### Council Decision 2010/639/CFSP of 25 October 2010 concerning restrictive measures against certain officials of Belarus

#### COUNCIL DECISION 2010/639/CFSP

#### of 25 October 2010

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 29 thereof,

#### Whereas:

- (1) On 10 April 2006, the Council adopted Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus<sup>(1)</sup>.
- (2) By Common Position 2009/314/CFSP of 6 April 2009 amending Common Position 2006/276/CFSP<sup>(2)</sup> the restrictive measures were extended until 15 March 2010. However, the travel restrictions imposed on certain leading figures in Belarus, with the exception of those involved in the disappearances which occurred in 1999 and 2000 and of the President of the Central Electoral Commission, were suspended until 15 December 2009
- (3) On 15 December 2009, the Council adopted Council Decision 2009/969/CFSP<sup>(3)</sup> extending both the restrictive measures and the suspension until 31 October 2010.
- (4) On the basis of a re-examination of Common Position 2006/276/CFSP, the restrictive measures should be renewed until 31 October 2011, whilst the suspension of the travel restrictions, should also be renewed until the same date.
- (5) The Union implementing measures are set out in Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus<sup>(4)</sup>,

#### HAS ADOPTED THIS DECISION:

#### 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.
- Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
- (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.
- 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.
- 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 intergovernmental meetings, including those promoted by the 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.
- 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

- All funds and economic resources belonging to, owned, held or controlled by persons who are responsible 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, and those natural or legal persons, entities or bodies associated with them, as listed in Annex IV shall be frozen.
- No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of such persons listed in Annex IV.

#### Article 3

- 1 The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:
  - a necessary to satisfy the basic needs of the persons listed in Annex IV and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
  - b intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
  - c intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or
  - d necessary for extraordinary expenses, provided that the competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the other competent authorities and the Commission at least two weeks prior to the authorisation.

Member States shall inform the other Member States and the Commission of any authorisation granted under this Article.

- 2 Article 2(2) shall not apply to the addition to frozen accounts of:
  - a interest or other earnings on those accounts; or
  - b payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the provisions of Common Position 2006/276/CFSP

and provided that any such interest, other earnings and payments continue to be subject to Article 2(1) of this Decision.

#### Article 4

- The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt amendments to the lists contained in Annexes I, II, III and IV as required by political developments in Belarus.
- The Council shall communicate its decision, including the grounds for listing, to the person concerned, either directly, if the address is known, or through the publication of a notice, providing such person with an opportunity to present observations.
- Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person concerned accordingly.

#### Article 5

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

#### Article 6

Common Position 2006/276/CFSP is hereby repealed.

#### Article 7

1 This Decision shall enter into force on the date of its adoption.

- This Decision shall apply until 31 October 2011. 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.
- 3 The measures referred to in Article 1(1)(b), insofar as they apply to Mr Yuri Nikolaevich PODOBED, as well as the measures referred to in Article 1(1)(c) shall be suspended until 31 October 2011.

Done at Luxembourg, 25 October 2010.

For the Council

The President

C. ASHTON

ANNEX II

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*Status:* This is the original version (as it was originally adopted).

#### 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)

Names (English transcript	Names (Belarusia tio <b>sp</b> )elling)	Names an(Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Aleksandr	Аляксандр Рыгоравіч ка	аЛУКАШЕ Александр Григорьев	•	Kopys, Vitebsk district			President
Nevyglas Gennady Nikolaevic (Nievyhlas Hienadz Mikalaevic		НЕВЫГЛА Геннадий чНиколаевы		Parahonsk, Pinsk district			Head of President's Administration

