

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

**COUNCIL COMMON POSITION 2004/661/CFSP**  
**of 24 September 2004**  
**concerning restrictive measures against certain officials of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The EU remains seriously concerned at the continuing deterioration of democracy, the rule of law and human rights in Belarus.
- (2) Recalling the conclusions of the Council of 15 September 1997, the EU reiterates its clear interest in Belarus's political, social and economic progress towards a democratic state respecting the rule of law and human rights, in order for the country to take its rightful place in Europe.
- (3) While reaffirming its interest in a constructive dialogue with Belarus, the EU considers the fact that no independent, full and credible investigation of the crimes examined by the Parliamentary Assembly of the Council of Europe in its report adopted on 28 April 2004 (Pourgourides Report) has been carried out or even started to date, to be another serious setback for the rule of law in Belarus.
- (4) The government of Belarus has continuously ignored calls by the EU, most recently in the latter's Declaration of 14 May 2004, the Council of Europe and others to open such an independent investigation.
- (5) The extensive and well-founded Pourgourides Report clearly names the current Prosecutor-General of Belarus, former Secretary of the Security Council, Victor Sheyman, the Minister of Sports and Tourism of Belarus, former Minister of the Interior, Yury Sivakov, and Colonel Dmitri Pavlichenko of a special forces unit of the Ministry of Internal Affairs of the Republic of Belarus as key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the subsequent obstruction of justice.
- (6) Those bearing the main responsibility for the disappearances have gone unpunished.
- (7) Consequently, the Council, in view of the apparent obstruction of justice, has decided to implement targeted sanctions in the form of restrictions on admission aimed at those individuals who are responsible for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and at those who are considered by the Pourgourides Report to be key actors in the disappearances and the subsequent cover-up. The EU reserves the right to consider additional restrictive measures at a later date.
- (8) 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,

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 the persons listed in the Annex, 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.
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:
  - (a) as a host country of an international intergovernmental organisation;
  - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or

(c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

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. 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 EU, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Belarus.

6. A Member State wishing to grant exemptions referred to in paragraph 5 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 48 hours 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.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, 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 list contained in the Annex 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 12-month period. 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*

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

#### *Article 6*

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

Done at Brussels, 24 September 2004.

*For the Council*

*The President*

L. J. BRINKHORST

## ANNEX

**List of persons referred to in Article 1**

1. SIVAKOV, YURY (YURI) Leonidovich, 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, Prosecutor General of Belarus, born on 26 May 1958, in Grodno region.
  3. PAVLICHENKO (PAVLIUCHENKO), DMITRI (Dmitry) Valeriyevich, officer of the special forces of Belarus, born in 1966 in Vitebsk.
  4. NAUMOV, VLADIMIR Vladimirovich, Minister of the Interior, born in 1956.
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