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Plenary sitting

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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))

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on behalf of the S&D Group

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 2012 and 16 February 2012;
 - having regard to the statement of 28 June 2012 by the spokesperson of the EU High Representative Catherine Ashton on the situation in Belarus;
 - having regard to the Council conclusions on launching of a European Dialog of Modernisation with the Belarusian society, 3157th Foreign Affairs Council meeting, Brussels, 23 March 2012;
 - having regard to the PACE written declaration No. 523 of 26 June 2012, calling for the release of the Polish journalist, Mr. Andrzej Poczobut, from Belarusian prison;
 - having regard to the report of the UN High Commissioner for Human Rights on the situation of human rights in Belarus, 10 April 2012;
 - having regard to article 19 of the Universal Charter of Human Rights and article 19 of the International Covenant on Civil and Political Rights;
 - having regard to the European Convention on Human Rights and the EU Charter of Fundamental Rights;
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 21 June 2012 Andrzej Poczobut, the correspondent of Polish daily newspaper Gazeta Wyborcza and a prominent Polish-Belarusian minority activist, was arrested in his apartment in Grodno, western Belarus; whereas he is accused of “libelling the President” under Article 367 (2) of the Criminal Code of the Republic of Belarus for articles that were published in Belarusian independent media and could face a sentence of up to five years’ imprisonment;
- B. whereas in his articles, Andrzej Poczobut criticized the process and decision in the criminal case of Uladzislau Kavalyou and Dzmitry Kanavalau, who were executed in March 2012 in connection with a series of bomb attacks in Belarus, whereas he also criticized President Lukashenka’s stance towards the European Union and the Belarusian authorities’ response to a wave of “silent protests” in the country;
- C. whereas in March 2011 Andrzej Poczobut was charged with “insulting the President” and

- libelling the President” for articles that he had written for the Gazeta Wyborcza; whereas on 5 July 2011, he received a three-year suspended prison sentence;
- D. whereas Andrzej Poczobut’s arrest is part of a longstanding pattern of harassment of civil society activists and journalists by the Belarusian authorities;
 - E. whereas on 30 June 2012 Andrzej Poczobut has been conditionally released under his own recognizance from Hrodna prison; whereas the terms of his provisional release meant he was not allowed to leave the country and that he could be quickly and easily put back to jail;
 - F. whereas on 24 May 2012 Aleh Volchak, a Belarusian human rights defender and the leader of the human rights organization "Legal Aid to the Population", was arrested by police in Minsk; whereas on the same evening the Central District Court in Minsk sentenced him to nine days' administrative imprisonment for petty hooliganism (Article 17.1 of the Code of Administrative Offences - "swearing against the police"); whereas on the eve of the detention Aleh Volchak gave an interview expressing his opinion on the changes of the political situation in the country and calling for bringing all those involved in torture and cruel and inhuman treatment to justice;
 - G. whereas according to article 19 of the International Covenant on Civil and Political Rights, everyone has the right to hold opinions without interference and the right to freedom of expression and article 34 of the Constitution of Belarus guarantees freedom of speech; whereas independent and international media observers and journalists have consistently denounced the Government's restrictions on freedom of speech and the media;
 - H. whereas the Media Law of Belarus, which came into force in 2008, is restrictive by nature; whereas journalistic activities are controlled through various measures, such as television and radio censorship, surveillance of activities of independent journalists, and control over publishing houses;
 - I. whereas journalists from independent and opposition media are repeatedly prosecuted and convicted for their professional activities; whereas journalists in Belarus are frequently victims of intimidation and threats, physical attacks, damage or confiscation of their equipment;
 - J. whereas in the crackdown on the protests of 19 December 2010 and its aftermath, at least 21 reporters were beaten, 27 journalists were detained, and 13 were sentenced to 10 to 15 days in custody;
 - K. whereas throughout 2011, at least 95 journalists were detained during “silent protest” actions: 22 journalists stood trials in courts, 13 were sentenced to various terms of administrative arrest; whereas at the end of 2011, the authorities had further tightened Internet control, including through additional measures for Internet regulation;
 - L. whereas on 14 April 2012, opposition presidential candidate, Andrei Sannikau was released from prison following a presidential pardon and Dzmitry Bandarenka, a member of Sinnikau's campaign team, was released on 15 April; whereas the releases of prisoners

