THE GOVERNMENT OF BELARUS: CRUSHING HUMAN RIGHTS AT HOME?

JOINT HEARING

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THE GOVERNMENT OF BELARUS: CRUSHING HUMAN RIGHTS AT HOME?

FRIDAY, APRIL 1, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS AND
SUBCOMMITTEE ON EUROPE AND EURASIA,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittees met, pursuant to notice, at 1:50 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith [chairman of the Subcommittee on Africa, Global Health, and Human Rights] presiding.

Mr. SMITH. The subcommittees will come to order. And good afternoon and welcome to this joint hearing of the Africa, Global Health, and Human Rights Subcommittee and the Europe and Eurasia Subcommittee, which will explore the recent mockery of an election and a crackdown on democracy activists by the Lukashenka dictatorship in Belarus.

We will also seek to answer questions about how we can most constructively hold the Lukashenka dictatorship accountable for its crimes and best assist the Belarusian people in their struggle for freedom, human rights and democracy.

After the Presidential election of December 19, 2010, thousands of Belarusians peacefully protested the massive electoral fraud. The Lukashenka dictatorship sicced its security forces on the crowds, indiscriminately clubbing demonstrators, and detained over 700 people.

In a manner reminiscent of the late Soviet era, the dictatorship has focused its ongoing crackdown on the democratic political opposition, independent media and civil society. The dictator's brutal campaign has been marked by the abuse of those jailed, by unfair trials and harsh sentences up to 4 years so far and by harassment and intimidation by the KGB, including interrogations, raids and other forms of pressure on families of opposition leaders, their lawyers, journalists and democratic activists.

Recently I have had meetings with relatives and friends of the imprisoned Presidential candidates. They have told me heartbreaking stories about the mistreatment of their loved ones. And one of those who remains imprisoned is my personal friend, Anatoly Lebedko, a courageous and long-time leader of the democratic opposition.

We have to keep in mind that the post-election crackdown is not over. In the last few days alone, a correspondent for Poland's larg-

est daily newspaper was charged with "insulting the President," a crime in Belarus. And the Belarusian KGB interrogated another journalist as well. On Tuesday, the dictatorship's courts sentenced a democratic activist to 3½ years of imprisonment for taking part in the December 19th protest. His was the eighth in a series of show trials.

Just yesterday, the Belarusian Government forced the closure of the Minsk office of the Organization for Security and Cooperation in Europe despite many OSCE efforts to keep it open.

As part of a Helsinki Commission visit to Minsk in June 2009, I had the opportunity, along with my colleagues, to press Lukashenka directly on his dismal human rights record and denial of fundamental freedoms. While making clear our support for Belarus' independence, the delegation reiterated the longstanding message that the only way to improve relations between our two countries was and is for him to take steps to increase political freedom and respect human rights. We told Lukashenka that the ball was in his court. There were even small, tentative steps taken at that time in the right direction. But since December 19th, any hopes for change have been squashed.

Aleksandr Lukashenka continues to turn a deaf ear to all criticism of his government. At a press conference after the election, Lukashenka said that Belarus will have no more "mindless democracy," clearly manifesting his sneering contempt for the Belarusian people, many of whose lives have been ruined and whose country he stole 16 years ago, transforming it into a grotesque anomaly, what is often called Europe's last dictatorship.

The United States and the EU have responded to the electoral fraud, violence and repression with strong condemnations, including from our President, and some additional punitive measures, at least for now. I would encourage both, especially the EU, to look for additional ways to hold Lukashenka to account. The scale of the post-election violence and the severity of the crackdown have far exceeded anything Lukashenka has done in the past. For the time being, the U.S. and the EU are not tempted to placate Lukashenka or to try to change his rule by rewarding him.

This is one reason why we need legislation to address the human rights tragedy and other issues created by the Lukashenka dictatorship: To ensure steady focus and policy consistency. This will require continued and even strengthened economic and travel sanctions against the dictatorship and its senior leaders and security forces. All this until Lukashenka releases political prisoners and dramatically improves his government's human rights record. This is exactly what the Belarus Democracy and Human Rights Act of 2011, H.R. 515, which I introduced in January along with my good friend and colleague from Indiana, provides. Most of these issues were also successfully addressed in the Belarus Democracy Acts of 2004 and of 2006, both of which I authored and which were signed into law.

The Belarus Democracy Act of 2004 brought the U.S. into the struggle for freedom in Belarus decisively on the side of the Belarusian people, who wish to live in a country where human rights are respected, democracy flourishes, and the rule of law is the norm. I remain convinced that the time will soon come when

Belarus will be integrated with the family of democratic nations. We must continue to stand at their side as they continue to work their way out from under the oppressive yoke of Aleksandr Lukashenka. I would like to yield to my good friend and colleague, Mr. Payne, for any opening comments he might have.

Mr. PAYNE. Thank you very much, Mr. Chairman. And let me also commend you for your longstanding leadership on this issue. I know that this is an important priority for you, especially in your role as co-chair of the Helsinki Commission, along with my good friend, Alcee Hastings, of Florida. Your leadership on this issue is exemplified, as you just mentioned, in your sponsorship of the original Belarus Democracy Act of 2004, which garnered significant bipartisan support from our late chairman, Tom Lantos, Minority Whip Hoyer and Mr. Hastings of Florida. I know that bill is up for reauthorization this year. And given the troubling developments in the wake of the December 2010 elections, this is a good time to highlight those issues.

As you know, this year, I have been particularly focused on elections and the democratic process, particularly in Africa, North Africa, Central Africa, the whole thrust of democracy is burning in that continent. And it is also very important that President Obama and Secretary Clinton have asserted time and time again that the United States must support the democratic aspirations of all people. It is troubling to me that like Cote d'Ivoire, a strong willed leader has chosen to suppress the will of the electorate and refuses to leave the office that he was recently defeated in.

During Aleksandr Lukashenka's 16 years as President of Belarus, the government has tightened control over civil society. A recent softening of Belarus's foreign relations has let some activists inside the country, as well as foreign policy makers, to hope for a more reasonable regime. But as Human Rights Watch, Amnesty International, and others have reported, such expectations were dashed on December 19, 2010, the night of Belarus' Presidential elections, when as many as 30,000 people took to the streets of the capital of Minsk to peacefully protest what they feared would be yet another stolen election.

When Lukashenka's victory of 79.7 percent was declared, a few dozen mass people started breaking windows in the main government building which overlooks independence square. Things took an even more drastic turn when police and security forces rushed in and beat up everyone within reach. Most of them peaceful demonstrators, even going as far as to kick those who fell, chasing those and grabbing people, including innocent bystanders in adjacent streets. The Organization for Security and Cooperation in Europe (OSCE) observers determined the election, despite fairer campaigning practices than in previous elections, has failed to meet OSCE standards.

In the wake of the December 19th post-election protests, Belarusian civil society activists and independent media face new government harassments and threats. Amnesty International has reported that Lukashenka is responsible for several political disappearances. And just last month, the Human Rights Watch issued a 31-page report documenting human rights violations that oc-

curred on election night and in the wake of the election through February of this year.

Again, the parallels to Cote d'Ivoire are remarkable. It is amazing what Lukashenka's regime has done to the people of Belarus in just a few short months. The HRW report refers to incidents of persecution of opposition candidates and activists, abuse of detainees, trials behind closed doors and raids on human rights organizations. The report further details allegations of extremely poor conditions in detention, denial of access to defense counsel and government pressure on lawyers representing those facing criminal charges related to post-election protests.

