorities and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

¹ Reference to Committee: Reference 3727 of 24 January 2011.

A. Draft resolution²

1. The Parliamentary Assembly is dismayed by the unprecedented wave of violence, intimidation, mass arrests and prosecution of political opponents, human rights defenders, media workers, students and citizens of Belarus that followed the announcement of the results of the presidential election that took place in Belarus on 19 December 2010.

2. Over 600 people were arrested, including presidential candidates, whereas assaults and searches were carried out in the homes of opposition leaders, human rights defenders and journalists as well as on the premises of several non-governmental organisations and media outlets. In the month that followed the election, the crackdown continued in a more targeted way and today still shows no signs of relenting. Such a violent repression of the political protests and targeted crackdown on political opponents, human rights defenders and media workers constitutes not only a disproportionate response to the action of the protesters but also an outright disregard for the core values upheld by the Council of Europe.

3. The Assembly reiterates its conviction that political freedoms need to be fully respected and that all individuals and groups must be able to exercise peacefully their rights to freedom of expression and assembly, including when harshly criticising the authorities and the conduct of the elections.

4. The Assembly regrets that, according to the OSCE preliminary assessment, the latest presidential election in Belarus, despite some specific improvements in the election system and during the campaign, still failed to meet a number of key international standards for democratic elections, such as transparency and accountability in the vote count, and were marked by the lack of equitable access to the media for all candidates and the unfair use of state resources to support the incumbent.

5. The Assembly further deplores the Belarusian authorities' decision not to prolong the mandate of the OSCE office in Minsk, which has maintained a presence in Belarus since 1998.

6. In the light of the above, the Assembly urges the Belarusian authorities to:

6.1. release immediately all opposition candidates and their supporters, journalists and human rights defenders detained on political grounds;

6.2. cease harassment and intimidation of opposition politicians, media and civil society representatives;

6.3. conduct a transparent investigation into the abusive and disproportionate use of force by police and security forces against the demonstrators;

6.4. stop expelling students from universities and dismissing people from their work place due to their participation in the protest;

6.5. reconsider their decision to close the OSCE office in Minsk and extend its mandate in 2011 and beyond;

6.6. complete the reform process of the electoral legislation and practice by taking into account the full set of recommendations of the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission).

7. The Assembly is convinced that any sanctions and restrictions in contacts and interactions with those responsible for the events, including the country's highest officials, should not lead towards further isolation of the Belarusian people.

8. The Assembly therefore resolves to strengthen dialogue with Belarus' democratic forces, civil society, opposition groups, free media, and human rights defenders. In the same vein, the Assembly calls on all Council of Europe member states to:

8.1. maintain and foster dialogue with Belarus' civil society and invest in people-to-people contacts with Belarus at all levels;

8.2. consider facilitating the granting of visas to the ordinary citizens of Belarus;

² Draft resolution adopted unanimously by the committee on 25 January 2011.

8.3. encourage universities to open their doors to Belarusian students who have been expelled for political activities;

8.4. support the continuation of the OSCE's office in Minsk under its established mandate.

9. As far as its own relations with Belarus are concerned, the Assembly recalls that, in its Resolution 1727 (2010), adopted in April 2010, following a debate under urgent procedure prompted mainly by the execution of two prisoners in March 2010, the Assembly decided to put on hold its activities involving high-level contacts between itself and the Belarusian authorities, reiterating that there cannot be progress on dialogue with the Belarusian authorities without progress towards Council of Europe standards.

10. In view of the current additional serious setbacks, the Assembly reaffirms its decision to put on hold its activities involving high-level contacts with the Belarusian authorities. It further calls on the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus:

10.1. until a moratorium on the execution of the death penalty has been decreed by the competent Belarusian authorities;

10.2. until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

B. Explanatory memorandum by Mrs Hurskainen, rapporteur**Contents**

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1. Introduction

1. On 19 December 2010, presidential elections took place in Belarus. Mr Alexander Lukashenko was officially re-elected for a fourth term with nearly 80% of the votes.

2. The announcement of the election results was followed by violent confrontations in the capital Minsk between the security forces and thousands of opposition demonstrators protesting about alleged vote-rigging. The violent repression of the political protest in the aftermath of the presidential election and the repressive measures taken by the authorities on opposition demonstrators, including former presidential candidates, human rights defenders and journalists, have given rise to strong reactions and criticism from the international community.

