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The situation in Belarus

Report¹

Political Affairs Committee

Rapporteur: Mr Andres HERKEL, Estonia, Group of the European People's Party

Summary

The Political Affairs Committee expresses deep concern at the deteriorating situation of human rights and civil and political liberties in Belarus in 2011 and condemns the increasingly repressive approach by the Belarusian authorities to any attempt to express dissent in the country.

It gives full backing to the European Union's targeted sanctions, which should be maintained and even strengthened, and invites all Council of Europe member states to align with them until the release and full rehabilitation of all political prisoners and the end of the crackdown on political opponents, civil society representatives and human rights defenders.

It also proposes to step up the Parliamentary Assembly's engagement with representatives of civil society, independent media and opposition forces as well as independent professional associations, and to increase support for their development.

It finally recommends keeping on hold its activities involving high-level contacts with the Belarusian authorities and maintaining the suspension of the special guest status of the Parliament of Belarus until a moratorium on the execution of the death penalty has been decreed and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

¹ Reference to committee: Permanent mandate.

A. Draft resolution²

1. The Parliamentary Assembly is deeply concerned about the deteriorating situation of human rights and civil and political liberties in Belarus, since the adoption in January 2011 of Resolution 1790 (2011) on the situation in Belarus in the aftermath of the presidential elections.
2. The Belarusian authorities have continued to take an increasingly repressive approach to any attempt to express dissent, with ongoing intimidation and arbitrary detentions and the targeting of members of the opposition, independent media, civil society activists and human rights defenders. Such action confirms a worrying trend that the authorities in Minsk are deliberately turning their back on Europe and the values it upholds.
3. The Assembly deplores that a number of individuals, including former presidential candidates and civil society activists, as well as prominent human rights defenders, remain in prison on political grounds. It notes that some of those who were sentenced to prison terms for their involvement in protests against the government have since been pardoned. However, some prisoners have alleged that they were pressured into appealing for clemency and admitting their guilt in order to secure release. In many cases, the released prisoners claim that they were subjected to torture, given inadequate medical attention and denied proper access to legal representation.
4. In the light of recent worrying developments in the fields of freedom of expression, assembly and association, the Assembly:
 - 4.1. condemns the continuous persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus;
 - 4.2. is deeply concerned about the conditions of detention of political prisoners, who are often held incommunicado and run a serious risk of torture and other forms of ill-treatment;
 - 4.3. deplores the sentencing of Ales Bialiatski to four and a half years of imprisonment for alleged tax evasion and considers this is tantamount to judicial harassment of a human rights defender for carrying out legitimate human rights activities in a country where independent organisations cannot obtain registration and receive funds from abroad;
 - 4.4. condemns politically motivated recourse to taxation laws to suppress human rights defenders' activities;
 - 4.5. deplores the recent legislative changes, adopted in October 2011, which further restrict freedom of expression, assembly and association, bringing the work of Belarusian non-governmental organisations under an even tighter political control and which outlaw any foreign financing.
5. As regards freedom of the media, the Assembly:
 - 5.1. notes with grave concern that independent newspapers and other independent media organisations continue to be harassed and targeted through the use of fines and intimidation of potential advertisers;
 - 5.2. condemns the practice of "warnings" issued by the Belarusian authorities against a number of journalists and human rights organisations and considers that they constitute a violation of internationally recognised human rights standards.
6. As regards the death penalty, the Assembly:
 - 6.1. expresses dismay at the execution of the death sentences against Aleh Hryshkautsou and Andrei Burdyka, in July 2011, when their cases were pending before the United Nations Human Rights Committee, and the continuing failure of Belarus to take any tangible steps towards abolition of the death penalty or the introduction of a moratorium on it;
 - 6.2. deplores the death sentences handed down on 30 November 2011 against Dmitry Kononov and Vladislav Kovalev, is seriously worried that they were exposed to torture during the investigation to

² Draft resolution adopted unanimously by the committee on 14 December 2011.

extract confessions, and reiterates that such an irreversible, cruel and inhuman penalty is unacceptable, however heinous the crimes of the perpetrators;

6.3. notes with regret that the work of the parliamentary working group on the study of the death penalty issue, initiated two years ago, has not produced any tangible results.

7. With regard to the situation of human rights and political freedoms, the Assembly reiterates its call to the Belarusian authorities to:

7.1. release and rehabilitate all political prisoners, including those who were pardoned, and conduct a thorough and credible investigation into the allegations of ill-treatment and torture at the time of arrest and in detention;

7.2. guarantee proper legal and medical assistance to all prisoners;

7.3. allow lawyers to perform their professional duties without fear of retaliation, reinstate the licences of those lawyers disbarred on political grounds and stop the extraordinary qualification exams for already qualified lawyers;

7.4. repeal Article 193-1 of the Criminal Code, which penalises the organisation of, and participation in, activities of non-registered public associations;

7.5. guarantee freedom of assembly and put an end to the use of force to disperse protests and arrest demonstrators;

7.6. ensure freedom of expression and stop the harassment of journalists and independent media and the practice of "warnings";

7.7. allow the Organization for Security and Co-operation in Europe (OSCE) mission to return and resume operations in the country;

7.8. co-operate fully with all international human rights organisations and respond positively to the requests for visits made by Assembly rapporteurs, United Nations bodies, the OSCE and the European Union, including to places where political prisoners are detained;

7.9. immediately introduce a moratorium on executions, with a view to the complete abolition of the death penalty, in compliance with repeated calls from the Assembly, and urges the Belarusian authorities not to carry out the death sentences pronounced against Dmitry Konovalov and Vladislav Kovalev.

8. With regard to the 2012 parliamentary elections, the Assembly urges the Belarusian authorities to:

8.1. 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 (Venice Commission);

8.2. take immediate measures to strengthen the independence of the Belarus Electoral Commission and its regional bodies;

8.3. invite international observers, including the OSCE and other parliamentary organisations, including the Assembly, to monitor the elections, as well as the electoral campaign;

8.4. pursue further measures to ensure, both in legislation and in practice, the transparency of vote counting during elections and to give observers the opportunity to monitor effectively the voting process, the vote counting and the tabulation of the results.

9. The Assembly encourages all political forces and activists engaged in the forthcoming parliamentary election campaign to focus on the many challenges facing citizens and put forward concrete programmes of policy change for improving people's lives, focusing on political and economic reforms.

10. The Assembly considers that the international community's engagement with the people of Belarus should be broad, deep and long-term in nature. Openness, dialogue and multiple contacts are essential in order to reach out to the Belarusian citizens.

