

## ADVANCE QUESTIONS TO BELARUS – ADD.2

### NETHERLANDS

- **Capital punishment**

Despite some initial steps taken by the Belarusian parliament towards a moratorium on the death penalty, Belarus continues to carry out executions, most recently Valeri Yuzeptchuk and Andrey Zhuk, on 18 March 2010. Does the Belarusian government consider a moratorium on the death penalty, in line with recommendations of international organizations (Council of Europe) and accepted norms and standards?

- **Disappearances**

What steps has the Belarusian government taken so far to clarify the disappearances of Dzimitry Zavadzky (2000), Yuri Zakharanka (1999), Viktor Hanchar (1999) and Anatol Krasowski (1999), in accordance with the recommendations of the report of the Council of Europe Parliamentary Assembly on Disappeared Persons in Belarus (Pourgourides Report, February 2004), which contained suggestions that government officials might be implicated in these disappearances?

- **Freedom of assembly and association**

What steps have the Belarusian authorities taken to simplify registration procedures and requirements for non-governmental organizations, political parties and religious groups in accordance with international human rights law and accepted international norms and standards relative to the right of assembly? Can the Belarusian authorities elaborate on their refusal to grant recognition to a number of non governmental organisations, political parties (Belarusian Christian Democratic Party, Nasha Vyasna, Malady Front, Young Front), and religious groups (New Life Church)? Do the Belarusian authorities consider decriminalization of activities of individuals on behalf of non- registered organisations, currently still regarded as a criminal offence (art. 193-1 Criminal Code)? What would the reasons for the Government of Belarus to retain such legislation?

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- **Media**

The law on the mass media of February 2009 prescribes the re-registration of all mass media and allows the Government to intervene on the basis of relatively vague notions such as ‘advocacy of extremist activities’. A number of newspapers such as Nasha Niva and Narodnaya Vola have received warnings under this law. Does the Government consider reviewing this law?

- **Civil society / minorities**

On what grounds have the Belarusian authorities refused to officially recognize or register the NGO ‘Union of Poles in Belarus’ led by Mrs Andzelika Borys, thereby withholding the right of free association from members of the Polish minority in Belarus?

- **Democracy**

What steps have the Belarusian authorities taken to bring elections, which hitherto according to independent international observers have not taken place in a democratic,

free and fair manner, in line with the criteria and recommendations of the OSCE and the Council of Europe?

## **SWEDEN**

- A number of safeguards are provided for in international law with regard to the application of the death penalty, including in the International Covenant on Civil and Political Rights, to which Belarus is party. Further, in its resolutions 62/149 of 18 December and 63/168 of 18 December 2008, the UN General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty. According to civil society organisations, Belarus has failed to publish comprehensive statistics about the number of death sentences passed and executions carried out. According to credible reports two persons were sentenced to death in Belarus last year, sentences which were condemned by the EU and other international actors. Civil society organisations have further reported that there is a lack of openness with regard to several other aspects of the death penalty, indicating that prisoners and their relatives are not informed of the date of execution in advance, and that relatives may not know for weeks or even months that the execution has taken place. The lack of openness surrounding the death penalty has the effect of punishing the families and amounts to inhuman treatment. In the view of Sweden, the death penalty is not only a cruel and inhuman punishment in itself, it also lacks any deterring effect.
- International reports note that no legal constraints would prevent the President or the Parliament from introducing a moratorium on executions. Since Belarus gained independence in 1991, approximately 400 executions have taken place in the country, according to human rights organisations.
- Could the Government of Belarus elaborate on the status of the death penalty, including in relation to the resolutions of the General Assembly and with regard to measures taken to bring Belarus legislation fully in line with the provisions under article 6 and 14 of the International Covenant on Civil and Political Rights, and whether there are any plans to impose an official moratorium on executions?
- Reports indicate that freedom of association is very restricted in Belarus. Human rights organisations report that registration of political parties often is hindered by bureaucratic methods. The Article 193.1 of the criminal code criminalises all unregistered organisations and gives state officials the power to stop activities of independent NGO:s at any time, as well as to arrest NGO members.
- Could the government please indicate whether it plans to revise the criminal code in order to improve conditions for NGOs to operate in the country, and what Belarus will do to improve the situation for NGOs in order to ensure that they can carry out their activities without fear of reprisals including judicial harassment?

## **UNITED KINGDOM**

- We should be grateful if you would provide information on the extent to which civil society was consulted in the preparation of your national report?

- Please could you inform us whether you intend to create an independent national human rights institution in your country which will operate in accordance with the Paris principles designed to guide the practice of such institutions?
- Following indications that your country was planning to introduce a moratorium on the death penalty, could you please tell us whether this is still being considered and what the timescale is for this decision? Please could you explain your decision to execute Vasily Yuzepchuk and Andrei Zhuk in March 2010, despite a UN request to delay this process?
- Please could you inform us what progress has been made in investigating the disappearances 10 years ago of Gonchar, Zavadskiy, Zakharenko and Krasovsky?
- We would be grateful if you would provide information on your preparations for presidential elections. Do you plan to invite unconditionally the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the elections? What steps will you take to respond to recommendations from the OSCE/ODIHR on previous elections, in particular on allowing independent monitoring of the vote count?
- In 2009 there were suggestions that your country was planning to amend the Criminal Code to make Article 193-1 (acting in the name of a non-registered organisation) a civil rather than a criminal offence, so that the highest sanction would be a fine rather than imprisonment. Please could you update us on your thinking on this issue?

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