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United States Mission to the OSCE

Statement on the Judicial System and Legal Amendments in Belarus

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
November 17, 2011

The United States wishes to thank ODIHR for its comprehensive report released November 9 regarding an evaluation of the trials conducted in the aftermath of the December 19, 2010 presidential election in Belarus. The report highlights the need for substantial reform of the country's judicial system.

The report notes that the justice system lacks independence, that the right to the presumption of innocence is in doubt, and that judges often fail to address allegations that statements were obtained under duress, intimidation, inhuman treatment, and possibly torture. We urge Belarus to study carefully the recommendations in the report and to enlist the support of ODIHR to address them.

We wish to note once again the ongoing trial of Ales Byalyatski, Head of the Human Rights Center "Viasna." The charges against Byalyatski are yet another example of how Belarusian authorities use the judicial system to silence their critics.

The United States notes with grave concern Belarus's adoption on November 8 of amendments to the Law on Mass Events and the Law on Public Associations. They include a prohibition on planned gatherings of people for the public expression of their interests. Even sanctioned assemblies will encounter new constraints. We can only conclude that these amendments are intended to curb peaceful assembly.

The amendments to the Law on Public Associations restrict the fundamental freedom of association safeguarded by the International Covenant on Civil and Political Rights and OSCE commitments. Article 17 of the Law circumscribes the freedom of Belarusian organizations to engage with foreign and/or international civil society organizations. Article 21 appears designed to deny civil society organizations financial resources and expressly prohibits them from financial transactions in foreign states.

Mr. Chairman, an exhaustive discussion of the impact these amendments will have on the development of democracy and civil society in Belarus is beyond the scope of this session today. In simple terms, these amendments represent steps backward. They contradict the principles that the OSCE participating States have pledged to uphold.

The United States continues to call on Belarus for the immediate and unconditional release all political prisoners to include the restoration of their civil and political rights. . We also seek an end to the campaign of harassment against critics of the government and those who are working towards a modern, democratic and prosperous Belarus.

Finally, we note that the publication of the report falls squarely within ODIHR's mandate, and that ODIHR employed existing resources in order to conduct the research. We appreciate ODIHR's contribution to our understanding of legislative changes in Belarus, and we commend the report as an example of ODIHR's commitment to the strengthening of human rights throughout the OSCE region.

Thank you, Mr. Chairman.