

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2006/276/CFSP

of 10 April 2006

concerning restrictive measures against certain officials of Belarus and repealing Common Position 2004/661/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

commitments to democratic elections and considers that the presidential elections were fundamentally flawed.

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

(4) The European Council consequently decided that EU should adopt restrictive measures against those responsible for the violations of international electoral standards, including President Lukashenko.

Whereas:

(1) On 24 September 2004, the Council adopted Common Position 2004/661/CFSP concerning restrictive measures against certain officials of Belarus ⁽¹⁾ regarding certain officials of Belarus who are responsible for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and those who are considered by the Pourgourides Report to be key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the following cover-up, in view of their apparent obstruction of justice.

(5) Restrictive measures should also be adopted against the Belarusian leadership and officials responsible for the violations of international electoral standards and the crackdown on civil society and democratic opposition.

(2) On 13 December 2004, the Council adopted Common Position 2004/848/CFSP amending Common Position 2004/661/CFSP ⁽²⁾ in order to expand the scope of the restrictive measures to persons directly responsible for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum in Belarus.

(6) The restrictive measures imposed by Common Position 2004/661/CFSP and the additional restrictive measures should be consolidated in a single instrument. Common Position 2004/661/CFSP should therefore be repealed.

(3) On 23 March 2006, the European Council condemned the action taken on that day by the Belarus authorities in arresting peaceful demonstrators exercising their legitimate right of free assembly to protest at the conduct of the presidential elections held in Belarus on 19 March 2006. The European Council deplored the failure of the Belarusian authorities to meet OSCE

(7) As regards the measures referred to in recital (1), the EU will review its position in the light of future developments, taking into account the willingness of the relevant Belarusian authorities to have the disappearances fully and transparently investigated and those responsible for the crimes brought to justice.

(8) The restrictive measures against the persons who are directly responsible for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum, should be reviewed in the light of reforms made to the Electoral Code to bring it into line with OSCE commitments and other international standards for democratic elections as recommended by the OSCE/ODIHR, and in the light of concrete actions by the authorities to respect human rights with regard to peaceful demonstrations.

⁽¹⁾ OJ L 301, 28.9.2004, p. 67. Common Position as last amended by Common Position 2005/666/CFSP (OJ L 247, 23.9.2005, p. 40).

⁽²⁾ OJ L 367, 14.12.2004, p. 35.

(9) The restrictive measures against the persons who are responsible for the violations of international electoral standards during the 19 March 2006 elections and for the crackdown on civil society in the context of these elections, should be reviewed with a view to the speedy release and rehabilitation of all political detainees, and in the light of reforms made to the Electoral Code to bring it into line with OSCE commitments and other international standards for democratic elections as recommended by the OSCE/ODIHR, the conduct of future elections and concrete actions by the authorities to respect democratic values, the rule of law, human rights and fundamental freedoms, including the freedom of expression and of the media, and the freedom of assembly and political association,

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations;

(iii) under a multilateral agreement conferring privileges and immunities; or

(iv) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons, who are responsible:

(a) for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and those who are considered by the Pourgourides Report to be key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the following cover-up, in view of their apparent obstruction of justice, as listed in Annex I;

(b) for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum in Belarus, as listed in Annex II;

(c) for the violations of international electoral standards in the presidential elections in Belarus on 19 March 2006, and the crackdown on civil society and democratic opposition, as listed in Annex III.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending inter-governmental meetings, including those promoted by the European Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Belarus.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annexes I, II and III, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the lists contained in Annexes I, II and III as required by political developments in Belarus.

Article 3

In order to maximise the impact of the abovementioned measures, the EU shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall apply for a period of 12 months. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 5

Common Position 2004/661/CFSP is hereby repealed.

Article 6

This Common Position shall take effect on the date of its adoption.

Article 7

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 10 April 2006.

For the Council
The President
U. PLASSNIK

ANNEX I

List of persons referred to in Article 1(1)(a)

1. SIVAKOV, YURY (YURIJ) Leonidovich, ex-Minister of Tourism and Sports of Belarus, born on 5 August 1946, in Sakhalin Region, former Russian Socialist Federative Soviet Republic.
2. SHEYMAN (SHEIMAN), VICTOR Vladimirovich, State Secretary of the Security Council of Belarus, born on 26 May 1958, in Grodno region.
3. PAVLICHENKO (PAVLIUCHENKO), DMITRI (Dmitry) Valeriyevich, Head of the Special Response Group at the Ministry of the Interior (SOBR) of Belarus, born in 1966 in Vitebsk.
4. NAUMOV, VLADIMIR Vladimirovich, Minister of the Interior, born in 1956.