3. They have, *inter alia*, prompted the tabling of a request to hold a debate under urgent procedure on "The situation in Belarus in the aftermath of the presidential election" during the January 2011 part-session of the Parliamentary Assembly. The Political Affairs Committee was seized for report by the Assembly and confirmed me as rapporteur. The Committee on Legal Affairs and Human Rights was seized for opinion and appointed Mr Christos Pourgourides as rapporteur.

4. Although the present report is presented to the Assembly under an urgent procedure, it is worth noting that I have been following the situation in Belarus since January 2008 when I was appointed Chairperson of the then Sub-Committee on Belarus.

5. In fact, the Political Affairs Committee has been following closely, and on a regular basis, the situation in Belarus since the adoption of Resolution 1727 (2010) on the situation in Belarus: recent developments, in April 2010, when the Assembly decided to put on hold its activities involving high-level contacts between itself and the Belarusian authorities. The resolution was adopted following a debate under urgent procedure prompted by the execution of two prisoners in March 2010, as well as incidents of harassment of members of the Polish minority and infringements of their rights and the fact that local elections were held in the country in the complete absence of any international observers.

6. In reaffirming its readiness to engage in a progressive dialogue with the Belarusian authorities in response to positive developments, the Assembly underscored that there cannot be progress on dialogue without progress towards Council of Europe standards and a clear political commitment by the Belarusian authorities to embrace Council of Europe values, confirmed by consistent actions.

7. When interpreting this resolution, the Bureau of the Assembly considered that "high-level contacts" meant "members of the Bureau". However, upon the request of the Political Affairs Committee and with a view to verifying the situation on the ground prior to the 2010 presidential election, the Bureau, at its meeting in Skopje on 20 May 2010, authorised me to visit Belarus in my capacity as rapporteur of the Political Affairs Committee on the situation in Belarus.

8. During my visit to Minsk, from 22 to 25 August 2010, I met a broad range of interlocutors with a view to gathering information for my report. At its meeting on 6 October 2010, the Political Affairs Committee, after being informed of the main findings of my visit, held an exchange of views on the situation in Belarus and, in particular, the preparations for the elections, with the participation of Mr Thomas Markert, Secretary of the Venice Commission, Mr Nikolai Samoseiko, Chairperson of the Standing Committee on Legislation and Judicial and Legal Matters of the House of Representatives of the Republic of Belarus and Head of the parliamentary ad hoc group on capital punishment matters, and Mr Aleh Hulak, President of the Belarusian Helsinki Committee.

9. The Political Affairs Committee held a further exchange of views on the forthcoming presidential election at its meeting on 18 November 2010, with Mr Evgeni Smirnov, Chairperson of the Standing Commission on Legislation and Public Management of the Council of the Republic of the National Assembly of the Republic of Belarus and Deputy Head of the National Assembly Delegation for Relations with the Parliamentary Assembly, Mr Vital Rymasheuski, Co-Chairperson of the Belarusian Christian Democracy, Mr Andrei Babok, special correspondent of the Department of international co-operation at the "Narodnaya Gazeta", and Mr Andrei Aliaksandrau, Vice-Chairperson of the Belarusian Association of Journalists. On that occasion, I presented an information note on my visit to Minsk in August 2010, which the committee decided to make public.³

10. In Brussels, on 9 December 2010, I met Mr Jacek Protasiewicz, Chairperson of the Delegation of the European Parliament for relations with Belarus, to discuss the forthcoming elections. Following this meeting, a parliamentary joint statement was issued on 14 December 2010 calling for democratic and transparent elections.⁴

11. From 17 to 19 December 2010, I took part in the election observation mission organised by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly, the preliminary findings and conclusions of which were published on 20 December 2010.⁵ On the same day, I issued a statement condemning violence and urging both security forces and protestors to refrain from any further recourse to it throughout the post-election process. I also called on the authorities to release anyone detained solely for having expressed their views regarding the outcome of the elections.⁶

12. On 24 January 2011, the Political Affairs Committee held an exchange of views on the situation in Belarus in the aftermath of the presidential election with the participation of the two other members of the Parliamentary Troika on Belarus, Mr Protasiewicz and Ms Uta Zapf, Chairperson of the OSCE Parliamentary Assembly Ad Hoc Working Group on Belarus. They both insisted that it was not possible, with respect to Belarus, to continue with business as usual. Our discussion, which continued after the meeting of the committee, has informed my report.