11. Therefore, the Assembly resolves to step up its engagement with representatives of civil society, independent media and opposition forces, as well as independent professional associations, to increase support for their development, and to invite them to attend round tables, seminars and hearings organised by its committees.
12. Furthermore, the Assembly encourages the Council of Europe member states to:
 - 12.1. use the political and diplomatic leverage at their disposal to convince the Belarusian authorities to take the relevant legislative initiatives to bring domestic law into conformity with internationally recognised human rights standards and to co-operate effectively with the Council of Europe, the OSCE, the European Union as well as United Nations bodies;
 - 12.2. align themselves on the European Union regime of targeted sanctions until the release and full rehabilitation of all political prisoners, and urge the Belarusian authorities to end the crackdown on political opponents;
 - 12.3. further develop channels of communication with representatives of Belarusian civil society, the independent media and opposition forces;
 - 12.4. consider reducing or eliminating entry visa fees for Belarusian citizens;
 - 12.5. open universities and offer scholarship programmes to young Belarusian students, and establish links with the European Humanities University in exile in Vilnius, and with the Council of Europe School of Political Studies also in exile in Kyiv.
13. The Assembly also calls on the European Union and its member states to:
 - 13.1. maintain and consider strengthening the regime of targeted sanctions, especially against state-owned enterprises connected with President Lukashenko and other senior officials who continue to repress the Belarusian people, until the release and full rehabilitation of all political prisoners and the end of the crackdown on political opposition, independent media and human rights defenders;
 - 13.2. continue to support – including financially – the development of civil society organisations, including human rights organisations and independent media, independent professional associations, grass-root organisations with non-political missions and network-building organisations focused on making better use of the internet and social networking tools and offering opportunities for young people to become more engaged in their communities;
 - 13.3. set up programmes of exchanges and professional training targeted at journalists.
14. The Assembly reiterates that there cannot be progress on dialogue with the Belarusian authorities without progress towards Council of Europe standards.
15. In the light of developments since the adoption of its Resolution 1790 (2011) in January 2011, the Assembly can only reaffirm its decision to put on hold its activities involving high-level contacts with the Belarusian authorities and its call to the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus:
 - 15.1. until a moratorium on the execution of the death penalty has been decreed by the competent Belarusian authorities;
 - 15.2. until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution ... (2012) on the situation in Belarus, in which it expresses its deep concern about the deteriorating situation of human rights and civil and political liberties in Belarus.
2. The Assembly urges the Committee of Ministers to call on Council of Europe member states to:
 - 2.1. use the political and diplomatic leverage at their disposal to convince the Belarusian authorities to take the relevant legislative initiatives to bring domestic law into conformity with internationally recognised human rights standards and to co-operate effectively with the Council of Europe, the OSCE, the European Union as well as United Nations bodies;
 - 2.2. align themselves on the European Union regime of targeted sanctions until the release and full rehabilitation of all political prisoners, and urge the Belarusian authorities to end the crackdown on political opponents;
 - 2.3. further develop channels of communication with representatives of Belarusian civil society, independent media and opposition forces;
 - 2.4. consider reducing or eliminating entry visa fees for Belarusian citizens;
 - 2.5. open universities and offer scholarship programmes to young Belarusian students, and establish links with the European Humanities University in exile in Vilnius, and with the Council of Europe School of Political Studies also in exile in Kyiv.

³ Draft recommendation adopted unanimously by the committee on 14 December 2011.

C. Explanatory memorandum by Mr Herkel, rapporteur

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1. Introduction

1. On 27 January 2011, the Parliamentary Assembly adopted Resolution 1790 (2011) on the situation in Belarus in the aftermath of the presidential elections condemning the violent repression of the post-electoral political protests. In this resolution, the Assembly urged the Belarusian authorities, *inter alia*, to release immediately all persons detained on political grounds, to stop the repression against political opponents, civil society and independent media and to conduct a transparent investigation into the abusive use of force by the riot police. The Assembly also asked the Belarusian authorities to reform the electoral law, to declare a moratorium on the death penalty and to reconsider their decision to close the Office of the Organization for Security and Co-operation in Europe (OSCE) in Minsk.

2. On 12 April 2011, the Political Affairs Committee organised a hearing with the participation of Elena Tonkacheva, Human Rights Defender, Foundation for legal technologies development, Ales Bialiatski, President of the Human Rights Centre (HRC) "Viasna", Vice-President of the International Federation for Human Rights (FIDH), Andrey Yurov, Head of the International Observation Mission of the Committee on International Control over the situation with human rights in Belarus (CICHR-Belarus), and Michaël Hamilton, Chair of the group of experts from OSCE countries on freedom of assembly and police response measures of the CICHR-Belarus. Since April, Mr Bialiatski has been the subject of a smear campaign, in which he was presented as public enemy number one in Belarus. This culminated in his arrest on 4 August 2011 and his being sentenced to four and a half years of imprisonment on alleged income tax evasion charges, on 24 November 2011. His arrest and sentence provoked a major international public outcry.

3. At the end of its meeting on 12 April 2011, the committee made public an information note on developments since 27 January 2011, prepared by the former rapporteur, Ms Sinikka Hurskainen (Finland, Socialist Group).⁴ A new information note, including developments between April and the end of May was made public by the committee at its meeting on 31 May 2011.⁵

4. Following the departure of Ms Hurskainen from the Finnish Parliament and thus our Assembly too, I was appointed rapporteur on 20 June 2011. I have since monitored the developments which have occurred in the country and regularly informed my colleagues in the committee and issued seven statements over the past months.

5. On the day of my appointment as rapporteur, a further exchange of views was organised with the participation of Dimitri Makarov, Co-ordinator of the Committee on International Control over the situation with human rights in Belarus, Aleh Hulak, Chairperson of the Belarusian Helsinki Committee, Stanislav Bogdankevich, Honorary Chairperson of the United Civic Party, and Gianni Buquicchio, President of the European Commission for Democracy through Law (Venice Commission).

6. Moreover, during the Assembly's June and October 2011 part-sessions, I had the opportunity to meet several independent representatives of Belarusian civil society, opposition personalities and human rights defenders, who are traditionally invited by the Council of Europe secretariat during the Assembly's part-sessions.

7. From 6 to 10 July 2011, I attended the Annual Session of the OSCE Parliamentary Assembly in Belgrade and participated in a meeting of the Belarus working group. I wish to thank my counterpart in the OSCE Parliamentary Assembly, Uta Zapf, with whom I had fruitful discussions.

⁴ See AS/Pol (2011) 09 rev.

⁵ See AS/Pol (2011) 18 rev.