The international community has recognized Belarus' measures as intentionally silencing the legitimate citizens' grievances. Financial and travel sanctions against ruling officials have been leveled by the European Union and the United States in an attempt to force the Belarusian Government to cease its abuse of human rights violations.

It is clear that Lukashenka and his regime must focus on restoring the human rights guaranteed by Belarus' own Constitution, as well as international law.

Chairman Smith, Burton and Ranking Member Meeks, I appreciate this important hearing and hope that our Africa Subcommittee will also hold a hearing on the deplorable same type of rapidly deteriorating human rights conditions there as it is beginning to be in the midst of a civil war.

Once again, Mr. Chairman, I commend you for your continued persistence on this area of human rights. And I commend you for it.

One last item I would like to ask to be placed in the record. Belarus—it is called, "Shattering Hopes, Post Election Crackdown in Belarus," by Human Rights Watch.

Mr. SMITH. Without objection, so ordered.

And thank you for your eloquent statement. I would like to now yield to my good friend and colleague, Mr. Burton, the chairman of the Subcommittee on Europe and Eurasia.

Mr. BURTON. Thank you, Chairman Smith.

I appreciate having this joint hearing with you, and I appreciate our witnesses being here today. We look forward to hearing your testimony. I am not going to make a long statement but there are a few things I would like to say. I think my colleagues have covered a great deal of this already. So I will submit much of my statement for the record.

One other thing that bothers me in addition to what they are doing to their own people, is what they are doing in other areas. It appears as though this despot is also helping other criminal regimes. He has worked with Iran and has economic ties with him in violation of international sanctions, and our President announced this week penalties against Belarus for its business with Tehran. And this is a good start by President Obama, but I would like to see more action taken against this dictator and his regime.

Finally, we are to meet shortly with the State Department officials in a closed hearing to hear whether the Belarusian regime is providing terrorists with arms and munitions in violations of international agreements. We have reports of Belarusian attack heli-

copters and heavy weapons being sent to the Ivory Coast to suppress democratic opposition. I just met with the Ivory Coast's Ambassador the other day and what he told me was extraordinary about the number of people being killed by a person who was defeated in the last election but will not relinquish power. And so we have got a severe problem there as well, and he is just adding to the problem by sending weapons and helicopters to them.

Of course, these allegations have been retracted by the U.N. But they follow a disturbing pattern of aiding criminal regimes. Most recently, we have heard the much publicized United Nations accusation that Belarus was sending arms and munitions to Libya to supply the armies of Ghadafi, also in violation of international agreements. The Belarusian regime is the last remnant of the old Iron Curtain and Lukashenka is a thug who I would like to see go. I think all of us would.

I am eager to hear how this administration is working to make this happen and to help provide freedom and democracy to the people of Belarus, and I want to thank our witnesses today for being here to testify and I want to thank the Department of State for their help and willingness to provide a witness and briefer for today's topic, especially the work of the State's legislative affairs team.

And finally, I want to thank the staff of Chairman Ros-Lehtinen for their help in arranging today's hearing and briefing, especially Mark Gage, the deputy staff director of the Foreign Affairs Committee, who I understand is going to retire today after three decades.

Mark has done a great job, and I will tell you how difficult it is around here. When I first met him, he had a real bushy head of hair, and you can see what this kind of a job does to you.

But anyway, Mark, thank you very much for everything you have done. Thanks for your help in solving the problems we had the other day.

With that, I look forward to hearing from our witnesses. And I want to yield to my good friend, Mr. Meeks, the ranking Democrat—he should be a Republican—the ranking Democrat.

[The prepared statement of Mr. Burton follows:]

One Hundred Twelfth Congress

Congress of the United States

Subcommittee on Africa, Global Health, and Human Rights

Christopher H. Smith, R-New Jersey, Chairman
Donald M. Payne, D-New Jersey, Ranking Member

And

Subcommittee on Europe and Eurasia

Dan Burton, R-Indiana, Chairman
Gregory Meeks, D-New York, Ranking Member

April 1, 2011

Remarks of the Honorable Dan Burton
Chair, Subcommittee on Europe and Eurasia
Committee on Foreign Affairs
Hearing on: "Government of Belarus: Crushing Human Rights at Home?"

Good afternoon. I want to thank my good friend, Chairman Chris Smith for his leadership on human rights, including his work to help give voice to the repressed people of Belarus. I am well aware of the condition of democracy in Belarus, or lack thereof, and remain appalled at how the Belarus thugocrat Alexander Lukashenka treats his own freedom-seeking people. Last December protesters took to the streets to speak out against this dictatorship and the disputed re-election of Lukashenka. His response was to brutally attack the demonstrators by unleashing his security forces onto the crowds. Six hundred demonstrators were arrested and many more were beaten. In the aftermath, we are now seeing the so-called judicial process of Belarus proceed against these activists. Mikita Likhavid, the first of 37 opposition activists to be tried, was recently sentenced to jail despite the fact that more than twenty security officers could not identify him as being a perpetrator of violence. He was accused of being a violent rioter, but the twenty-year-old was peacefully protesting in the name of democracy, and was beaten for it.

There are more instances. Last month Secretary Clinton recognized women leaders from across the globe as part of the 2011 International Woman's Rights Day. Political leaders, academics, artists, and

business leaders were honored at Foggy Bottom and recognized in the Secretary's Women of Courage Awards Ceremony. However, Nasta Palazhanka was not able to attend as she was in a Belarusian prison for her actions to seek freedom. Released only two weeks ago, she, according to the Department of State, faces daily threats and politically-motivated pressure and harassment against her person and her family, as she continues to advocate for civil society freedoms and promote respect for fundamental human rights. This oppression should not be tolerated, and I abhor the violence used anywhere against peaceful protesters. I am sympathetic toward the plight of the Belarusian people, which is why I was eager to join my friend Chris and Ranking Members Meeks and Payne here today.

Furthermore, the current regime not only represses its own people, but also enables despots from across the globe to do the same. Its economic ties to Iran are in violation of international sanctions, and the U.S. President announced this week penalties against Belarus for its business cooperation with Tehran. This is a good start by the President, but I would like to see more action taken against this dictator and his regime. Finally, we are to meet shortly with State Department officials in a closed briefing to hear whether the Belarus regime is providing terrorists with arms and munitions in violation of international agreements. We have reports of Belarusian attack helicopters and heavy weapons being sent to the Ivory Coast to suppress democratic opposition. These allegations were later retracted, but they seem to follow a disturbing pattern of aiding criminal regimes. Most recently, we have heard the much publicized United Nations accusation that the Belarus was sending arms and munitions to Libya to supply the armies of Gaddafi - also in violation of international agreements. The Belarus regime is the last remnant of the old iron curtain and Lukashenka is a thug who I would like to see go. I am eager to hear how this administration is working to make that happen and to help provide freedom and democracy to the people of Belarus.

I want to thank our witnesses for agreeing to testify here today. I also want to thank the Department of State for their help and willingness to provide a witness and briefer for today's topic, especially the work of State's legislative affairs team. Finally, I want to thank the staff of Chairman Ros-Lehtinen for their help in arranging today's hearing and briefing, especially Mark Gage, the Deputy Staff Director of the Foreign Affairs Committee, who will be retiring today after three decades of public service in the U.S. Congress and the U.S. Department of State. Thank you, Mark, for your many years of service to our Great Nation.

Mr. MEEKS. Don't make that mistake.

Thank you, Chairman Burton and Chairman Smith, for conducting or bringing this hearing up today. A very, very important hearing.

