



4.7.2012

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## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) and 110(4), of the Rules of Procedure

replacing the motions by the following groups:

PPE (B7-0393/2012)  
Verts/ALE (B7-0394/2012)  
ALDE (B7-0402/2012)  
S&D (B7-0403/2012)  
ECR (B7-0405/2012)

on 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, Elena Băsescu, Eija-Riitta Korhola, Sari Essayah,  
Sergio Paolo Francesco Silvestris, Laima Liucija Andrikienė,  
Paweł Zalewski, Lena Kolarska-Bobińska, Zuzana Roithová,  
Anna Záborská, Róza Gräfin von Thun und Hohenstein, Eduard Kukan,  
Giovanni La Via, Bogusław Sonik**  
on behalf of the PPE Group  
**Véronique De Keyser, Libor Rouček, Justas Vincas Paleckis,  
Kristian Vigenin, Marek Siwiec, Lidia Joanna Geringer de Oedenberg,**

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**Liisa Jaakonsaari, Mitro Repo**

on behalf of the S&D Group

**Marietje Schaake, Leonidas Donskis, Graham Watson, Robert Rochefort,**

**Marielle de Sarnez, Sonia Alfano, Izaskun Bilbao Barandica, Jelko Kacin,**

**Sarah Ludford, Edward McMillan-Scott, Kristiina Ojuland,**

**Ramon Tremosa i Balcells, Johannes Cornelis van Baalen, Gerben-Jan**

**Gerbrandy**

on behalf of the ALDE Group

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

**Rueda, Ulrike Lunacek**

on behalf of the Verts/ALE Group

**Charles Tannock, Marek Henryk Migalski, Ryszard Antoni Legutko,**

**Tomasz Piotr Poreba, Ryszard Czarnecki, Michał Tomasz Kamiński,**

**Paweł Robert Kowal**

on behalf of the ECR Group

**Jaroslav Paška**

## **European Parliament resolution on Belarus, in particular the case of Andrzej Poczobut (2012/2111(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Belarus, in particular those of 29 March 2012<sup>1</sup>, 14 February 2012<sup>2</sup>, 15 September 2011<sup>3</sup>, 12 May 2011<sup>4</sup>, 10 March 2011<sup>5</sup>, 20 January 2011<sup>6</sup>, 10 March 2010<sup>7</sup> and 17 December 2009<sup>8</sup>,
- having regard to the statement of 28 July 2012 by High Representative Catherine Ashton on the situation in Belarus,
- having regard to the Written Declaration of 26 June 2012 of the Council of Europe Parliamentary Assembly on the case of Andrzej Poczobut,
- having regard to the press statement of 22 June 2012 by the OSCE representative for freedom of the media, Dunja Mijatovic, on the arrest of the Polish-Belarusian journalist Andrzej Poczobut,
- having regard to Written Declaration No 523 of 26 June 2012 of the Council of Europe Parliamentary Assembly calling for the release of the Polish-Belarusian journalist Andrzej Poczobut from prison in Belarus,
- 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 Belarus<sup>9</sup>,
- having regard to the Council conclusions on the launching of a European dialogue of modernisation with Belarusian society (3157th Foreign Affairs Council meeting, Brussels, 23 March 2012),
- having regard to Council Regulation (EU) No 354/2012 of 23 April 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus,
- 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,

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<sup>1</sup> Texts adopted, P7\_TA(2012)0112.

<sup>2</sup> Texts adopted, P7\_TA(2012)0063.

<sup>3</sup> Texts adopted, P7\_TA(2012)0392.

<sup>4</sup> Texts adopted, P7\_TA(2011)0244.

<sup>5</sup> Texts adopted, P7\_TA(2011)0099.

<sup>6</sup> Texts adopted, P7\_TA(2011)0022.

<sup>7</sup> OJ C 349E, 22.12.2010, p. 37.

<sup>8</sup> OJ C 286E, 22.10.2010, p. 16.

<sup>9</sup> OJ L 55, 29.2.2012, p. 19.

