

PC.DEL/65/12
27 January 2012

ENGLISH
Original: RUSSIAN

Delegation of Belarus

**STATEMENT BY MR. VALERY VORONETSKY,
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BELARUS
TO THE OSCE, AT THE MEETING OF THE
OSCE PERMANENT COUNCIL**

26 January 2012

**In response to the statements by the delegations of
the European Union, the United States of America and Norway**

Mr. Chairperson,

We listened carefully to the statements by the delegations of Denmark (on behalf of the European Union), the United States of America and Norway, and shall bring the points made in them to the attention of our authorities in Minsk.

As we previously informed the Permanent Council, the Pervomaisk District Court in Minsk found Mr. Ales Byalyatski guilty of gross tax evasion on 24 November 2011 and sentenced him to four and a half years' imprisonment and repayment of the damages.

Mr. Byalyatski's trial was conducted openly and in accordance with Belarusian legislation and the principle of the rule of law.

The convicted man and his defence counsel used their right to appeal to the Minsk City Court against the sentence. On 24 January 2012, the court dismissed the appeal and left the ruling of the court of first instance unchanged. An appeal against this ruling by the Minsk City Court may be made in accordance with established procedure.

Mr. Chairperson,

We should like to remind our distinguished colleagues from the EU, the USA and Norway that tax evasion is a criminal offence in all the OSCE participating States.

In Germany, for example, the penalty for tax evasion is up to five years' imprisonment and/or a fine, and a maximum prison sentence of up to ten years may be imposed "in particularly severe circumstances".

There are also harsh penalties in France. Up to five years' imprisonment and/or a fine of around 40,000 euros may be imposed for tax evasion. In particularly aggravated circumstances, there is a ten-year prison sentence and a fine of up to 100,000 euros.

Additional punishment involving the deprivation of political, civil and family rights is also permitted.

There is a sentence of up to seven years' imprisonment for tax evasion in the United Kingdom.

Sweden punishes tax fraud with prison sentences of up to six years.

In Finland, the penalty for tax evasion is a maximum of four years' imprisonment and up to six years in exacerbated circumstances.

The practice in the USA deserves particular attention. It is notable for the harsh penalties imposed for tax offences and for criminalizing a significant number of tax offences. In the USA, even filing a tax return late may qualify as a criminal offence, with a penalty of a prison sentence and/or a fine. Taxpayers in the USA may receive a five-year prison sentence for knowingly providing false information when reporting income and for other forms of tax evasion. The fines may be as high as 100,000 US dollars.

Mr. Chairperson,

We have deliberately described in detail the penalties for tax evasion in EU countries and the US so that our colleagues in the Permanent Council will not have any questions about the legitimacy or appropriateness of the punishment for such acts.

We doubt whether a European or US court considers the nature of the professional activity of the defendant when ruling on a case of gross tax evasion. It is axiomatic that all citizens are equal before the law.

In view of all this, we wonder whether the statements delivered today by our colleagues from the EU, the USA and Norway are politically motivated.

Thank you, Mr. Chairperson.