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**STATEMENT BY MR ALEKSANDR OPIMAKH, DEPUTY
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BELARUS
TO THE OSCE, AT THE MEETING OF THE OSCE PERMANENT
COUNCIL**

22 January 2009

**In response to the statement by
the delegation of the United States of America**

Madam Chairperson,

First of all, we should like to thank the United States delegation for listening to our advice and attempting to recheck the facts which it alluded to at the Permanent Council meeting on 18 December. We are in favour of discussions within the OSCE always being conducted on the basis of objective information and verified facts.

In that connection, we believe it necessary to supplement the statement made by the United States delegation with a few facts and considerations.

We have to once again recall the background to the matter at issue. What is involved has to do with an unlawful action on the part of entrepreneurs that took place in Minsk on 10 January 2008, unlawful in the sense that those who organized it did not have the proper permission to carry it out.

As reported in Spot Report No. 1 for 2008 by the OSCE Office in Minsk, during the course of the event in question "A smaller faction of largely young persons progressed to the carriage-way and entirely blocked the road for vehicles, thus paralyzing the traffic flow for about an hour" (SEC.FR/28/08). These actions on the part of this group of young persons were brought to the attention of the legal authorities and were deemed to constitute a flagrant violation of public order. The investigation conducted resulted in the identification of the persons who had been actively involved in the disturbances and who were subsequently found criminally responsible by the court.

Mr. Aleksandr Borozenko, a so-called human rights defender, was among the organizers of and active participants in these unlawful actions, and not simply a participant in a demonstration by entrepreneurs, as portrayed in the United States statements of 18 December and today.

I am afraid that this is not simply a slip of the tongue but rather a conscious and tendentious account of supposed facts, as indeed is the assertion heard to the effect that Mr. Borozenko was sentenced by the Government of Belarus. Under the Constitution of the Republic of Belarus the judicial system in our country is separate from the executive branch of power, which is the Government of Belarus, and it is inadmissible to ignore this fact and confuse concepts.

I stress that it was indeed in accordance with a ruling by the court on 9 December 2008 that Mr. Borozenko was found guilty of a gross violation of public order and sentenced to one year of restricted liberty (and not to house arrest, as asserted in the statement by the United States delegation of 18 December). While actually in the court room he was released from custody (something the United States delegation fails to mention even though we also called attention to this fact on 18 December).

It should be noted that for the charge levelled against Mr. Borozenko the maximum penalty is imprisonment for a period of up to three years. On the other hand, under Article 55 of the Criminal Code of the Republic of Belarus, restricted liberty means that the person so sentenced is placed under conditions where he or she is under surveillance and required to engage in some form of work. This is not the same thing as house arrest (no such article exists in the Belarusian Criminal Code).

In all fairness, it should be noted — and the United States delegation referred to this today — that Mr. Borozenko appealed this ruling by the court and that on 13 January of this year the Minsk Municipal Court upheld the sentence. The possibility of a fresh examination of this case as part of a supervisory review by the Office of the Public Prosecutor cannot be ruled out.

As we can see, despite the stated effort by the United States delegation to take a more responsible approach to the collection of information, certain facts that have been presented are either distorted or incomplete.

In this connection, we are totally perplexed by the systematic efforts of the United States delegation to politicize the consideration of particular criminal matters. What is more, as a rule this applies to situations in countries “to the east of Vienna”. As we very recently were able to see for ourselves, similar events, often accompanied by violent actions on the part of the demonstrators and law-enforcement officers in a number of participating States, are of no interest to the United States delegation. For some reason, in States that regard themselves as belonging to the club of countries with a “mature democracy”, persons expressing discontent or protest are referred to as anarchists, anti-globalists or criminal elements directed from the outside by unknown hostile forces. Tear gas and rubber bullets are evidently also among the attributes of genuine democracy. Something altogether different, on the other hand, are rowdy actions by individuals during unlawful events in countries “to the east of Vienna”. Here, for some reason, these persons are referred to as human rights defenders, thus utterly discrediting the concept of such defenders as earlier discussed within the OSCE.

In our view, what is evident here is a biased, politically motivated approach that cannot make for dialogue and partnership on the basis of parity.

Evidence of this conclusion can be seen also in the fact that we received from the United States delegation information regarding its planned statement only a few minutes before this meeting began, despite the fact that, as it turns out, that delegation had been gathering the information for a month.

We once again call on our OSCE partners to adopt a balanced and responsible approach to the conduct of political discussions within the Permanent Council and to avoid bias and the distortion of information.

Thank you for your attention.