



Doc. 12503

26 January 2011

The situation in Belarus in the aftermath of the presidential election

Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Christos POURGOURIDES, Cyprus, Group of the European People's Party

1. Conclusions of the committee

The Committee on Legal Affairs and Human Rights welcomes the Political Affairs Committee's report on the situation in Belarus in the aftermath of the presidential election and fully subscribes to all the points made in the draft resolution. In order to further strengthen the text, it suggests adding some specific points concerning legal and human rights matters, including references to the continuing failure to investigate high-profile disappearance cases, which were already the subject of a report of the Parliamentary Assembly, and to the use of "smart sanctions" against those personally responsible for the repression.

2. Proposed amendments

Amendment A

In the draft resolution, after paragraph 6.6, add the following new sub-paragraph:

"hold to account the alleged perpetrators of the disappearances of Yuri Zakharenko, Victor Gonchar, Anatoly Krasovsky and Dmitri Zavadsky in line with Resolution 1371 (2004)."

Amendment B

In the draft resolution, after paragraph 6.6, add the following new sub-paragraph:

"declare a moratorium on executions as the first step towards the abolition of the death penalty, in line with Resolution 1671 (2009)."

Amendment C

In the draft resolution, after paragraph 7, add the following new paragraph:

"The Assembly is also convinced of the usefulness of smart sanctions targeting those personally responsible for the most flagrant acts of repression, provided they are inflicted following a fair and transparent procedure. It therefore invites all Council of Europe member states, including those which are not members of the European Union, to join the European Union's targeted sanctions against Belarusian officials."

¹ Reference to committee: Reference 3727 of 24 January 2011. Reporting committee: Political Affairs Committee. See Doc. 12494. Opinion approved by the committee on 26 January 2011.

Amendment D

In the draft resolution, after paragraph 8.4, add the following new sub-paragraph:

"encourage and support efforts to collect and preserve evidence against perpetrators of serious human rights violations in view of targeted sanctions and future criminal prosecutions."

3. Explanatory memorandum by Mr Pourgourides, rapporteur for opinion

1. All the points raised in the draft resolution, which focuses on the repression in the context of the recent presidential election, deserve the full support of the Committee on Legal Affairs and Human Rights. The Assembly's text can be further reinforced by adding two issues to the list of exhortations addressed to the Belarusian authorities in paragraph 6 (to hold to account the perpetrators of the high-profile disappearances already denounced in a separate report of the Assembly, and to declare a moratorium on executions). The extension of "smart sanctions" against those personally responsible for the most flagrant acts of repression also to those member states of the Council of Europe which are not members of the European Union would enhance their efficiency, as would efforts to collect and preserve information and evidence on such acts of repression. As to the list of preconditions for reopening special guest status of the Belarusian parliament in paragraph 10 of the draft resolution, it is understood that the release of the persons arrested in the wake of the repressive measures that were rightly denounced in paragraphs 2 and 6.1 of the draft resolution is covered by the requirement of democratic progress already foreseen in paragraph 10.

Amendment A:

2. In Resolution 1371 (2004) on disappeared persons in Belarus,² the Assembly requested the Belarusian authorities, *inter alia*, to "initiate criminal investigations with a view to clarifying, and punishing, as the case may be: a. the alleged involvement of the current General Prosecutor, Mr Sheyman, the current Minister for Sports and Tourism (previously Minister of the Interior), Mr Sivakov, and a high-ranking officer of the special forces, Mr Pavlichenko, in these disappearances" (paragraph 10.2), and held that "[u]ntil substantial progress is made regarding its demands under paragraphs 10 and 11 above, the Assembly does not consider it appropriate to reconsider the suspension of Special Guest status in favour of the Belarusian Parliament, as decided by the Bureau on 13 January 1997". (paragraph 12)

3. Whilst the high-level officials named in the Assembly's report were gradually removed from public view, no progress has been made to date in holding them to account through the initiation of criminal investigations as requested by the Assembly.

Amendment B:

4. The request for a moratorium on executions is rightly mentioned as one of the preconditions for lifting the suspension of the special guest status for the Parliament of Belarus in paragraph 10.1. For completeness' sake it should also appear in the list of requests addressed to the Belarusian authorities in paragraph 6.

Amendment C:

5. "Smart sanctions" (including visa bans and account freezes) targeting those personally responsible for the most flagrant acts of repression have been imposed by the European Union Council on a number of high-level officials in Belarus, including those named in Resolution 1371 (2004) as suspects in the above-mentioned (Amendment A) high-profile disappearance cases. In Resolution 1606 (2008) on abuse of the criminal justice system in Belarus, the Assembly has already endorsed the use of targeted sanctions against Belarusian officials.³

² Disappearances of Yuri Zakharenko, former Minister of the Interior, Victor Gonchar, former Vice-President of the Parliament of Belarus, Anatoly Krasovsky, businessman, and Dmitri Zavadski (journalist), see Doc. 10062, report of the Committee on Legal Affairs and Human Rights (Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD)

³ See Resolution 1606 (2008), paragraph 9.2; Doc. 11464, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Christos Pourgourides (Cyprus, EPP/CD).

6. As the Assembly pointed out in its report on United Nations Security Council and European Union blacklists,⁴ a fair and transparent procedure must ensure the credibility and effectiveness of targeted sanctions. With this proviso, such measures are an excellent tool to send a clear message to the regime of Mr Lukashenko without causing further isolation of the Belarusian people, a concern rightly raised in paragraph 7 of the draft resolution.

7. In view of the Council of Europe's role as Europe's human rights watchdog, it is only logical that all its member states, including those which are not members of the European Union, join the European Union's targeted sanctions.

Amendment D:

8. The call for measures to collect and preserve evidence against perpetrators of serious human rights violations in view of targeted sanctions and future criminal prosecutions echoes that made in Resolution 1606 (2008) for the identification, in a fair and transparent manner, of officials responsible for abuses.⁵

⁴ See Resolution 1597 (2008); Doc. 11454, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Dick Marty (Switzerland, ALDE)

⁵ Paragraph 9.3.3.