Petkevich Пяткевіч ПЕТКЕВИ 24.10 Наталля Vladimirovi Мітадзіміра Внадимировна (Piatkevich Natallia Uladzimirauna)	0.1972 Minsk	Deputy Head of President's Administration
Rubinov Anatoly Анатоль Анатолий Nikolaevich Мікалаевіч Николаевич (Rubinau Anatol Mikalaevich)	1939 Mogilev	Deputy Head in charge of Media and Ideology, PA
Proleskovsky раляскоў di РОЛЕСКОВОЛ Oleg Алег Олег Vitoldovich Вітольдаві Витольдович Pralaskouski Aleh Vitoldavich,	Zagorsk (Russia, now Sergijev Posad)	Aide and Head of the Main Ideological Department, PA
Radkov Радзькоў РАДЬКОВ 1.7.19 Aleksandr Аляксандр Александр Mikhailovic Міхайлавіч Михайлович (Radzkou Alaksandr Mikhailavich)	951 Votnya, Вотня Быховского района Могилевской области	Minister of Education
Rusakevich Русакевіч Vladimir Уладзімір Vasilyevich Васільевіч (Rusakevich Uladzimir Vasilievich)	1947 Vygonoshchi, Выгонощи, Брестская область	Minister of Information
Golovanov Галаванаў ГОЛОВАНФВ2 Viktor Віктар Быгоравіч Наlavanau Viktar Ryhoravich,	Borisov	Minister of Justice
Zimovsky Alexander Leonidovich Пеанідавіч Леонидович (Zimouski Alaksandr Lieanidavich)	1961 Germany	Member of the Upper House of the Parliament; Head of the national state tele- radio company

Vladimir	hМікалаевіч	КОНОПЛІ Владимир «Николаеви		Akulintsy, д. Акулинцы Могилевси района		Chairman of the Lower House of the Parliament
Cherginets Nikolai Ivanovich (Charhiniet Mikalai Ivanavich)	Мікалай Іванавіч	ЧЕРГИНЕ Николай Иванович	Ц7.10.1937	Minsk		Chairman of the Foreign Affairs Committee of the Upper House
Kostyan Sergei Ivanovich (Kastsian Siarhiei Ivanavich)	Касцян Сяргей Іванавіч	КОСТЯН Сергей Иванович	15.1.1941	Usokhi, Mogilevdis Усохи Кличевско района Могилевст области	го	Chairman of the Foreign Affairs Committee of the Lower House
Orda Mikhail Sergeevich (Orda Mikhail Siarhieevic	Орда Міхаіл Сяргеевіч h)	ОРДА Михаил Сергеевич	28.9.1966	Dyatlovo, Grodnodist Дятлово Гродненск области		Member of the Upper House, leader of BRSM
Lozovik Nikolai Ivanovich (Lazavik Mikalai Ivanavich)	Лазавік Мікалай Іванавіч	ЛОЗОВИК Николай Иванович	(18.1.1951	Nevinyany Minskdistr Невиняны Вилейског р-на Минской обл	ict,	Deputy of the CEC
Miklashevi Petr Petrovich (Miklashev Piotr Piatrovich)	Пётр Пятровіч rich	•МИКЛАШ Петр Петрович	IE <b>9314</b> Ч	Kosuta, Minskdistr Kocyta Минской области	ict,	Prosecutor General
Oleg	Алег ЫТеанідавіч	СЛИЖЕВО Олег Леонидови				Head of the Division of Social Organisations, Parties and NGOs,

						Ministry of Justice
Khariton Aleksandr (Kharyton Alaksandr)		ХАРИТОН Александр				Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice
Smirnov Evgeny Aleksandre (Smirnou Yauhien Alaksandra	Смірноў Яўген о <b>Асія</b> ксандр	СМИРНО Евгений а <b>жіте</b> ксандр		Ryazandist Russia	rict,	First Deputy of the Chairman of the Economic Court
Reutskaya Nadezhda Zalovna (Ravutskay Nadzieja Zalauna)	Равуцкая Надзея Залаўна уа	РЕУТСКА Надежда Заловна	R			Judge of the Moscow district of Minsk
Trubnikov Nikolai Alekseevid (Trubnikau Mikalai Alakseevid	Мікалай hАляксеевіч	ТРУБНИК Николай Алексееви				Judge of the Partizanskiy disctrict of Minsk
Nikolai		Николай				Deputy Prosecutor General
Stepan		Степан		Zdudichi, Mogilevdis Здудичи Светлогор района Гомельско области	ского	Chairman of KGB
Dementei Vasily Ivanovich	Васіль	іДЕМЕНТІ Василий Иванович	ЕЙ			First deputy, KGB