8. During the October part-session, on 4 October 2011, I participated in a round table discussion on the human rights situation in Belarus organised by the Alliance of Liberals and Democrats for Europe (ALDE) of the Parliamentary Assembly, together with Anne Brasseur, Chairperson of the ALDE group, Uladzimir Labkovich, Viasna's lawyer, Tatsiana Reviaka, President of the Belarusian Human Rights House in Vilnius, and Thomas Hammarberg, Council of Europe Commissioner for Human Rights. The event took place against the backdrop of escalating repression in the country since December's presidential election, the release of several political prisoners and concern surrounding the arrest of Ales Bialiatski.

9. On 5 October 2011, I met the representative of the Mission of the Republic of Belarus to the Council of Europe and expressed my concerns and my wish to visit Belarus in order to assess directly and objectively the human rights situation and engage in a constructive dialogue with the authorities, as well as my wish, on that occasion, to meet political prisoners, including former presidential candidates and Mr Bialiatski, following reports of physical and psychological ill-treatment. On the same day, the committee backed my intention to pay a fact-finding visit to Minsk. I immediately contacted the representative of the Mission of the Republic of Belarus to inform his authorities of my intentions. To date, I have not received any response from Minsk regarding a possible visit.

10. In this report, I shall outline the latest developments in Belarus and give a preliminary assessment of the situation, including any "substantial, tangible and verifiable progress in Belarus in terms of respect for the democratic values and principles upheld by the Council of Europe", as requested by the Assembly in January 2011.

2. Human rights and political freedoms after the 2010 presidential election

2.1 Trials and convictions in the aftermath of the December 2010 events

11. Following the wave of repression in the aftermath of the presidential election, the situation of human rights and civil and political liberties has deteriorated dramatically in Belarus. Hundreds of activists across Belarus were detained, beaten up and intimidated. Dozens of them, including several presidential candidates, were sentenced to lengthy terms in high-security prisons.

12. About 60 opposition leaders, activists and independent journalists received prison sentences, many of them charged under Article 293 ("organisation of mass disorder") of the Criminal Code. A number of lawyers lost their licences when defending persons suspected in connection with the events of 19 December 2010. Several defendants claim that they were subjected to torture and other forms of physical and psychological pressure and threats.

13. On 10 March 2011, the Bureau of the Assembly set up an ad hoc committee on recent detentions, prosecutions and convictions of members of the opposition in Belarus covering the period from 19 December 2010 to 1 October 2011. A report was published on 7 October 2011 calling for the release of those imprisoned in the aftermath of the 2010 presidential election.⁶ The ad hoc committee deplored the fact that six people, including two candidates for the presidency in 2010, remained in prison. It was also concerned by alleged threats – including death threats – against the persons remaining in detention and urged the authorities of Belarus to release these people immediately and ensure that all convictions are erased from the criminal records of the persons concerned. The ad hoc committee also condemned the wave of violence against peaceful protesters, journalists, independent media, opposition activists and human rights defenders, the excessive use of force by law enforcement personnel and the fact that sentences were handed down on demonstrators. It also considered the arrest of Ales Bialatski as yet another provocation that the Assembly could not tolerate.⁷

14. Fourteen OSCE participating states invoked the OSCE so-called Moscow Mechanism in April 2011. The Mechanism, agreed by consensus by all 56 OSCE states, allows for an investigation to be launched without consensus and independently of the OSCE chairmanship, institutions and decision-making bodies if one state, supported by at least nine others, considers that a particularly serious threat to the fulfilment of the provisions of the OSCE human dimension has arisen in another participating state.⁸

⁶ AS/Bur/AhBelarus (2011) 02 rev 3, Bureau of the Assembly – Ad hoc committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus, Report on the detentions, prosecutions and convictions of members of the opposition in Belarus in the aftermath of 19 December 2010 presidential election.

⁷ See also below concerning the arrest and sentencing of Mr Bialiatski.

⁸ See chapter 4 for further information on the OSCE Moscow Mechanism final report.

15. On 10 November 2011, the OSCE/ODIHR published a report on trial monitoring in Belarus, presenting the findings of the monitoring of trials of individuals who were criminally charged in the aftermath of the events in Minsk following the elections. The report pointed, *inter alia*, to a number of problematic issues in relation to compliance of those trials and relevant domestic law with international fair trial standards, identified a number of shortcomings in the criminal justice system and also presented the Belarusian authorities with recommendations aimed at improving the administration of criminal justice.⁹

16. Under the pressure of the international community, including serious sanctions imposed by the European Union and the United States, and due to the difficult economic situation in Belarus, President Alexander Lukashenko gradually started to release political prisoners. Some prisoners alleged that they were pressured into appealing for clemency and admitting their guilt in order to secure release. In many cases, the released political prisoners claimed that they were subjected to torture, given inadequate medical attention and denied proper access to legal representation. Former presidential candidates, Andrei Sannikov, Mikalai Statkevich, Zmitser Bandarenka, "Young Front" leader Zmitser Dashkevich, businessman Mikalai Autukhovich, and other persons remain in prison on political grounds.¹⁰

17. I have continued monitoring the situation of these prisoners over the past months. On 16 November 2011, following reports of the disappearance from a Belarusian penitentiary of Mr Sannikov, I issued a statement¹¹ expressing deep concern about his situation and urging the Belarusian authorities to promptly inform the family and the lawyers of Mr Sannikov about his whereabouts, and to grant access to him. My colleague, Marieluise Beck, rapporteur for opinion on the situation in Belarus for the Committee of Legal Affairs and Human Rights, issued a similar statement in the German Bundestag. Once again, I contacted the Mission of the Republic of Belarus to the Council of Europe via the secretariat to request additional information on this case and, to date, I have not received any relevant information. I was only able to receive an update via the Belarus news agency *BelaPAN*. On 17 November 2011, Mr Sannikov's attorney, Maria Kovalevskaia, reported that he had been sent from Babruisk penal colony to Mahiliou colony, which is considered a transit prison. She was not allowed to meet her client despite a law guaranteeing that a client may count on legal assistance at any time, regardless of whether he or she is detained in a transit or a regular prison. As pointed out by Amnesty International in May 2011, being held incommunicado put Mr Sannikov, and other prisoners, at serious risk of torture and other forms of ill-treatment.¹²

2.2 Harassment of independent media

18. On 11 April 2011, Minsk Kastrychnitskaya central metro station was rocked by a powerful blast, claiming 13 lives and causing injuries to over 200 people. The explosion was qualified by the authorities as an act of terrorism.

19. On 12 April 2011, Belarus official media condemned the hearing held that day by the Political Affairs Committee in Strasbourg, following a decision taken by the committee at its March meeting in Paris, and labelled the human rights defenders attending the hearing as the "fifth column" and their action as "dancing on bones". The state-run media failed to mention that the Assembly had stood for a minute of silence at the opening of the April part-session in memory of the victims of the terrorist attack.

