



EUROPEAN PARLIAMENT

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Plenary sitting

3.7.2012

B7-0405/2012

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))

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on behalf of the ECR Group

B7-0405/2012

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 2012 , 14 February 2012 , 15 September 2011 , 12 May 2011 , 10 March 2011 , 20 January 2011 , 10 March 2010 and 17 December 2009 ,
- having regard to the Conclusions of the European Council of 12 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 Belarus ,
- 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 the continuous persecution of members of the opposition and 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,
- having regard to the Declaration of the Eastern Partnership Summit in Prague 7-9 May 2009 and the Declaration on the situation in Belarus adopted on the occasion of the Eastern Partnership Summit, Warsaw, 30 September 2011;
- having regard to the Rule 122 of the Rules of Procedure,

A. whereas in Belarus under the Lukashenko regime there is insufficient confidence in the rule of law, the independence of the judiciary, and the judicial processes clearly do not meet internationally recognised standards;

B. whereas in Belarus there is a pattern of the ongoing and longstanding harassment of civil society, persecution of the Polish minority and constant, flagrant human rights violations conducted by the Lukashenko's regime authorities, the police and the KGB;

C. whereas on June 14, the Belarusian Parliament adopted amendments to the law of the State security bodies, which give broad powers to the KGB including free use of coercive measures; whereas under the new legislation the KGB is able to is authorised to freely enter the private property and to arrest, with no restrictions, Belarusian citizens as well as diplomats and representatives of international institutions;

D. whereas prominent human rights activists, journalists and oppositional leaders have been prevented from leaving the country;

E. whereas Belarus has still taken no action to introduce in its legislation an article aiming to criminalise torture; whereas there is no independent monitoring system of places of detention and regarding to testimonies of regime prisoners that have been tortured while being in custody;

F. whereas on June 21, Mr Andrzej Poczobut, a journalist for the Polish daily Gazeta Wyborcza and a prominent activist of the Polish minority in Belarus was arrested in his flat, he was held in custody in Grodno and after his release he must remain under house arrest until his trial for allegedly slandering the Belarusian president; whereas his private property was searched and his computer as well as his documents and files have been confiscated;

G. whereas Mr Poczobut is reportedly facing a criminal charge for so-called libel against president Lukashenko (under Article 367 of the Criminal Code of the Republic of Belarus) for his articles which were published on the "Charter 97" and "Belarusian partisan" websites, on last year's subway bombing trial;

H. whereas Mr Poczobut is under a three-year suspended prison sentence imposed on him for the same charge of allegedly insulting the President in his article published both, in Gazeta Wyborcza and in the Internet whereas Mr Poczobut has already spent three months in prison;

I. whereas Mr. Siarhei Kavalenka has been sentenced for 2 years and 1 month in prison after placing a white-red-white flag on the top of a Christmas tree in Vitsebsk and whereas he is brutally treated in prison in order to force him to sign a request for clemency;

J. whereas on May 24, Mr Aleh Volchek - the Head of the Legal Aid to the Population, an organisation that provided legal assistance until it was liquidated in 2003 - was arrested by plain-clothed police officers who accused him of "swearing in public"; on the same day he was sentenced to nine days' administrative imprisonment under Article 17.1 of the Code of Administrative Offences ("swearing against the police"); whereas Mr. Volchek has already been sentenced in January 2012 to four days' administrative detention for allegedly using foul language in the street; whereas his name has been put on the list of those forbidden to leave Belarus;

K. whereas Mr Volchek published on the "charter 97" website an article regarding the beatings carried out by Belarusian police against young demonstrators; in the same article Mr. Volchek called on Belarusian politicians to take judicial actions on the rights to freedom of expression and beating of demonstrators by the police;

L. whereas the Norwegian Nobel Committee has registered the application nominating Mr Ales Bialatski, the Chairman of the Human Rights Centre Viasna, Vice-President of the International Federation for Human Rights and now a political prisoner in Belarus, for the

2012 Nobel Peace Prize; whereas this nomination pays tribute to all human rights defenders in Belarus and their need for democracy and rule of law in Belarus;

M. whereas on June 1 in Grodno, the manifestation against the introduction of Russian classes in Polish school nr 36 - run by the unofficial Union of Poles in Belarus - was dispersed by Belarusian police; whereas Belarusian police detained about 10 people and one of the demonstrators Mr. Igor Bancer was severely beaten by the regime forces and sentenced to 13 days in jail;

N. Whereas Mykola Statkevych, the former candidate for president of Belarus, has been transferred to the solitary confinement in Mahilou prison;

O. whereas recently the Belarusian authorities have avoided bringing criminal cases against young oppositionists, instead, they started to harass them with repeated, few days' administrative detentions;

P. whereas the European institutions apply sanctions against Belarus in the form of travel bans and assets freeze; whereas direct sanctions against particular persons is an effective way to punish those who benefit from supporting Lukashenko's regime;

1. Strongly condemns the detention, inhuman and degrading treatment of opposition figures and political prisoners conducted by the Lukashenko regime; condemns the harassment of free media, journalists, civil society and minorities organisations;

2. Calls on Belarusian authorities for the immediate and unconditional withdrawal of house arrest of Mr Andrzej Poczobut, Leader of Union of Poles in Belarus and independent journalist; and to withdraw all allegations against him;

3. Reiterates its call to immediate and unconditional release of all of the human rights defenders, members of the democratic opposition as well as independent journalists held in detention and sentenced for political reasons, including Mr Ales Bialiatski, Chair of the Human Rights Centre 'Viasna' and Vice-President of FIDH as well as Mr Siarhei Kavalenko; further urges the EU institutions and EU representatives in Belarus to do their utmost to ensure that Mr Siarhei Kavalenko has an access to an independent doctor and to medicines;

4. 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;

5. Strongly condemns all violations of the freedom of expression and the freedom of association conducted by the Belarusian authorities; stresses that the right to free expression and association are the foundations for an independent and open society;

6. Reiterates that there cannot be any progress on the EU-Belarus dialogue without a real improvement of Belarus authorities in their fulfilment of constitutional and international obligations towards democracy, human rights and rule of law;

7. Calls on the European Commission to offer and expand the dialogue with Belarusian civil society; believes that the attempt to empower Belarusian citizens is a vital milestone and the

most effective way towards democracy and rule of law in Belarus;

8. Calls on European institutions to broaden direct sanctions against supporters of Lukashenko's regime, including politicians and businessmen; feels that personalised sanctions such as the EU travel ban or assets freeze guarantee a real and measurable effect on those who have helped in and supported the persecution of the opposition members and civil society activists;

9. Calls on the Belarusian authorities to ensure respect for human rights and fundamental freedoms, in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by Belarus;

10. 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