2. Presidential election and the aftermath

2.1. Election legislation and campaign

13. On 19 December 2010, the presidential election in Belarus was held on the basis of an amended Electoral Code. The Electoral Code had been revised following recommendations from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) concerning several important aspects, such as freedom to campaign and funding of election campaigns, the composition and appointment of electoral commissions, candidate registration, the integrity of early voting, appeal procedures and vote counting. Upon the request of the Political Affairs Committee, the Venice Commission, jointly with the OSCE/ODIHR, prepared an opinion on these amendments.

14. According to this Joint Opinion,⁷ which was also presented orally to the Political Affairs Committee by the Secretary of the Venice Commission, on 1 October 2010, the amendments represented a step towards removing some of the flaws in Belarus' electoral legislation. However, they were deemed to be unlikely to resolve the underlying concern that the legislative framework for elections in Belarus continues to fall short of providing a basis for genuinely democratic elections, in particular with regard to the voting and counting process and to the tabulation of results.

³ See document AS/Pol (2010) 37 rev.

⁴ Parliamentary Assembly-European Union, Parliamentary statement of the forthcoming elections in Belarus, 20 December 2010

⁵ OSCE, International Election Observation – Republic of Belarus – Presidential Election, 19 December 2010, Statement of preliminary findings and conclusions, 20 December 2010.

⁶ Belarus: Assembly rapporteur condemns violence on the streets of Minsk, 20 December 2010.

⁷ See CDL-AD(2010)012.

15. Our Assembly was not invited to observe this election. The Belarusian authorities decided to invite only those international organisations of which Belarus is a member. A total of 27 000 domestic observers were registered and a total of 1 032 international observers, including those from the OSCE/ODIHR, the OSCE parliamentary assembly, the Commonwealth of Independent States (CIS) and the CIS parliamentary assembly.

16. Despite some specific improvements in the legislation, according to the OSCE preliminary findings published on 20 December 2010, the presidential election followed an election campaign which was characterised by the lack of a level-playing field and an unequal contest between President Lukashenko and his nine contenders, even though progress was noted regarding the registration of candidates and the provision of limited free TV and radio air time. In terms of media coverage, all major TV stations demonstrated a clear bias in favour of the incumbent, devoting some 89% of primetime news coverage to his campaign and official duties.

17. 23.1% of the estimated number of voters cast their vote during the “early voting”, where observers noted the poor quality of ballot boxes and seals and a lack of security features on ballot boxes. In addition, only 0.26% of all members of the Precinct Election Commissions (PEC) and 0.70% of the Territorial Election Commissions (TEC) were nominated by political parties considered to be in opposition.

2.2. Preliminary findings and results

18. Belarus' Central Election Commission reported that President Lukashenko won 79.6% of the votes. Voter turnout amounted to 90.65%, roughly 2% down from 2006.

19. According to the OSCE critical assessment, the “presidential election showed that Belarus still has a considerable way to go in meeting its OSCE commitments, although some specific improvements were made”. International observers noted that the voting process took place relatively smoothly, but the counting of votes was done in a “non-transparent manner.”

20. They assessed almost half of vote counts monitored as “bad” or “very bad”, which undermined the steps that had been taken to improve the election. Observers did not have a real opportunity to observe the counting or were restricted to do so in 98% of observed polling stations. In some cases, figures recorded in the results protocols at the PECs were different upon arrival at the TECs.

21. As an election observer, I was given no chance to watch the vote counting. The ballots were quickly taken away by the members of the election commission and were not read out loud in front of us. After a while, we were merely presented with the result.

22. President Lukashenko himself gave a different reading of the OSCE assessment of the election. In his view, everything the observers wrote in their report pointed to a “considerable step forward compared to the 2006 election” and this could form the basis to build Belarus' relations with Europe.⁸

23. Belarus Foreign Ministry spokesperson, Andrei Savinykh, commenting on the preliminary results, said that the assertions published in the preliminary report do not match, in their entirety, the prior assessments of the mission made at all election stages and that the tone of the declaration and the nature of the conclusions were affected by the “illegal and provocative actions launched by the opposition minority”.⁹

24. It is worth noting that none of the country's elections under President Lukashenko have met international standards of freedom and fairness. The most recent parliamentary elections, in 2008, left parliament without a single opposition member.

