

RESOLUTION OF THE OSCE CIVIL SOCIETY PARALLEL CONFERENCE

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ON REACTION OF THE OSCE AND THE INTERNATIONAL COMMUNITY TO HUMAN RIGHTS CRISIS IN THE REPUBLIC OF BELARUS

Almost a year has passed after the dramatic events of 19 December 2010 in the Republic of Belarus that gave rise to a new stage in the obliteration of fundamental rights and freedoms in this European country and OSCE member-state. It is with deep regret that we have to admit that throughout this past year the systemic crisis with regards to human rights has grown deeper and repressions are mounting up. We believe that the international community, including within the OSCE framework, so far proved powerless to prevent the deterioration of the situation and bring the situation back into the state when the international norms are observed. In this regard, we urge the OSCE and the international community in general to use more effective measures to influence the situation in the Republic of Belarus, that go beyond appeals and recommendations contained in reports and resolutions.

Throughout this year, the Belarusian authorities have stepped up repression and carried out systematic acts of intimidation and suppression of civic engagement. Starting with a brutal dispersal of a peaceful assembly of many thousands on the election day of 19 December 2010, the authorities continued to suppress the civil rights and freedoms by massive illegal detentions of hundreds of people, torture of detainees and unjust sentences.

Participants of these events, imprisoned on criminal charges, have faced health- and life-threatening inhuman treatment. Today, we have serious concerns about the lives of Andrei Sannikov, a presidential candidate in the 2010 elections, and Zmicer Dashkevich, the leader of the unregistered Young Front movement. We are also alarmed about the condition of Dmitry Bondarenko, who is seriously ill yet is kept in custody without access to adequate medical care and has not received official permission to be visited by representatives of the International Committee of the Red Cross.

By means of pressure and brutal detention conditions political prisoners were compelled to admit guilt and ask for pardon. Those pardoned were also subjected to pressure, including "preventive" detentions, threats, searches and interrogations. Peaceful protesters are constantly subjected to severe beatings and detention by security forces, expelled from their jobs and educational institutions.

The rights of journalists and lawyers to exercise their professional activities are systematically violated; including cancellation of licenses and expulsion from the profession, while international civic observers are not allowed into the country or being expelled from it.

The country continues the systemic departure from the norms of international law and adoption of tougher laws, most notably repressive changes to the law on non-governmental organizations, freedom of assembly and activities of the law enforcement. Of particular concern to the whole of international community is the politically motivated prosecution and unjustified conviction of Belarus' leading human rights activist Ales Bialiatski, aimed at ending the legitimate human rights activities — of both Ales himself and the Human Rights Center "Viasna" which he heads.

Belarus remains the only European state with no moratorium on the death penalty. Since 1991, 400 people have been executed in the country. Two more convicts were sentenced to death without the right to appeal the sentence on 30 November 2011. Of grave concern is the death penalty enforcement procedure, recognized as cruel and inhuman treatment by the UN Human Rights Committee.

Based on the analysis of the past year events, we are making an obvious conclusion: the Republic of Belarus is sinking deeper into a full-scale crisis in the sphere of human dimension, which requires an active participation of the international community to end the repressions, restore the rights of and rehabilitate victims of human rights violations and return the situation into the legal framework.

The UN, the OSCE, the Council of Europe, the European Union and other international organizations have made numerous attempts to encourage the Belarusian authorities to stop massive human rights violations and to comply with international obligations. However, we very much regret to state the de-facto non-cooperation of the Belarusian authorities with international institutions in the sphere of the human dimension

and human rights, despite its obligations within the UN and the OSCE, reaffirmed by Belarus at the OSCE summit a year ago. Less than a month after the ceremonious adoption of the Astana OSCE Declaration, the Belarusian authorities have opened one of the darkest chapters of the modern history of this country. It is increasingly obvious that the Republic of Belarus clearly demonstrates disregard for the stand of the international community and refusal to cooperate with international organizations. Thus, the Belarusian authorities expelled the OSCE's Minsk office; the OSCE Moscow Mechanism Rapporteur, representatives of the Working Group on Belarus, OSCE Parliamentary Assembly, the OSCE Representative on Freedom of the Media and many representatives of international human rights organizations, were all not allowed into the country. Belarusian authorities openly ignore the Resolution of the UN Human Rights Council adopted in June 2011, recommendations contained in the OSCE report with the Moscow Mechanism, the OSCE Parliamentary Assembly and other international bodies.

In this regard, we urge the OSCE and the international community to take more resolute steps to change the situation in Belarus. In particular, we consider it necessary:

- for OSCE representatives to officially submit the OSCE Moscow Mechanism report on Belarus for consideration by the UN General Assembly and adoption of a resolution of the General Assembly;
- for the UN Human Rights Council to appoint special rapporteur on the human rights in Belarus;
- to establish a liaison working group between the Office of the UN High Commissioner for Human Rights, special rapporteurs of the UN Human Rights Council, working groups or rapporteurs on the situation in Belarus in the UN, Council of Europe, PACE and OSCE PA in order to foster regular cooperation between these international organizations on the situation in Belarus;
- to cease cooperation programs with the government of the Republic of Belarus by the UN, OSCE, the World Bank and other international organizations that provide funding, training, internships, etc. of the law enforcement officers as well as public servants and representatives of government bodies;
- to begin the process of consultations in the OSCE, with participation of the OSCE participating states, including the Republic of Belarus, representatives of the OSCE bodies and civil society, to discuss the prospects of suspending the voting rights of the representatives of Belarus authorities and even suspending the membership of the Republic of Belarus in the OSCE in connection with systematic and flagrant non-fulfilment of a broad range of human dimension commitments and the actual refusal of the authorities of the Republic of Belarus to cooperate with the OSCE bodies and mechanisms. Such measures would not give the Republic of Belarus the right to withdraw from implementation of the existing OSCE commitments and would be lifted if the existing OSCE commitments are implemented. This is an extreme measure, but we have to initiate discussion of its prospects, given the current severe and intolerable situation, when the repressions continue unabated, and the authorities who are responsible for them, as if nothing has happened, participate in the work of the organization that had been formed primarily for the purpose of ensuring observation of human rights, and openly ignore decisions and recommendations of the organization.

We urge the international community to stop all cooperation with the authorities of the Republic of Belarus that provides for the transfer of funds to the Belarusian authorities — either directly or through companies their control, whether in the form of loans, technical assistance, investment, participation in privatization programmes or purchase of Belarusian goods.

Today everyone agrees that any dialogue with the Belarusian authorities is only possible after the release and full rehabilitation of all political prisoners. Yet that is not enough, since this requirement does not by itself create conditions for stopping repressions and restoring the rule of law. We believe it necessary to produce a package of systemic requirements to Belarusian authorities in the field of human rights and the rule of law, implementation of which shall be a condition for the renewal of international dialogue and cooperation with the government of the Republic of Belarus, including the economic one. Economic assistance and cooperation with Belarus should be based only on the fulfillment by the Belarusian authorities' of clear, detailed and measurable requirements in the field of human rights and the rule of law. Civil society stands ready to provide full assistance in the development of such "road map" and organization of monitoring of compliance with the international requirements.