(Dzemiants Vasil Ivanavich)	siei					
Kozik Leonid Petrovich (Kozik Leanid Piatrovich)	Козік Леанід Пятровіч	КОЗИК Леонид Петрович	13.7.1948	Borisov		Head of the Federation of Trade Unions
Koleda Alexandr Mikhailovi (Kalada Alaksandr Mikhailavi	c <b>M</b> ixайлаві̀	КОЛЕДА Александр чМихайлов				Chairman of the Elections Commission of the Brest district
Mikhasev Vladimir Ilyich (Mikhasiou Uladzimir Iliich)	Міхасёў Уладзімір Ільіч	МИХАСЕ Владимир Ильич				Chairman of the CEC of the Gomel district
Luchina Leonid Aleksandro	Лучына Леанід <b>Уйск</b> иксандр	Леонид	18.11.1947 оович	Minsk district		Chairman of the CEC of the Grodno district
Karpenko Igor Vasilievich (Karpenka Ihar Vasilievich	Карпенка Ігар Васільевіч	КАРПЕНЬ Игорь Васильеви		Novokuzne Russia Новокузне Кемеровск области, Россия	цк	Chairman of the CEC of the Minsk City
Kurlovich Vladimir Anatolievic (Kurlovich Uladzimir Anatolievic	Уладзімір Анатольев	КУРЛОВИ Владимир і <b>ж</b> натольев				Chairman of the CEC of the Minsk district
Metelitsa Nikolai Timofeevio (Miatsielits Mikalai Tsimafeevi	Мікалай Щімафееві а	МЕТЕЛИІ Николай чТимофеев	,			Chairman of the CEC of the Mogilev district

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Mikhail		Михаил					Chairman of the CEC of the Vitebsk district
Rybakov Alexei	Рыбакоў Аляксей	РЫБАКОН Алексей	3		Ul. Jesenina 31-1-104, Minsk		Judge of the Minsk Moskovsky District Court
Bortnik Sergei Aleksandro	Бортнік Сяргей <b>Усія</b> ксандр	Сергей	28.5.1953	Minsk	Ul. Surganovo 80-263, Minsk	MP046955	<b>4</b> Public Prosecutor
Yasinovich Leonid Stanislavov	Ясіновіч Леанід ⁄С <b>і</b> паніслава	Леонид	<b>12-6</b> .11.1961 ович	Buchany, Vitebsk district	Ul. Gorovtsa 4-104, Minsk	MP051581	Judge of the Minsk Tsentralny District Court
Migun Andrei Arkadevich	Мігун Андрэй Аркадзевіч	МИГУН Андрей ААркадевич	5.2.1978	Minsk	UI. Goretskovo Maksima 53-16, Minsk	MP131326	Public Prosecutor

# ANNEX IV LIST OF PERSONS REFERRED TO IN ARTICLE 2

Names Names	Names	Date of	Place of	Address	Passport	Position
` U \	an(Russian	birth	birth		number	
transcription)elling)	spelling)					
LukashenkoЛукашень	аЛУКАШЕ	<b>₩</b> ₩₩.1954	Kopys,			President
Aleksandr Аляксанд	р Александр	•	Vitebsk			
Grigorievic Рыгоравіч	Григорьев	ич	district			
(Lukashenka						
Alaksandr						
Ryhoravich)						
Nevyglas Невыглас	НЕВЫГЛА	AC1.2.1954	Parahonsk,			Head of
Gennady Генадзь	Геннадий		Pinsk			President's
Nikolaevich Мікалаеві	чНиколаеви	14	district			Administration
(Nievyhlas						
Hienadz						
Mikalaevich)						

