



EBRD meeting in London 28 March 2012.

Situation in Belarus and EBRD recommendations

Distinguished EBRD civil society meeting participants,

The Norwegian Helsinki Committee is grateful for this opportunity to address the panel with our views and impressions on the situation in Belarus.

On the 19th of December 2010 NHC members were together with Ales Bialiatski, the leader of the human rights center Viasna, in the center of Minsk witnessing the large crowd of peaceful citizens gathering, protesting the stolen elections taking place the same day. We were in Minsk to follow events unfold during elections, prior to which there had been a hope that they could represent some progress in the direction of democracy in Belarus. That night all hope of progress was shattered as we saw police forces batter the protesters and arresting them by the hundreds. We as well, had to run away to avoid the batons.

We would have liked to be able to say that the situation Belarus had improved the last several months. Instead, Belarusian citizens keep running still over a year later. Ales Bialiatski, who for years has helped the victim of the regime and in particular those put behind bars, now finds himself in prison. Even so, civil society in Belarus continue its work under very difficult conditions. Some 1 500 Belarusians have applied for asylum abroad, an increase of 20 % since the year before.

We are grateful for the attention EBRD gives to the human rights situation in Belarus and that the need for reform is included to its strategy, demands improvements and continues to discuss how Belarus can be brought closer to Europe and European values.

The crackdown against democracy fighters in Belarus since 19 December 2010 has been unprecedented, even for Belarus. The control over society has tightened even more than before. People are being detained and intimidated; the control of the security services has been strengthened. State media repeat Lukashenka's words in mocked admiration; independent media are at risk of closure, fines or criminal prosecution. Lawyers defending opposition leaders have been disbarred. OSCE and Special rapporteurs of human rights institutions have been denied access the country, along with International human rights activists. During the trial of Ales Bialitaski, to our knowledge no visas at all were issued to potential trial-monitors. In addition to closing the borders to aliens who might be engaged in human rights activity, Alexander Lukashenko has responded to EU sanctions by closing the exit from Belarus for a large number of civil society leaders. Opposition leaders have even been taken off the train crossing the border to Russia. The sphere for meeting each other, face to face, is narrowing down.

On our last visit to Minsk in June 2010, before we were banned from further entry, we met a number of the released prisoners. Among them Irina Khalyp, the wife of still imprisoned presidential candidate Andrei Sannikou. His campaign manager Vladimir Kobets. Opposition leader Anatoly Lebedko. Mothers and wives of imprisoned activists. Their accounts leave no doubt: In Belarusian

prisons today, political prisoners risk extreme psychological pressure, many have been mistreated and the health of several of the imprisoned has deteriorated. We are extremely concerned about the health and well-being of Andrei Sannikou and Dmitry Bandarenka, as well as Dashkevich and Bialiatski. They live under very bad conditions; they have restricted access to families, lawyers and food parcels. Sannikou in particular, is under harsh conditions, there have been unconfirmed reports of sexual abuse and there are indications that an order has been given to break him down while serving his sentence.

Belarus belongs to Europe, and it is an atrocity against the common values of Europe what is going on in Belarus now. However, we believe that this can change very rapidly with joint efforts from united European institutions, although the signs of change are far from obvious right now.

Tawakkol Karman from Yemen said, when she accepted the Nobel Peace Prize in Oslo in December 2011: -- the birth of democracy **requires support and assistance, not fear and caution.** --

Belarus is not forgotten by Europe. In fact, the pressure against Lukashenka has never been bigger. In general, European governments seem to have a fairly realistic view of the situation. The sanctions continue to be tightened; slowly one may say, but steadily. And so it should be! The opportunity to influence this country has probably never been better. Never before has the Belarusian leader faced an economic crisis as the one he faces today, with a collapsing currency, severe material shortages and dwindling hard currency reserves. The crack-down against anyone opposing him is maybe more than anything a sign that he is feeling vulnerable. Still, European states and institutions seem unable to adopt a coherent and efficient policy towards Belarus. There is an urgent need to do this.

