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**STATEMENT BY
PROFESSOR EMMANUEL DECAUX,
OSCE MOSCOW MECHANISM RAPPORTEUR, AT THE
868th MEETING OF THE OSCE PERMANENT COUNCIL**

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Mr. Chairperson,

The mission report that I have the honour of presenting to you has been drawn up within the framework of the Moscow Mechanism of the human dimension. In the Moscow Document, which was drawn up almost 20 years ago, the participating States emphasize that the “human dimension mechanism (...) constitutes an essential achievement of the CSCE process, having demonstrated its value as a method of furthering respect for human rights, fundamental freedoms, democracy and the rule of law through dialogue and co-operation and assisting in the resolution of specific relevant questions. In order to improve further the implementation of the CSCE commitments in the human dimension, they decide to enhance the effectiveness of this mechanism and to strengthen and expand it”. It is on this basis that 14 participating States invoked the Moscow Mechanism with respect to the developments that have taken place in Belarus since 19 December of last year. This rapporteur mission is being carried out in the name of the OSCE, with the sole aim of defending the principles, commitments and mechanisms that are at the heart of the human dimension.

This is neither the time nor the place to go back over the procedure, but I can only deplore the absence of co-operation on the part of the requested State, which is contrary to the letter and the spirit of the Moscow Mechanism. This absence of co-operation has not prevented the OSCE rapporteur mission from operating in an independent and impartial manner. Thanks to numerous direct and indirect contacts in the diplomatic community and civil society, I have been able to study many pieces of information and reliable testimonies. In particular, I have been able to see films, photos and plans of the events of 19 December, even though these documents do not feature in the report for obvious reasons of confidentiality. In this regard, I should like to recall the provisions of section (6), paragraph 2, of the Moscow Document, which stipulates that “The participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it.” In the current context, all the OSCE institutions have a particular responsibility in this respect.

The report covers a period of several months, and new developments are occurring every day, aggravating the situation as regards systematic human rights violations. The investigations must therefore be continued and intensified, if possible with the full

co-operation of the requested State. However, at this stage the conclusions can only be harsh: all of the testimonies gathered attest to the fact that an incident provoked by a few “rioting demonstrators”, who have yet to be identified, served as a pretext for the brutal and indiscriminate dispersal of a peaceful demonstration and then for a massive crackdown on the political opposition and civil society, with the aim of creating a pervasive climate of intimidation and terror among the population.

One cannot speak of the rule of law when arbitrariness and fear reign within the judicial system. Unfortunately, the crisis has shown that the recent liberalization was simply a tolerant phase, a mere parenthesis, without calling into question the logic of a highly centralized authoritarian system and without guaranteeing the peaceful enjoyment of human rights by all the citizens. This also means that a pardon, after the forced confessions, false testimonies or speedy trials, would be no substitute itself for the demand for justice and the truth. We must pay tribute to the courage of the men and women of all generations and from all walks of life who, in risking their lives and sacrificing their freedom and despite the pressure exerted on their relatives and families, are expressing their deep longing for dignity and their belonging to the “common European home”, rejecting the moral and political devaluation of their country.

The current crisis not only concerns Belarus and its neighbours, it calls into question all the principles, commitments and institutions of the OSCE. The only promising solution for the future to avoid a “European winter” in the wake of the Arab spring is a willingness to undergo profound reforms to build a rule of law worthy of that name on the basis of the separation of powers and respect for public freedoms, beginning with freedom of association and freedom of expression, independent and impartial justice, internal recourse and international guarantees.

For its part, the report contains a list of specific and pragmatic recommendations that can offer Belarus a way out of the impasse in which it finds itself, by co-operating fully with the international community within the OSCE and the United Nations. In this sense, the Moscow Mechanism is not an end in itself; it can only be a stage, a point of departure and an appeal for collective responsibility and political will on the part of everyone.