



15.2.2012

B7-0075/2012 }
B7-0076/2012 }
B7-0078/2012 }
B7-0080/2012 }
B7-0081/2012 }
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JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

PPE (B7-0075/2012)
ECR (B7-0076/2012)
S&D (B7-0078/2012)
Verts/ALE (B7-0080/2012)
GUE/NGL (B7-0081/2012)
ALDE (B7-0083/2012)

on the death penalty in Belarus, in particular the cases of Dzmitry Kanavalau and Uladzislau Kavalyou (2012/2539(RSP))

José Ignacio Salafranca Sánchez-Neyra, Jacek Protasiewicz, Elmar Brok, Vytautas Landsbergis, Mario Mauro, Eduard Kukan, Inese Vaidere, Filip Kaczmarek, Laima Liucija Andrikienė, Jacek Saryusz-Wolski, Andrzej Grzyb, Cristian Dan Preda, Bernd Posselt, Monica Luisa Macovei, Csaba Sógor, Roberta Angelilli, Tunne Kelam, Elena Băsescu, Eija-Riitta Korhola, Sari Essayah, Zuzana Roithová, Sergio Paolo Francesco Silvestris, Giovanni La Via, Lena Kolarska-Bobińska, Bogusław Sonik, Radvilė Morkūnaitė-Mikulėnienė, Tadeusz Zwiefka

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on behalf of the PPE Group

Véronique De Keyser, Libor Rouček, Justas Vincas Paleckis, Kristian Vigenin, Marek Siwiec, Lidia Joanna Geringer de Oedenberg, Liisa Jaakonsaari, Rovana Plumb

on behalf of the S&D Group

Ivars Godmanis, Leonidas Donskis, Sonia Alfano, Gerben-Jan Gerbrandy, Kristiina Ojuland, Robert Rochefort, Ramon Tremosa i Balcells, Edward McMillan-Scott, Marielle De Sarnez, Graham Watson, Anneli Jäätteenmäki, Marietje Schaake, Izaskun Bilbao Barandica, Louis Michel, Jelko Kacin, Antonia Parvanova

on behalf of the ALDE Group

Elisabeth Schroedter, Werner Schulz, Barbara Lochbihler, Raúl Romeva i Rueda

on behalf of the Verts/ALE Group

Charles Tannock, Marek Henryk Migalski

on behalf of the ECR Group

Helmut Scholz

on behalf of the GUE/NGL Group

European Parliament resolution on the death penalty in Belarus, in particular the cases of Dzmityr Kanavalau and Uladzislau Kavalyou (2012/2539(RSP))

The European Parliament,

- having regard to the European Parliament resolution of 17 December 2009 on Belarus and to its other resolutions on that subject, in particular those of 13 September 2011, 12 May 2011, 10 March 2011 and 20 January 2011,
 - having regard to the European Parliament resolution of 7 October 2010 on the World Day against the Death Penalty and 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 United Nations General Assembly Resolution 65/206 of 21 December 2010 calling for a moratorium on the death penalty, as well as to its previous resolutions of 2007 and 2008 on the death penalty,
 - having regard to the OSCE Parliamentary Assembly resolution of 6-10 July 2010 on the death penalty,
 - having regard to Council of Europe Parliamentary Assembly Resolution 1857 (2012) of 25 January 2012 on the situation in Belarus,
 - having regard to the statement of 1 December 2011 by EU High Representative Catherine Ashton on the death sentences in Belarus,
 - having regard to EP President Martin Schulz’s statement of 24 January 2012 condemning the death sentences handed down to Dzmityr Kanavalau and Uladzislau Kavalyou,
 - having regard to the EU Foreign Affairs Council decision of 23 January 2011 concerning restrictive measures against Belarus,
 - having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
 - 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 Rule 122(5) of its Rules of Procedure,
- A. whereas Belarus remains the only country in Europe that exercises the death penalty and still carries out executions;
- B. whereas in July 2011 Aleh Hryshkautsou and Andrei Burdyka were executed when their cases were still pending before the UN Human Rights Committee and whereas, according to

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human right activists, around 400 people have been executed in Belarus since 1991;