Let me first say, laba diena, to my good friend, to Mr. Zingeris. And thank you for addressing this body today. And I am grateful for the opportunity to meet you. And I look forward to working with you together on transatlantic interparliamentary affairs. And I truly appreciate the Lithuanian Parliament's leadership in trying to support and bring change in Belarus. So it was great hearing from you this afternoon.

And you have heard from my colleagues already that there had been at the beginning some thought, maybe some hope that something would change in Belarus, until December 19th. And so we can just sum it up like this: Lukashenka is a bad actor and Belarus under his leadership is a dangerous place for someone who embraces democratic principles or republican principles for that matter.

I expect that we will hear from Mr. Russell about Lukashenka's autocratic, repressive regime, his tight control of the economy, his unyielding grip on social order and stranglehold on dissent. I expect Mr. Russell and my colleagues will say or recount how Lukashenka runs roughshod over democratic ideas and expressions, including civil and human rights to free speech and assembly, free and fair elections, independent judiciary and the rule of law.

He has been called and remains Europe's last dictator, holding this dubious distinction for nearly a generation. What I hope to understand better after today's discussion is what we are doing about this situation, both to help Lukashenka's victims and to change the situation. It is clear to me that the situation must change and equally clear that the United States has a role in seeing that it does. Not only do we care as humanitarians about what happens in Belarus, we care from a global security standpoint.

Anticipating some of your remarks, I want to emphasize my support for the multilateral approach that the administration has adopted. After all, what is going on in Belarus, is not just a problem for the United States; it is a problem for the community of democracies. But it is definitely our concern, too.

While Belarus is in Western Europe's backyard, the neighborhood is shrinking. Our response to December's stolen election seems to have been well coordinated with the European Union and through the Organization for Security and Cooperation in Europe with a broader community as well. Our joint statements, joint demands for the release of political prisoners, joint insistence on respect for human rights and joint condemnation of Belarus' decision to close the OSCE mission were on target.

I am concerned nevertheless about the effectiveness of our efforts. In the face of our diplomatic efforts, sanctions and assistance just this week, a Belarusian court sentenced one of the protesters, a 20-year-old, to 2½ years in prison. Several candidates who ran against Lukashenka remain in jail, and others have been sentenced to prison terms, and dozens of protesters and organizers remain political prisoners. It continues to astonish me that this can happen in Europe in 2011.

So I hope to hear thoughts on Belarus' future. I particularly would like to hear about springtime in Belarus. The parallel between the Governments of Libya and Belarus are extraordinary, with two notable exceptions. Lukashenka lacks Ghadafi's control of abundant oil resources, and fortunately, Belarus has been our partner in nuclear nonproliferation efforts. I would like your assessment of the Belarusian opposition and general public's willingness to endure the situation or the susceptibility to be swept up in the movement that has inspired young Arabs this spring.

Finally, I want to commend your team on the ground, led by Mr. Michael Scanlan. They are working in a tough neighborhood, and we recognize how difficult the work of a handful of officers and local staff can be. And we thank you for all of the work and look forward to hearing your testimony.

Mr. SMITH. Thank you very much, Mr. Meeks.

Mr. Marino for 1 minute if you would like.

And Mrs. Schmidt?

Thank you.

Now, it is my privilege to welcome Dan Russell. Mr. Russell is Deputy Assistant Secretary in the Bureau of Europe and Eurasian Affairs, responsible for U.S. relations with Russia, Ukraine, Moldova, and Belarus and for international security and arms control issues in the Bureau of European and Eurasia Affairs.

He has held many key State Department posts, including chief of staff to Under Secretary of State for Political Affairs William Burns from 2008 to 2009; Deputy Chief of Mission in Moscow, in Russia of course, from 2005 to 2008; and Deputy Chief of Mission in Kazakhstan from 2000 to 2003. Deputy Assistant Secretary Russell speaks fluent Russian, Spanish and French, but will be testifying in English today.

Mr. Russell.

STATEMENT OF MR. DANIEL A. RUSSELL, DEPUTY ASSISTANT SECRETARY FOR RUSSIA, UKRAINE, MOLDOVA, AND BELARUS, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. RUSSELL. Thank you very much, Chairman Smith, Chairman Burton, members of the committee, for inviting me today to discuss the situation in Belarus.

We share all of the concerns that everyone has expressed about the government's brutal crackdown in the aftermath of the flawed Presidential election. I think, simply put, the United States is pursuing a policy first to press the Government of Belarus to free its political prisoners and end the crackdown and, second, to support those inside Belarus seeking democracy. And we are doing this in concert with our European partners.

Looking back to—my written statement has been submitted for the record, and maybe I will just summarize a few key points. And I think first, looking back to election day, to December 19th, in Belarus, it is fair to say the government did not conduct a transparent vote. The OSCE, which was able to provide a team to monitor the elections, concluded that the campaign period was characterized by an uneven playing field and a restrictive media environment. They reported a lack of independence, impartiality and transparency in the electoral process, and they characterized the vote count in over half of the precincts that they observed as bad or very bad.

Now, nine Presidential candidates were allowed to run and to conduct limited campaign activities this time, which was an improvement from 2006, but you get the overall picture. Things looked pretty predictable during the day, but after the sun went down on December 19th, things changed. A large group, up to 30,000 people as some of the members have pointed out, came out

in downtown Minsk to protest against the official claim of Mr. Lukashenka's landslide 80 percent victory.

While we may never know all of the facts of what happened that night, one point is clear, the government's reaction to this largely peaceful demonstration was brutal. Some 700 individuals were detained, including, amazingly, seven Presidential candidates. The beatings of demonstrators have clearly been documented. Most of the detainees were subject to 10 to 15 days in jail. But six Presidential candidates, along with 30 other activists, now face charges that could lead to lengthy prison sentences. Trials have begun in February. Eight demonstrators have been convicted. No one has been acquitted.

The detainees are clearly being held on political grounds, and the United States considers them political prisoners. Our response to this situation was clear in the media. Secretary Clinton and the White House have issued multiple statements beginning hours after the crackdown, condemning the violence and calling for the unconditional and immediate release of all detainees. We have done this together with the European Union's high representative, Cathy Ashton, echoing the same message.

Unfortunately, the government not only moved to put the detainees on trial, it initiated a broader campaign to intimidate and weaken the political opposition and civil society. The offices and homes of activists and civil society representatives have been subject to police raids and searches.

So, on January 31, we adopted the following steps against the government in Belarus and the individuals and entities we think have a role in this crackdown. First, we reimposed full sanctions against Belarus' largest petroleum and chemical conglomerate. Second, we announced the expansion of the list of Belarus officials subject to a travel ban to the United States. And third, we announced that the United States is working to impose additional financial sanctions against additional individuals who contributed to the crackdown. And we welcomed the European Union's concurrent decision to reimpose and expand their own travel restrictions and asset freeze.

I want to make clear that this is one piece of our policy and our actions were not aimed at the people of Belarus. An integral part of our policy in the election aftermath has been to increase support for efforts to build a modern democratic society. On February 2nd, I took part in a donor's conference in Warsaw that was organized by the Polish Government, and I had the privilege to announce an additional $4 million to support the—$4 million to support democracy related programs in Belarus. This funding is in addition to the $11 million we provided for programs in this area in 2010. And following the crackdown, the United States has also begun providing legal and humanitarian assistance to those facing repression.

Unfortunately, the Government of Belarus has chosen not to engage the international community. As Chairman Smith mentioned, the latest development has been its refusal to extend the mandate of the OSCE office in Minsk which closed on March 31. We believe that is a step backwards. We will continue to call on Belarus to meet its OSCE commitments, and we are working with like-minded

OSCE members to pursue an independent investigation into the events of December 19th and their aftermath.

