



BELARUS

UN General Assembly
Sixty-Second Session
Third Committee

REPLY

to the introduction of the draft resolution on the situation of human rights in Belarus (L.51)

Exercising the right of reply, I would like to start by thanking the delegation which for the third time in the past three years initiated the submission of this resolution. This sorrowful tradition as such deserves no credit. Yet any – even modest – break in the traditional continuity of reclusiveness, estrangement and mistrust should be commended. We give the credit where the credit is due. For the first time in three years the co-sponsors of this resolution approached our delegation with a draft text prior to its submission to the secretariat. For the first time the main co-sponsor has announced the consultations on the resolution – although in a somewhat strange fashion stopped short of holding them. This modest positive change of attitude – be it even at the level of experts – gives us some inspiration.

Much more my delegation is inspired by the good feelings of hope and optimism that were expressed in view of the institution-building progress of the Human Rights Council. This is a progress which holds a promise that our collective consideration of human rights situations can be fair, non-selective and impartial.

This is definitely not the case with regard to this Committee which the other day was honestly described by the distinguished Ambassador of Singapore as 'a forum for recrimination and self-righteous morality that brooks no dissent'. And this is where our sense of excitement is exhausted because we come to the things that really let us down.

We know that many delegations believe that consideration in parallel of human rights situations in the Third Committee and in the Human Rights Council can be complementary. It can be but it is not. Our traditional way of considering country-specific resolutions in the Third Committee has been anything but non-selective and impartial. The country-specific business of this Committee is essentially the antithesis of a fair and forward-looking procedure many of us hope to have in the Human Rights Council.

In the way of explanation of why some governments are responsive to the reasoning of the initiators of this resolution, my fellow ambassadors mentioned the fact that their capitals are often overwhelmed by the nature of NGO reporting on Belarus. We happen to be just as overwhelmed by the latest Amnesty International report on the countries that take the position of judges with regard to Belarus. So what do we have to do with our feelings? Should we take this distinguished Assembly for an emotional gutter? Or can we find a more constructive and responsible way of channeling our concerns so that this process has a positive result in the end?

As the saying goes, even a rabbit, if you drive him into a corner, will fight back with his fists. Belarus is no rabbit. For all the problems that we in Belarus may have and all the hardships that we go through, we have enough of strength and self-respect not to give in to threats, intimidation and haughtiness – even if they come nicely disguised in the form of a serious document.

As citizens of Belarus, more than any outside party we are interested in any improvement in the life and the ways of our country, including in the sphere of human rights. We are interested in all kinds of assistance and advice – no matter how modest or small they can be. But to be heeded, this assistance and this advice have to be respectful and well-disposed. Anything less is simply not acceptable.

No self-respecting government is going to listen under duress. No self-respecting government is going to heed a concern conveyed in a haughty manner. No self-respecting government is going to respond positively to prejudiced and arrogant treatment.

Citing an example of the main sponsor of this resolution, if a Member State can self-righteously and, probably, fully convinced of its own sound judgment go against a unanimous opinion of almost the whole of the General Assembly, why should we expect any other – but just as much self-respecting – government to yield subserviently to the opinion of a minority?

I would like to ask the initiators of this resolution if they sincerely believe that the delicate matter of promotion of human rights can be adequately addressed by voting on it in the General Assembly? Do they really believe that, without adequately addressing in the first place the widely circulating suspicions of political bias and double standards on the part of initiators of country-specific resolutions, these texts contribute to the practical promotion of human rights?

Voting is the perfect means of legitimising a divide. Voting never heals. Voting never brings people closer. If one is truly interested in building bridges, in seeking real improvement, one has to be more than patient and more than elaborate in his actions. Especially so in the Assembly of 192 nations.

For all that some in this Assembly may think about Belarus and its government, we can listen to the advice of the main sponsor of this resolution and even heed it regardless of what its own citizens say about the value of its human rights appeals.

Geneva, 22 October 2007, Communication 26
Samantasekera on human rights appeal

"Torture, 'black sites', extraordinary rendition and the bungled, bloody invasion and occupation of Iraq have all made US human-rights appeals ring hollow."

How can this happen? The answer is essentially in the UN Charter. Talk to your counterparts and not at them. Let us all differentiate once in a while between our absolute love and admiration of individual principles and our responsibility for achieving a positive result.

Let no one be misled: our ability to stick to our point of view could hardly be superior to our ability to compromise and to make a sacrifice for the sake of achieving a higher common goal. Let us see how much acceptable we regard alienation and confrontation as the methods of our work. Let us determine how much we really believe in the principles of **engagement** and **cooperation**.