20. A few days after the bomb explosion, the authorities declared that four suspects had been detained, all Belarusian citizens. According to investigators, the same group of suspects could have been involved in organising a series of bombings in 2005 in Vitebsk and in 2008 in Minsk. Two of them were sentenced to death by the Supreme Court on 30 November 2011.¹³

21. Although no connection whatsoever was established between the perpetrators of the 11 April terrorist attack and representatives of the civil society, the opposition or the independent media, the attack was immediately followed by an escalation of police harassment against the latter, with prosecution and executive authorities addressing warnings to individual journalists and the editorial boards of several media. State-run media launched a campaign to discredit independent media. Under these circumstances, the Belarusian Association of Journalists (BAJ) issued a statement entitled "Stop Persecution of Our Colleagues!"¹⁴

⁹ OSCE/ODIHR Report – Trial Monitoring in Belarus (March-July 2011), 10 November 2011, www.osce.org/odihr/84873.

¹⁰ See below concerning the case of Mr Bialiatki.

¹¹ http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7145.

¹² Amnesty International, Belarus: Prisoner of conscience now incommunicado, 18 May 2011.

¹³ See also below.

¹⁴ Belarusian Association of Journalists website: <http://baj.by/m-p-viewpub-tid-1-pid-10456.html>.

22. On 27 April 2011, the Ministry of Information announced that a case had been filed with the Supreme Economic Court to shut down the newspapers *Narodnaya Volya* and *Nasha Niva* for alleged improper coverage of the terrorist attack, charges that were subsequently withdrawn. Civil activists continued campaigning for the release of journalist, Andrzej Poczobut, arrested on 6 April 2011 on charges of libel of the President. The Polish journalist of the *Gazeta Wyborcza* and resident of Grodno was imprisoned on charges of “insulting and slandering the President” and then released with a suspended three-year prison sentence. Newspapers and other independent media organisations continue to be targeted through the use of fines and intimidation of potential advertisers.

23. In September 2011, the Collective Security Treaty Organisation (CSTO) of the Commonwealth of Independent States (CIS) countries, including Belarus, Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan, expressed concern over social networks and declared that they would “monitor” them closely to prevent mass riots like the ones that occurred in the Arab world. Belarus former Prosecutor General, Ryhor Vasilevich, called for an international agreement which could potentially introduce Internet censorship.

24. According to the BAJ, a new wave of sanctions against journalists who report from Belarus without press credentials was launched at the end of October 2011. A Russian correspondent was deported from Belarus and three local independent TV journalists were summoned to the Prosecutor General’s office in Minsk. One of them received an official warning.¹⁵ During meetings at factories in Barysau, managers were banned by the authorities from communicating with independent journalists. The list of independent newspapers banned from communication included *Barysau News*, *Homan Barysaushchyny*, the nationwide newspapers *Nasha Niva* and *Narodnaya Volia*, and also Russian holdings in Belarus, *Komsomolskaya Pravda v Belarusi* and *Arguments and Facts in Belarus* (AiF).¹⁶

25. On 16 November 2011, journalist Iryna Khalip, Mr Sannikov’s wife, received a warning from the Correctional Department (DIN) of the Ministry of Internal Affairs after she invited her colleagues to cover the issue of the sudden transfer of her husband.

26. At the request of our committee, the Venice Commission has expressed itself twice on the “warnings” issued by the Belarusian authorities against journalists and human rights organisations. It considered that the grounds invoked in the case of the warning addressed by the Ministry of Justice of Belarus to the Belarusian Association of Journalists (13 January 2010) and to the Belarusian Helsinki Committee (12 January 2011) were disproportionate and the reasons adduced were neither relevant nor sufficient. Both warnings constitute a violation of Articles 19 (freedom of expression) and 22 (freedom of association) of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 (freedom of expression) and 11 (freedom of peaceful assembly and freedom of association) of the European Convention on Human Rights (ETS No. 5).¹⁷

2.3 Continued pressure against human rights defenders: the case of Ales Bialiatski

27. A pattern of harassment and intimidation towards civil society culminated in August 2011 with the arrest of Ales Bialiatski, head of the non-governmental organisation (NGO) Viasna and Vice-President of the International Federation for Human Rights, accused of “concealment of profits on an especially large scale in pursuance of prior agreements” under Article 243, part 2, of the Belarus Criminal Code.

28. The tax evasion charge stems from Mr Bialiatski’s reported use of personal bank accounts in Lithuania and Poland to receive funding from international donors for human rights activities in Belarus. Viasna is one of the only remaining organisations in Belarus openly speaking out about human rights violations in the country. Since April 2011, Mr Bialiatski has been the subject of a smear campaign, in which he is presented as public enemy number one in Belarus.

29. During the October 2011 part-session, I initiated a written declaration in support of Mr Bialiatski, which was signed by 63 parliamentarians from all political groups and from many member states. In this text, we condemned his arrest and stated that we would monitor the proceedings against Mr Bialiatski and other opponents of the regime with special interest, while at the same time demanding the release of all political

¹⁵ Under Belarusian law, a media outlet can be shut down after two warnings from the Press Committee.

¹⁶ Belarusian Association of Journalists website: <http://baj.by/m-p-viewpub-tid-1-pid-11946.html>.

¹⁷ See opinion on the warning addressed to the Belarusian Association of Journalists on 13 January 2010 by the Ministry of Justice of Belarus, adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December 2010), and opinion on the compatibility with universal human rights standards of an official warning addressed by the Ministry of Justice of Belarus to the Belarusian Helsinki Committee adopted by the Venice Commission at its 87th plenary session (Venice, 17-18 June 2011).

prisoners in Belarus.¹⁸ The European Parliament, at its session on 12-15 September 2011, also adopted a resolution calling for Mr Bialiat'ski's immediate and unconditional release from custody and asking that all charges against him be dropped.

30. On 24 November 2011, Mr Bialiat'ski was sentenced to four and a half years of imprisonment under strict regime conditions, the confiscation of property and a fine. This prompted a wave of condemnations from the international community.

31. I issued a joint statement,¹⁹ together with Ms Beck, rapporteur for opinion of the Committee on Legal Affairs and Human Rights, in which we deplored the sentencing and considered it tantamount to judicial harassment of a human rights defender for carrying out legitimate human rights activities, protected under all international human rights instruments. The same day the Bureau of the Assembly also expressed consternation and considered that this sentence "confirms a worrying trend that the authorities in Minsk are deliberately turning their back on Europe and the values it upholds".²⁰ The Council of Europe Secretary General said that "Mr Bialiat'ski's treatment is a clear example of the authorities' persistent harassment of the work of civil society organisations". On 23 November 2011, the day before the verdict, High Representative Catherine Ashton and Commissioner Štefan Füle issued a joint statement on the trial of Mr Bialiat'ski, considering the charges against him as a "politically motivated pretext to target his important work to the benefit of victims of repression" and called for his immediate and unconditional release. On 24 November 2011, they deplored this harsh sentence and considered it to be a symbol of the ever intensifying crackdown on civil society.