2.3. Post-election protest and detention of protesters and presidential candidates

25. On election day, a political demonstration in Minsk was violently dispersed by the police and resulted in the arrest of over 600 people, including former presidential candidates and their supporters, human rights defenders and journalists. Many of them were released after a few days. Belarus' Interior Ministry said that the majority of them had served administrative detention from 10 to 15 days.

⁸ Interview of Mr Lukashenko to Euronews TV Channel on 20 December 2010.

⁹ Statement of the Press Secretary, Mr Andrei Savinykh, on the preliminary results of international observation missions during the presidential elections (23 December 2010) – website of the Ministry of Foreign Affairs of the Republic of Belarus.

26. The Interior Ministry said that the authorities had charged 31 people with organising post-vote protests and “mass unrest”, which carries the risk of imprisonment from 5 to 15 years. In a statement, the Ministry also said police had identified 120 people who “actively participated in mass disturbances on 19 December”.

27. Four former presidential candidates, Uladzimir Nyaklyayew, Alyaksey Mikhalevich, Andrey Sannikaw and Mikalay Statkevich have been charged under Article 293 of the Criminal Code and are currently being held in custody. Another former presidential candidate, Vital Rymasheuski, was released at the beginning of January.

28. In the two weeks that followed the election, the crackdown reportedly continued in a more targeted way. The homes of the relatives of those arrested were searched, as well as the flats and offices of human rights defenders, opposition activists and journalists.

29. According to the Belarusian Association of Journalists, 25 journalists were arrested in the crackdown and 21 were physically assaulted. There have also been raids on critical Belarusian media outlets and equipment has been confiscated, according to the independent website *Charter97*. Students who participated in the demonstration may face expulsion from universities throughout Belarus. The Ministry of Justice also requested the Minsk City Bar Association to take disciplinary measures against a number of lawyers who have defended activists and opposition leaders.

30. Amnesty International is gathering information on all detainees. Currently, the organisation has sufficient information to confirm that 15 of them did not resort to or incite violence before or during the demonstration. Amnesty believes that these 15 detainees are facing charges solely because of the peaceful exercise of their rights to freedom of assembly and freedom of expression and is calling for their immediate and unconditional release and for the charges against them to be dropped.¹⁰

31. On 13 January 2011, my parliamentarian colleague, Ms Marieluise Beck, sent me an analytical note which was prepared by the International Observation Mission (IOM) of the Committee on International Control over the Human Rights Situation in Belarus,¹¹ based on data collected from 3 to 5 January 2011 from 73 individuals who have been subjected to violence, including 12 detainees. All interviewed detainees or arrested people described their conditions of transfer and detention as inhuman and degrading. According to the IOM, the trials of all interviewed detainees were biased and failed to meet the criteria of a fair trial. A European Union request to visit detainees has been denied, and human rights defenders are increasingly concerned.

32. I am also deeply concerned about the safety and health of the detainees who remain unaccounted for, in particular some of the opposition leaders, such as Mr Nyaklyayew, a 64-year-old opposition candidate, who was reportedly beaten unconscious in the street by masked men and then abducted from his hospital bed by plain clothes officers hours later. His lawyer has not been allowed to meet with the former presidential candidate since 29 December 2010.

33. At the same time, I am pleasantly surprised by the wave of solidarity shown through the social networks that mobilised people to raise money to pay the fines, discussed how they could help, analysed pictures and videos from the demonstration and compared official reports and independent media. These were also precious sources of information along with official reports.

2.4. *Subsequent post-election developments*

34. The most poignant example of the current crackdown is that of 3-year-old Danil Sannikov, whose imprisoned parents are former presidential candidate Andrei Sannikov and independent journalist Irina Khalip. Danil's grandmother, Lyutsina Khalip, has been informed by the authorities that they are investigating to see whether she is “competent” to care for the boy. If they decide she is not, he may become a ward of the state.

¹⁰ Amnesty International, Urgent action: free Belarusian prisoners of conscience, 12 January 2011.

¹¹ The Committee on International Control over the Human Rights Situation in Belarus was established on 27 December 2010 by a coalition of around 30 NGOs from the OSCE region (excluding Belarusian NGOs for reasons of neutrality), for the purpose of monitoring the observation of fundamental human rights and conditions of human rights defenders and human rights organisations in the country. The Committee has formed a long-term International Observation Mission, composed of representatives of human rights organisations from the OSCE area, members of international organisations and independent experts.

