

The concept of law reinstatement and national reconciliation

The present concept is intended to present the ways of law reinstatement and national reconciliation among the citizens of the Republic of Belarus, to overcome the division between the society and individuals, currently employed in the public administration (including state and administrative authorities, the legislation system, scientific, educational, and health systems at all levels, security agencies, state-controlled economic entities, and the media). All of this is due to the political crisis provoked by A. Lukashenko's illegal, violent way of holding on to state power after the defeat in the 2020 presidential election.

The Coordinating Council considers that the current political crisis will inevitably end with national reconciliation and birth of a future free Belarus through the joint efforts of all its citizens, regardless of their political views, areas of interest, position in society and financial well-being.

The Concept is made to contribute to the preservation of a functioning professional apparatus of the state administration as well as the national security and defence sector of Belarus.

1. Foundations.

Legitimacy. Activities for law reinstatement and national reconciliation should be regulated by a special legislative act. The definition of criminal and administrative responsibility by Criminal Code, Belarusian Code of Criminal Procedure, Code of administrative violations, Procedural And Executive Code Of The Republic Of Belarus On Administrative Offences.

Individual responsibility - restoration of legality and national reconciliation in Belarus excludes group responsibility. Membership in an organization cannot be a reason for prosecution unless it has been proved, that a person has been involved in violations concerning reinstatement of citizen rights.

Objectivity and impartiality in the consideration of each case.

Full compensation for damage caused – material and moral damage to citizens who have suffered violations of their rights must be canceled out. Compensation is paid from a fund made up of state property and money with the possibility of recovering the amount of compensation at the expense of the guilty persons (in case such persons have been established).

Openness of trial – the process of law recovery and national reconciliation should be investigated in public with public access to relevant information, unless the victim objects.

Promotion of reconciliation in the context of the identification of the victim and the guilty.

2. Cases to be resolved through the process of law recovery and national reconciliation.

2.1. The use of physical force, special means, equipment and weapons against citizens based on their political position;

2.2. Deprivation of liberty of citizens, whether in administrative or criminal proceedings on account of their political position;

2.3. Violating citizens' electoral rights;

2.4. Violations of the rights to freely disseminate and obtain reliable information, including illegal or unnecessary restrictions on media activities;

2.5. Violation of citizens' rights to freedom of association (establishment of new non-profit public associations or participation in the activities of existing ones), peaceful assemblies, marches, public expression of opinion and freedom of movement (including the right of a Belarusian citizen to leave and return to the country);

2.6. Criminal or administrative prosecution of citizens or their dismissal from work, as well as restrictions on the right to work or entrepreneurial activity in connection with their political position;

2.7. Public calls for violation of rights and freedoms, threats and insults on account of their political position, committed by individuals carrying out budget-financed activities and/or using the media, owned by the state or financed from the budget;

2.8. Destruction and damage to the property of citizens and non-state organizations (including economic entities). Seizure of citizens' property (including freezing or writedowns, garnishment of account), imposition of any form of punishment/recovery. Any restrictions on the economic/entrepreneurial activities of citizens (including the revocation of licenses or other similar business permits) related to the activities referred to in this paragraph.

Individuals employed in the system of state power and administration, as understood in paragraph 1 of the preamble to this Concept, and not involved in the acts referred to in this paragraph, will not be exposed to any restrictions, penalties and shall continue performing their official duties. They have the right to apply for any positions (grade, category, special or military rank) in the system of public power and administration, in accordance with the applicable legislation, to exercise the rights, guarantees and immunities for posts (jobs) held.

3. Procedures for handling and resolving cases of violation of citizens' rights.

3.1 A special agency is being set up under legislation to law reinstatement and national reconciliation.

This agency decides on the possibility of using either a conciliation procedure or a procedure to law recovery.

The legislation referred to in paragraph 1 of this paragraph must provide for a simplified procedure for determining the amount of material and moral damage to be compensated through the process of law recovery and national reconciliation.

3.2 The conciliation procedure means that the perpetrators of the acts referred to in paragraphs 2.1 to 2.5 and 2.8 are exempt from criminal or administrative liability, except in the cases where life or health has been harmed as a result (minor, grievous bodily harm, death, persistent disability), or torture or other crimes against humanity.

A prerequisite for the conciliation procedure is the effective repentance of the perpetrators of the acts listed in paragraph 1.1 above. Which is expressed through voluntary and active assistance in ascertaining the circumstances of the events and acts that are the subject of the proceedings, in exposing the other persons involved in the acts listed in paragraph 2 and in tracing their property.

3.3 Persons referred to in part 2 paragraph 3.2, depending on the nature of their acts, their marital status, their personal relationship to the incident, attitude to the performance of their professional obligations, by decision of the law recovery and national reconciliation authority, one of the following measures will be applied:

- public reprimand;
- restriction of service in the form of a prohibition on obtaining a higher military or special rank, grade or appointment to a higher post for a period of up to five years;
- demotion in rank, military or special rank, grade level;
- a fine within the limits set by the national reconciliation and law recovery act;
- dismissal with prohibition of taking up positions/employment in state administration agencies, local self-government, budgetary organizations and enterprises with 25 per cent or more of state participation for a period of 5 to 10 years.

3.4 Material and moral damage caused by individuals listed in part 2 paragraph 3.2 payable from a special fund, which was created by saving budgetary resources for maintaining the state apparatus and disposing of surplus state property. Except where a person has been subjected to the measures referred to in subparagraphs G)

and D) of this paragraph, such persons shall repay the injury by personal means or directly, or by way of recourse by the State to the extent of compensation paid to the victims.

3.5 In the exceptional cases referred to in part 1 paragraph 3.2, paragraph 1.1, which cannot be settled by conciliation under the conditions of paragraph 2.2 (effective repentance of the perpetrator of the violation of the rights of citizens) persons who violate the rights of citizens are liable to prosecution, which are provided for by criminal or administrative law. However, the maximum liability that may be imposed on guilty persons may not exceed half the maximum penalty provided for by law for the offence. In the case of requests for leniency by victims, one third of the maximum penalty provided for by law for the offence.

3.6 Conciliation proceedings may not be instituted if the injured party objects. If more than one person is recognized as a victim, if half or more of the victims object.

3.7 In cases where a national conciliation procedure cannot be used, the general procedure of administrative, disciplinary or criminal proceedings (law recovery) will apply. However, persons who have proved effective remorse under part 2, paragraph 2.3 the maximum criminal or administrative penalty will be limited to one half of the maximum penalty prescribed by law for the offence.

Material and moral damage, as part of the process of restoring legality, will be compensated in full by the victims from the special fund, and the sums paid will be recovered from the perpetrators when they are found.

3.7 In any event, persons who have proved effective remorse may not be subjected to confiscation or other forfeiture of property or restrictions on their property rights over and above the amounts of compensation payable to victims.

3.8 Individuals who show no remorse may, as an additional measure to restore legality, be subject to the recovery of all forms of budgetary payments they have received (including soft loans under state programmes) between 9 August 2020 and the end of receipt of such payments. For those who participated in violations of citizens' voting rights from 9 May 2020 until the end of receipt of such payments.