



## Belarus: Oral intervention at the 23<sup>rd</sup> session of the UN Human Rights Council (27 May – 14 June 2013)

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Item 4: Human rights situations that require the Council's attention

Interactive Dialogue with the Special Rapporteur on the situation of human rights in Belarus

Mr President,

Amnesty International is very concerned about the retention and application of the death penalty by Belarus.

Amnesty International considers the death penalty itself to be a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as recognised in the Universal Declaration of Human Rights. The Human Rights Council must address this egregious human rights violation in Belarus where not even the most fundamental internationally-recognised safeguards pertaining to the death penalty are respected.

In Belarus, death sentences are imposed after unfair trials including forced confessions; they are implemented under strict secrecy and without giving the inmates themselves, their families or their legal representatives adequate information about the pending execution; the authorities refuse to return the bodies of the executed to their relatives or to even to tell them where they are buried; and executions occur in spite of measures of interim protection under international procedures. All of these aspects have been found by the Human Rights Committee and others to violate the human rights of the convicted individuals and their families, including under the ICCPR.

According to article 175 of the *Criminal Code* of Belarus, prisoners are informed just hours or even minutes before their execution, and their families and lawyers are told only after the event. But international standards require states to make available to the public information with regard to the death penalty and to any scheduled execution.<sup>1</sup> The UN Secretary-General has stated that States have an obligation not to practise the death penalty in secrecy.<sup>2</sup>

Most recently, on 24 April 2013 an unnamed homeless man originally from Ukraine was sentenced to death with little further information made public. It is Belarus' first death sentence since the case of Uladzslau Kavalyou and Dzmitry Nanavalau, who were executed in March 2012. It must not escape notice and reflection that the man sentenced to death this year is a close

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<sup>1</sup> UN Commission on Human Rights, Resolution 2005/59 of 20 April 2005.

<sup>2</sup> A/65/280, par. 72.

relative of Vasily Yuzepchuk who was executed in 2010. Both came from a seriously disadvantaged Roma community.

Amnesty International urges the Government of Belarus to:

- promptly establish an official moratorium on executions with a view to abolishing the death penalty;
- commute without delay all death sentences to terms of imprisonment;
- amend article 175 of the *Criminal Executive Code* in order to comply with the UN Human Rights Committee's 2012 views in the communication *Vladislav Kovalev et al. v. Belarus*;<sup>3</sup>
- end the secrecy surrounding its use of the death penalty; and
- promptly inform the Special Rapporteur for Belarus about the work of the Belarusian parliamentary working group on the death penalty.

Thank you Mr. President.

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<sup>3</sup> Communication No. 2120/2011, views adopted on 29 October 2012, UN doc. CCPR/C/106/D/2120/2011, 27 November 2012.