



EUROPEAN PARLIAMENT

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Plenary sitting

29.2.2012

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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the death penalty in Belarus, in particular the case of Dzmitry Kanavalau and Uladzislau Kavalyou

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on behalf of the PPE Group

European Parliament resolution on the death penalty in Belarus, in particular the case of Dzmitry Kanavalau and Uladzislau Kavalyou

The European Parliament,

- having regard to the its resolution of 17 December 2009 on Belarus and to its other resolutions, in particular those of 13 September 2011, 12 May 2011, 10 March 2011, 20 January 2011;
- having regard to the its resolution of 7 October 2010 on the World day against the death penalty as well as to its previous resolutions on the abolition of the death penalty, in particular that of 26 April 2007 on the initiative for a universal moratorium on the death penalty;
- having regard to the United Nations General Assembly Resolution 65/206 of 21 December 2010 calling for a moratorium of the death penalty as well as to its previous resolutions in 2007 and 2008 on the death penalty;
- having regard to the OSCE Parliamentary Assembly Resolution on death penalty of 6-10 July 2010;
- having regard to the Council of European Parliamentary Assembly Resolution 1857 (2012) on the situation in Belarus of 25 January 2012;
- having regard to the Statement by EU High Representative Catherine Ashton on the death sentences in Belarus of 1 December 2011;
- having regard to the EU Foreign Affairs Council decision of 23 January 2011;
- having regard to Rule 122 of its Rules of Procedure,

- A. whereas Belarus remains the only country in Europe, which exercises the death penalty and still carries out executions;
 - B. whereas the most recent death sentences were handed down on 30 November 2011 against Dzmitry Kanavalau and Uladzislau Kavalyou by the Supreme Court of the Republic of Belarus for allegedly committing terrorist attacks in 2005 in Vitebsk, in 2008 in Minsk, and in the Minsk metro in April of 2011;
 - C. whereas, there are facts showing that prosecutors and the Belarus Supreme Court held an unfair trial and the investigation was marred by serious human rights abuses and intentional disregard of important evidence indicating the innocence of the two men: 7-hour interrogation without presence of the lawyer, torture during the interrogations in order to extract confession, unclear and tampered video extracted not according to the law, no evidence identifying Dzmitry Kanavalau presented (the fact confirmed by FSB experts (Federal Security Service of the Russian Federation)), no traces of explosive material found on the clothes or bodies of the men;
 - D. whereas all the important evidence that the prosecution referred to during the trial was destroyed immediately after the Supreme Court announced its decision;
 - E. whereas Mr. Kanavalau's parents have been intimidated and controlled by secret service officers and men in plain clothes have been permanently present near their house thus depriving them [parents] of the possibility to communicate to the outer world for months already;
 - F. whereas death penalty still remains a "state secret" in Belarus and, according to the Belarusian Criminal Executive Code, the dates of the executions are unknown to the death row inmates, the families of the convicted and the public; whereas the death penalty is carried out in private by means of shooting, the body of an executed person is not given for burial to his or her relatives and the place of burial is not communicated;
 - G. whereas the execution of Mr. Kanavalau and Mr. Kavalyou can be carried out any moment from now;
 - H. whereas Uladzislau Kavalyou asked President Lukashenka for clemency denying all the charges and demanding to release him from criminal responsibility but received no response so far;
- 1. Reiterates that the European Union and other international institutions have repeatedly urged Belarusian authorities to abolish the death penalty;
 - 2. underlines that such an irreversible, cruel, inhumane and degrading punishment, which violates the right to life, is unacceptable to states respecting human rights, and deplores the continuing failure of Belarusian authorities to take any tangible steps towards abolition of the death penalty or the introduction of a moratorium on it;

3. condemns the death sentences of Mr. Kavalyou and Mr. Kanavalau and urges President Lukashenko to pardon both men and establish a moratorium on all death sentences and executions with a view to abolishing the death penalty in compliance with international standards;
4. calls on the competent authorities in Belarus to carry out a full fair and impartial investigation of the allegations made in this context and to ensure true justice for the victims of the heinous acts of terrorism in question;
5. calls on the Belarusian authorities to resume the work of the parliamentary working group on the death penalty started in 2010, to bring domestic legislation in line with the country's obligations under international human rights treaties and to ensure that the internationally recognised standards for fair trials are rigorously respected;
6. Welcomes the EU Foreign Affairs Council decision of 23 January 2012 to broaden sanction criteria that pave the way for future designations of those responsible for serious human rights violations or the repression of civil society and the democratic opposition in Belarus and reiterates that there cannot be any progress on EU-Belarus dialogue without progress of Belarus towards democracy, human rights and rule of law;
7. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, President Lukashenko, the Government and Parliament of the Republic of Belarus, the Council of Europe and the Organisation for Security and Cooperation in Europe.