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## **Freedom of expression in Belarus, in particular the case of Andrzej Poczobut**

### **A Greens/EFA motion for resolution**

*The European Parliament,*

- having regard to its previous resolutions on Belarus with regard, in particular to the one on the Death Penalty in Belarus of 16 February 2012 and the one on the situation in Belarus of 29 March 2012,
- having regard to Council Regulation (EU) No 354/2012 of 23 April 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus,
- having regard to Council Decision 2012/126/CFSP of 28 February 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus,
- having regard to the EU Foreign Affairs Council decision of 23 January 2011 and to the Council decision of 23 March 2012 on the reinforcement of restrictive measures against the Belarusian regime,
- having regard to the Conclusions of the European Council of 1-2 March 2012, expressing its deep concern over the further deterioration of the situation in Belarus,
- having regard to the statement of 28 February 2012 by High Representative Catherine Ashton on her decision and that of the Polish Government to recall the Head of the EU Delegation in Minsk and the Polish Ambassador to Belarus respectively,
- having regard to the statement by High Representative Catherine Ashton on the release of Belarusian former Presidential candidate Andrei Sannikaw of 15 April 2012,
- having regard to the statement by the spokesperson of the High Representative on the situation in Belarus

of 27 June 2012,

- having regard to the Rule 122 of the Rules of Procedure,

A. whereas the political situation in Belarus has been constantly deteriorating since the presidential elections of 19 December 2010, with acts of intimidation and harassment and repressive measures being taken against members of the democratic opposition, the free media, civil society activists, human rights defenders and independent lawyers as well as intensified restrictions on freedoms of assembly, speech and association,

B. whereas Mr Andrzej Poczobut a journalist working for the Polish daily Gazeta Wyborcza and a prominent Polish-Belarusian minority activist, was arrested on 21 June 2012 in the town of Grodno, Belarus,

C. whereas Mr Poczobut's apartment as well as the office of the Union of Poles in Grodno were searched by the prosecutor's enforcement personnel that confiscated documents and computer equipment,

D. whereas Mr Poczobut is reportedly facing a criminal charge for so-called libel against President Alyaksandr Lukashenka (under Article 367 of the Criminal Code of the Republic of Belarus) for his articles, published on the 'Charter97' and 'Belarusian partisan' websites, on last year's subway bombing trial,

E. whereas Mr Poczobut has already spent three months in prison in the past and is under a 3-year suspended prison sentence imposed on him for the same charge of allegedly slandering the President in an article published in Gazeta Wyborcza and on a Belarusian website; whereas he faces charges for which he could be sentenced to restriction or deprivation of liberty for up to five years,

F. whereas on 30 June Andrzej Poczobut was released from custody in Grodno, but he must remain under house arrest until his trial for allegedly slandering the Belarusian president,

G. whereas the current arrest of Mr Poczobut coincided with a peaceful protest, organised by the Union of Poles under Poczobut's leadership, against forced russification of a Polish school in Grodno by Lukashenka's regime, during which around 20 more people were detained,

H. whereas former political prisoner Vasil Parfiankow was informed on 19 April that a criminal case was being brought against him for allegedly violating the conditions of his preventive supervision and later sentenced to six months detention,

I. whereas between 12 and 30 April 2012, over 40 social and political activists throughout Belarus were detained, interrogated, or subjected to personal examination because of their activities with most of them

fined or their materials confiscated by the police,

J. whereas large numbers of representatives of the Belarusian democratic opposition and civil society activists, including former presidential candidates, as well as prominent human rights defenders, remain in prison on political grounds,

K. whereas on 26 June Belarus parliament adopted an amnesty law for people convicted of economic crimes excluding political prisoners,

L. whereas the Prague Declaration of the Eastern Partnership Summit reaffirms the commitments to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms,

1. Strongly condemns the arrest of Andrzej Poczobut and calls for the unconditional and immediate end of house arrest and all the charges against him to be dropped;

2. Deplores once again the repression and harassment of human rights defenders in Belarus and firmly condemns all threats against journalists, NGOs, defence lawyers and individuals for expressing freely their opinions;

3. Calls for the release and rehabilitation of all political prisoners currently detained in Belarus and the repealing of the amendments to a number of legislative acts, adopted by the Belarusian Parliament in October 2011, that further restrict freedoms of association, assembly, opinion and expression;

4. Believes, in this context, given the unprecedented crackdown on civil society in Belarus following the Presidential elections in December 2010, that the case against Mr Poczobut is politically motivated and intends to obstruct his legitimate work as human rights defender;

5. Urges the Belarusian authorities to put an end to short-term arbitrary detentions, disbarring of independent lawyers and arbitrary travel bans, which appear aimed at intimidating human rights defenders, media, political opposition and civil society activists and preventing them from doing their work and to conduct independent and thorough investigations into allegations of torture and mistreatment in custody;

6. Calls on the Belarusian authorities to ensure in all circumstances the respect for democratic principles, human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Belarus;

7. Urges the Belarusian authorities to reform the law and to bring Belarusian legislation, in particular on freedom of association and freedom of expression, in conformity with international standards;

8. Underline that the freedom of media and freedom of expression are among the cornerstones of democracy, which the Belarusian authorities have committed themselves to respect;

9. Reiterates its call on the Council to take stock of the latest developments in EU-Belarus relations and of the further deterioration in the situation regarding human rights and basic freedoms in the country and, on this basis, to adopt a decision concerning further restrictive measures, including targeted economic sanctions;

10. Calls on EU Member States currently members of the UN Human Rights Council to make all efforts in this body in order to establish a country-specific mandate, such as a special rapporteur, on the situation of human rights in Belarus for at least two years; stresses that such a mechanism would also play an important role in independently documenting abuses and monitoring the implementation of recommendations put forth by the various UN mechanisms, in particular those formulated in the High Commissioner's most recent report;

11. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the government of Belarus, the Council of Europe and the Organisation for Security and Cooperation in Europe.

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### **Responsible MEPs**



Barbara Lochbihler

Member

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