32. The Belarus Foreign Affairs press secretary, Andrey Savinykh, claimed that the international reactions to this sentence were "an example of the most hypocritical use of the double standards" regarding the issue of tax evasion, and blamed the "campaign launched by the West ... defined by undisguised political pressure on the judicial authorities of Belarus".²¹

33. The information on the financial operations and bank accounts of Mr Bialiat'ski was officially received by the Belarusian authorities from the Ministries of Justice of Lithuania and Poland in the framework of legal information exchange programmes. Showing that Lithuania and Poland actually supervised the activities of NGOs in Belarus and, at the same time, "betrayed" the activists of those organisations, Belarusian authorities sought to soften the criticism of their own activities and, at the same time, discredit their opponents. The Polish and Lithuanian authorities, once they realised Belarus' real intentions, immediately deplored the fact that bilateral and international mechanisms had been misused, recalled the information they had previously submitted and requested that this should not be used as evidence in the court case.

34. A number of international human rights defenders were denied entry visas to Belarus, preventing them from monitoring the trial proceedings and their fairness.²² Financial documents were reportedly not translated or verified as authentic, and witnesses for the prosecution allegedly did not understand their content. Individuals wanting to attend the court hearings had their clothes checked and those wearing t-shirts with Mr Bialiat'ski's photo on them were denied entry or forced to take the t-shirts off before gaining access.

35. It has to be noted that the severe restrictions on freedom of association in Belarus and the impossibility for independent organisations to register and to receive funds from abroad, under Article 193-1 of the Criminal Code, seriously impede the work of Viasna and jeopardise its efforts to assist victims of political repression. On 31 May 2011, the Political Affairs Committee, taking into account the situation of non-registered organisations in Belarus, decided to ask the Venice Commission to provide an assessment of the compatibility with universal human rights standards of Article 193-1 vis-à-vis the rights of non-registered associations in Belarus.

36. In the opinion of the Venice Commission, adopted on 14-15 October 2011, "penalising actions connected with the organisation or management of an association on the sole ground that the association concerned has not passed the state registration, as Article 193-1 of the Criminal Code does, does not meet the strict criteria provided for under Articles 22.2 I and 19.2 of the International Covenant on Civil and Political Rights and 11.2 and 10.2 of the European Convention on Human Rights. This would make the

¹⁸ <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc11/EDOC12760.htm>.

¹⁹ http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7179.

²⁰ www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7177.

²¹ Comment of the MFA press-secretary, Andrey Savinykh, on the statements of foreign politicians related to the sentence to Ales Bialiat'ski, 24 November 2011, http://mfa.gov.by/en/press/news_mfa/b30fed1e3278a75d.html.

²² Representatives from human rights organisations, including Civil Rights Defenders, Norwegian Helsinki Committee, Human Rights House Foundation, Front Line Defenders and International Partnership for Human Rights, were denied visas for travel to Belarus.

activities of a non-registered association in fact impossible and, consequently, restrict the right to freedom of association in its essence".²³

37. According to the Venice Commission, "criminalising the legitimate social mobilisation of freedom of association, activities of human rights defenders albeit members of un-registered associations and social protest or criticism of political authorities with fines or imprisonment ... is incompatible with a democratic society in which persons have the right to express their opinion as individuals and in association with others". The Venice Commission goes on to say that Article 193-1 can serve the purpose of "criminalising social protest and legalising government response to social unrest" and that "[a]n arbitrary use of the existing legal framework to criminalise civil society efforts in trying to have an impact on its own conditions and future is unacceptable from the standpoint of democratic principles and human rights".²⁴

2.4 Further restrictions of human rights and political freedoms

38. The Assembly has repeatedly called for freedom of assembly to be respected in Belarus, particularly with regard to the excessive use of force by the police against demonstrators.

39. A series of so-called "silent" protests which took place throughout the summer of 2011 in approximately 50 towns in Belarus were met with considerable resistance from the authorities, who responded by detaining citizens suspected of being engaged in the protest and sentenced hundreds of them to up to 15 days in prison. On 3 July 2011, Belarus Independence Day, a peaceful demonstration was brutally dispersed in Minsk and other cities, with hundreds of protesters being beaten and detained merely for clapping hands.

40. One of the opposition parties, the Belarus National Front (BNF), was evicted from its headquarters in July 2011 and subsequently from its new offices on 1 October 2011. Three BNF activists also appeared in court recently on what many consider trumped-up charges of hooliganism. In a similar case, in December 2010, two Young Front activists, Zmitser Dashkevich and Eduard Lobau, were sentenced to two and a half and to three years in prison respectively. This makes it increasingly difficult for opposition groups legally to hold a meeting or public event in Belarus.

41. There are also continuing instances of harassment and persecution of lawyers in Belarus. At least five lawyers have been disbarred and had their licences revoked in a deliberate attempt to hamper trials. Four of these lawyers were defending people charged in connection with the December protests. Extraordinary qualification exams were also introduced during the summer of 2011 for already qualified lawyers. Such mechanisms may pose a serious threat to lawyers who risk losing their ability to perform their professional duties for political reasons, despite possessing the necessary academic and professional qualifications. In August 2011, 11 European ministers of justice signed an open letter to the Belarus Minister of Justice expressing serious concern about ongoing reports of harassment and persecution of lawyers in Belarus.²⁵

42. In October 2011, the Belarusian Parliament adopted a set of restrictive amendments to a number of Belarusian legislative acts, including the Law on Public Associations, the Law on Political Parties, the Electoral Code, the Code of Administrative Offences, the Criminal Code and the Criminal Procedure Code, and the Law on Mass Events. According to several human rights organisations, the amendments were voted in an atmosphere of almost complete secrecy. The text of the proposed legislative changes was not made available to the public thus eliminating any possible input from civil society groups.

43. The new legislation further restricts freedom of assembly and association, bringing the work of Belarusian NGOs under even more intensive government scrutiny, and allows for significant expansion of the powers of KGB. Under the new measures, political and civil society groups are banned from receiving foreign assistance and from keeping money in foreign banks. A separate legal amendment expands the definition of treason to include "assisting a foreign state, a foreign organisation or its representative to the detriment of Belarus' national security," which is punishable by a prison sentence of between 7 and 15 years.