- having regard to 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 ongoing persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus,
  - having regard to the report of the UN High Commissioner for Human Rights of 10 April 2012 and to Resolution 17/24 of the UN Human Rights Council of 17 June 2011 on the human rights situation in Belarus,
  - 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 at 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 the Council conclusions on Belarus adopted at the 3101st Foreign Affairs Council meeting on 20 June 2011,
  - having regard to the statement of 10 April 2011 by the spokesperson of EU High Representative Catherine Ashton on the crackdown on independent media in Belarus,
  - having regard to Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights and Article 11 of the EU Charter of Fundamental Rights,
  - having regard to Article 19 of the Universal Declaration of Human Rights of 1948 and to the UN Declaration on Human Rights Defenders of December 1988,
  - having regard to Rule 122(5) and 110(4) of its Rules of Procedure,
- A. whereas on 21 June 2012 Andrzej Poczobut, the correspondent of the Polish daily newspaper ‘Gazeta Wyborcza’ and also a prominent Polish-Belarusian minority activist and chairman of the Council of the Union of Poles in Belarus, was arrested in the town of Grodno, Belarus;
- B. whereas Mr Poczobut’s apartment in Grodno was searched by the prosecutor’s office and his materials confiscated; whereas enforcement personnel subsequently conducted a search at the Grodno office of the Union of Poles, of which Mr Poczobut is an official leaseholder, and confiscated computer equipment;
- C. whereas Mr Poczobut was charged on grounds of so-called libel against President

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Alyaksandr Lukashenka, under Article 367 of the Criminal Code of the Republic of Belarus, for twelve articles published on the ‘Charter 97’ and ‘Belarusian Partisan’ websites on, among other subjects, last year’s underground bombing trial;

- D. whereas Mr Poczobut has already spent three months in prison in the past and is under a three-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; whereas he thus faces restriction or deprivation of liberty for up to seven years and nine months, including the suspended sentence;
- E. whereas on 30 June 2012 Mr Poczobut was conditionally released from custody, signing an undertaking not to leave his place of residence;
- F. whereas on 5 July 2011 the Leninski court in Grodna passed a verdict acquitting Mr Poczobut, under Part 1, Article 368 of the Criminal Code, of the charge of insulting the President but finding him guilty, under Part 1, Article 367 of the same Code, of defaming the President;
- G. whereas the latest arrest of Mr Poczobut on 21 June 2012 coincided with a peaceful protest, organised by the Union of Poles under his leadership, against the forced russification of a Polish school in Grodno by the Lukashenka regime, at which some twenty people were detained;
- H. whereas the Media Law of Belarus, which came into force in 2008, is restrictive by nature, since 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 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, while 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;
- J. whereas, following the arrest of Mr Poczobut in April 2011, Amnesty International recognised him as a prisoner of conscience;
- K. whereas Mr Poczobut’s case is part of a broader pattern of ongoing and longstanding harassment of civil society, the Polish minority and human rights defenders, following the presidential elections in December 2010, leading to a dramatic decline in human rights and civil and political liberties in Belarus;
- L. whereas there are constant reports of systematic harassment of representatives of civil society in Belarus; whereas there have been more recent cases of arrests, including of figures such as the democratic opposition activists Alyaksandr Artsybashaw Paval Vinahradaw and Siarhei Kavalenka, as well as the detention of journalists Aliaksandr Barazhenka, Siarhei Balai, Alina Radachynskaya and Ina Studzinskaya and activists of the ‘Tell the Truth’ organisation Hanna Kurlovich, Mikhail Pashkevich, Aliaksandr Ulitsionak and Siarhei Vazniak;

- M. whereas Ales Bialiatski, Chairman of Viasna and Vice-President of the International Federation for Human Rights (FIDH), imprisoned in a penal colony in the city of Bobruiks, has been recently subjected to new unlawful restrictive measures and pressure from the penal administration with the clear intention of forcing him to recognise his so-called guilt;
- N. whereas on 24 May 2012 Aleh Volchek, the former head of Legal Aid to the Population, an organisation that provided legal assistance until it was liquidated in 2003, was arrested by plain-clothes police officers who accused him of ‘swearing in public’; whereas on the same day he was sentenced to nine days’ administrative imprisonment under Article 17.1 of the Code of Administrative Offences (‘swearing at the police’); whereas Mr Volchek was earlier 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;
- O. whereas since the beginning of March 2012 fifteen 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;
- P. whereas on 14 June 2012 the Belarusian Parliament adopted a number of amendments to the law of the state security bodies, giving broad powers to the Belarusian KGB, including free use of coercive measures; whereas under the new legislation the KGB is authorised to freely enter private property and to arrest, with no restrictions, Belarusian citizens and diplomats and representatives of international institutions;
- Q. whereas in the course of 2011 at least 95 journalists were detained during ‘silent protest’ actions, 22 journalists stood trial in court and 13 were sentenced to various terms of administrative arrest; whereas at the end of 2011 the authorities further tightened internet controls by means, inter alia, of additional internet regulation measures;
- R. whereas it is feared that the Belarusian authorities’ attempts to file criminal cases against opposition activists have become a pretext for legally banning them from leaving the country and interacting with United Nations and other mechanisms;
1. Strongly condemns the recent arrest of, and allegations against, Andrzej 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 of freedom of expression;
  4. Calls on the Fourth Eastern Partnership Foreign Ministers’ meeting on 23-24 July in Brussels to examine and discuss the deteriorating human rights situation in Belarus and the case of

