



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

3.7.2012

B7-0393/2012

MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on Freedom of expression in Belarus: in particular the case of Andrzej Poczobut
(2012/2702(RSP))

José Ignacio Salafranca Sánchez-Neyra, Cristian Dan Preda, Elmar Brok, Filip Kaczmarek, Jacek Protasiewicz, Krzysztof Lisek, Mario Mauro, Bernd Posselt, Daniel Caspary, Roberta Angelilli, Tunne Kelam, Monica Luisa Macovei, Eija-Riitta Korhola, Sari Essayah, Sergio Paolo Francesco Silvestris, Laima Liucija Andrikiienė, Paweł Zalewski, Lena Kolarska-Bobińska, Zuzana Roithová, Anna Záborská, Róza Gräfin von Thun und Hohenstein, Bogusław Sonik
on behalf of the PPE Group

B7-0393/2012

European Parliament resolution on Freedom of expression in Belarus: in particular the case of Andrzej Poczobut (2012/2702(RSP))

The European Parliament,

- having regard to its previous resolutions on Belarus, in particular those of 29 March 2012¹, 14 February 2012², 15 September 2011³, 12 May 2011⁴, 10 March 2011⁵, 20 January 2011⁶, 10 March 2010⁷ and 17 December 2009⁸,
- having regard to the Conclusions of the European Council of 1-2 March 2012, expressing its deep concern over the further deterioration of the situation in Belarus,
- having regard to Council Decision 2012/126/CFSP of 28 February 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus⁹,
- having regard to the statement A 298/12 of 28 July 2012 by High Representative Catherine Ashton deeply concerned about numerous reports over the last weeks of acts of harassment of representatives of civil society, the opposition and independent media in Belarus, including the sentencing of Vasil Parfyankow to six months' detention, and last week's arrest of journalist Andrzej Poczobut for alleged libel against the President, at a moment when Belarus prepares for parliamentary elections in September.
- having regard to the statement of 28 February 2012 by High Representative Catherine Ashton on her decision and that of the Polish Government to recall the Head of the EU Delegation in Minsk and the Polish Ambassador to Belarus respectively,
- having regard to the Council Decision 2012/36/CFSP of 23 January 2012 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus,
- having regard to Council of Europe Parliamentary Assembly resolution 1857 (2012) of 25 January 2012 on the situation in Belarus, which condemned continuous persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus,
- having regard to UN Human Rights Council resolution 17/24 of 17 June 2011 on the situation of human rights in Belarus, which condemned the human rights violations before, during and after the presidential elections in Belarus and called on the Government of Belarus to end the 'persecution' of opposition leaders,

¹ Texts adopted, P7_TA(2012)0112.

² Texts adopted, P7_TA(2012)0063.

³ Texts adopted, P7_TA(2012)0392.

⁴ Texts adopted, P7_TA(2011)0244.

⁵ Texts adopted, P7_TA(2011)0099.

⁶ Texts adopted, P7_TA(2011)0022.

⁷ OJ C 349E, 22.12.2010, p. 37.

⁸ OJ C 286 E, 22.10.2010. p. 16.

⁹ OJ L 55, 29.2.2012, p. 19.

- having regard to the declaration of the Eastern Partnership Summit adopted in Prague on 7-9 May 2009 and the Declaration on the situation in Belarus adopted on the occasion of the Eastern Partnership Summit in Warsaw on 30 September 2011,
 - having regard to the joint statement made by the Ministers of Foreign Affairs of the Visegrad Group, Estonia, Latvia and Lithuania in Prague on 5 March 2012,
 - having regard to the statement made by the Belarusian National Platform of the Eastern Partnership Civil Society Forum in Minsk on 2 March 2012,– having regard to Council conclusions on Belarus adopted during 3101st Foreign Affairs Council meeting on 20 June 2011,
 - having regard to the Universal Declaration of Human rights of 1948 and United Nations Declaration on Human Rights Defenders of December 1988,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Mr Andrzej Poczobut a journalist for the Polish daily Gazeta Wyborcza and a prominent Polish-Belarusian minority activist, [Chairman of the Council of the Union of Poles in Belarus](#), was arrested on 21 June 2012 in the town of Grodno, Belarus
 - B. whereas Mr Poczobut's apartment in Grodno was searched by the prosecutor's office and the materials have been confiscated; whereas afterwards enforcement personnel also conducted a search at the Hrodna office of the Union of Poles, of which Mr.Poczobut is an official leaseholder, and confiscated computer equipment
 - C. whereas on the 30th of June 2012 Mr Poczobut was charged for so-called libel against President Alyaksandr Lukashenka (under Article 367 of the Criminal Code of the Republic of Belarus) for his 12 articles, published on the 'Charter97' and 'Belarusian partisan' websites, amongst other on last year's subway bombing trial.
 - D. whereas Mr Poczobut has already spent three months in prison in the past and is under a 3-year suspended prison sentence imposed on him for the same charge of allegedly insulting the President in an article published in Gazeta Wyborcza and on a Belarusian website. Thus, he faces restriction or deprivation of liberty for up to seven years and nine months, which includes the suspended offence.
 - E. Whereas on the 30th of June 2012 Mr. Poczobut was realised from custody on a signed undertaking not to leave his place of residence
 - F. whereas the current arrest on 21th June 2012 of Mr Poczobut coincided with a peaceful protest, organised by the Union of Poles under Poczobut's leadership, against forced Russification of a Polish school in Grodno by Lukashenka's regime, at which around 20 people were detained
 - G. whereas the arrest of the reporter was condemned by a number of international press organizations and politicians, including Polish Prime Minister Donald Tusk and President of the European Parliament Martin Schulz