Just a comment on the backdrop to our policy: I think if the Obama administration's response to the post-election crackdown should be viewed within the context of its decision to continue longstanding U.S. principled engagement with Belarus, engagement that is centered on advocacy for democracy and human rights, engagement that has enjoyed bipartisan support. We have made clear to senior Belarusian officials our bottom line that only progress on democracy and human rights lead to improvements in overall relations with the United States.

Just a word on—yes and unfortunately, I mean, the government's failure to respect the human rights of its people and not uphold OSCE commitments is not a new development in Belarus. In the aftermath of the flawed elections in 2006, the United States had imposed sanctions.

And I might just mention a word on sanctions. While economic and commercial ties between the United States and Belarus are limited, the Government of Belarus has reacted to targeted sanctions. In 2008, following the decision to increase U.S. sanctions, the government released all of its political prisoners. And in response, the United States temporarily licensed U.S. persons to do business with two subsidiaries of this petroleum and chemical conglomerate.

I also should take a brief opportunity here to commend Representative Smith and other Members of Congress who helped to secure the release of American citizen Emanuel Zeltser in 2009.

Now, looking ahead, the recent actions of the Government of Belarus, to state the blindingly obvious, give us little cause for optimism in the near term. But at the same time, I think the aspirations of the people of Belarus for a brighter future do offer long-term hope. The country's youth particularly want a freer and more democratic country that is clearly part of a modern Europe. And we want to help them realize their dreams for that future.

And as we continue to calibrate our response to the policy of repression that we see unfolding in Minsk, I think the elements of our policy response are pretty clear: One, we are going to continue to implement targeted sanctions to press the Government of Belarus to change its course. Our goal remains the immediate and unconditional release of political prisoners, and in that regard, additional sanctions and a further expansion of the assets freeze and travel ban against Belarusian officials are among the options we should consider. Second, we are going to continue to expand support for those in Belarus seeking a more democratic modern country that respects the rights, democratic actors in Belarus represent the future of that country, and they deserve our support. And third, we are going to continue to act in concert with the European Union and our other European partners in providing support for the people of Belarus. The European Union is also considering the imposition of targeted economic sanctions against Belarus firms, and we hope that it will join us in this approach.

Lastly, I want to say that we have no illusions that influencing a movement toward democracy and greater respect for human rights in Belarus will be easy or quick. But we believe the United States should encourage and support the people of Belarus' desire

for freedom and democracy. It is both in our national interests and it is the right thing to do. Thank you very much.

[The prepared statement of Mr. Russell follows:]

Testimony of Daniel A. Russell
Deputy Assistant Secretary of State for European and Eurasian Affairs
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights
Subcommittee on Europe and Eurasia

THE GOVERNMENT OF BELARUS: CRUSHING HUMAN RIGHTS AT HOME?

April 1, 2011

Chairman Smith, Chairman Burton, Members of the Committee:

Thank you for inviting me to discuss the situation in Belarus. We share your concern about the government's brutal crackdown on pro-democracy activists, civil society representatives and independent journalists in the aftermath of the flawed presidential election. The United States, in concert with its European partners, is pursuing a policy first to press the Government of Belarus to free political prisoners and end its crackdown and, second to support those in Belarus seeking democracy. Today, I would like to cover three topics: the December 19 election and its aftermath, the immediate U.S. response to those events, and longer-term U.S. efforts to promote positive change in Belarus.

The Crackdown

In the run-up to the presidential elections, the United States urged the Government of Belarus to take steps to demonstrate improved respect for human rights and democracy, including an invitation for a mission to observe the elections from the Organization for Security and Cooperation in Europe. The OSCE election observation mission was indeed invited and able to carry out its mandate inside Belarus during the campaign and the election. Nine opposition candidates were permitted to register and run against President Lukashenka. They were able to conduct limited campaign activities and to participate in a televised debate, an improvement over the more restrictive environment that characterized the 2006 presidential campaign. At the same time, the candidates' lack of access to the state-controlled press and government harassment of opposition parties limited the

opposition's ability to mount truly effective campaigns and to reach voters. As OSCE election observers reported, the campaign period was characterized by an uneven playing field and a restrictive media environment. On December 19, election day, the government neither conducted a transparent vote count nor allowed opposition parties to adequately monitor that count. The OSCE reported a lack of independence and impartiality of the election administration and a lack of transparency at key stages of the electoral process. It characterized the vote count in nearly half of the polling places monitored by its observers as "bad or very bad."

After the polls closed on the evening of December 19, as many as 30,000 people rallied in downtown Minsk, to protest against the official claim of Mr. Lukashenka's landslide reelection with 80% of the vote. While we may never know all the facts of what happened that night, one point is clear: the government's reaction to the largely peaceful demonstrations was brutal and, combined with its subsequent actions, represented an effort to silence opposition leaders and other independent voices. Beatings of demonstrators on the night of December 19 have been documented; one injured presidential candidate, who had been beaten earlier, was taken from his hospital bed by unidentified individuals to a KGB detention facility. Some 700 individuals were detained, including seven presidential candidates. Most of the detainees were sentenced to 10-15 days in jail after hasty appearances before a judge, without legal representation – a process that one detainee described as a "conveyor belt."

Four presidential candidates, along with at least 28 other activists, now face charges that could lead to 15 years in prison. Two other presidential candidates and four activists face charges that could lead to three years in prison. Most are still being held in detention. Trials began in February and eight demonstrators, as well as two youth activists arrested on the eve of the elections, have been convicted; most received long sentences for "participation in mass disturbances." No one has been acquitted. No trial lasted more than two days. Five of the lawyers representing detainees have been disbarred for defense of their clients. Amnesty International has declared 20 of these individuals to be prisoners of conscience. Detainees are clearly being held on political grounds and the United States considers them to be political prisoners.

U.S. Response

The United States responded immediately and clearly to the events unfolding in Belarus. Hours after the initial detentions on December 20, the White House issued a statement condemning the violence and calling on the Government of Belarus to release all detainees. Following the release of the OSCE observer mission's preliminary assessment of the election, the United States announced that it could not consider the results of the vote count legitimate.

On December 23, Secretary Clinton and European Union High Representative Ashton took the unprecedented step of issuing a joint statement -- the first of two on Belarus -- calling the elections and their aftermath a step backwards and insisting on the immediate release of detainees. On January 6th, Secretary Clinton met with Belarusian pro-democracy activists to hear directly from those who experienced the crackdown in Minsk on December 19 and its chilling effect on their work.

Despite our public and private messages to the Government of Belarus, the authorities launched a politically-motivated judicial process to put them on trial. At the same time, the government initiated a broader campaign to intimidate and weaken the political opposition, independent press and non-governmental organizations. Offices and homes of pro-democracy activists and civil society representatives have been subject to dozens of police raids and searches; computers and office equipment were confiscated as a result. As the publisher of one independent newspaper recounted, "the only electrical equipment left by the authorities was the teapot." In response to the brutal crackdown, the United States acted on January 31 to adopt the following steps against the Government of Belarus and individuals/entities responsible for or participating in the crackdown:

- Re-imposition of sanctions against two subsidiaries of Belarus's largest state-owned petroleum and chemical conglomerate. All transactions with Belneftekhim and its subsidiaries are now blocked pursuant to Executive Order 13405.

- Expansion of the list of Belarus officials subject to travel restrictions pursuant to Executive Order 13405.

- Announcement that the United States is working to impose financial sanctions against additional Belarusian individuals and/or entities who contributed to the crackdown.

