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

17 November 2011

**In response to the statements by
the delegations of the European Union and the United States of America
regarding the ODIHR report on trial monitoring in Belarus**

Mr. Chairperson,

In connection with the statements we have heard from the delegation of Poland (on behalf of the European Union) and the delegation of the United States of America regarding the report published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on trial monitoring in the Republic of Belarus, we should like to make the following comments.

At the invitation of the Belarusian authorities, the ODIHR has been observing procedural aspects of the trials connected with the events that took place in Minsk on 19 December 2010. As we have previously mentioned, the court hearings were open. The joint project with the ODIHR has additionally demonstrated the transparency of the work of the Belarusian courts during the aforementioned trials.

The very extensive report prepared by the ODIHR is being carefully studied. In Minsk it has been pointed out that as regards a whole range of aspects the Office's experts acknowledged that in principle Belarus's judicial legislation is in keeping with generally recognized approaches and is being abided by. At the same time, we cannot agree with a number of assessments and categorical conclusions made by the ODIHR; they have clearly been tailored to fit a framework prepared ahead of time. The completely unjustified haste on the part of the ODIHR as regards the dissemination of the document in question only forces Minsk to question both the Office's professionalism and the true goals pursued by it. We firmly believe that the quality, accuracy and value of the report would have been greater if, as was in fact agreed earlier, prior to its publication there had been substantive consultations between the competent Belarusian experts and the experts from the ODIHR, and the Office itself had carefully studied the views of the Belarusian side and taken them into account in the final report.

Instead, attempts at politicizing the report, such as, for example, the statements we have heard today from the European Union and the United States, could deprive it of any practical value whatsoever.

We should also like to inform our colleagues that substantive steps are currently being taken in Belarus to further improve the functioning of our country's judicial system.

On 10 October 2011, our Head of State sent a message to the representatives of the Belarusian judicial branch regarding the prospects for the development of the system of ordinary courts of the Republic of Belarus, in which he outlined programmatic measures to improve judicial practice aimed at modernizing and advancing the democratic character, transparency and effectiveness of the judicial process and the quality of justice.

In particular, the message mentions the need to eliminate cases of unjustified criminal and administrative prosecution of citizens and to further improve criminal, criminal procedure, civil, civil procedure, administrative and other legislation. It calls for consideration to be given to the establishment of specialized courts and the institution of the jury. It proposes the inclusion of appeal procedures in criminal proceedings, the introduction of a mediation procedure and the recording and storage in an electronic format of information on trials. Particular emphasis is placed on the need for strict observance by the courts of the principle of the presumption of innocence. Attention is also being paid to increasing the quality of training for judges. The independence of the judiciary will be strengthened by abolishing the need for potential candidates for such posts to be approved by the local executive and administrative authorities.

In conclusion, we should like to point out that the judicial systems of the OSCE participating States naturally differ from one another. Historical legal traditions have had an impact on their formation and development and continue to do so. However, the fundamental principles of an independent judicial system and fair justice as reflected in the OSCE commitments are common for all and fully shared by the Republic of Belarus.

As for the amendments that have entered into force with respect to a number of laws of the Republic of Belarus, we have already provided the relevant explanations at a recent meeting of the Permanent Council. Nevertheless, our delegation is willing to return to this matter.

Thank you, Mr. Chairperson.