

Statement

by

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Special Rapporteur**

on the situation of human rights in Belarus

Item ...

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Mr. Chairperson,
Madam High Commissioner,
Excellencies,
Distinguished delegates,
Ladies and Gentlemen

The mandate of the Special Rapporteur on the situation of human rights in Belarus was established by Commission resolution 2004/14 and extended by resolution 2005/13. The Commission requested the Special Rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-second session.

At its first session (resolution 2006/102), the Human Rights Council requested all special procedures to continue with the implementation of their mandates and to consider at its next session the reports of all special procedures submitted to the sixty-second session of the Commission on Human Rights. I would like to present to you the main recommendations contained in my report 2006/36 and update you on the human rights situation in Belarus and my activities since January 2006.

In 2006, like in 2004 and 2005, the Government of Belarus did not cooperate with the Special Rapporteur in the fulfillment of his mandate, despite numerous attempts made to engage in a constructive dialogue. Therefore, the report and the update which I will present to you are based on my findings during missions to Estonia, Latvia, Lithuania, Poland and Russia, consultations held in Geneva, Strasbourg and Brussels, and on media reports and documentary sources.

Activities of the Special Rapporteur in 2006

In January 2006, I was invited to Moscow by the Council on Foreign and Defence Policy and the Russian-Belarusian Commission on Human Rights under the aegis of the Institute for the Development of Civil Society and Human Rights under

the Russian President. I took this opportunity to present the main findings of my report, conduct consultations with Russian officials and reiterate my readiness to take into consideration the views of the Belarus authorities should I be authorized to conduct a visit to Belarus.

In April 2006, I visited Geneva to meet with the High Commissioner and hold consultations on the human rights situation in Belarus with a number of Permanent missions and NGOs. I took that opportunity to exchange views on one of the recommendations in my last report to organize an International Conference on the Situation of Human Rights in Belarus, involving the European Union, OSCE, the Commonwealth of Independent States and the Council of Europe, and possibly the Government of Belarus and representatives of civil society. The Conference would provide a forum to discuss possible ways to improve the human rights situation in Belarus and prepare the ground for an open-ended national Round-Table on the situation of human rights in Belarus, with the objective to define a road map for the implementation of human rights reforms, as recommended by UN human rights special procedures and treaty bodies. I have received positive feed-back from OSCE and the Council of Europe in this regard, the latter willing to co-organize the conference.

Mr. Chairperson, Ladies and Gentlemen,

Update on the situation of basic freedoms and human rights

Numerous human rights violations were reported before, during and after the Presidential elections held on 19 March 2006. OSCE and the European Parliament stated publicly that the election failed to meet international electoral standards because of arbitrary use of state power, widespread detentions, and disregard for the basic rights of freedom of assembly, association and expression. Some 1000 citizens peacefully demonstrating against the electoral results have been detained, including political opponents among whom presidential candidate Alexander Kozulin, human rights defenders, and Belarusian and foreign journalists. Over 150 people were reportedly summarily tried without access to a defence lawyer. Concerns were expressed regarding respect for their right to a fair trial. On 13 July 2006, Alexander Kozulin was sentenced to five and a half years at a court in Minsk. He was found

guilty on charges of "hooliganism" and "organizing and participating in group activities that gravely violated public order". OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, has expressed his deep concern that Belarus has tried to make an example out of Mr. Kozulin by imposing such a harsh sentence.

I issued three press statements in March 2006 condemning the escalation of human rights violations in Belarus and requesting the release of imprisoned political opponents. I strongly condemned the escalation of human rights violations committed by the Belarusian Government against the independent press, opposition candidates and their supporters, and human rights defenders, ahead of the presidential election in Belarus, and urged the Government to promptly stop its campaign of aggression against human rights defenders, particularly the Belarusian Helsinki Committee and its members.

On 29 March, sever special procedures mandate-holders - the SR on the promotion and protection of the right to freedom of opinion and expression, the SR on torture and other cruel, inhuman or degrading treatment or punishment, the SRSG on Human Rights Defenders, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the SR on the independence of judges and lawyers, and myself issued a press release expressing concerns at the large number of violations of the rights to freedom of expression, freedom of association, fair trial, physical and mental integrity and to liberty.

The European Parliament ad-hoc delegation stated that Alexander Lukashenka cannot be recognized as the legitimate president of Belarus, as the elections were not free, fair or democratic and called for a re-run of the elections, as well as for an extension of European Union sanctions against Belarus. In April 2006, EU foreign ministers extended a visa ban on 31 officials from Belarus, including President Alexander Lukashenka.