- C. 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 2011;
- D. whereas, according to credible reports (FIDH, Human Rights Watch), there are arguments showing that prosecutors and the Belarus Supreme Court held an unfair trial and that the investigation was marred by serious human rights abuses and intentional disregard of important evidence indicating the innocence of the two men and whereas, according to observers of the trial, there were serious procedural violations during the preliminary investigation and the judicial examination of the case;
- E. whereas Dzmitry Kanavalau and Uladzislau Kavalyou were denied access to lawyers, whereas credible reports indicate the use of torture in order to extract confessions during interrogations, whereas there is no forensic evidence linking either of the men to the explosion, and whereas no traces of explosive material were found on the clothes or bodies of the men;
- F. whereas all the important evidence that the prosecution referred to during the trial was destroyed immediately after the Supreme Court announced its decision;
- G. whereas, under Article 14, Section 1, of the International Covenant on Civil and Political Rights, ratified by the Republic of Belarus, ‘everyone has the right to a fair and public hearing by a competent, independent and impartial tribunal’;
- H. whereas Mr Kanavalau’s parents have been intimidated and put under surveillance by secret service officers, and men in plain clothes have been permanently stationed near their home, so that the family has for months been deprived of the opportunity to communicate with the outer world;
- I. whereas the 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 death row inmates, the families of the convicted and the public; whereas the death penalty is carried out in private by 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;
- J. whereas the executions of Mr Kanavalau and Mr Kavalyou may be carried out very soon;
- K. whereas the decision of the Supreme Court on the case is final, without appeal; whereas under Belarusian law a petition for mercy can be considered by the president of the country; whereas Uladzislau Kavalyou has asked Alyaksandr Lukashenka for pardon, denying all the charges and demanding to be released from criminal responsibility, but has received no response so far;
- L. whereas the Belarusian authorities have signed the Prague Declaration of the Eastern

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Partnership Summit, in which they committed themselves to ‘the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms’;

1. Reiterates that the European Union and other international institutions have repeatedly urged the Belarusian authorities to abolish the death penalty;
2. Underlines the fact that this irreversible, cruel, inhumane and degrading punishment, which violates the right to life, is unacceptable; deplores the continuing failure of the Belarusian authorities to take any tangible steps towards abolition of the death penalty or the immediate introduction of a moratorium on it;
3. Condemns the death sentences handed down to Mr Kavalyou and Mr Kanavalau and urges Alyaksandr Lukashenka to pardon both men and establish moratorium on all death sentences and executions with a view to abolishing the death penalty from the penal system by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, 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 provide true justice for the victims of the heinous acts of terrorism in question;
5. Urges the Council and the Commission to use all available tools of diplomacy and cooperation assistance to work towards the abolition of the death penalty in Belarus;
6. Calls on the Eastern Partnership countries and Russia to urge Belarus to introduce a moratorium on the death penalty;
7. Strongly encourages Belarusian civil society and non-governmental organisations to work on the abolition of the death penalty;
8. 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 into 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;
9. Encourages the Belarusian authorities to promote the role of the judiciary in Belarus and its activity without interference or pressure from the executive, to implement the recommendations of the UN Special Rapporteur on the independence of judges and lawyers, to ensure appropriate publicity for the judicial process, and to conform with the OSCE Human Dimension commitments, particularly in the field of the rule of law;
10. Condemns the continuous persecution of human rights defenders and members of the democratic opposition and the harassment of civil society activists and the independent media in Belarus for political reasons; demands the immediate release of all individuals convicted for political reasons who are imprisoned or undergoing other forms of punishment, including Ales Bialiatski, Chair of the Human Rights Centre ‘Viasna’ and Vice-President of

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FIDH;

11. Demands the unconditional immediate release of all political prisoners; 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 for 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 by Belarus towards democracy, human rights and rule of law, and until all political prisoners, including the two former presidential candidates Mikalai Statkevich and Andrei Sannikau, heads of the presidential campaigns of democratic opposition candidates Pavel Seviarynets and Dzmitry Bandarenka, and Syarhey Kavalenka, a political prisoner detained for alleged breach of house arrest, who has been on a prolonged hunger strike which has led to a critical deterioration in his health and is directly threatening his life, are unconditionally released and their civil rights fully reinstated;
12. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Republic of Belarus, the Council of Europe and the Organisation for Security and Cooperation in Europe.