Should the Assembly have a dialogue with the regime of Aleksandr Lukashenka? Yes indeed – as it must use all available means, including the dialogue to continue the pressure against Aleksandr Lukashenka to free all political prisoners in Belarus and to fully restore their civil rights. Failing this, it is not the Europe severing ties with the regime, it is the regime cutting the ties with Europe.

In the aftermath of the mass arrests that started on December 19th 2010 more than 30 people were sentenced to prison terms, including presidential candidates opposing Lukashenka. During the last year we have seen many of them released in amnesties. Some paid a high price for their release, being put under severe pressure to make concessions as a condition for their release. For the legal rights and dignity of the prisoners, an amnesty is not enough, but they will also need to be cleared of all guilt.

Presidential candidates Andrei Sannikou and Mikalai Statkevich, Dzmitry Bandarenka from Sannikou's campaign team are all in prison. Activists Eduard Lobau, Zmitser Dashkevich, Pavel Seviarynets were all convicted in this category. These are your colleagues, politicians who wish to serve and to contribute to a better Belarusian society. For this, they have been put behind bars.

Convicted in the “anarchists' case” we find Mikalai Dziadok, Aliaksandr Frantskevich, Ihar Alinevich. Involved in the same case three more were convicted to seven years in prison for petty hooliganism in seriously flawed trials: Yauhen Vaskovich, Artsiom Prakapenka and Pavel Syramolatou. The businessman Mikalai Autukhovich is a political prisoner. Lastly, but importantly, on this list of shame we also find our friend and prominent human rights defender Ales Bialiatski.

The Assembly must also continue to demand a moratorium of the death penalty in Belarus. As the last country in Europe, Belarus still passes death sentences and now carries them out, too. We are mourning Dzmitry Kanavalau and Uladzislau Kavalyou, possibly wrongfully convicted for the April 2011 Subway bombings and executed two weeks ago.

The authorities of Belarus do what they can to undermine civil society activities. The conviction of Ales Bialiatski is a stark example put in front of others involved in human rights defense. For ten years, Belarusian legislation and other restrictive measures have gradually forced NGO activity underground. The Venice Commission concluded fall 2011 that the Article 193.1 of the Criminal Code penalizing actions of NGOs without state registration does not meet the criteria of UN conventions and the European Convention of human rights.

Recently even tighter restrictions have been introduced. Among them we find amendments to criminal legislation and legislation regulating civil society, which now criminalize keeping funds abroad. Administrative and criminal liability has been established also for receiving foreign donations “in violation of law”, meaning just about anything for a human rights organization in Belarus. The definition of a picket has been redefined to include any pre-planned meetings between three people or more.

Recommendations:

As a result of the December 2010 crackdown against civil society, EBRD approved a so-called “calibrated strategy” in April 2011 which limited the EBRD operations in view of the negative development. NHC recommends EBRD to prolong this calibrated strategy. The regime of Alexander Lukashenko has taken no steps that would legitimize increased cooperation with central authorities in Belarus.

NHC ‘s general recommendations concerning Belarus are:

- Insist on the unconditional release of all political prisoners and to restore all civil rights, and as a condition for further dialogue with Lukashenko and his regime, and to stop further arrests and harassment of human rights defenders and activists;
- Step up the engagement with Belarusian civil society and the opposition forces. Until all political prisoners are released, these are the ones you invite for discussions about the future of Belarus as a full member of Europe. Help them prepare for the future in post-Lukashenko Belarus;
- States and Human rights institutions must join forces for a strategy in support of democracy in Belarus and to increase the pressure against the current regime. Rapporteurs of the Council of Europe, together with the Office of the UN High Commissioner for Human Rights, UN special rapporteurs and working groups as well as the OSCE PA could engage in regular cooperation on the situation in Belarus;
- We support sanctions against Belarus and encourage European states to impose sanctions on more state-owned enterprises. States must stop pretend it is business as usual. We still would like to underline that it is very important that neither European states and institutions nor the International Monetary Fund should offer Lukashenka any financial assistance. This simply would be a betrayal of Belarus’s opposition and civil society.