Natalya		ПЕТКЕВИ <b>Я</b> 4.10.19 Наталья <b>Уыт</b> адимировна	72 Minsk	Deputy Head of President's Administration
Rubinov Anatoly Nikolaevic (Rubinau Anatol Mikalaevic		РУБИНОВ 15.4.193 Анатолий аНиколаевич	9 Mogilev	Deputy Head in charge of Media and Ideology, PA
Oleg	Алег вВітольдаві ki	d РОЛЕСК ФВΩК У В Олег •Витольдович	Ži Zagorsk (Russia, now Sergijev Posad)	Aide and Head of the Main Ideological department, PA
	cMiхайлаві	РАДЬКОВ 1.7.1951 Александр чМихайлович	Votnya, Вотня Быховского района Могилевской области	Minister of Education
Vladimir	Уладзімір Васільевіч h	РУСАКЕВ <b>ИЗ</b> 9.194 Владимир Васильевич	7 Vygonoshchi, Выгонощи, Брестская область	Minister of Information
Viktor	Віктар с <b>Р</b> ыгоравіч	ГОЛОВАН <b>ФЖ2</b> Виктор Григорьевич	Borisov	Minister of Justice
Alexander	Аляксандр ЫПеанідавіч	ЗИМОВСК <b>ИЙ</b> .196 Александр Леонидович	1 Germany	Member of the Upper House of the Parliament; Head of the national state tele- radio company

Vladimir	hМікалаевіч	КОНОПЛІ Владимир нНиколаеви		Akulintsy, д. Акулинцы Могилевст района		Chairman of the Lower House of the Parliament
Cherginets Nikolai Ivanovich (Charhiniet Mikalai Ivanavich),	Мікалай Іванавіч	ЧЕРГИНЕ Николай Иванович	Ц7.10.1937	Minsk		Chairman of the Foreign Affairs Committee of the Upper House
Kostyan Sergei Ivanovich (Kastsian Siarhiei Ivanavich),	Касцян Сяргей Іванавіч	КОСТЯН Сергей Иванович	15.1.1941	Usokhi, Mogilevdis Усохи Кличевско района Могилевст области	рго	Chairman of the Foreign Affairs Committee of the Lower House
Orda Mikhail Sergeevich (Orda Mikhail Siarhieevic	Орда Міхаіл Сяргеевіч h)	ОРДА Михаил Сергеевич	28.9.1966	Dyatlovo, Grodnodist Дятлово Гродненск области		Member of the Upper House, leader of BRSM
Lozovik Nikolai Ivanovich (Lazavik Mikalai Ivanavich)	Лазавік Мікалай Іванавіч	ЛОЗОВИК Николай Иванович	(18.1.1951	Nevinyany Minskdistr Невиняны Вилейског р-на Минской обл	ict,	Deputy of the CEC
Petr		•МИКЛАЦ Петр Петрович	IE <b>9314</b> 4	Kosuta, Minskdistr Kocyta Минской области	ict,	Prosecutor General
Oleg		Олег				Head of the Division of Social Organisations, Parties and NGOs,

						Ministry of Justice
Khariton Aleksandr (Kharyton Alaksandr)	•	ХАРИТОН Александр				Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice
Smirnov Evgeny Aleksandro (Smirnou Yauhien Alaksandra	Смірноў Яўген У <b>лсія</b> ксандр	СМИРНО Евгений а <b>жіне</b> ксандр		Ryazandist Russia	rict,	First Deputy of the Chairman of the Economic Court
Reutskaya Nadezhda Zalovna (Ravutskay Nadzieja Zalauna)	Надзея Залаўна	РЕУТСКА Надежда Заловна	Я			Judge of the Moscow district of Minsk
Trubnikov Nikolai Alekseevic (Trubnikau Mikalai Alakseevic		Николай				Judge of the Partizanskiy disctrict of Minsk
Nikolai		Николай				Deputy Prosecutor General
Stepan		Степан		Zdudichi, Mogilevdis Здудичи Светлогор района Гомельско области	ского	Chairman of KGB
Dementei Vasily Ivanovich	Дземянцей Васіль Іванавіч	іДЕМЕНТІ Василий Иванович	ЕЙ			First deputy, KGB