The United States took action in concert with the European Union, and welcomed the EU's decision on January 31 to re-impose and expand its list of those subject to travel restrictions and to expand its list of those subject to an assets freeze.

These U.S. actions were not aimed at the people of Belarus. In fact an integral component of U.S. policy in the election aftermath has been to increase support for their efforts to build a modern, democratic society. And we have encouraged the international community to join us in this effort.

On February 2, the United States announced its commitment to provide an additional $4 million to support democracy-related programs in Belarus. This funding is in addition to the over $11 million we provided for programs in this area for 2010. It will be used to promote the free expression of political views, civil society development, media freedom, access to information, and the ability of citizens to expand their contact with open societies. Despite strained government-to-government relations with Belarus, the United States has been carrying out a long-term effort to engage the people of Belarus and through our programs to encourage those working to advance democracy and civil society inside the country. Following the crackdown, the United States also began providing legal and humanitarian assistance to those facing repression, such as activists, students and other independent civic group representatives.

The announcement of additional U.S. assistance was made at a Belarus donors' conference in Warsaw organized by the Polish government, where representatives from over 40 nations from Europe and North America pledged over $100 million in assistance to the people of Belarus. We are coordinating our assistance efforts with Europe to maximize impact. European nations are also exploring visa liberalization -- some in fact have already waived or lowered fees and streamlined issuance procedures -- to offer citizens of Belarus a way to gain more exposure to neighboring free and prosperous societies. Recent polling shows how isolated the people of Belarus are: Over half of Belarus's citizens have neither met anyone from the European Union, nor visited any of the EU's member states.

Unfortunately, the Government of Belarus has chosen not to engage the international community. The latest development was its refusal to extend the mandate of the OSCE office in Minsk, which closed on March 31. At

the OSCE Permanent Council in Vienna, the United States and more than 40 other nations expressed regret at the closing of the office. This decision by the Government of Belarus represents a step backwards; we will continue to call on Belarus to meet its OSCE commitments. We are working with like-minded OSCE Members to pursue an independent investigation into the events of December 19 and their aftermath.

U.S. Policy in Perspective

The Obama Administration's response to the post-election crackdown should be viewed within the context of its decision to continue longstanding U.S. principled engagement with Belarus; engagement that centered on advocacy for democracy and human rights; engagement that has enjoyed bipartisan support. When the Obama Administration completed its initial review of U.S. policy toward Belarus, the lack of progress on democracy and human rights issues led it to continue targeted U.S. sanctions against select officials and Belarusian entities, while exploring ways to try to make progress on those core issues. Assistant Secretary of State Philip Gordon traveled to Minsk in 2009 to lay out clearly our longstanding concerns, actions the government could take to address those concerns, and our willingness to consider positive actions in response. During my most recent trip to Minsk in November, I reiterated our bottom line to senior Belarus officials: Only progress on democracy and human rights will lead to improvements in overall relations with the United States.

Unfortunately, the Government of Belarus's failure to respect the human rights of its people and to uphold its OSCE commitments was not a new development. In the aftermath of flawed presidential elections in Belarus in 2006, the United States had imposed sanctions. Those sanctions included a travel ban and asset freeze on certain officials, followed in 2007 and 2008 by sanctions against the largest state-owned oil and chemical conglomerate, Belneftekhim.

While economic and commercial ties between the United States and Belarus are limited, financial pressure has had an effect. When sanctions were imposed against Belneftekhim in 2007, Belarus exports to the United States totaled $1.1 billion; by 2009, that figure had dropped to $170 million. The Government of Belarus has reacted to targeted sanctions. In 2008, following the decision to increase U.S. sanctions, the government released all of its political prisoners and, in response, the United States temporarily licensed

U.S. persons to do business with two subsidiaries of Belneftekhim. However, the Government of Belarus's actions, including the fact that new political prisoners are now being held in Minsk, led to the revocation of that license on January 31. Let me take this opportunity to commend Representative Smith and other Members of Congress who helped secure the release of American citizen Emmanuel Zeltser in 2009.

Looking Ahead

While the recent actions of the Government of Belarus give little cause for optimism in the near term, the aspirations of the people of Belarus for a brighter future do offer long-term hope. The people of Belarus, particularly the country's youth, seek a freer and more democratic country that is truly part of modern Europe, and we want to help realize that future. Independent polling over the past five years has shown a steady increase in support among Belarus's citizens for membership in the European Union.

As we continue to calibrate our response to the policy of repression that we see unfolding in Minsk, the elements of our policy response should be clear:

- Keep our overall policy toward Belarus focused on promoting democracy and respect for human rights. Without progress on those core issues, there can be no overall improvement in relations with Belarus.

- Implement targeted sanctions to press the Government of Belarus to change its course. Additional sanctions and further expansion of the assets freeze and travel ban against Belarus officials and entities are among the options to consider.

- Expand support for those in Belarus seeking a more democratic, modern country that respects their rights. Democratic actors represent the future of Belarus and deserve our support, and that support should be driven by their needs.

- Act in concert with the European Union, our European partners, and other international counterparts in our policy toward the Government of Belarus and our support for the people of Belarus. The European Union is also considering the imposition of targeted economic

sanctions against Belarusian firms, and we hope it will join us in this approach.

We have no illusions that influencing movement toward democracy and greater respect for human rights in Belarus will be easy or quick. But we believe that the U.S. should encourage and support the people of Belarus's desire for freedom and democracy. Their hope for a modern, democratic Belarus, integrated into Europe's mainstream, is both in our national interest and the right thing to do. As Secretary Clinton and EU High Representative Ashton said in their joint statement, "the Belarusian people deserve better."

Thank you for your attention, and I look forward to your questions.

Mr. SMITH. Secretary Russell, thank you very much for your testimony but, more importantly, for the work you are doing to help the oppressed Belarusians, especially those that are in prison.

Thankfully, this is a totally bipartisan effort, and you have great support here in the House and I know in the Senate on both sides of the aisle. So I do commend you personally and the Department for being so clear and unambiguous about our position on Lukashenka and the Belarus dissidents.

Let me ask you—and I limit myself and I think we, because of time and votes, all of us, to 5 minutes, and I will be very brief. The new media law, if you could comment on that. We know that they borrowed handsomely from the Chinese Government, and they are experts on the use or misuse of the Internet to find, apprehend, and arrest those who are dissidents. The new media are not working well because they are trying to subvert them.

What is Russia doing? Is Moscow being helpful? If you could speak also to what we could be doing further and especially what our allies and the European Union could be doing. Yesterday, I understand, there was a very contentious meeting at the OSCE and the Canadians took the lead with a very strong statement. Should the Moscow Mechanism be invoked? And finally, with regards to Radio Free Europe/Radio Liberty, have they cranked up further their efforts to get the message to the people of Belarus about what their dictator is doing to the best and the bravest and the finest in Belarus?

Mr. RUSSELL. Well, thank you very much.

On the new media law, obviously, we are concerned, as are you, about any attempts to restrict the Internet. And clearly, the registration provisions that are in this law are an attempt to do exactly that, although I must say personally I think it is a fool's errand to try to restrict the Internet. It hasn't really worked anywhere, and I don't think it is necessarily going to stifle people with creativity in Belarus. But nonetheless, it is not a good step and not one we welcome.

The role of Russia is a complicated question. After the crackdown, we saw the Russian Government join with others and the Council of Europe to call for the release of political prisoners. At the same time, Russia and Belarus have a longstanding economic relationship, which involves subsidies for Belarus, particularly in the energy sector. And we have seen the Prime Minister of Russia make a recent visit there.

