

**Belarus: arrest of Ales Bialatski, human rights defender**

**European Parliament resolution of 15 September 2011 on Belarus: the arrest of human rights defender Ales Bialatski**

*The European Parliament,*

- having regard to its previous resolutions on Belarus, in particular those of 12 May 2011, 10 March 2011, 20 January 2011 and 17 December 2009,
  - having regard to the Council conclusions on Belarus adopted at the 3101st Foreign Affairs Council meeting on 20 June 2011,
  - having regard to the Universal Declaration of Human Rights of 1948 and the United Nations 1988 Declaration on Human Rights Defenders of December,
  - having regard to the resolution on freedom of association in the Republic of Belarus adopted by the Conference of INGOs of the Council of Europe on 22 June 2011,
  - having regard to the UN Human Rights Council resolution of 17 June 2011 condemning human rights violations before, during and after the presidential elections in Belarus and calling on the Belarusian Government to end the ‘persecution’ of opposition leaders,
  - having regard to the statement on the arrest of Ales Bialatski in Belarus issued by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on 5 August 2011 ,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Belarus is bound by international commitments to observe the principles of international law and fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms;
- B. whereas human rights defender Ales Bialatski, Chair of the ‘Viasna’ Human Rights Centre and Vice-President of the International Federation for Human Rights (FIDH), after being held at the detention centre of the Belarusian Interior Ministry, was arrested in Minsk on 4 August 2011 on the formal charge of large-scale tax evasion (‘concealment of profits on a particularly large scale’) and indicted on 12 August 2011 under Part II of Article 243 of the Belarusian Criminal Code; whereas he faces a penalty of either up to five years’ ‘restricted freedom’ or three to seven years’ imprisonment and the confiscation of his assets, including the premises from which ‘Viasna’ is run;
- C. whereas Ales Bialatski’s private properties in Minsk, his home in Rakov and the ‘Viasna’ office in Minsk were raided by officers of the Committee of State Security (KGB) and the Financial Investigations Department of the State Control Committee, and whereas his computer and other materials were confiscated;
- D. whereas on 16 August 2011 a district judge in Minsk rejected an application from Ales Bialatski’s lawyer for the human rights defender to be released on his own recognisance,

and whereas the period of Ales Bialatski's pre-trial detention had been extended to two months earlier that week;

- E. whereas the arrest is linked to the disclosure of details of Ales Bialatski's bank accounts to the Belarusian authorities by some EU Member States; whereas in seeking this information the Belarusian authorities took advantage of international cooperation under the terms of a bilateral agreement on legal assistance, exploiting the system of international procedures and agreements on financial transfers – intended to be used to track terrorists and criminals - in order to take full control of non-governmental civil society organisations and the Belarusian democratic opposition and to discredit EU assistance to Belarusian civil society;
  - F. whereas the Belarusian tax authorities interpreted the sums in Mr Bialatski's accounts as his personal income and accused him of concealing them;
  - G. whereas the Belarusian authorities have systematically refused to register at national level almost all the country's human rights organisations ('Viasna' has been denied registration three times in recent years); whereas as a result, and because foreign aid to non-governmental organisations in Belarus (in case of 'Viasna' funds to enable it to provide assistance to victims of the Belarusian regime's mass repression following the presidential elections in December 2010) must be authorised by the Belarusian authorities, human rights defenders are forced to open accounts in neighbouring countries in order to provide effective help to the representatives of independent civil society;
  - H. whereas harassment of human rights defenders and activists is systematic and widespread; whereas reports have recently emerged concerning the persecution of human rights defenders, journalists and activists campaigning for the release of Ales Bialatski, involving arrests, detentions, interrogations, the imposition of fines or the confiscation of printed materials; whereas one of the people concerned, Viktor Sazonau, is currently awaiting trial;
  - I. whereas Ales Bialatski's case is part of a broader pattern of longstanding and ongoing harassment of civil society and human rights defenders following the presidential elections in December 2010, leading to a dramatic deterioration in human rights and civil and political liberties in Belarus;
  - J. whereas a large number of opposition activists, including ex-presidential candidates and journalists and human rights defenders, were detained on the grounds of their participation in the peaceful post-election demonstration of 19 December 2010 in Minsk, charged with 'organising mass disorder' and given unjustifiably harsh sentences of up to seven years in a high- or medium-security prison colony; whereas some of them reportedly underwent physical and psychological torture, were not provided with proper legal and medical assistance or were sent back to prison after major surgery without proper medical rehabilitation;
- 1. Expresses deep concern at the deteriorating situation of human rights defenders in Belarus; strongly condemns the recent arrest of and allegations against Ales Bialatski, Chair of the 'Viasna' Human Rights Centre, and the Belarusian authorities' failure to respect the fundamental rights of freedom of assembly and expression;
  - 2. Deplores the fact that the Belarusian authorities consistently refuse to grant legal status to independent human rights organisations in the country, making it impossible for them to operate by introducing repressive laws intended to silence civil society activities, and then

