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*Plenary sitting*

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14.2.2012

B7-0078/2012

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Death penalty in Belarus, in particular the case of Dzmitry Kanavalau and Uladzislau Kavalyou

**Véronique De Keyser, Libor Rouček, Justas Vincas Paleckis, Kristian Vigenin, Marek Siwiec, Lidia Joanna Geringer de Oedenberg, Liisa Jaakonsaari**

on behalf of the S&D Group

**European Parliament resolution on Death penalty in Belarus, in particular the case of Dzmitry Kanavalau and Uladzislau Kavalyou**

*The European Parliament,*

- having regard to its previous resolutions on Belarus, in particular those of 15 September 2011, 12 May 2011, 10 March 2011 and of 20 January 2011;
- having regard to its previous resolutions on the abolition of the death penalty, in particular those of 26 April 2007 on the initiative for a universal moratorium on the death penalty and of 7 October 2010 on the World day against the death penalty;
- having regard to EP President Martin Schulz's statement of 24 January 2012, condemning the decision of the Belarusian Supreme Court to uphold death penalty sentence to Dzmitry Kanavalau and Uladzislau Kavalyou;
- having regard to the statement by EU High Representative Catherine Ashton on the death sentences in Belarus, Brussels, 1 December 2011;
- having regard to the local statement of the EU Delegation in Minsk of 7 February 2012 on the reports of mistreatment of political prisoners and on two pending death penalty sentences;
- having regard to the Declaration on the situation in Belarus, adopted on the occasion of the Eastern Partnership Summit, Warsaw, 30 September 2011;
- having regard to the Resolution 1857 on the situation in Belarus, adopted by the Parliamentary Assembly of the Council of Europe on 25 January 2012;
- having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty, and United Nations General Assembly Resolutions 63/168 of 18 December 2008 and 65/206 of 21 December 2010 calling for the implementation of the 2007 General Assembly resolution 62/149;
- having regard to the UN High Commissioner's oral report to the 18th session of the Human Rights Council of 20 September 2011 on the human rights situation in the Republic of Belarus, recalling on the Belarusian government to introduce a moratorium on the death penalty;
- having regard to Article 2 of the Charter of Fundamental Rights of the European Union
- having regard to Rule 122(5) of its Rules of Procedure,

- A. whereas on 30 November 2011 the Supreme Court of the Republic of Belarus sentenced Dzmitry Kanavalau and Uladzislau Kavalyou to death for committing terrorist attacks in 2005 in Vitebsk, in 2008 in Minsk, and in the Minsk metro in April 2011; the death sentence was announced by First Deputy Chairman of the Supreme Court, Aliaksandr Ferdartsou, after a two-and-a-half-month trial which started on 15 September 2011;
- B. whereas Dzmitry Kanavalau was convicted for committing terrorist attacks and producing explosives and Uladzislau Kavalyou for assisting him and failing to inform the authorities; whereas lawyers for the defence said the investigation did not have convincing proofs of the guilt of Kanavalau and Kavalyou;
- C. whereas according to reports by lawyers for the defence, human rights activists, certain victims and ordinary citizens, the investigation into the Minsk metro explosion, as well as the entire trial of Dzmitry Kanavalau and Uladzislau Kavalyou, failed to be professional and convincing;
- D. whereas there are allegations that the defendants were tortured and ill-treated in order to get them to confess and there is no forensic evidence linking either of them to the explosion and no traces of explosives were found on either of them;
- E. whereas some people injured by the blast said during the trial they had doubts if guilt of the defendants was proven;
- F. whereas during the trial, independent journalists were banned from communicating with victims and the official media already referred to Kavalyou and Kanavalau as terrorists without awaiting the decision of the court;
- G. whereas the decision of the Supreme Court on the case is final, without appeal; under the Belarusian law, a petition for mercy can be considered by the president of the country; whereas if clemency is refused, the defendants may be shot within minutes of being told;
- H. whereas Belarus remains the only country in Europe which still issues death sentences and carries out executions - the two last executions were carried out in July 2011; whereas according to human right activists, around 400 people have been executed in Belarus since 1991;
- I. whereas the death penalty in Belarus is carried out by shooting detainees in the back of their head; neither the victims nor their families know the execution date and time; the bodies are not given to the families, and the place of burial is unrevealed;
- J. whereas large number of individuals, including former presidential candidates and civil society activists, as well as prominent human rights defenders, remain in prison on political grounds.

1. Strongly condemns all mass terrorist attacks and reiterates its solidarity with the victims of the terrible attacks in Belarus and its sympathy for the pain and suffering of their families, friends and relatives;
2. Strongly condemns the decision of the Belarusian Supreme Court to uphold death penalty sentence to Dzmitry Kanavalau and Uladzislau Kavalyou;
3. Reiterates that the death penalty is the ultimate cruel, inhuman and degrading punishment and urgently appeals the Belarusian authorities not to execute Dzmitry Kanavalau or Uladzislau Kavalyou;
4. Calls on Belarus to declare an immediate moratorium on executions and to immediately announce a moratorium on the death penalty as the first step towards the abolition of capital punishment in the country;
5. Calls on the Belarusian authorities to carry out a full investigation of the allegations made in this context and to ensure true justice for the victims of the terrible acts of terrorism;
6. Urges the Council and the Commission to use all available tools of diplomacy and cooperation assistance to work towards the abolition of the death penalty in Belarus;
7. Calls the Eastern Partnership countries and Russia to urge Belarus to abolish the death penalty;
8. Condemns the continuous persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus;
9. Deplores the sentencing of Ales Bialiatski, a prominent human right activist, to four and a half years of imprisonment for alleged tax evasion;
10. Calls for the immediate and unconditional release and rehabilitation of all political prisoners in Belarus and conduct a thorough investigation into the allegations of ill-treatment and torture at the time of arrest and in detention;
11. Strongly encourages the democratic activities of the Belarusian civil society and of the non-governmental organisations working for the abolition of the death penalty;
12. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the parliaments and governments of the Member States, the Parliamentary Assemblies of the OSCE and the Council of Europe and the Parliament and Government of Belarus.