We are going to continue to work with Russia. I don't think that anybody wants to let Mr. Lukashenka play a zero-sum game where he can play Russia off against the West because that is simply not going to work. In fact, I would argue that he is more isolated than he has ever been. It is not only the European Union and the United States. The Ukraine has issued a statement about the disproportionate use of force. And like I said, with the Russians, we have seen some concern about what is going on there as well. But clearly, this is going to be a work in progress.

On the OSCE and the Moscow Mechanism, the United States is working to support the Moscow Mechanism. This is something I talked to our Ambassador to the OSCE today about this. And this is something we are going to push next week. Whether we succeed

or fail, we are going to be committed to try to get our friends with us in the OSCE to support an independent investigation into the election and the aftermath.

And finally, on broadcasting, we and several of our European allies have longstanding commitments to support broadcasting from outside into Belarus to try to help inform the Belarusian people and help them make informed decisions about their future. I was struck by polling results that showed that over half of Belarusians had never met anybody from the European Union and over 70 percent of them had never travelled to a European Union country. And I think that speaks volumes about why we and the Europeans both need to do more to try to bring them into the more modern world in which we all live. Thank you.

Mr. SMITH. Secretary Russell, because we have a vote and some of our members have commitments they have to keep, and the vote will make it so they are precluded from coming back. I thought we could ask all of our members to ask questions and, as best you can, start the answers, and then those of us who can come back will hear the remainder of those answers.

Mr. Payne.

Mr. PAYNE. Thank you. I will be very brief.

Recently, in our committee, we have heard discussion about foreign assistance. Many of the new members have questions about that, and they talk about corruption that was discussed in a discussion on Africa. But I would like to also ask you a question about Transparency International focuses on corruption and ranks Belarus, which of course is in Europe, as 127th in corruption. So I would like to know, one, how do we assure that any aid funding does not inadvertently end up in the hands of corrupt officials? Secondly, do we have any indications that corrupt Belarusian officials abuse the U.S. financial system through money laundering and so forth? And just finally, what efforts can the U.S. undertake to help combat the corruption in Belarus? Thank you.

Mr. SMITH. Chairman Burton.

Mr. BURTON. My main concern—I mean, my colleagues on the Human Rights Subcommittee, they are covering their concerns very well.

But I want to know what is going on as far as Belarus being a conduit for weapons going into other countries like Libya, the Ivory Coast and so forth. One of the big problems we have got right now is the whole northern tier of Africa is in flux. The Persian Gulf, the Middle East; it is all kind of up in the air, and we are very concerned that some of the more radical elements aren't fomenting more revolution and more upheavals that could lead to severe problems for us.

We get over 30 percent of our energy from that part of the world. And if there is a real conflagration that spreads throughout the region, we could have real problems. So, in a nutshell—I don't want to hold everybody up—in a nutshell, if you could tell us, how extensive are the operations of Belarus and their government in getting weapons to these other countries?

Mr. SMITH. Ranking Member Meeks.

Mr. MEEKS. Thank you, sir.

My question will go in this regard: What should we be concerned or should we be concerned about plans for construction of a nuclear power plant in Belarus? And given the current state of Belarus' economy, do we assume that this will be a Russian financed program? And is it also reasonable to assume that a new nuclear plant would supply other European countries?

And finally, what impact if any should the U.S. response be to Lukashenka's crackdown have on our cooperation with Belarus on nuclear issues?

Mr. RUSSELL. Thanks.

First, Mr. Payne, on foreign assistance, we give no direct foreign assistance to the Government of Belarus. Most of our aid is in democracy programs, and in the $16 million we gave in 2010, $11 million of that went to the nongovernmental sector and the rest of it went to programs working on issues such as trafficking in persons and tuberculosis, and it wasn't funneled directly to the Government of Belarus but to organizations that we trust, like the World Health Organization. So this is one country where I can say we probably don't have that concern.

Transparency International, frankly, if they had more information on what is going on inside Belarus, I am not sure they would be as high as 127th on the corruption list. On the abuse of the U.S. financial system, we have had an assets freeze in place against some of—President Lukashenka and some of his top aides for several years now. I cannot verify this, but I suspect there is very little money from senior people at that level in the United States.

On arms sales, this has been a longstanding concern of the United States. Belarus continues to rank somewhere between 25th and 20th in arms sales, and clearly, that is an issue we need to continue to follow. We have sanctioned individual entities in Belarus for arms transfers in the past, and we continue to have sanctions available to us should other information become available. And certainly, in the second part of this, we are going to discuss this subject in a little more detail.

Mr. Meeks, on the nuclear power plant project, Belarus has had an interest in building a nuclear power plant for some time. The United States supports the right of countries to have civil nuclear power, but we have urged in Belarus that any power plant be constructed in a manner that meets international standards and meet—and be it operated in a way that meets international safeguards. And that is a bottom line for us. And clearly, Belarus also needs to take into account the concerns of its neighbors and to meet its commitments under various international conventions on this.

On the supply to other countries, it depends, obviously, on the size of the power plant. There are now power plant projects talked about. There are four in Finland; one in Lithuania; others in Poland and the Czech Republic. I don't have a crystal ball. I cannot tell you after the Japanese nuclear disaster how many of these are actually going to go or whether there will still be public support for them. But I think, obviously, these need to be done on some sort of commercial basis.

What we want in Belarus and we have supported, we want to see a project that is done on a competitive basis and one that meets

international standards. When Prime Minister Putin visited Minsk earlier this month, the Russians again signed some sort of deal on building a nuclear power plant in Belarus. The financing of that project is unclear at this point, and it is something we are going to continue to watch.

Mr. SMITH. Just in the very few minutes remaining, Secretary Russell, let me just ask you, has the Human Rights Council or has our representative to the Human Rights Council raised the issue of Belarus?

Secondly, I know we are not signatories—or we are signatories, but we have not ratified the ICC. But is there any sense that either the Europeans or with our support, a referral might be made to the prosecutor's office for crimes committed by the Lukashenka regime?

And thirdly, with regard to the political prisoners, had they been visited by the ICRC? Are there conditions that one might describe as degrading, inhumane and certainly torture? And if so, has the Convention Against Torture and the panel of experts initiated any kind of proceedings to hold Lukashenka to account under the torture convention?

Mr. RUSSELL. I honestly don't know whether we have raised this at the Human Rights Council in the current session. I will come back to you with an answer on that.

Mr. SMITH. If not, if you could ask them to do so. Our representative.

Mr. RUSSELL. Yes. We support this. We have raised this at every international forum that it has been appropriate. The ICC, I am not aware of any action that has been taken to refer this, and I am not a lawyer. I don't know enough about the grounds for that.

On ICRC access, the United States and the other key members of the ICRC have clearly asked the ICRC quietly to get involved. Obviously, they don't report their findings, but I think you are right that it is important that they have access. The Convention Against Torture, one of the Presidential candidates who has now sought political asylum in the Czech Republic asserted that torture had taken place. So this is obviously an issue we need to look at.

Mr. SMITH. Thank you, Mr. Secretary. I thank you very much for your testimony and your strong concern. The subcommittee will go into a brief recess. Thank you very much.

[Recess.]

Mr. SMITH. The subcommittees will resume their sitting. And I apologize deeply to our witnesses, but believe me, your testimonies will be disseminated, not just in the record but to all the members of both subcommittees and the full committee, because we do need to hear from you.

We did have a second panel that was supposed to testify on the arms issues, arms transfer issues, and that had to become classified. So I do hope that both of our distinguished witnesses understand, and I apologize for the inconvenience.

We will now hear from David Kramer who is executive director of Freedom House, one of Washington's most respected voices on freedom and human rights issues.