use the threat of criminal sanctions to intimidate human rights defenders;

3. Believes, in this context, and given the unprecedented crackdown on civil society in Belarus following the presidential elections in December 2010, that the criminal case against Ales Bialiatski is politically motivated and intended to obstruct his legitimate work as a human rights defender;
4. Calls for Ales Bialiatski to be immediately and unconditionally released from custody and for the investigation and all the charges against him to be dropped;
5. Condemns the action taken against the 'Viasna' Human Rights Centre, and urges the Belarusian authorities to halt all forms of harassment against Ales Bialiatski, 'Viasna' and its staff and all other human rights defenders and civil society organisations in the country and to respect the rule of law;
6. Calls on the Belarusian authorities to repeal Article 193-1 of the Belarus Criminal Code, which prohibits the organisation of or participation in the activities of non-registered public associations, as this provision is at odds with international standards on freedom of association and represents a breach by Belarus of its OSCE and UN obligations;
7. Stresses that legal assistance between EU Member States and Belarus should not become a tool of political persecution and repression;
8. Deplores the fact that Belarusian law and bilateral and international mechanisms have been intentionally misused and exploited by the Belarusian authorities;
9. Calls on the Belarusian authorities to comply with all the provisions of the United Nations Declaration on Human Rights Defenders and to ensure that democratic principles, human rights and fundamental freedoms are respected in all circumstances, in accordance with the Universal Declaration of Human Rights and with the international and regional human rights instruments ratified by Belarus;
10. Urges the Belarusian authorities to revise Belarusian law, in particular on freedom of association and freedom of expression, to bring it into line with international standards, and, in the meantime, to refrain from any further misuse of the law;
11. Calls on the Council, the Commission and the High Representative to step up their pressure on the Belarusian authorities, further expanding the visa ban and asset freeze list to include those involved in the arrest and prosecution of Ales Bialiatski;
12. Emphasises that, in the light of the continuous, unprecedented repression of the opposition and civil society in Belarus, the EU needs to support democracy-building in Belarus and to find new ways to assist Belarusian civil society and the independent media in raising awareness among the public;
13. Calls on the Eastern Partnership Summit to be held in Warsaw on 28-29 September 2011 to increase assistance for and engage effectively with the Belarusian democratic opposition and civil society organisations in order to encourage and strengthen their efforts to secure democracy;
14. Calls on the Belarusian authorities to guarantee proper legal and medical assistance for all

political prisoners and to release them immediately and unconditionally, clearing them of all charges and restoring their civil rights in full;

15. Stresses that potential EU engagement with Belarus should be subject to strict conditionality and made contingent on a commitment by Belarus to respect democratic standards, human rights and the rule of law, as stated in the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009, which was co-signed by the Belarusian Government;
16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, 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.