If the distinguished co-sponsors of the resolution on Belarus are really strong and righteous, they may well consider withdrawing this resolution. If they are not that as strong as they wish they were, they may try at least not to see the **no-action motion** on their document as a sign of disrespect for their concerns. They could make their best to see it as a **positive signal** that we, as the Assembly, can address these concerns – it is only that we have to find the sound procedural setting for doing it. We know how difficult it can be, but please do not routinely misinterpret the meaning of a no-action motion. For Belarus it is an uneasy choice and it is an instrument of last resort.

Last but not least, it has to be noted that we never take a successful no-action motion vote for a victory. The real victory for all of us comes in the shape of a difficult **compromise** on institution-building in Geneva, an intrinsic element of which is the elimination of the mandate of the special rapporteur on Belarus. The real victory comes when we keep a **fair and equitable dialogue** on human rights going. The real victory comes when we identify and use a chance to move on to something **positive**, when we succeed in **encouraging** rather than enforcing modest breakthroughs. The real victory for all of us comes when we use the United Nations not for making an impressive stance but for **connecting**.

The right to castigate...

The human rights record of some of the Member States that in 2006 voted for the adoption of a country-specific resolution on the situation of human rights in Belarus

Country summaries from Amnesty International Report 2007

Violence against women and low rates of prosecution, and in remote communities a lack of support services for Indigenous women were serious concerns. New counter-terrorism measures posed a threat to human rights. Harsh new legislation against asylum-seekers was rejected. Hundreds of refugees remained in limbo under the Temporary Protection Visas system.

Police officers were found guilty of crimes that effectively amount to torture. [The country] does not specify the crime of torture. New legal provisions allowing forced feeding of certain groups of people came into force.

Poor conditions in immigration centres and police ill-treatment of migrants and asylum-seekers continued. Migrant minors were held in closed detention centres for illegal immigrants and failed asylum-seekers. Irregular migrants occupied public buildings and went on hunger strike to support demands for legislative reforms. The murder of a woman and child in and other incidents reflected the persistence of racist violence. Overcrowding and sub-standard prison conditions prompted strikes by staff. New evidence indicated that secret flights may have landed on territory.

Police reportedly targeted people for ill-treatment and excessive force on the basis of their ethnic identity or sexual orientation. The human rights of minorities were not adequately protected, particularly the housing rights of Romani communities threatened with unlawful and summary eviction from their homes. People with mental disabilities faced harsh living conditions and inappropriate care and treatment.

Indigenous people were harassed and ill-treated by the police. Student demonstrations were dispersed by the security forces, allegedly with excessive use of force. Harsh prison conditions and ill-treatment of detainees were reported. A resolution by the Inter-American Court of Human Rights highlighted the need to annul the Amnesty Law.

There were concerns about violations of the rights of Indigenous peoples, including discrimination and violence against Indigenous women and girls. Counter-terrorism laws and practices were inconsistent with human rights standards.

The Romani minority faced severe discrimination in housing, education, health care and employment. Roma and other vulnerable groups were reportedly subjected to police ill-treatment and to racist attacks by private individuals. The Court of Human Rights ruled that the use of anonymous witnesses breached the right to a fair trial.

Mass statelessness and discrimination against ethnic minorities continued to be of serious concern. The UN Committee on the Elimination of Racial Discrimination expressed concern about [country's] anti-discrimination laws and its current definition of what constitutes a minority. Police failed to provide adequate protection for participants in a Gay Pride march.

Reports of police misconduct, including ill-treatment, continued. Ethnic minorities, migrants and asylum seekers were particularly vulnerable to such abuse. A new immigration law restricted the rights of migrants. Racist, anti-Semitic and Islamophobic attacks continued. Six former detainees went on trial for terrorism-related charges, but the case was suspended.

Pre-trial and convicted prisoners were reportedly ill-treated on several occasions, and excessive force was reportedly used in prison disturbances in which at least eight detainees died and many more were wounded, including special forces officers. Police officers continued to enjoy impunity in dozens of cases in which torture, ill-treatment and excessive use of force have been alleged. The authorities failed to protect women from domestic violence or bring its perpetrators to justice. A new law on domestic violence was a positive step, although it postponed the setting up of urgently needed temporary shelters for women and children.

Two agents of the intelligence service were charged in connection with the alleged abduction of seven people in the context of the "war on terror". Migrants suffered ill-treatment, and there were concerns about forcible return. Migrant children were held in detention on at least two occasions. A draft law aimed at bringing the country's asylum procedure in line with international standards was being finalized but had not been passed by the end of the year. Conscientious objectors continued to face persecution. Women victims of domestic violence or trafficking and forced prostitution were not granted the necessary protection.

Threats, attacks and intimidation against human rights defenders, in particular those focusing on economic, social and cultural rights, intensified. Large numbers of women continued to be killed, with few successful prosecutions of the perpetrators.