Mr. Kramer has a distinguished NGO, academic, and government career. In government, he has served as assistant secretary of state for Democracy, Human Rights and Labor from March 2008

to January 2009. In that capacity, in addition to everything else he has done, he also then sat on the Helsinki Commission. We greatly appreciated his insights and help with regards to that Commission. He was also Deputy Assistant Secretary of State for European and Eurasia Affairs, responsible for Russia, Ukraine, Moldova and Belarus and was closely involved in formulating and implementing U.S. policy toward Belarus.

Finally, we will hear from Matthew Rojansky, the deputy director of the Russia and Eurasia Program for the Carnegie Endowment. An expert on U.S. and Russian national security and nuclear weapons policies, his work focuses on relations among the United States, NATO and the states of the former Soviet Union from 2007 to 2010. He served as executive director of the Partnership for a Secure America, which sought to rebuild bipartisan dialogue on U.S. national security and foreign policy challenges.

Secretary Kramer, please.

STATEMENT OF MR. DAVID KRAMER, EXECUTIVE DIRECTOR, FREEDOM HOUSE

Mr. KRAMER. Hello, Mr. Chairman. Thank you very much.

It is a pleasure again to appear before you. And thank you very much for doing this hearing. In fact, it is critically important that you and the subcommittees are holding a hearing on Belarus.

Given that the world's attention is understandably riveted on events in North Africa and the Middle East and yet we still have an enormous challenge in Europe itself, in Belarus and, as you have rightly described him, in Aleksandr Lukashenka as the last dictator in Europe.

I also do want to acknowledge Dan Russell, Larry Silverman, and Mike Scanlan, his staff and Embassy Minsk, what is left of it, and Ian Kelly, who is the OSCE Ambassador in Vienna, for the work all of them have been doing to keep the focus on Belarus and U.S. policy.

It has already been described at length the kind of situation we are dealing with in Belarus; where there are dozens of people still in jail held as political prisoners, where torture is common by Lukashenka and his KGB goons. I think it is very important to understand that this is a serious threat to the people of Belarus, to Europe, to the region as a whole and, in fact, globally. And it is a vital issue for the United States to stand firm and on principle in dealing with this challenge that we all face.

Talk about Lukashenka sometimes gets carried away, Mr. Chairman, when people say he is this all powerful leader. Let us remember that there were credible polls that showed that on December 19th of last year, he got less than 50 percent of the vote and was fearful that he would have to run in a second round of the election. What that suggests is that the majority of the people who turned out in that election voted against Aleksandr Lukashenka, and that means that his support is slipping and eroding. And I think that alone is something that scares him and forces him to lash out against the opposition so that he doesn't risk losing total control.

Let's also remember that there were tens of thousands of people who turned out in downtown Minsk in Independence Square, in unprecedented numbers, that also suggest that many people in

Belarus have had enough of Aleksandr Lukashenka and want to see a change. Those things I think are very noteworthy and something we should not overlook.

What should we do about the situation? I would argue for a two-prong approach. The first is dealing with assistance, in standing with the people of Belarus and showing solidarity. It is critical that the U.S. and EU speak with one voice and that we make it clear that Aleksandr Lukashenka is the enemy here, he is the threat, and that we stand for freedom and democracy. They are the common cause in our goals in Belarus.

Yesterday's OSCE statement that was issued condemning Lukashenka's refusal to allow the OSCE mission to remain open in Minsk was a good sign of international solidarity on this, and we need to see more indications of this.

It is important for Europeans in particular to reduce the fees for visas, if not in fact waive the fees entirely, so that more Belarusians can travel and, if necessary, relocate to European countries.

We need to expand exchange programs. We need to help students who have been expelled from universities because they have been accused of exercising freedom of assembly and speech. We need to help the families of those who are being held in jail, help them with lawyer fees, medical bills, with food assistance, all kinds of desperately needed assistance.

We need to help organizations like Charter 97 as well as the Belarus Free Theater, the performers of which have not been allowed to return home, and they are living on fumes. They need vital financial assistance.

We need to get more media into Belarus so that the people of Belarus understand that Europe and the United States stand with them, that the problem we have is with the leader of Belarus, not with the population of Belarus.

We need to resume material support for the opposition. Neutrality on this issue or an unwillingness to provide such support, frankly, in the face of a threat like Lukashenka is an enemy of freedom. We need to lift the restrictions that have been put in place by USAID.

We need to meet, as you have, Mr. Chairman, with members of the opposition, with activists, with families of those in detention.

And I want to thank you very much in particular for taking time to meet with the delegation that Freedom House, IRI, NDI, and the German Marshall Fund brought to the United States several weeks ago. It is extremely important that you and other members meet with these families to hear firsthand the heart-wrenching stories, so we can put a human face with the suffering the people of Belarus are enduring.

Again, thanks for your efforts on the legislation dealing with Belarus, the bill on Belarus, and your leadership on that in 2004 and 2006; it was vitally important. When I was in the government, that legislation was a critical tool for us to deal with this dangerous threat. That is on the support, assistance, and solidarity side.

On dealing with the regime, we need to ratchet up the pressure and really go after Lukashenka and those around him. Sanctioning

state-owned enterprises, in my view, is the way to free the political prisoners. It worked in 2007 and 2008 when the United States in November, 2007, sanctioned Belneftekhim. Two months later, the release of the political prisoners started.

The U.S. has reimposed the sanctions that eased after all the prisoners were released in 2008. It has reimposed those on Belneftekhim, but it is not enough. We need to go after the Belarus potash firm. We need to go after other state-owned enterprises. This is where Lukashenka keeps his money. This is where he benefits personally through massive corruption, and it is where the Europeans need to really step up to the plate. Here the Europeans are divided, not only from us on this issue but divided among themselves; and they need to get behind sanctions against state-owned enterprises.

We should not have meetings with senior officials of the Lukashenka regime. We did not recognize the election results; and if we don't recognize Lukashenka as President, we should not be meeting with his representatives. We should add Foreign Minister Martynov to the visa banned list so Lukashenka doesn't have a stooge running around Europe and the United States peddling his lies.

We should end International Monetary Fund and European Bank for Reconstruction and Development support for Belarus, particularly with Belarus' hard currency reserves dwindling and facing a devaluation, which apparently it has done by 20 percent with even a possible default. The last thing we should be doing is providing international loans that would bail out Lukashenka and throw him a lifeline.

I am in favor of suspending Belarus from the European Union's Eastern Partnership Initiative, but at a minimum, if the Europeans do not do that, instead of inviting representatives of the Lukashenka regime, they should invite representatives of the opposition in civil society to sit in those seats when they have a summit later this year.

We should strongly urge the International Hockey Federation to relocate its world championship which Belarus is scheduled to host in 2014. Aleksandr Lukashenka is a big hockey fan. He is a player himself. This, if nothing else, might get his attention if we threaten to take this prize away from him.

We should reject engagement with the regime. Engagement was tried from the fall of 2008 right up until December 19th. Engagement with this regime failed. Engagement with this regime should not be resumed.

Aleksandr Lukashenka is not serious about engagement with the West. He is brilliant at playing the West and Russia off of each other, threatening to go to one if the other increases the pressure. We should not fall for this game once again.

We should understand that pressure is what gets Lukashenka's attention. That is the way to get these people out of jail. That is the way to end their suffering.

Also, I would just say, in response to your question to Dan Russell about the ICC, we should begin a serious and comprehensive effort to document the many crimes that Lukashenka has committed, so that when and if there is a process in place to bring

Lukashenka to justice, we already have much of the documentation in place to move forward.

