



EUROPEAN UNION

**OSCE Permanent Council 888
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EU statement on Belarus

The European Union notes with grave concern the findings of ODIHR's report, published on 10 November, on the trials conducted in the aftermath of the 19 December 2010 presidential election in Belarus.

The report of ODIHR's monitors is based on monitoring of 12 trials of 41 defendants charged for their participation in a demonstration in Minsk on election night. Among the defendants were five former presidential candidates.

The monitoring revealed a number of significant shortcomings in the application of fair trial standards in Belarus, raising serious questions about the impartiality and independence of the Belarusian judiciary. Of particular concern is information about pervasive influence of the executive in judicial proceedings; structural bias in favour of the prosecution; lack of observance of the right to the presumption of innocence; the failure of judges to follow up allegations that statements were obtained under duress, intimidation, inhuman treatment and possibly torture; as well as numerous cases in which defendants were deprived of their right to examine witnesses.

The report points out that although members of the public and the media were allowed access to the trials, the exclusion of some non-governmental observers and the lack of public access to verdicts contradicted public trial standards.

The report also notes that the right to defence was hampered by the revocation of licences of some defence counsel. In particular, some lawyers were for prolonged periods denied access to their clients while they were held in the KGB detention centre.

The monitors' findings highlight systemic problems with the Belarusian justice system, which is in need of a substantial reform to bring it into line with international obligations of Belarus. We call on Belarus to give serious consideration to the recommendations contained in the report and closely co-operate with ODIHR in order to address the identified shortcomings. We also call on the Belarusian authorities to agree to reinstate the OSCE presence in Belarus to enable them to work with those authorities to implement recommendations. In this context, we recall that the mandate of the OSCE Office in Minsk included, *inter alia*, a very important reference to monitoring function.

Against this background, we would like to recall our deep concerns about the overall lack of compliance by Belarus with its international obligations and international standards of fair trial. That applies in particular to trials of members of the opposition, civil society and human right defenders.

We reiterate our call on Belarus to release and rehabilitate immediately all political prisoners and to stop harassment of members of civil society, including human right defenders. We also emphasise the importance of upholding the Rule of Law, which is a fundamental principle of the EU's co-operation within the Eastern Partnership.

The candidate countries TURKEY, CROATIA*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ICELAND**, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA and SERBIA, the European Free Trade Association countries LIECHTENSTEIN and NORWAY, members of the European Economic Area, align themselves with this statement.

*Croatia, the Former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

**Iceland continues to be a member of the EFTA and the European Economic Area.