(Dzemiants Vasil Ivanavich)	siei					
Kozik Leonid Petrovich (Kozik Leanid Piatrovich)	Козік Леанід Пятровіч	КОЗИК Леонид Петрович	13.7.1948	Borisov		Head of the Federation of Trade Unions
Koleda Alexandr Mikhailovi (Kalada Alaksandr Mikhailavi	c <b>M</b> ixайлаві̂	КОЛЕДА Александр •Михайлов				Chairman of the Elections Commission of the Brest district
Mikhasev Vladimir Ilyich (Mikhasiou Uladzimir Iliich)	Міхасёў Уладзімір Ільіч	МИХАСЕ Владимир Ильич				Chairman of the CEC of the Gomel district
Luchina Leonid Aleksandro	Лучына Леанід <b>Усія</b> ксандр	ЛУЧИНА Леонид <b>а⁄ъіне</b> ксандр	18.11.1947 оович	Minsk district		Chairman of the CEC of the Grodno district
Karpenko Igor Vasilievich (Karpenka Ihar Vasilievich		КАРПЕНЬ Игорь Васильеви		Novokuzne Russia Новокузне Кемеровск области, Россия	цк	Chairman of the CEC of the Minsk City
Vladimir	Уладзімір Анатольев	КУРЛОВИ Владимир і <b>ж</b> натольев				Chairman of the CEC of the Minsk district
Metelitsa Nikolai Timofeevio (Miatsielits Mikalai Tsimafeevi	Мікалай Щімафееві а	МЕТЕЛИІ Николай чТимофееві	,			Chairman of the CEC of the Mogilev district

Mikhail	Міхаіл Васільевіч nak	жИИЩУЛЕ Михаил Васильеви					Chairman of the CEC of the Vitebsk district
Sheyman (Sheiman), Victor Vladimirov			26.5.1958	Grodno region			State Secretary of the Security Council
Pavlichenk (Pavliucher Dmitri (Dmitry) Valeriyevic	nko),		1966	Vitebsk			Head of the Special Response Group at the Ministry of the Interior (SOBR)
Naumov, Vladimir Vladimïrov	rich		7.2.1956				Minister of the Interior
Yermoshin Lydia Mihajlovna			29.1.1953	Slutsk (Minsk Region)			Chairwoman of the Central Election Commission
Podobed Yuri Nikolaevic	Рыбакоў	РЫБАКО	5.3.1962	Slutsk (Minsk Region)	Ul.		Lieutenant Colonel of Militia, Unit for Special Purposes (OMON), Ministry of Internal Affairs Judge of
Alexei	Аляксей	Алексей			Jesenina 31-1-104, Minsk		the Minsk Moskovsky District Court
Bortnik Sergei Aleksandro	Бортнік Сяргей <b>Асія</b> ксандр	БОРТНИК Сергей ажілександр		Minsk	Ul. Surganovo	MP046955	Public Prosecutor

					80-263, Minsk		
Yasinovich Leonid Stanislavov	Ясіновіч Леанід Спаніслава	Леонид	<b>12-6</b> .11.1961 ович	Buchany, Vitebsk district	Ul. Gorovtsa 4-104, Minsk	MP051581	lJudge of the Minsk Tsentralny District Court
Migun Andrei Arkadevich	Мігун Андрэй Аркадзеві	МИГУН Андрей чАркадевич	5.2.1978	Minsk	UI. Goretskovo Maksima 53-16, Minsk	MP131326	Public Prosecutor

- (1) OJ L 101, 11.4.2006, p. 5.
- (2) OJ L 93, 7.4.2009, p. 21.
- (**3**) OJ L 332, 17.12.2009, p. 76.
- (**4**) OJ L 134, 20.5.2006, p. 1.