

## **Council creates a Special Rapporteur on Belarus following politicised debate**

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On 26 June the European Union (EU) convened an informal meeting to discuss a resolution on Belarus with the intention of creating a Special Rapporteur on the country. During the meeting Belarus walked out. Its delegates voiced their dissatisfaction at what they described as 'the political hi-jacking' of the Council by the EU - a point echoed by Russia, Cuba, and China .

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The High Commissioner's report on the situation in Belarus, presented the next day, was a follow-up to a preliminary oral report presented by her Office to the Council's 18th session, and is in compliance with Council resolution 17/24. The report investigates gross human rights violations that took place on 19 December 2010 after Aliaxander Lukashenka's controversial re-election. Mass protests turned into mass arrests, after police were reported to have used extreme brutality to suppress demonstrators. The High Commissioner's presentation raised several important points. These issues ranged from Belarus's use of the death penalty, to its recent censorship and arrest of human rights defenders, journalists, and opposition party members. The High Commissioner, in her presentation, appealed for the release of Belarus's most prominent human rights defender - Ales Bialiatski. Arrested last year for tax evasion, he faces a four-year sentence. Ms Pillay then appealed for the release of all other unjustly imprisoned human rights defenders and members of the press.

Despite being written from Geneva, due to the failure of the Belarusian authorities to allow the Office of the High Commissioner for Human Rights (OHCHR) access to the country, the High Commissioner's report analysed many accounts of human rights violations from multiple independent sources - although she stated that a country visit would have been preferable. These sources highlighted several other violations, including Internet and media censorship, restriction of movement, and torture. Belarus' 2008 media law has been used to justify many of these human rights infractions. The High Commissioner finished by recommending that an urgent review of Belarusian legislation be undertaken.

Belarus maintained the position it held at the earlier informal meeting regarding the politicised nature of the discussion, before criticising Pillay's report on the basis of its second-hand nature - claiming the information it contained was inconsistent with actual events. The delegate also mentioned that Sergei Martynov, the Belarusian Foreign Minister, had extended an invite to the High Commissioner. The Russian Federation, reiterating many of the points made by Belarus, also claimed that Belarus has shown consistent cooperation with the international human rights system, including through successful participation in the Universal Periodic Review (UPR) in 2010, actively cooperating with the treaty bodies, and by issuing invitations to special procedures.

As to be expected, the interactive dialogue then became highly divisive, with 17 of the States that spoke rejecting the need for the discussion, and 22 supporting it. Arbitrary arrests, the detention of journalists and human rights defenders, the release of Ales Bialiatski and other political prisoners, freedom of expression, and the diminished ability for civil society to operate were some of the key subjects raised by the speakers. States also demanded a moratorium on the death penalty in Belarus, and the introduction of a specific Special Rapporteur for Belarus. Regarding capital punishment, four people have been executed since 2010. In spite of convictions based on circumstantial evidence, and protests from civil society and human rights defenders - two men were executed in connection with the 2011 metro bombing, causing outrage nationally and

internationally.

Despite Belarus's condemnation, a long list of States including Armenia, Kazakhstan, Bahrain, Azerbaijan, Cuba, Venezuela, Uzbekistan, Iran, Sri Lanka, China, Zimbabwe, the Lao People's Democratic Republic, Tajikistan, Myanmar, and Turkmenistan sought to defend its human rights record. Many of Belarus's arguments were regurgitated by these States, however, criticism of the credibility of the EU's draft resolution and the discussion of Belarus without the State's consent were some of the most consistent. The politicisation of the Council and the re-establishment of a Special Rapporteur on Belarus (the original mandate on Belarus, established by the Commission on Human Rights, ended in 2007), also came up frequently. The opposing States vehemently argued that the re-introduction of a Special Rapporteur would be retrograde, much like the current sanctions imposed on Belarus. At no point was the release of Ales Bialiatski or any other political prisoner mentioned by these States.

Finally, after the divided dialogue, the High Commissioner gave her closing remarks. Pillay, who mentioned in her presentation that she did receive an invitation from the Belarusian Foreign Minister Sergei Martynov, added that his invitation was strictly conditional. If she visited Belarus the High Commissioner would in no way be allowed to conduct her investigation into the country's human rights situation. On 6 June the resolution on Belarus was adopted, resulting in the creation of a Special Rapporteur on Belarus. The results of the vote were 22 States for, 5 States against and 20 abstentions.