35. The mother of Pavel Sevyarynets, an activist of the Belarusian Christian Democracy party held in the detention center of the KGB, had to cancel her visit to Warsaw after being pulled over by KGB officers in Minsk. The wife of Mr Mikhalevich, a former presidential candidate, was also prevented from travelling to Warsaw for a conference on the situation in Belarus on 12 January 2011.

36. Across the country, anyone who is known to have any connection with the country's opposition is being called in for questioning by the security services. In my view, these unjustified actions of the authorities can unquestionably be described as politically motivated persecution of political opponents.

37. For their part, the authorities have tried to marginalise the protesters, presenting them as a bunch of "despicable bandits" and "hooligans" attempting to disrupt the otherwise peaceful life of the Belarusian people and trying to organise a "political upheaval that was outside all legal scenarios".¹² Information submitted by the Mission of Belarus to the Council of Europe on 3 January 2011, outlining the government position on the episodes of violence, was made available to the members of the Political Affairs Committee at its meeting on 24 January 2011 and made public.¹³

38. On 29 December 2010, the president-elect decided not to wait for his official inauguration, which took place on 21 January 2011, and appointed a new government.

39. On 31 December 2010, the Belarusian authorities sent another negative signal to the international community by signalling that there was no objective reason to prolong the mandate of the OSCE office in Minsk, which has maintained a presence in Belarus since 1998. The mandate of this office must be renewed annually by the 56 OSCE participating states and it expired on 31 December 2010. According to the Belarusian authorities, the OSCE has completed its work in the country.

40. On 9 January 2011, 14 Belarusian opposition groups decided to establish a National Co-ordinating Council of Pro-democratic Opposition, which will push for, among other things, the release of opposition activists arrested for political motives. The participants signed a declaration promising that the Council will be informing Belarusian citizens and the international community about the situation in the country, pushing for respect for the principles of the rule of law and of democracy.

41. The Council includes representatives of the United Civic Party, the Spravedlivy Mir (Just World) Belarusian Party of the Left, the Belarusian Social Democratic Hramada, the "Tell the Truth!" campaign, the Movement for Freedom, the unregistered Belarusian Christian Democracy party and the Belarusian Congress of Democratic Trade Unions. Politician Alyaksandr Kazulin, who ran for president in 2006 and later spent more than two years in prison on what was viewed as a politically motivated charge, also joined the Council.

42. Following a "warning" issued against the Belarus Helsinki Committee, on 12 January 2011, by the Ministry of Justice, this human rights group risks being shut down at any moment as one more warning suffices for this purpose. The Ministry complained that a Helsinki Committee report on restrictions faced by lawyers of political detainees to the United Nations Special Rapporteur on the Independence of Lawyers and Judges was an "attempt to discredit the Republic of Belarus in the eyes of the world."¹⁴

43. On 14 January 2011, the government-controlled newspaper *Sovetskaya Belorussiya* published what it called "previously classified" documents containing disparaging information about Mr Lukashenko's opponents and their "ties with foreign governments", as well as accusing European states, in particular Polish and German officials, of "plotting to overthrow" the government of Belarus, an accusation that Poland and Germany denied.

¹² See statements by the Belarus Foreign Ministry spokesman, Andrei Savinykh.

¹³ AS/Pol/Inf (2011) 02.

¹⁴ For the practice of ministerial "warnings" against the media and the concerns that this raises, see the information note on my visit to Minsk in August 2010, document AS/Pol (2010) 37 rev, declassified. See also the Opinion prepared by the Venice Commission, upon the request of the Assembly, "on the warning addressed to the Belarusian association of journalists on 13 January 2010 by the Ministry of Justice of Belarus" and adopted by the Venice Commission at its 85th Plenary Session (Venice, 17-18 December 2010), document CDL-AD(2010)053 rev.

3. Reactions of the international community¹⁵

44. President Lukashenko has faced strong criticism from the international community for the repressive measures taken in the wake of the election, resulting in a high number of what are considered as “political prisoners”. The announcement that Belarus would close the Minsk office of the OSCE did not help him win any support abroad.

3.1. Council of Europe

45. As I said earlier, I was the first representative of the Council of Europe to react on 20 December 2010, condemning the violence and calling on the authorities to release anyone detained solely for the expression of their views regarding the outcome of the election.