Individuals and organizations involved in defending the human rights of Indigenous and rural communities continued to be attacked and intimidated. High levels of violence against women, children and young people persisted, with little effective government response.

The police reportedly used excessive force and ill-treated protesters and detainees. Discrimination continued to deprive the Romani community of a range of rights, including the right of full access to education. Legal measures adopted to combat violence against women allowed for the use of restraint orders on abusers only where criminal proceedings had started.

Four people were executed in December, ending an unofficial moratorium on executions. Amendments to immigration law introduced fast track procedures to deport "possible terrorists" that breached international human rights standards.

Journalists, human rights activists and others were subjected to arson attacks for speaking out against racism. Irregular migrants continued to be subject to a policy of automatic detention. Conditions in migrant detention centres were harsh and unsanitary.

Torture and ill-treatment were widespread and conditions in pre-trial detention were poor. A number of treaties protecting women's rights were ratified, but men, women and children continued to be trafficked for forcible sexual and other exploitation and measures to protect women against domestic violence were inadequate. Constitutional changes to abolish the death penalty were made. Freedom of expression was restricted and opposition politicians were targeted.

Journalists were reportedly subjected to threats and attacks during the first half of the year. There were reports of armed civilian patrols operating in the north of the country. One community leader was killed. Prison conditions were poor.

Lesbian, gay, bisexual and transgender (LGBT) people were subjected to discrimination and intolerance. Allegations that had allowed secret detention centres on its territory as part of "war on terror" were not satisfactorily resolved. Chechens granted refugee and "tolerated stay" status had difficulties in accessing education services and social benefits.

Incidents of police ill-treatment and fatal shootings continued to be reported. Training in the use of firearms by police officers remained inadequate. Overcrowding, poor hygiene and lack of resources in prisons increased concerns about substandard conditions. Reform of the penal code to extend the definition of domestic violence to include unmarried and same-sex couples was proposed in April. Violence in the home remained pervasive

More than two years after a law to regulate the employment of migrants was enacted, migrant workers continued to have limited protection against discrimination or abuse, including few possibilities of obtaining redress. At least 189,000 irregular migrant workers faced detention and deportation. At least one prisoner of conscience was still imprisoned under the National Security Law. At least 936 conscientious objectors were in prison for refusing to do military service.

Roma continued to face intolerance and discrimination. Allegations of ill-treatment by law enforcement officials continued. Women remained at risk of trafficking and domestic violence. Concerns remained about patients in mental health institutions. The Council of Europe and the European Parliament expressed concern at [country's] lack of willingness to engage in a thorough investigation into allegations of collusion with the US-led programme of renditions and secret detention centres.

Roma faced serious discrimination in access to housing, education, employment, health care and other services, as well as persistent prejudice and hostility. Romani pupils were frequently taught in segregated classes or were over-represented in special schools for children with mental disabilities. Women, particularly from the Romani community, were vulnerable to trafficking for the purpose of sexual exploitation.

There continued to be reports of torture and ill-treatment by law enforcement officials, with impunity in many cases.

Refugees and asylum-seekers were deported to countries where they were at risk of torture or ill-treatment. Torture and ill-treatment in police detention continued to be routine. Overcrowded conditions in police detention led to high levels of tuberculosis. There was widespread impunity for perpetrators of domestic violence. Antisemitic and racist attacks were reported in various parts of the country.

The government continued to erode fundamental human rights, the rule of law and the independence of the judiciary, including by persisting with attempts to undermine the ban on torture at home and abroad, and by seeking to enact legislation inconsistent with fundamental human rights. Measures taken by the authorities with the stated aim of countering terrorism led to serious human rights violations, and concern was widespread about the impact of these measures on Muslims and other minority communities. Public judicial inquiries into cases of alleged state collusion in past killings in were ongoing, but the government continued to fail to establish an inquiry into the killing of

Thousands of detainees continued to be held in [country's] custody without charge or trial in The Supreme Court struck down the military commissions established by President and reversed the presidential decision not to apply Article 3 common to the four Geneva Conventions to detainees suspected of links with the Taliban or al-Qa'ida. Congress passed the [Law] stripping the federal courts of the jurisdiction to hear habeas corpus appeals from such detainees, providing for trials by military commission, and amending the War Crimes Act. President confirmed the existence of a programme of secret detentions run by the [government's] agency. There were reports of possible extrajudicial executions, with a number of soldiers facing prosecution. There was a continued failure to hold senior government officials accountable for torture and other ill-treatment of "war on terror" detainees despite evidence that abuses had been systematic. There were reports of police brutality and ill-treatment in detention facilities.

**Number of resolutions adopted by vote
at the 57th – 61st sessions of the General Assembly (per cent)**