ANNEX II

List of persons referred to in Article 1(1)(b)

1. Lydia Mihajlovna YERMOSHINA, Chairwoman of the Central Election Commission of Belarus, born on 29 January 1953 in Slutsk (Minsk Region).
2. Yuri Nikolaevich PODOBED, Lieutenant-Colonel of Militia, Unit for Special Purposes (OMON), Ministry of Internal Affairs, born on 5 March 1962 in Slutsk (Minsk Region).

ANNEX III

List of persons referred to in Article 1(1)(c)

1. LUKASHENKO Aleksandr Grigorievich (30.8.1954. Kopys, Vitebsk oblast) President
2. NIEVYHLAS Hienadz Mikalayevich; Nevyglas Gennady Nikolaevich (11.2.1954. Parahonsk, Pinsk district) Head of President's Administration
3. PETKEVICH Nataliya Vladimirovna (1972. Minsk) Deputy Head of President's Administration
4. RUBINOV Anatoly Nikolaevich (15.4.1939.) Deputy Head in charge of media and ideology, PA
5. PRALASKOWSKI Alieh Vitoldavich; Proleskovskiy Oleg Vitoldovich (1.10.1963. Zagorsk-Russia, now Sergijev Posad) Aide and Head of the Main Ideological department, PA
6. RADKOV Aleksandr Mikhailovich (1.7.1951. Votnya) Minister of Education
7. RUSAKEVICH Vladimir Vasilevich (13.9.1947. Vygonoshchi) Minister of Information
8. HALAVANAW Viktor Ryhoravich; Golovanov Viktor Grigorevich (1952. Borisov) Minister of Justice
9. ZIMOWSKI Aliaksandr Lianidavich; Zimovsky Alexander Leonidovich (10.1.1961. Possibly Ukraine) Member of the Upper House of the Parliament; Head of the national state teleradio company
10. KANAPLIOW Uladzimir Mikalayevich; Konoplyev Vladimir Nikolaevich (3.1.1954. Akulintsy) Chairman of the Lower House of the Parliament
11. CHARHINIETS Mikalay Ivanavich; Cherginets Nikolai Ivanovich (17.10.1937. Minsk) Chairman of the Foreign Affairs Committee of the Upper House
12. KASTSIAN Siarhiey Ivanavich; Kostyan Sergey Ivanovich (15.1.1941. Usokhi, Mogilev oblast) Chairman of the Foreign Affairs Committee of the Lower House
13. ORDA Mikhail Siarhieyevich, Orda Mikhail Sergeyevich (28.9.1966. Dyatlovo, Grodno oblast) Member of the Upper House, leader of BRSM
14. LOZOVIK Nikolay Ivanovich (1951. Nevinyany, Minsk oblast), Deputy of the Central Election Commission of Belarus
15. MIKLASHEVICH Pyotr Petrovich (1954. Kosuta, Minsk oblast) Prosecutor General
16. SLIZHEVSKY Oleg Leonidovich, Head of the Division of Social organisations, parties and NGOs, Ministry of Justice
17. KHARITON Alexandr, Consultant of the Division of Social organisations, parties and NGOs of the Ministry of Justice
18. SMYRNOV Yevgeny (1949. Ryazan oblast, Russia), First Deputy of the Chairman of the Economic Court
19. REUTSKAYA Nadezhda, Judge of the Moscow district of Minsk
20. TRUBNIKOV Nikolay, Judge of the Partizanskiy district of Minsk
21. KUPRIYANOV Nikolai, Prosecutor of Minsk
22. SUKHORENKO Stepan Nikolaevich (27.1.1957. Zdudichi, Mogilev oblast) Chairman of KGB
23. DEMENTEI Vasily Ivanovich, First deputy, KGB
24. KOZIK Lianid Piatrovich; Kozik Leonid Petrovich (13.7.1948. Borisov) Head of the Federation of Trade Unions
25. KOLEDA Alexandr, Chairman of the Central Election Commission of the Brest oblast
26. USOV, N.D., Chairman of the Central Election Commission of the Gomel oblast

27. LUCHINA Leonid, Chairman of the Central Election Commission of the Grodno oblast
 28. KRAVCHENKO Tayana Aleksandrovna, Chairman of the Central Election Commission of the Minsk City
 29. KURLOVICH Vladimir, Chairman of the Central Election Commission of the Minsk oblast
 30. METELTSIA Nikolai, Chairman of the Central Election Commission of the Mogilev oblast
 31. PISCHULENOK, M.V., Chairman of the Central Election Commission of the Vitebsk oblast
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