46. On 21 December 2010, the Secretary General of the Council of Europe, Thorbjørn Jagland, also reacted to the situation in Belarus saying that “President Lukashenko should accept that elections are an occasion for the people to choose its leaders, not the other way around”. He considered that the flaws in the presidential vote, as reported by the OSCE, and the crackdown on protesters were a regrettable sign that another opportunity to end Belarus’ self-imposed isolation in Europe might be lost. He added that the Council of Europe was “disappointed but not discouraged”, and would continue to support any genuine initiative which could help to bring Belarus closer to Council of Europe values and Council of Europe membership.

47. On 12 January 2011, the Committee of Ministers of the Council of Europe adopted a declaration asking the Belarus authorities to provide additional information on what basis the presidential candidates, journalists and human rights activists were arrested in the wake of the election. The 47 Ministers said that detainees should be immediately released and their human rights guaranteed. Political freedoms should be fully respected. The Ministers said that they would continue supporting the establishment of closer relations between the Council of Europe and Belarus only on the basis of respect for European values and principles.

48. On 18 January 2011, the Belarusian Foreign Ministry, Mr Martynov, addressed a letter to the Minister for Foreign Affairs of Turkey and Chairman-in-Office of the Committee of Ministers, Mr Davutoğlu, providing further information on the recent election, on the authorities’ response to the demonstration and on the situation of the detainees.¹⁶

49. On 19 January 2011, the Ministers’ deputies responded to a written question tabled by my colleague, Mr Pieter Omtzigt.¹⁷ The Ministers stated that “the Committee of Ministers intends to continue and if possible strengthen its co-operation activities with civil society, including the independent media, in Belarus. The relations with the authorities of that country will be guided by the follow-up they will give to the statement of the Committee of Ministers, in particular regarding the immediate release of the presidential candidates, journalists and human rights activists arrested in the wake of the election”.

3.2. European Union

50. In a joint statement issued on 23 December 2010, European Union High Representative Catherine Ashton and United States Secretary of State Hillary Clinton urged Belarus to release presidential candidates and others detained after the election. They regretted that “the elections and their aftermath – particularly the continuing detention of presidential candidates and new detentions and raids targeting the media – represent[ed] a step backwards in the development of democratic governance,” and called for the immediate release of all the detained candidates. However, they added that the United States and the European Union remained willing to help Belarus meet its commitments on human rights and basic freedoms.

51. In the European Union, steps are under way to launch discussions of the possible renewal of European Union visa sanctions against top Belarus officials. The 27 European Union ministers’ meeting on 31 January 2011 might reintroduce sanctions against the Belarusian authorities through the possible reintroduction of a visa ban for the Belarus president and other officials.

¹⁵ See also document AS/Pol/Inf (2011) 04.

¹⁶ AS/Pol/Inf (2011) 02.

¹⁷ Written Question No. 592 tabled by Mr Omtzigt to the Committee of Ministers on “Unfair presidential elections in Belarus”.

52. On 14 January 2011, the European Union Commissioner for Enlargement, Mr Štefan Füle, said that the European Union's objective was to obtain the release of political prisoners and the safety of all those detained. He added, however, that a balance between sending a clear message of condemnation to the authorities and reinforcing contact with the Belarusian people must be achieved. In January 2011, the European Union High Representative, Ms Ashton, met with a number of representatives of the opposition and the wider public in Belarus, including relatives of those detained and also with Belarus' Foreign Minister, Mr Martynov.

53. Speaking at the European Parliament on 19 January 2011, Ms Ashton said that "the events we witnessed were an affront to our vision of respect for human rights, fundamental freedoms and democracy. In addition to the unwarranted use of force, the electoral process as a whole was clearly undermined by the detention of civil society and opposition representatives". Ms Ashton stressed that the respect for human rights and fundamental freedoms was at the core of European Union foreign policy, and of the Eastern Partnership, and was part of a set of common values that the European Union shared with its closest partners. She also underscored that the European Union was set to adopt "targeted measures" against the Belarusian government, possibly including a travel ban on President Alexander Lukashenko.

54. In 2006, President Lukashenko had already faced a visa ban and had his assets frozen, following the contested presidential elections at the time. Thirty-four officials were also included in this European Union blacklist, following the arrest of Alyaksandr Kazulin, the presidential candidate in 2006. European sanctions did not include economic sanctions in an effort to prevent penalising the whole country. Two years later, in 2008, the European Union lifted reprisal measures, suspending the visa ban, following the Belarus government's decision to release several political prisoners.

