



8.3.2011

B7-0185/2011

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 Belarus: in particular the case of Ales Michalevich and Natalia Radzina

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on behalf of the PPE Group

European Parliament resolution on Belarus: in particular the case of Ales Michalevich and Natalia Radzina

The European Parliament,

- having regard to its previous resolutions on Belarus, in particular the resolution of 20 January 2011 on the situation in Belarus, the resolution on the situation of civil society and national minorities in Belarus of 10 March 2010, and the resolution on the arrest of political opponents in Belarus of 22 May 2008,
 - having regard to the Council conclusions on Belarus adopted at the 3065th Foreign Affairs Council meeting of 31 January 2011,
 - having regard to the Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus,
 - having regard to Resolution 1790 (2011) of the Parliamentary Assembly of the Council of Europe on the situation in Belarus in the aftermath of the presidential election of 27 January 2011,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
 - having regard to the Declaration by the High Representative of 3 March 2011 on behalf of the European Union on the alignment of certain third countries with the Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, as amended by Council Decision 2011/69/CFSP,
 - having regard to the statements by the EU High Representative Catherine Ashton, in particular the one of 18 February 2011 on the conviction and sentencing of Belarusian opposition representatives and her remarks on Belarus of 19 January 2011 to the European Parliament,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Minsk City Prosecutor's office has extended to five months the period of investigation of a so called "mass riot" case connected to events of 19 December 2010, whereas the trials of presidential candidates, opposition activists, human rights defenders and journalists instigated in connection with this case have been politically driven,
- B. whereas 38 persons remain subject to investigation in the criminal case of "mass riot" (26 of them are detained in prison, two are under house arrest and nine more have

been released on recognizance not to leave the country), 12 more are cited as suspects in the case (2 of them are abroad and the overwhelming majority had to give a written commitment not to leave the country), two young activists are being held in custody on charges of rampant hooliganism,

- C. whereas Aliaksandr Atroshchankau, the press-secretary of the electoral team of ex-presidential candidate Andrei Sannikau recognized as a “prisoner of conscience” by Amnesty International, Aliaksandr Malchanau, Dzmitry Novik, Vasil Parfiankou, activists in the electoral campaigns of democratic opposition candidates Uladzimir Niakliayeu and Andrei Sannikau, were convicted and given sentences of three to four years' imprisonment in a high-security colony in connection with the demonstrations held on 19 December 2010, whereas, as stated by their lawyers, the authorities failed to prove their guilt,
 - D. whereas Ales Mikhalevich, one of the seven presidential candidates detained in the aftermath of Election day, after being released on his own responsibility on condition that he cooperate with the KGB service, retracted this pledge, at his own risk, and made a public statement containing allegations about the KGB and revealing the facts about severe conditions and various “sophisticated” methods of physical and mental torture applied by secret services in order to force prisoners to sign statements containing the relevant “prejudicial evidence” and other confessions,
 - E. whereas Tatyana Radzina, the editor of the “Charter 97” news portal, who was also detained in the aftermath of elections and has been recently released on condition that she would not leave the country, made a public statement corroborating the allegations made by Ales Mikhalevich,
 - F. whereas the lawyers of the detained have been repeatedly denied meetings with them, whereas, as a result of threats from the KGB, they were forced to withdraw from their cases and later, for these reasons, the Justice Ministry revoked their licenses,
 - G. whereas the OSCE Parliamentary Assembly Ad Hoc Working Group on Belarus was refused authorisation by the Belarusian authorities to visit Belarus, although its sole intention was to study the situation in the country after the Presidential elections,
 - H. whereas Aliaksandr Lukashenka stated on 21 February 2010 that he would not hesitate to use the Armed Forces to “*restore constitutional order*” in the country,
1. Expresses its full support for Mr. Mikhalevich’s and Ms. Radzina’s intention to reveal the truth to the public and to speak up on behalf of all the other imprisoned and tortured who are being deprived of the contact with their lawyers and families;
 2. Condemns in the strongest possible terms the use of torture and brutal force by the KGB and secret services and considers such unlawful actions of the Belarusian authorities and KGB as an atrocious abuse of human rights and an infringement not only of Belarusian laws but also of international agreements; in this context, is shocked that “inhuman treatment” and totalitarian ways and methods of conducting

interrogations are still being used in this European country, one of the closest neighbours of the European Union and a country that has been invited by the EU to participate and benefit from the Eastern Partnership; points out, in this context, that Belarus appears to be the only country violating basic values and principles;

3. Condemns the Belarusian authorities for failing to provide unhindered access for the detainees to legal and, above all, medical assistance;
4. Demands that the Belarusian authorities stop this travesty of justice and conduct an independent investigation into the facts of violence, brutal treatment and torture against the '19 December detainees' and to conduct an urgent check on the conditions of confinement in the KGB pre-trial detention of presidential candidates and members of their teams, as well as the KGB's methods of investigation; believes that the participation of international experts in such an investigation is required;
5. Condemns the sentences of the above mentioned four activists finding them unjustifiably severe; in this regard, calls on the Belarusian authorities to release all the prisoners of conscience, political prisoners, arrested preventively during the events of 19 December 2010 and after its dispersal, and to withdraw all the politically motivated accusations against them;
6. Expresses its concern over the trial of Russian citizens Artyom Breus and Ivan Gaponov charged in connection with events of 19 December 2011 and accused of mass riot accompanied by pogroms and armed resistance to officials and of beating policemen;
7. Condemns the dismissal of Alyaksandr Pylchanka, the Chairman of the Minsk City Bar Association, by the Justice Minister, for expressing his concern about the ministry's decision to revoke the licenses of four lawyers involved in a so-called riot cases as ungrounded and as a proof that there is a real threat to the independence of the bar as a legal institution and to the independence of every individual lawyer;
8. Calls on the Council, Commission, the EU High Representatives and other EU partner countries to consider extending restrictive measures to prosecutors, judges and KGB representatives connected with human rights abuses in Belarus and to consider introducing restrictive measures of an economic nature (arms trade, oil and chemical industry) unless repression in this country is immediately brought to an end and considerable progress made in the areas of human rights and fundamental freedoms;
9. Calls on the Council to take a decision suspending Belarusian participation in the Eastern Partnership activities until genuine changes have taken place in Belarus, starting with unconditional liberation of all members of political opposition; this suspension does not apply to NGOs and civil society;
10. Welcomes the commitment of nine more countries, such as Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Serbia, Iceland, Liechtenstein and Norway to join the decision of the European Union on restrictive measures concerning certain officials of Belarus;

11. Underlines that Belarus is welcome in the European family as long as the rule of law, democracy and human rights are respected in this country;
12. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, to the Council, the Commission, the governments of the Member States, the President, Government and Parliament of Belarus and the Parliamentary Assemblies of the Council of Europe and the OSCE.