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Mr Poczobut;

5. Calls for the end of judicial harassment of journalists, civil society activists and human rights defenders; calls on the Belarusian authorities to reverse their current repressive policies;
6. Believes, in this context and given the unprecedented crackdown on civil society in Belarus following the presidential elections of December 2010 and their aftermath (in which at least 21 reporters were beaten and 27 journalists were detained, 13 of them being sentenced to ten to fifteen days in custody), that the case against Mr Poczobut is politically motivated and is intended to obstruct his legitimate work as a journalist and national minority leader;
7. Expresses its deep concern over the suspended sentence of three years' imprisonment handed down to Mr Poczobut for similar alleged 'offences'; is concerned that the suspension may be lifted, given that the suspended sentence means that he may be returned to jail at any time at the full discretion of the Lukashenka regime if the authorities decide that he has again 'broken the law' while performing his journalistic work; believes that this effectively constitutes a form of intimidation and an attempt to force him to engage in self-censorship;
8. Deplores the fact that the Belarusian authorities are making it impossible for journalists to operate, by introducing repressive laws aimed at silencing civil society activities and using the threat of criminal sanctions to intimidate human rights defenders and minority activists;
9. Considers that the Belarusian law and international mechanisms have been intentionally misused and instrumentalised by the Belarusian authorities;
10. Calls on the Belarusian authorities to ensure, in all circumstances, respect for democratic principles, human rights and fundamental freedoms, in accordance with the Universal Declaration of Human Rights and the international and regional human rights instruments ratified by Belarus; underlines that freedom of the media and freedom of expression are among the basic cornerstones of democracy which the Belarusian authorities have undertaken to respect;
11. Urges the Belarusian authorities to reform the law and to bring Belarusian legislation, in particular that on freedom of association and expression, into line with international standards, and to eliminate the practice of censorship and self-censorship, and to refrain from further misuse of the law such as jailing political opponents, silencing journalists, harassing independent defence lawyers and operating internet control measures;
12. Urges the Belarusian authorities to repeal the amendments to a number of legislative acts adopted by the Parliament in October 2011 that further restrict the freedoms of association, assembly, opinion and expression;
13. Urges the Belarusian authorities to put an end to the short-term arbitrary detentions and arbitrary travel bans which appear to be aimed at intimidating human rights defenders, the media, the political opposition and civil society activists and at preventing them from doing their work;
14. Considers the transfer of Mykola Statkevych to solitary confinement to be an act of

repression and an attempt to force him to sign a request for clemency; calls, therefore, on the Commission and the EEAS to intervene in his case;

15. 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 to take measures to rehabilitate them; calls on them also to ensure freedom of expression and create a legal environment and practices that are conducive to the effective freedom of the media, and to eliminate the practice of censorship and self-censorship, as well as ensuring that internet control measures are minimal and that regulations do not lead to censorship of electronic media and free speech;
16. Stresses that any potential EU engagement with Belarus is subject to strict conditionality and is 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;
17. Calls on the Council and the Commission to step up their engagement with Belarusian civil society organisations and to promote greater people-to-people contact;
18. Calls on those EU Member States which are currently members of the UN Human Rights Council to make every effort in that body to establish, for at least two years, a country-specific mandate, such as a special rapporteur, for the situation of human rights in Belarus; stresses that such a mechanism would also play an important role in independently documenting abuses and monitoring the implementation of recommendations issued by the various UN mechanisms, in particular those formulated in the High Commissioner's most recent report;
19. Reiterates the need to enhance the relationship and political dialogue between the EU and its eastern neighbours in the framework of the Eastern Partnership, including its parliamentary dimension, the EURONEST Parliamentary Assembly, with the common goal of ensuring democratic reform in Belarus;
20. Urges the Belarusian authorities, with a view to the 2012 parliamentary elections, to pursue the process of reforming electoral law and practice, by taking into account the full set of recommendations of the OSCE/ODIHR and the European Commission for Democracy through Law, while also acting in line with all international democratic norms and standards;
21. Calls on the Member States to evaluate the efficiency of the existing restrictive measures against Belarus and to consider broadening the existing sanctions by expanding the list of Belarusians subject to a visa ban and asset freeze;
22. 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 parliaments of the Member States, the Parliamentary Assemblies of the OSCE and the Council of Europe, and the Government and Parliament of Belarus.



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