44. Simply calling for an anti-government protest can send a person to prison for three years. The police have been given formal justification for clamping down on those taking part in protests and public

²³ Opinion on the compatibility with universal human rights standards of Article 193-1 of the Criminal Code on the rights of non-registered associations of the Republic of Belarus, adopted by the Venice Commission at its 88th plenary session, Venice (14-15 October 2011).

²⁴ Ibid.

²⁵ The letter was signed by the Ministers of Justice of Bulgaria, the Czech Republic, Denmark, Finland, Hungary, the Netherlands, Poland, Romania, the Slovak Republic, Sweden and the United Kingdom.

demonstrations. Gatherings for “active inaction” (such as silent protests) are henceforth banned under the amended “Law on mass events”, which entered into force on 27 November 2011. The law significantly tightens the rules on opposition rallies and provides virtually unlimited opportunities for intelligence and law enforcement agencies. It details all types of events, such as rallies, flash mobs, picketings, marches and expands the list of places where these actions are forbidden. The organisation of events over the Internet is now regulated for the first time, the initiators do not have the right to gather people through a global network without consulting the local authorities beforehand for a permit to initiate the action. It is now prohibited to announce the date, time and place of the action beforehand on media and information networks!

45. I find such an unprecedented restriction of the freedom of assembly totally unacceptable and I propose that the committee seize the Venice Commission for an opinion on the issue.

2.5. Death penalty: renewed executions

46. No tangible steps have been taken by the Belarusian authorities towards abolishing the death penalty or introducing a moratorium on it, as repeatedly requested by the Assembly, most recently in its January 2011 resolution.

47. On the contrary, two executions were carried out in the summer of 2011. Aleh Hryshkautsou and Andrei Burdyka, sentenced to death by firing squad on 14 May 2010 for crimes committed during an armed attack on an apartment in Grodno in October 2009, were shot in mid-July. Their families found out through the media and were not informed officially. The execution was carried out despite a specific request for a stay of execution from the United Nations Human Rights Committee pending a review of the condemned men's appeals to the committee. This is the second time executions have been carried out in Belarus where cases are pending before the United Nations Human Rights Committee. In March 2010, Andrei Zhuk and Vasily Yuzepchuk were executed despite the United Nations Committee's request for interim measures of protection.

48. On 21 July 2011, I issued a statement condemning the execution of Aleh Hryshkautsou and Andrei Burdyka and recourse to capital punishment in general. On the same day, the Secretary General of the Council of Europe, Thorbjørn Jagland, also firmly condemned these executions and stressed that the ongoing policy of self-isolation, harassment of peaceful protesters, the imprisonment of political opponents and renewed executions underlined the unwillingness of the Belarus authorities to heed the aspirations of the Belarusian people to become a full part of the European family.

49. Since Belarus gained its independence in 1991, it is estimated that 400 people have been executed in Belarus – the exact figure is unknown due to the secrecy surrounding executions. Relatives of condemned prisoners do not know either the place of burial of those executed nor the time of the shooting; the bodies of those shot are not given to families for burial, and the “cause of death” field on the death certificate is left blank.

50. On 10 October 2011, the International Day against the Death Penalty, the European Union High Representative, Catherine Ashton, and Mr Jagland, issued a joint statement, reaffirming their united opposition to the death penalty and their commitment to its worldwide abolition, and urged Belarus to introduce a moratorium on the use of the death penalty, with a view to its complete abolition.

51. On 30 November 2011, the Belarusian Supreme Court handed down a death sentence against Dmitry Konovalov and Vladislav Kovalev, who were found guilty of the fatal bombing in the Minsk Metro on 11 April 2011. In a joint statement,²⁶ issued together with Renate Wohlwend, the Assembly's former rapporteur on the death penalty, we expressed our dismay and stressed that such an irreversible, cruel and inhuman penalty was unacceptable in any civilised society, however heinous the crimes of the perpetrators. We also deeply regretted that the work of the death penalty study group of the National Assembly of Belarus, initiated some time ago, had not borne any fruit and that parliamentarians in Belarus did not dare to speak up against the death penalty.

52. On 1 December 2011, the Press Secretary at the Ministry of Foreign Affairs, Andrei Savimyk, declared that “the position on the death penalty is well known – it is a national position, and no additional comments are required”.

²⁶ http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7221.

3. Upcoming parliamentary elections

53. On 2 March 2011, Ms Nina Mazai, Chairperson of the permanent commission for international affairs and national security of the Council of the Republic, declared that Belarus intended to invite international observers, including the OSCE and other parliamentary organisations, for the upcoming parliamentary elections to be held not later than 26 September 2012, as recently declared by Lidia Yermoshina, Chairperson of the Central Election Commission (CEC).

54. The National Coordinating Council of the Democratic Forces of Belarus, representing opposition forces, issued a statement on 11 April 2011 regarding the conditions for the participation of the Belarusian democratic forces in the upcoming parliamentary election campaign. The Council asked the authorities to release all political prisoners, to cease political repression in the country, to respect constitutional rights and freedoms, and to reform the electoral system. It also underlined that the democratic opposition reserved its right to boycott the upcoming election campaign if the demands put forward were not fulfilled.

55. On 21 April 2011, Mr Lukashenko delivered his annual address to the National Assembly, announcing that Belarus would not change the electoral system into a proportional one prior to the 2012 parliamentary elections.

56. On 25 April 2011, the movement "For Freedom", led by Alaksandr Milinkievic, launched a new phase of the campaign "The People's Programme" to open a broad public discussion on "the vexed problems of the Belarusian society". A few days later, on 29 April 2011, the United Civic Party launched a nation-wide campaign on "Building new, preserving the best", to elaborate political and economic development programmes for Belarus and planned to engage in a dialogue with the authorities.

57. On 18 October 2011, Mr Lukashenko said he would not consider radical changes to the electoral legislation, which he deemed to be "unacceptable in the run-up to a political campaign". He stressed that a lot had been done in recent years to streamline the legislation taking into consideration the demands of some international organisations, including the OSCE.²⁷

58. On 9 November 2011, the Russian newspaper *Kommersant* spread rumours about early elections in April 2012. Seemingly, the main purpose of the information leak was to clarify the position of opposition parties with regard to a possible boycott of the elections.

59. The reaction of the leaders of the United Civil Party and the Left Party "Fair World", Mr Lyabedzka and Mr Kalyakin respectively, suggested that some registered well-known opposition parties are willing to participate in the parliamentary elections.

60. The non-registered party "Belarusian Christian Democracy" and one of its leaders, Mr Rymashevsky, along with the "Tell the Truth!" social movement and its leader, Uladzimir Niakliaeu, made strong statements against participation in the elections prior to the release and rehabilitation of all political prisoners. "For Freedom" deputy leader, Mr Hubarevich, said that the movement had not yet taken a decision.