of conscience are not unconditional, as they are subject to constant surveillance by the authorities, and must report to the police about their whereabouts; whereas Andrei Sannikau was only released after he had been pressurized into signing a request for a pardon, and has been told that his criminal record will remain for 8 years;

- M. whereas four other prisoners of conscience: Zmister Dashkevich, Eduard Lobau, Pavel Sevyarynets and Mykalau Statkevich are still being held, having been convicted in March and May 2011 and sentenced to jail terms of between two and six years for their role in the December 2010 protest.
- N. whereas Belarus remains the only country in Europe which still issues death sentences and carries out executions; whereas according to human right activists, around 400 people have been executed in Belarus since 1991;
1. Urges the Belarusian authorities to guarantee in all circumstances the physical and psychological integrity of Andrzej Poczobut as well as of all political prisoners and human rights defenders in Belarus;
 2. Strongly condemns the arrest of Andrzej Poczobut and the lack of respect for the fundamental rights of freedom of expression and freedom of media by the Belarusian authorities;
 3. Stresses that deprivation of freedom because of expression of opinion does not comply with the minimum legal standards and contradicts the international legal obligations of the Republic of Belarus;
 4. Urges the Belarusian authorities to release unconditionally Andrzej Poczobut and to clear him of all charges without any delay;
 5. Calls on the Belarusian authorities to release all remaining political prisoners, who were targeted for human rights activism and the peaceful exercise of their rights to freedom of assembly and expression and are being held on unfounded charges; strongly condemns the harassment, intimidation and violence against journalists and others peacefully expressing their opinions;
 6. Welcomes the release of Andrei Sannikau and Dzmitry Bandarenka as a good step in the right direction and stresses at the same time that granting freedom on the basis of a request for clemency obtained by torture is not a way that the EU or the European Parliament can accept;
 7. Urges Belarus to conduct a comprehensive, transparent and credible investigation into all reported cases of torture and ill-treatment, and bring those responsible to justice;
 8. Calls on the Belarusian authorities to put an immediate end to all forms of pressure on journalists and media workers and to withdraw all charges against journalists prosecuted for their professional activities, and take measures to rehabilitate them;
 9. Calls on the Belarusian authorities to ensure freedom of expression and create a legal

environment and practices conducive to the effective freedom of the media and to eliminate the practice of censorship and self-censorship as well as to ensure that Internet control measures are minimal and that regulations do not lead to censorship of electronic media and freedom of speech;

10. Urges the Belarusian authorities with regard to the 2012 parliamentary elections to pursue 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 as well as in line with all international democratic norms and standards;
11. Encourages all Belarusian democratic political forces and activists engaged in the forthcoming parliamentary election campaign to focus on the many challenges facing citizens and to establish concrete programmes of policy change for improving and democratising people's lives;
12. Reiterates its firm commitment to strengthening the EU engagement with the Belarusian people and the democratic civil society and to supporting the democratic aspirations of the Belarusian people; welcomes the launching of a “European dialogue on modernisation” with the Belarusian society on necessary reforms for the modernisation of Belarus and on the related potential development of relations with the EU;
13. Reiterates the need for increased and active cooperation between the EU and its eastern neighbours in the framework of the Eastern Partnership, including its parliamentary dimension – the Euronest Parliamentary Assembly;
14. Again urges Belarus to declare an immediate moratorium on executions and to immediately announce a moratorium on the death penalty as the first step towards the abolition of capital punishment in the country;
15. 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 parliaments and governments of the Member States, the Parliamentary Assemblies of the OSCE and the Council of Europe and the Parliament and Government of Belarus.