In a press release on 2 May 2006, I expressed grave concern over the detention of opposition leaders Aleksandr Milinkevich, Vintsuk Vyachorka, Aleksandr Buchvostau, and Sergei Kalyakin, who were arrested in Minsk on 27 April, and

sentenced to 15 days of imprisonment on charges of organizing and participating in an unauthorized protest rally, following their participation in a march to protest the government's management of the Chernobyl nuclear accident of 1986. In this regard, I also joined an urgent appeal sent to the government by the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression.

As a positive development, I would like to mention that Belarus ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 25 January 2006.

Communications

Of the 11 communications which have been sent by various special procedures to the Government since January 2006, only one reply was received in June 2006 stating *inter alia* the Government's commitment "to constructive cooperation with thematic procedures and its willingness to provide them with all requested and available information in a transparent and accurate manner." These communications raised serious concerns related to the situation of human rights defenders, freedom of expression, religious intolerance, arbitrary detention, independence of justice and torture:

- On 21 February, concern was expressed that the charges held against the Belarusian Union of Youth and Children's Public Associations (RADA) were connected with its legitimate activities in defence of human rights;
- On 1 March, the expulsion of several journalists in light of the presidential elections raised concerns related to the compatibility of these expulsions with the right to freedom of opinion and expression;
- On 9 March, concerns were raised regarding the obstacles to gain registration for the Christ's Covenant Reformed Baptist Church and the Belarusian Evangelical Church;
- On 14 March, concern was expressed that the assault and arrests of several journalists (who were reporting the arrest of an opposition candidate) may have been an attempt to prevent them from carrying out their legitimate journalistic work;

- On 17 March, I expressed deep concern at the restrictions and harassment of various journalists, human rights defenders and members of the political opposition, particularly in light of the elections and the, therefore, imminent need for free, independent and objective monitoring and reporting necessary for any democratic elections;
- On 23 March, concern was expressed at the detention of Georgian citizens. Serious concern was also raised at the numerous reports on the arrests, detentions, ill-treatment and deportation against individuals who participate in protest rallies, members of the political opposition, journalists and other media personnel, and human rights defenders, before and after the presidential elections of 19 March 2006;
- On 24 March, concern was expressed regarding the violent mass arrests of peaceful demonstrators protesting against the election results and calling for free and fair elections. The communication indicated that allegedly, a total of around 400 persons were arrested and remained in detention under conditions falling below international recognized standards of detention conditions;
- On 06 April, concern was raised regarding the situation of Mr. Mariusz Maszkiecz, human rights defender and former Ambassador of Poland to Belarus, who was reportedly badly beaten and assaulted during his arrest and was sentenced to 15 days imprisonment by a court in Minsk. In its response of 20 June, the Government informed that he was released after the 15 days period some of which his spent in hospital due to medical treatment;
- On 28 April, grave concern was expressed that the criminal proceedings against five human rights defenders may be connected with their human rights activities. Mr. Artur Finkevich was arrested and detained by police in Minsk on suspicion of drawing political graffiti. If convicted, he may be sentenced to up to years of imprisonment;
- On 8 May, concern was expressed that people were arrested for expressing their political views during a peaceful march organized in the centre of Minsk to commemorate the 20th anniversary of the Chernobyl nuclear disaster.

Mr. Chairperson, Ladies and Gentlemen,

Conclusions and Recommendations

I would like to express my increased concern at the steady deterioration of the situation of human rights in 2005 and 2006. I urge the Government of Belarus to put an end to the ongoing human rights violations described in my presentation and to bring those responsible to justice. I would like also to call upon the Government to recognize all resolutions adopted by the Commission on Human Rights and in particular the mandate of the Special Rapporteur on the situation of human rights in Belarus. I reiterate my recommendation to the Government to launch a public education and public awareness programme in the field of human rights, and to convene a national round table on the situation of human rights in Belarus.

I urge the Government to sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance as soon as it will be opened for signature and ratification. I also recommend that the Human Rights Council request the Office of the United Nations High Commissioner for Human Rights to immediately establish a group of legal experts to investigate the responsibility of senior officials of the Government of Belarus in the disappearance and murders of several politicians and journalists, and make concrete proposals for their prosecution, in order to bring to an end the impunity of those involved in such crimes.

I would also like to call on the Belarusian civil society to multiply its efforts towards the establishment of a dialogue with the Government, and to continue working towards the consolidation and democratization of the Belarusian civic multicultural nation. I recommend to the democratic political opposition of Belarus to disseminate widely its political programme and its human rights plan of action. I strongly encourage the international community, and in particular the United Nations, to support this process.

Mr. Chairperson, Ladies and Gentlemen, I thank you.