61. It is said that the Belarusian authorities will use this campaign as a stake in the next round of bargaining with western European countries and in their negotiations for a new International Monetary Fund (IMF) loan.

62. On 8 and 12 November 2011, a number of opposition groups gathered in several cities in Belarus for the so-called "All People's Assembly". The majority of the meetings reportedly gathered only a few dozen people, some were prevented by the police or were cancelled by the organisers. The main reason for this failure was said to be the lack of unity among the opposition forces, as well as the unwillingness of Belarusian citizens to participate in political protests for fear of reprisals.

4. Foreign relations in a harsh economic context

63. Belarus relations with Western countries remain tense. On 16 June 2011, Emmanuel Decaux, OSCE Moscow Mechanism²⁸ rapporteur, presented his report to the OSCE Permanent Council on the human rights situation and implementation of OSCE commitments in Belarus since the December 2010 presidential election. Belarus decided not to co-operate, thus violating its OSCE commitments. The Belarusian authorities neither appointed their own rapporteur as a member of the mission nor granted the necessary assistance

²⁷ Belarusian Telegraph Agency, Belarus to hold parliamentary elections before September 2012, 18 October 2011.

²⁸ The final report is available at www.osce.org/odihr/78705.

and access to Professor Decaux. The report highlighted serious, gross and systematic human rights violations since the events of 19 December, which also concern a system of social control, by fear and harassment, torture and blackmail, phone tapping, false evidences and forced confessions. That said, the rapporteur remained convinced of the need for dialogue and engagement with Belarus on the implementation of OSCE commitments.

64. Shortly after, on 9 July 2011, the OSCE Parliamentary Assembly adopted a resolution on Belarus during its 20th annual session in Belgrade, which I attended, calling on the Belarusian authorities, *inter alia*, to allow independent experts appointed under the Moscow Mechanism into the country.

65. During the course of 2011, a serious depreciation of the Belarusian ruble has hit the economy hard. Belarus had already borrowed a total US\$3.4 billion from the IMF in 2009 and 2010. In June 2011, the country received the first US\$800 million tranche out of a US\$3 billion bailout from the anti-crisis fund of the EurAsEC, a post-Soviet economic bloc led by Russia. In November 2011, the IMF stressed that Belarus needs to show its commitment to market reforms and prove it with concrete steps in order to get a bailout from the Fund. On 1 December 2011, the IMF decided not to enter into talks with Belarus on a loan deal, due to the authorities' failure to commit to reforms.

66. The Belarusian authorities seem unwilling to assume responsibility for the implementation of a coherent financial policy and economic reforms. Some commentators stress the growing interest of some members of the government to benefit financially from the crisis.

67. At the Eastern Partnership²⁹ Summit held in Warsaw from 29 to 30 September 2011, Polish Prime Minister, Donald Tusk, proposed to provide financial assistance of nine billion dollars to Belarus if the country meets European Union conditions, namely releasing and rehabilitating political prisoners, organising a dialogue with the opposition and conducting the next parliamentary elections in compliance with OSCE standards. Poland put a symbolic empty chair in a room full of leaders of European Union and post-Soviet countries after Belarus refused to send its Foreign Minister, who was invited to represent Mr Lukashenko, as the latter is included in the European Union visa ban list.

68. As long as the country has political prisoners, permanently violates human rights and refuses to co-operate constructively with international organisations, Belarus has little chance of successfully attracting financial resources.

69. On 10 October 2011, the European Union extended sanctions against Belarus until 31 October 2012, imposing asset freezes and travel bans on 16 officials in order to increase the pressure on the government to free political prisoners. The new measures extend the list of people targeted by the European Union to 208 officials. The European Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle, said that the European Union would continue to apply sanctions against those violating human rights, but that the European Union was looking for new ways and opportunities to support democracy in Belarus.

70. On 4 November 2011, four countries having EU candidate status, Croatia, "the former Yugoslav Republic of Macedonia", Montenegro and Iceland, Serbia as a country participating in the Stabilisation and Association Process and having potential candidate status, as well as the EFTA countries Liechtenstein and Norway, members of the European Economic Area, declared that they shared the objectives of the European Council decision concerning restrictive measures against Belarus.

71. In August 2011, the United States also imposed additional economic sanctions against four state-owned enterprises in Belarus, in response to the continued incarceration of political prisoners, the crackdown on political activists, journalists and civil society representatives. Belarus responded by suspending a joint project with the United States for exchanging highly enriched nuclear fuel.

72. The Belarusian Foreign Ministry immediately called the sanctions "irrelevant in themselves". According to the Ministry's spokesperson, Andrei Savinykh, "It is well known that the coercive measures yield the opposite result".³⁰ Belarus has put in place measures which are to reciprocate the European Union and US sanctions and drafted a list of persons banned to enter the country. Tighter control was introduced over the funding of political activities in the territory of Belarus through foreign public and political associations and trusts, as well as their branches.

²⁹ See also the Assembly report on the Council of Europe and the Eastern Partnership of the European Union (rapporteur: Mr Björn von Sydow).

³⁰ Telegraf.by, Belarus FM: EU Decision on Sanctions is Irrelevant, 10 October 2011.

73. Some European banks, such as the British state-bank RBS, were doing business with the Belarusian government until a campaign by Index on Censorship and Free Belarus Now shamed them. It is estimated that 30% of the bonds were bought by institutions based in the City of London.³¹

74. On 18 November 2011 in Moscow, the Presidents of Russia, Belarus and Kazakhstan signed a package of documents on the Common Economic Space (CES), an economic integration plan that does not require a liberalisation of the political system by Belarus. Some commentators believe that all the potential benefits of the integration are levelled by significant differences between the countries in the level of development, economy and economic interests. Mr Lukashenko said that his country would actively engage in shaping the new structure. On 21 November 2011, the Prime Minister of Belarus, Mikhail Miasnikovich, announced that Sberbank of Russia would provide Belarus with \$5 billion for new projects. Agreements, signed in Moscow in November 2011, on the sale of Beltransgaz, gas supply and on the construction of a nuclear power plant will allow the government to continue implementing the existing economic policies without major reforms. According to observers, ongoing problems are expected to return by the summer of 2012.³²

75. On 28 November 2011, at the EU-US Summit in Washington, the leaders of the European Union and the United States declared in a joint statement that “[w]ith regard to the European Union’s Eastern neighbours, we are working together to support democracy, resolve protracted conflicts, foster economic modernisation, and advance their political association and economic integration with the European Union, recognising in this regard the importance of the European Union’s Eastern Partnership. We insist that the Government of Belarus immediately release and rehabilitate its political prisoners, and make progress towards respect for the principles of democracy, the rule of law, and human rights”.