- H. whereas the Ministry of Foreign Affairs of Poland demanded Mr Poczobut's immediate release
- I. whereas, following of arrest of Mr Poczobut in April 2011, Amnesty International recognized Poczobut as a prisoner of conscience
- J. whereas Mr Poczobut's case is a part of the broader pattern of the ongoing and longstanding harassment of civil society and polish minority and human rights defenders following the presidential elections in December 2010 and leading to a dramatic decline in human rights and civil and political liberties in Belarus,
- K. whereas a systematically reported harassment of representatives of civil society in Belarus is continuous in the country; whereas there were most recent arrests of democratic opposition activists Alyaksandr Artsybashaw and Paval Vinahradaw; detention of journalists, Aliaksandr Barazenska, Siarhei Balai, Alina Radachynskaya and Ina Studzinskay and activists of "Tell the Truth" Hanna Kurlovich, Mikhail Pashkevich, Aliaksandr Ulitsionak and Siarhei Vazniak
- L. whereas Mykola Statkevych, the former candidate for president, has been transferred to the solitary confinement in Mahilou prsion;
- M. whereas since the beginning of March, 15 opposition politicians, independent journalists and human rights defenders have been denied their right to leave the country under various pretexts, while the Belarusian authorities were reportedly considering drafting a list of 108 human rights and opposition activists, with a view to banning them from leaving the country
- N. whereas an addendum to the Law on Entry and Exit Procedures to and from the Republic of Belarus effective as of the end of May 2012 states that every person whose name is registered on the national criminal blacklist can have their right to leave Belarus temporarily restricted.
- O. whereas it is feared that the Belarusian authorities' attempts to file criminal cases against opposition activists have become a pretext to legally ban them from leaving the country and interacting with United Nation and other mechanisms
1. Strongly condemns the recent arrest and allegations against a Mr Poczobut a journalist for the Polish daily Gazeta Wyborcza
 2. Welcomes the release of Mr. Poczobut from custody and demands that the investigation and all the charges against him be dropped;
 3. Expresses its deep concern over the deteriorating situation of human rights defenders in Belarus, and condemns all threats against journalists and individuals making use of their right to freedom of expression

4. Underlines that the Belarusian authorities should not be invited to participate in the Fourth Eastern Partnership Foreign Ministers' meeting on 23-24 July in Brussels unless all the political prisoners are released,
5. Calls on the end of judicial harassment against journalists, members of the civil society and human rights defenders and calls on the authorities of Belarus to reverse the current repressive policies,
6. Expresses its deep concern over the deteriorating situation of human rights defenders and national minority activist in Belarus; this specific case reflects the worrying trend against the Polish minority in particular.
7. Believes, in this context, given the unprecedented crackdown on civil society in Belarus following the Presidential elections in December 2010, that the case against Mr Poczobut is politically motivated and intends to obstruct his legitimate work as a journalist and national minority leader;
8. Expresses its deep concern over the given suspended sentence of three years in jail for similar alleged "offenses". Is worried that the suspension may be lifted. A suspended sentence means that he may be returned to jail at any time at the full discretion of Lukashenko's regime if authorities decide that he has again "broken the law" while performing his journalistic work. It effectively constitutes a form of intimidation and an attempt to force Poczobut and Gazeta Wyborcza to engage in self-censorship.
9. Deplores that the Belarusian authorities make impossible for the polish journalist to operate, by introducing repressive laws aiming to silence civil society activities, and then use the threat of criminal sanctions to intimidate human rights defenders and minority activists;
10. Considers that the Belarusian law as well as the international mechanisms have been intentionally misused and treated instrumentally by the Belarusian authorities;
11. Calls on the Belarusian authorities to comply with all the provisions of the United Nations Declaration on Human Rights Defenders;
12. Calls on the Belarusian authorities to ensure in all circumstances the respect for democratic principles, human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Belarus;
13. Urges the Belarusian authorities to reform the law and to bring Belarusian legislation, in particular on freedom of association and freedom of expression, in conformity with international standards and, meanwhile, to refrain from its further misuse, which included jailing political opponents and silencing journalists and harassment of independent defense lawyers

14. Urges to repeal amendments to a number of legislative acts, adopted by the Belarusian Parliament in October 2011, that further restrict freedoms of association, assembly, opinion and expression
15. Urges to stop a short-term arbitrary detentions and arbitrary travel bans, which appear aimed at intimidating human rights defenders, media, political opposition and civil society activists and preventing them from doing their work;
16. Underline that the freedom of media and freedom of expression are among the basic cornerstones of democracy, which the Belarusian authorities have committed themselves to respect.
17. Recognised the transfer of Mykola Statkevych to the solitary confinement as a repression and an attempt to force him to sign a request for clemency, therefore calls the European Commission and EEAS for intervention in his case;
18. Stresses that potential EU engagement with Belarus is a subject to strict conditionality and contingent on a commitment by Belarus to respect human rights and the rule of law, as stated in the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009, co-signed by the Belarusian Government;
19. Calls on the EU Member States, in view of the current events, to discuss the situation in Belarus and reconsider broadening of sanctions by expanding its list of Belarusians subject to the visa ban and asset freeze;
20. 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, the Council, the Commission, the governments and the parliaments of the Member States, the Parliamentary Assemblies of the OSCE and the Council of Europe and the Government and Parliament of Belarus.