



International Observation Mission
of the Committee on International Control over
the Situation with Human Rights in Belarus

Statement No. 5

**“On the situation with the observance of
fundamental human rights during criminal court
proceedings in regard to the participants of the
events on December 19th, 2010”**

Acting on behalf of the Committee on International Control over the Situation with Human Rights in Belarus (CIC), which unites representatives of national and international human rights organizations from the OSCE countries;

monitoring the overall situation with the observance of fundamental human rights in the Republic of Belarus, as well as the issues of defending human rights defenders and ensuring their professional activities;

emphasizing that human rights are subject to the direct and legitimate concern of the international civil society;

urging the government of the Republic of Belarus to follow the international obligations undertaken in the field of human rights;

the International Observation Mission,

noting as a positive fact the decision of the Republic of Belarus authorities to admit the OSCE international observers to the court trials on the criminal cases related to the events on December 19th, 2010;

expressing concern about the decision of the Ministry of Justice of the Republic of Belarus to disbar four attorneys in law and the proposal to expel from the membership of the Bar Association one more attorney out of those who ensured legal protection of the accused in these criminal cases;

expressing concern in regard to the published evidences of possible cases of torture and ill-treatment of the accused who are under arrest in the KGB investigative isolation ward (including the statement of Ales Mikhalevich and publications about insufficient medical treatment);

considering the issuance of official warnings by the Prosecutor General's Office of the Republic of Belarus to the head of the Human Rights Center “Viasna” Ales Bialiatski for taking part in the activity of an unregistered public organization, and by the Ministry of Justice of the Republic of Belarus to the Belarusian Helsinki Committee due to its appeal to the UN Special Rapporteur on the Independence of Judges and Lawyers as evidences of unjustified restrictions on the freedom of association and obstruction of the legitimate actions of human rights defenders;

drawing attention to the fact that, according to the assessment of observers, in the course of the already accomplished court trials on the criminal cases of the participants of the protest actions on December 19th, 2010 the fact that in the evening of that day in Minsk there took place nothing else but “mass riots” was not properly reasoned and proved by the prosecution and investigated by the courts;

taking into account that the UN Special Rapporteur on the Independence of Judges and Lawyers in 2000 noted serious violations of the principle of independence in the actions of Belarusian courts, public prosecutors and lawyers and, according to national and international human rights organizations, the Republic of Belarus since

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then has not taken any effective measures for implementing the recommendations of the Special Rapporteur.

Strongly encourages the authorities of the Republic of Belarus:

1. To initiate the invitation of independent OSCE experts in the field of the freedom of peaceful assembly and investigation of mass riots cases and actions of the law enforcement for an urgent and impartial international investigation of the actions on December 19th, 2010. They could analyze civilians and law enforcements actions in terms of their eligibility to peaceful assembly and possibility of extra measures from the police site, through the transfer of documents and materials on these events from the authority to the experts.

2. To immediately change the preventive measure for all individuals, who are not charged of the direct involvement in violent actions, from detention in custody to house arrest (due to their low potential public danger) and for the others – from detention in custody to other preventive measures. It could inter alia help to relieve concerns of the international community about possible torture and ill-treatment in the investigative isolation ward, as well as about unlawful limitations on personal freedom of the family members of the accused being held under house arrest.

3. To restore the professional capacity of the attorneys in law who ensured legal protection of the accused in the cases related to the December 19th events, but were disbarred or excluded from the Bar Association. Provide the attorneys with an opportunity to work in the interest of their clients without any hindrance.

4. To ensure full observance of the international standards on the freedom of association and activity of human rights defenders and to withdraw criminal liability for participation in the activity of unregistered public organizations (Article 193-1 of the Criminal Code of the Republic of Belarus), which contradicts all the universally recognised international norms and principles.

The Mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to democratic values and strict observance of the human rights obligations under the ratified international agreements, guaranteeing the accordance of the court trials of the participants of events following the presidential elections on December 19th, 2010, with the international standards of the right to fair trial, and granting the opportunity to conduct public monitoring of the mentioned trials.

*March 16th, 2011
Minsk*

**Mission Representative in the Republic of Belarus
Maria Gordeeva,**

**Head of the Mission
Andrey Yurov**