76. The European Union remains committed to maintaining a close dialogue with the political opposition and civil society in Belarus and will re-engage with the official authorities in Minsk only when all political prisoners had been released and rehabilitated. This was also reaffirmed on 29 November 2011 by Commissioner Füle meeting representatives of the seven major opposition parties and movements in Brussels.

78. That said, it is evident that a policy of complete isolation does not necessarily result in Belarus’ expulsion from inter-state relations,³³ especially when it comes to diplomatic relations and economic ties with some eastern European partner countries, the Middle East and other states in the Arab world which have been quite dynamic over the past months.

5. Belarus and the Council of Europe

78. Following the 19 December 2010 events, the request by the Committee of Ministers to the Belarus authorities to provide further information was followed by a letter from Minister Martynov dated 18 January 2011 and the Secretary General’s reply dated 31 January 2011. Mr Jagland stressed that the development of co-operation between the Belarusian authorities and the Council of Europe depended upon positive developments concerning respect for European values and principles and he expressed the hope that the arrested persons would be released without delay and their fundamental rights fully respected while in prison.

79. On 30 March 2011, the Committee of Ministers approved a document entitled “Strengthening civil society and independent media in Belarus”. The objective of the proposed activities was to strengthen the capacity of civil society organisations and the independent media in Belarus to bring about substantial and sustainable progress in the fields of democracy, the rule of law and human rights. Whilst there was some level of progress for all activities, about half of the planned activities were funded, also through voluntary contributions, and were fully implemented throughout 2011.

80. The mandate of the Council of Europe Information Point in Minsk has been extended for one year, until June 2012, and is currently conducting awareness-raising activities and preparing a series of lectures on key Council of Europe topics with the involvement of international and national experts.

81. On 6 December 2011, the Rapporteur Group on Democracy of the Committee of Ministers of the Council of Europe examined a request by the Republic of Belarus to be invited to accede to the Council of

³¹ John Kampfner, Arab Spring is a wake up call for European dictatorship, *The Independent-UK*, 27 September 2011.

³² Solidarity with Belarus information office, Weekly monitoring by SBIO, 21-27 November 2011.

³³ See also Dzianis Melyantsou, Eastern Partnership Summit and Belarus: Nothing for Nothing, Belarusian Institute for Strategic Studies, 7 October 2011.

Europe Convention on action against trafficking in human beings (CETS No. 197). In the absence of any objection by the member states, the request was forwarded to the Committee of Ministers for decision on 11 January 2012.

82. The European Commissioner for Human Rights, Thomas Hammarberg, has maintained regular contacts with civil society representatives and human rights defenders from Belarus. The Commissioner published an Op-Ed and two Human Rights Comments in May and September 2011, where he expressed his concern regarding the deterioration of the human rights situation in Belarus and the increasingly restrictive and difficult working environment for human rights defenders.

83. As far as its own relations with Belarus are concerned, in January 2011, the Assembly reaffirmed its decision to put on hold its activities involving high-level contacts with the Belarusian authorities. It further called on the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus until a moratorium on the execution of the death penalty has been decreed by the competent Belarusian authorities and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

84. Meanwhile, the Political Affairs Committee has stepped up co-operation with civil society representatives and human rights defenders throughout 2011 and organised no less than four hearings on the situation in Belarus with representatives of international and Belarusian NGOs, as well as of the European Parliament, the OSCE and the Venice Commission. The committee has also tried to reach out to the Belarusian authorities and requested a visit to the country with a view to directly assessing the situation on the ground, including the situation of those detained on political grounds. I hope that, despite the criticism received from the domestic opposition and the international community, the authorities in Minsk will open up new channels of communication with the committee in 2012.

6. Concluding remarks

85. With human rights being seriously violated, political freedoms still being restricted and harassment and political trials of civil society and political opponents still ongoing, the human rights situation in the country has dramatically deteriorated.

86. The Belarusian authorities still refuse to grant legal status to independent human rights organisations in the country and have strengthened penalties for accepting, storing or transferring unregistered foreign aid.

87. A set of legislative amendments to a number of Belarusian legislative acts further restricts freedom of assembly and association, bringing the work of Belarusian NGOs under even more intensive government scrutiny, and allows for significant expansion of the powers of the police.

88. No tangible steps have been taken by the Belarusian authorities towards abolishing the death penalty or even introducing a moratorium on it. New executions were carried out in 2011 and two new death sentences were recently handed down.

89. The Belarusian authorities continue to fail to respond positively to the calls of the Assembly with respect to Council of Europe standards of democracy, human rights and the rule of law.

90. The wave of repression does not therefore allow the Council of Europe member states to engage with the top leadership of Belarus, who are responsible for arrests and harassment of the opposition. We must remain firm and uncompromising in the demand for the release of all political prisoners.

91. Unless the Belarusian government puts an end to the repression and adopts a course that allows for political as well as economic reforms, there is little hope that relations between Belarus and the Council of Europe, as well as the European Union, can be restored to pre-December 2010 levels.

92. I take the view that the Assembly could only re-engage in dialogue with the Belarusian authorities if, as a first move, the authorities allowed the rapporteurs from the OSCE, European Union and United Nations bodies, as well as our Assembly, access to the country and to the prisoners they wish to meet.

93. Independently of relations with the authorities, engagement with the people of Belarus should be broad, deep, and long-term in nature. Both the Council of Europe, including the Assembly's political groups, and its member states should continue to engage with representatives of civil society, independent media and opposition forces, as well as independent professional associations, to increase the support for their development and to invite them to attend round tables, seminars and hearings so as to ensure that as many

channels of communication and co-operation as possible remain open. Openness, dialogue and multiple contacts can maximise Europe's power of attraction and are also essential in order to reach out to Belarusian citizens.

94. Member states should also consider reducing or eliminating entry visa fees for Belarusian citizens, open universities and offer scholarship programmes to young Belarusian students and establish links with the European Humanities University in exile in Vilnius. I recall that the Council of Europe School of Political Studies is also in exile in Kyiv.

95. Finally, I believe the Assembly should encourage all political forces and activists engaged in the forthcoming parliamentary elections campaign to focus on the many challenges facing the citizens, rather than just on ending the current regime, and put forward concrete programmes of policy change for improving people's lives, focused on political and economic reforms and growth.

96. At its meeting on 14 December 2011, the Political Affairs Committee, for its part, also decided to invite representatives of opposition forces from Belarus to an exchange of views with members during the January 2012 part-session, in view of the forthcoming parliamentary elections.

97. The committee also decided to ask the Venice Commission to provide an assessment of the compatibility with universal human rights standards of the amended "Law on mass events in the Republic of Belarus" which entered into force on 27 November 2011.