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Belarus's resumption of executions and failure to address violations of freedoms of expression, association and assembly are a continuing affront to human rights

Human Rights Council adopts Universal Periodic Review outcome on Belarus

During its second Universal Periodic Review (UPR), Belarus accepted a number of fairly general recommendations concerning human rights issues in the country. However, the more specific recommendations calling for concrete action to address human rights violations, including violations of the right to freedom of expression, association and peaceful assembly and concerning the use of the death penalty, have all been rejected by Belarus. This raises some questions about the government's real commitment to using the UPR to improve the situation of human rights in Belarus.

Belarus's rejection of recommendations by 22 states to establish a moratorium on the use of the death penalty with a view to abolishing it,¹ as well as recommendations to end the secrecy surrounding executions,² is deeply regrettable. Moreover, Belarus resumed executions in April 2014, after a period of 24 months without executions. At least three men were executed in Belarus in 2014, making it the only country in the Europe and Central Asia region that still uses capital punishment.

In Belarus, death sentences are often imposed after unfair trials; they are implemented in secrecy and even without adequate notice to the prisoners themselves, their families or legal representatives. After the execution, the authorities refuse to return their bodies to the relatives or even tell them where they are buried. Executions are carried out despite requests from the UN Human Rights Committee to the government not to do so until the Committee has considered the cases. In November 2012, the Human Rights Committee found

¹ A/HRC/30/3, Report of the Working Group on the Universal Periodic Review: Belarus, 13 July 2015, paragraph 129.31 (Uruguay), 129.32 (Sweden), 129.34 (Brazil), 129.35 (Costa Rica); 129.36 (France), 129.39 (Ireland), 129.40 (Lithuania), 129.41 (Montenegro), 129.42 (Norway), 129.43 (Netherlands), 129.44 (Portugal), 129.45 (Sierra Leone), 129.46 (Spain), 129.47 (Italy), 129.48 (Slovenia), 129.49 (Australia), 130.1 (Namibia), 130.2 (Paraguay), 130.3 (Sweden), 130.4 (Italy), 130.5 (Finland), 130.6 (Luxembourg), 130.7 (United Kingdom of Great Britain and Northern Ireland), 130.8 (Austria).

² A/HRC/30/3, paragraph 129.50 (Spain), 130.7 (United Kingdom of Great Britain and Northern Ireland).

that the application of the death penalty in Belarus violates the human rights of those condemned and their families.³

Belarus should reconsider these recommendations and establish an immediate moratorium on the use of the death penalty with a view to abolishing it.

In August this year, the Belarusian authorities released two prisoners of conscience, Mikalai Statkevich and Yury Rubtsou, which was a welcome and long-overdue step. However, people in Belarus continue to be routinely deprived of their rights to freedom of expression, association and assembly. Due to bureaucratic hurdles civil society organizations are forced to close, peaceful demonstrators are fined or given prison sentences, and independent journalists, government critics, and human rights defenders are subjected to harassment, intimidation and arbitrary detention. Misdemeanours such as “swearing”, “hooliganism” and “disobeying police orders” are frequently used to prosecute civil society activists under the Code of Administrative Offences and to sentence them to up to 15 days of “administrative detention”.

In light of this, it is also deeply regrettable that Belarus has rejected recommendations to amend its legislation to guarantee the right to freedom of peaceful assembly in line with its international human rights obligations.⁴ Under the Law on Mass Events, even one-person protests are considered an infringement of the law if the authorities have not previously given their express permission. Belarus has also rejected recommendations to abolish Article 193-1 of the Criminal Code, which criminalizes any activity on behalf of an unregistered organization, including political parties and religious organizations, and imposes a fine or imprisonment for up to two years.⁵

Belarus should immediately amend national legislation in line with its international obligations.

It is also deeply disappointing that Belarus has rejected recommendations to allow the Special Rapporteur on the situation of human rights in Belarus to visit the country.⁶ The country’s authorities should issue an invitation to the Special Rapporteur and allow him access to the country without delay.

Background

³ Human Rights Committee, Lyubov Kovaleva and Tatyana Kozyar v Belarus, Communication No. 2120/2011, Views adopted by the Committee at its 106th session (15 October–2 November 2012), available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f108%2fD%2f1808%2f2008&Lang=en

⁴ A/HRC/30/3, paragraph 129.64 (Estonia), 129.71 (United States of America), 129.91 (Mexico), 129.92 (Croatia), 129.93 (Germany).

⁵ A/HRC/30/3, paragraph 129.71 (United States of America), 129.73 (Denmark), 129.74 (Lithuania), 129.83 (Poland), 129.86 (Switzerland).

⁶ A/HRC/30/3, paragraph 130.26 (Lithuania), 130.27 (France), 130.31 (Republic of Korea), 130.32 (Latvia), 130.33 (Romania), 130.34 (Slovenia), 130.35 (United States of America), 130.36 (Belgium), 130.37 (Latvia), 130.38 (Norway).

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Belarus on 24th September 2015 during its 30th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

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