55. In addition to visa bans, European Union measures might include: a review of the country's participation in the European Union's Eastern Partnership; continued pressure for the release of all Belarusians detained in the post-election crackdown who are to be treated as political prisoners; and assistance to those arrested and to their families.

56. On 12 January 2011, the European Parliament discussed the Belarus crisis during an extraordinary meeting of the Committee on Foreign Affairs in association with the Subcommittee on Human Rights, the Delegation for relations with Belarus and the Delegation to the Euronest Parliamentary Assembly. On behalf of the European Parliament's Delegation for relations with Belarus, Mr Protasiewicz condemned the use of brutal force against candidates and activists and called upon the Belarusian authorities to refrain from all forms of repression.

57. On 20 January 2011, the European Parliament adopted a resolution calling on the European Union to impose a travel ban and assets freeze on Belarusian government officials, members of the judiciary and security officers involved in the government's violent post-election crackdown. According to the MEPs, lifting these measures should be conditional upon the release of the government's political opponents.

58. The European Parliament also called on the European Union to ease visa access to the European Union member states for Belarusian citizens and amplify its financial support to independent media and NGOs promoting democracy and opposing the regime. MEPs called for the European Commission's assistance to state-owned media in the country to be halted and for the NGOs banned in the country to be able to benefit from European Union programmes. Furthermore, the European Parliament demanded a re-run of the December presidential election in accordance with international standards.

3.3. OSCE

59. The OSCE Chairperson-in-office, the Lithuanian Foreign Minister, Audronius Ažubalis, reiterated in a meeting on 5 January 2011 in Vilnius, that he considers it crucial that the OSCE be able to continue operating a field operation in Belarus. Lithuania has started diplomatic consultations with OSCE participating states in an effort to find ways to enable the OSCE to continue its work in Belarus.

60. The OSCE Representative on Freedom of the Media, Dunja Mijatovic called, on 5 January 2011, for an end to the attacks on independent media in Belarus and urged the authorities to immediately release imprisoned journalists.

61. On 11 January 2011, the Chair of the OSCE Parliamentary Assembly Ad Hoc Working Group on Belarus, Uta Zapf, called for dialogue among political forces in Belarus. While appealing to the authorities to cease harassment of opposition politicians, media and civil society representatives, Ms. Zapf stressed the importance of continued participation in the OSCE process and the need to find peaceful, inclusive solutions

to political problems in Belarus. Ms Zapf also expressed her strong support that the OSCE Office in Minsk be able to continue its operations under its established mandate.

3.4. *United Nations*

62. On 10 January 2011, United Nations Secretary-General, Ban Ki-moon, called for the release of former presidential candidates and other opposition figures detained in Belarus following the post-election protest. He noted the serious concern of observers over the electoral process and subsequent developments and expressed his concern about the continued detention of journalists, opposition candidates and their supporters.

3.5. *Others*

63. On 20 December 2010, Foreign Ministers Radosław Sikorski of Poland and Guido Westerwelle of Germany issued a joint statement condemning the beating and detention of the opposition leaders. They called on the Belarusian authorities to release immediately those who have been arrested and to enter into dialogue with the opposition. In view of the findings of the OSCE/ODIHR election assessment, they considered the elections a severe setback for the democratic ambitions of the people of Belarus.

64. On 23 December 2010, the Foreign Ministers of the Czech Republic, Germany, Poland and Sweden published a joint article in which they condemned police brutality. "There can be no business-as-usual between the European Union and Belarus' president, Aleksandr Lukashenko, after what has happened since the presidential election in Belarus last Sunday. ... Continued positive engagement with Mr Lukashenko at the moment seems to be a waste of time and money ... He has made his choice – and it is a choice against everything the European Union stands for."¹⁸

65. On 18 January 2011, Poland introduced an entry ban targeting a number of Belarusian government officials and has encouraged other European countries to follow suit.

66. The United States announced that it supports the European Parliament resolution calling for sanctions against the Belarusian leadership and that it is ready to take similar measures to restore sanctions that had previously been lifted.

67. On 21 January 2011, several European Union ambassadors accredited in Minsk boycotted the ceremony of inauguration of the president of Belarus and took part in an international conference in Vilnius on Belarus' post-election crackdown on the opponents.

4. **Further steps**

68. Like the vast majority of the representatives of the international community, I am deeply concerned by the unprecedented wave of violence, intimidation, arrests and prosecution of political opponents, human rights defenders, media workers and citizens of Belarus, which are ongoing.

