



International Observation Mission
of the Committee on International Control over
the Situation with Human Rights in Belarus

Statement No.4

**“On the observance of the standards
on openness and publicity of court proceedings
while handling the criminal cases in regard to the
participants of the events on December 19th, 2010”**

Acting on behalf of the Committee on International Control over the Situation with Human Rights in Belarus (CIC), which unites representatives of national and international human rights organizations from the OSCE countries;

monitoring the overall situation with the observance of fundamental human rights in the Republic of Belarus, as well as the issues of defending human rights defenders and ensuring their professional activities;

emphasizing that human rights are subject to the direct and legitimate concern of the international civil society;

urging the government of the Republic of Belarus to follow the international obligations undertaken in the field of human rights;

the International Observation Mission,

building on the principle of publicity and openness of the court hearings as an essential element for the observance of the right to a fair trial in accordance with paragraph 1, article 14 of the International Covenant on Civil and Political Rights, also enshrined in article 23 “Publicity of the Court Trial” of the Code of Criminal Procedure of the Republic of Belarus;

emphasizing that the presence of journalists, observers from human rights organizations and interested public at the court hearings through higher transparency of the court system contributes to affirming the principle of the rule of law and strengthening the authority of justice and individual judges;

considering a high interest of the international community to the events following presidential elections in Belarus on December 19th, 2010 and the public significance of the trials of the participants of these events;

noting with regret that the openness and publicity of the court sessions on administrative cases in regard to the participants of December 19th, 2010 events, were not ensured;

at the same time noting that the court trial held on February 17th, 2011 on the criminal case of Vasily Parfenkov, one of the persons involved in the events of December 19th, 2010, was at least open

- 1. Expresses its intention to hold public monitoring of the trials of the participants of events following presidential elections on December 19th, 2010;**
- 2. Strongly encourages the authorities of the Republic of Belarus, in particular, the Supreme Court of the Republic of Belarus, individual courts of general jurisdiction and courts’ administrations, which will handle the claims against the mentioned persons:**

- *to grant* the observers of the monitoring groups of the Mission free access into the premises of the courts and directly to the courtrooms during the hearings on criminal cases against the mentioned persons;

- *to conduct* these hearings openly, granting access to courtrooms to international observers, media representatives, human rights organizations and the public;

- *to ensure* the necessary conditions to the general public wishing to attend these trials, in particular, to hold hearings on the mentioned cases in the courtrooms with sufficient capacity to accommodate observers;

- in a reasonable period of time, but not less than twenty-four hours prior to the hearings, *to inform* the interested parties about the time and place of hearings, in particular, by placing relevant information at the information boards in the court buildings where the hearings on the mentioned cases will be held, and giving this information on demand to journalists and observers from human rights organizations;

- to publicly *announce* the decisions on the mentioned cases against all defendants with the publication of the decisions in the media;

- *to guarantee* the observance of all the procedural norms in court proceedings on the mentioned cases in accordance with the national legislation and international obligations of the Republic of Belarus in this sphere.

The mission expresses its hope that the state of the Republic of Belarus is ready to demonstrate to the international community its commitment to democratic values and strict observance of the human rights obligations under the ratified international agreements, guaranteeing the accordance of the court trials of the participants of events following the presidential elections on December 19th, 2010, with the international standards of the right to fair trial, and granting the opportunity to conduct public monitoring of the mentioned trials.

*February 21st, 2011
Minsk*

**Mission Representative in the Republic of Belarus
Konstantin Baranov,**

**Head of the Mission
Andrey Yurov**