69. It is difficult to find grounds to boost relations with Belarus, even though the prospects of such a boost seemed more realistic and feasible before the elections. I am personally convinced that President Lukashenko has done himself a major disservice. The vilification of his opponents and their exclusion from the political arena undermines his declared political project to build a "strong and prosperous" Belarus.

70. I am still convinced that badly needed reforms in Belarus can only be carried out with the full commitment of the democratic forces of Belarus, civil society representatives and human rights defenders, but also with the establishment and government officials.

71. The violent repression of the political protest in the aftermath of the presidential election represents a clear step backwards and an outright disregard for the core values upheld by the Council of Europe. It shows that our policy of engagement, as set out in Resolution 1671 (2009), has regrettably not resulted in positive changes.

72. In the light of the above, the Assembly simply cannot disregard recent and ongoing events and continue with "business as usual".

¹⁸ Lukashenko the Loser, by Carl Bildt, Karel Schwarzenberg, Radosław Sikorski and Guido Westerwelle, *The New York Times*, 23 December 2010.

73. The Assembly should, in particular, call on the Belarusian authorities to:

- immediately release all opposition candidates and their supporters, journalists and human rights defenders detained on political grounds;
- cease harassment and intimidation of opposition politicians, media and civil society representatives;
- conduct a transparent investigation into the abusive use of force by police and security forces against the demonstrators;
- stop expelling students from universities and dismissing people from their work place due to their participation in the protest;
- reconsider their decision to close the OSCE office in Minsk and extend its mandate in 2011 and subsequently;
- complete the reform process of the electoral legislation and practice by taking into account the full set of recommendations of the OSCE/ODIHR and the European Commission for Democracy through Law (the Venice Commission).

74. I remain convinced that any sanctions and restrictions in contacts and interactions with those responsible for the events, including the country's highest officials, should not lead towards further isolation of the Belarusian people. The Assembly should therefore strengthen dialogue with Belarus' democratic forces, civil society, opposition groups, free media and human rights defenders. In the same vein, the Assembly should call on all Council of Europe member states to:

- foster exchange programmes for Belarusian opposition political parties and conferences in support of Belarusian democracy;
- maintain and foster dialogue with Belarus' civil society and invest in people-to-people contacts with Belarus at multiple levels;
- consider facilitating the granting of visas to the ordinary citizens of Belarus;
- encourage universities to open their doors to Belarusian students who have been expelled for political activities;
- support the continuation of the OSCE's office in Minsk under its established mandate.

75. As far as its own relations with Belarus are concerned, it is worth recalling that the Parliamentary Assembly, in its Resolution 1671 (2009) on the situation in Belarus, adopted in June 2009 (rapporteur: Mr Andrea Rigoni, Italy, ALDE), responded to some improvements in the situation in Belarus and set out a new course of engagement and openness in its relations with the Belarusian authorities, while continuing to support the strengthening of Belarusian NGOs and civil society. The Assembly therefore asked the Bureau to lift the suspension of special guest status for the Parliament of Belarus provided that a moratorium on the execution of the death penalty was decreed, and reiterated its conviction that "dialogue can be sustained only through Belarus' continuous progress towards Council of Europe standards".

76. As already mentioned above, in April 2010, following a debate under urgent procedure prompted mainly by the execution of two prisoners in March 2010,¹⁹ the Assembly, in its Resolution 1727 (2010), decided to put on hold the Assembly's activities involving high-level contacts between itself and the Belarusian authorities. On that occasion, the Assembly reiterated that there cannot be progress on dialogue without progress towards Council of Europe standards.

77. In view of the current additional serious setbacks, I propose that the Assembly:

- reaffirms its decision to put on hold its activities involving high-level contacts with the Belarusian authorities;

¹⁹ In the draft resolution and report presented by the Committee of Legal Affairs and Human Rights on the death penalty in Council of Europe member and observer states: a violation of human rights (see Doc. 12456, rapporteur: Ms Renate Wohlwend), the Committee reiterates earlier calls on the Belarusian authorities to declare a moratorium on executions without further delay and take the necessary steps to abolish the death penalty in law.

– calls on the Bureau of the Assembly not to lift the suspension of the special guest status of the Parliament of Belarus until:

- a moratorium on the execution of the death penalty has been decreed by the competent Belarusian authorities;
- there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.