Belarus, Mr. Chairman, just to conclude, is a real test for the West, with ramifications for the region and, frankly, for the whole globe. Left unchallenged, Lukashenka becomes a model for other authoritarian leaders in the region and in the world, a number of whom, as we have already heard and based on questions from Chairman Burton, are clients of his for weapon sales. And so if we don't respond to this challenge, the West will be exposed as an impotent force, unable to deal with problems in its own neighborhood.

We saw tens of thousands of people turn out in the streets to protest Lukashenka's rule, and we saw a fraudulent election where official results suggested that he got 80 percent, when in fact most results would suggest he got less than 50 percent. Many more people voted against him than for him in that election.

Our support should be for those tens of thousands of people who turned out in downtown Minsk, brave people who risked their lives, risked injury to speak their minds and exercise their right to freedom of assembly and freedom of expression. They are the future of Belarus, and they need our support and solidarity now.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kramer follows:]

Testimony of David J. Kramer

Executive Director of Freedom House

before the

United States House Committee on Foreign Affairs,
Subcommittee on Africa, Global Health and Human Rights and
Subcommittee on Europe and Eurasia

"The Government of Belarus: Crushing Human Rights at Home?"

April 1, 2011

Mr. Chairmen, Members of the Committee, it is an honor to appear before you here today to discuss the latest situation in Belarus. I commend you for holding today's session. With the world's attention riveted understandably on the Middle East and North Africa, it is important that the United States and Europe stay focused on the deteriorating situation in Europe's east, specifically in Belarus. It is vital that the West support those in desperate need of assistance and take decisive steps in response to the latest assault on freedom committed by Europe's last dictator, Aleksandr Lukashenka.

Europe faces two major threats to realizing the vision set out more than two decades ago of a continent whole and free. The first of those – Russia, which sees the advance of democracy in the former Soviet region as a threat to its interests and a challenge to its own authoritarian ways – is the topic for another time. The second threat is the theme of today's hearing, namely, the problem posed by Belarus strongman Lukashenka. Europe and the United States together must move quickly to respond to the declining human rights situation inside Belarus and the defiant stance of its dictatorial leader, Lukashenka. Left unchallenged, Lukashenka would become the model for other authoritarian leaders in the region and around the world – a number of whom are already clients of his weapons sales – and would expose the West as an impotent force unable to meet challenges in its own neighborhood.

The regime in Minsk is perpetrating grave human rights violations that dwarf even the brutal standards set by Lukashenka over the course of his decade and a half reign. Given Lukashenka's determination to remain in power at all costs, the United States and Europe face a clear authoritarian challenge in Europe that at once abuses the rights of ordinary Belarusians and also threatens the security of Europe and the region. As we see from developments in the Middle East and North Africa, Lukashenka's brand of repressive governance is a dead-end and transatlantic policy-makers should recognize it for what it is. In my testimony, I will enumerate essential steps that need to be taken, in coordination between the U.S. and Europe, to liberate the political prisoners, reduce the threat from Minsk, and enhance prospects for greater human rights in that country, and the wider region.

Election Day to the Present

The situation in Belarus today and in the past three months has been much worse than what we witnessed in 2006. Then, the U.S. and European Union (EU) together imposed

sanctions in response to Lukashenka's fraudulent election victory, violence committed against opposition figures, and corruption. If we acted resolutely then, we can do no less now. In fact, we need to do more and do it faster than we have so far, for Lukashenka's opponents and critics are suffering in jail, victims of torture, their families suffering along with them. Lukashenka has shown no signs of letting up on his repressive tactics, as evidenced by continuing arrests of critics, harassment of civil society activists and journalists, and a farcical judicial system that carries out his orders.

To recap, last December, more than 600 protestors, including seven of nine presidential candidates, were arrested and beaten during peaceful protests against Lukashenka's rigged election victory on December 19. What triggered Lukashenka's violent reaction? Most likely he had seen independent exit poll results that, contrary to official numbers, showed Lukashenka falling well short of the necessary 50 percent threshold to avoid a runoff second round. This might have led him to deal with the opposition the only way he knows how, ordering his security services to engage in provocations and crack heads, literally, against peaceful protestors in downtown Minsk.

But let's be clear, what happened on December 19 is not an aberration. This may have been Lukashenka at his worst, but it was not a break from his past behavior. After all, this is a man who "disappeared" four opposition leaders and critics more than a decade ago and engaged in serious human rights abuses in the aftermath of the 2006 presidential. We need to be clear that Lukashenka is simply incapable of liberalizing Belarus or moving toward a more democratic system. Those who favor engaging him and his regime are naïve, to say the least, to think that he's capable of changing. A 16-year track record should remove any doubts on this score.

Two presidential contenders – Andrei Sannikov and Vladimir Neklyayev – were savagely beaten; Sannikov remains in jail and Neklyayev under house arrest. Sannikov's wife, Irina Khalyp, also is under house arrest after being detained in prison for weeks; their three-year-old son was nearly taken away from them by the authorities. A third presidential candidate, Ales Mikhalevich, fled the country after spending two months in jail with the prospect of a long jail sentence; he now has political asylum in Prague. Almost daily, activists and journalists are visited by KGB goons (and yes, they're still called the KGB in Belarus), human rights are grossly violated, and Lukashenka continues Belarus' isolation from the rest of Europe. We in

the West must act now to end the ongoing torture and imprisonment of dozens of people who are languishing in Lukashenka's hellish prison system.

I was in Brussels this past weekend at a conference with Irina Bogdanova. Her brother is Andrei Sannikov, who is still in jail. Also there were Irina Krasovskaya, whose husband was "disappeared" in 1999 by Lukashenka, and Natalya Kolyada, the head of the Belarus Free Theater, who narrowly escaped the crackdown on December 19 and made it to the U.S., where she and her fellow performers are in a state of limbo, unable to return to their country.

Last month, Freedom House together with several other NGOs brought Irina Bogdanova, Natalya Kolyada, former presidential candidate Aleksandr Kazulin, Eva Neklyayeva, daughter of the daughter of former presidential candidate Vladimir Neklyayev, and others to Washington to meet with Members of Congress, administration officials, journalists, and the think tank community so that they could tell their story. Chairman Smith, I want to thank you for meeting with them while they were here. As you know, they lend a deeply moving human face on the suffering that continues on a daily basis as a result of Lukashenka. Their stories are heart-wrenching. But they are also clear on what must be done. Unanimously and unhesitatingly, they want to see the West get much tougher with Lukashenka by imposing sanctions against state-owned enterprises. They know that that is the only way to stop the suffering of their relatives and friends back in Belarus.

Sanctions Work

If economic sanctions were called for in 2006-07, there should be no debate that they are warranted this time around, too, given that the level of violence is significantly worse. Civil society representatives and opposition figures support the reimposition of tough sanctions against the Lukashenka regime. Spurning their calls would be a setback for freedom and democracy in Belarus and elsewhere around the world. Moreover, it's time to stop viewing Belarus through a Russia prism, worrying that tougher measures will push Belarus into Russia's arms. In 2006, the EU and U.S. imposed sanctions against Lukashenka based on how he abused his own people, not on whether Minsk and Moscow had good or bad relations. We should not change that approach now and worry whether new sanctions will lead to closer Belarus-Russia ties. Lukashenka is a master at playing the Russia and the West against each other, and we fall for it constantly.

Those of us who support imposition of tougher sanctions have a history to bolster our case. After the U.S. and EU together imposed a visa ban and asset freeze in 2006, the U.S. took additional steps in November 2007 by slapping sanctions against Belneftekhim (the state-run Belarusian oil-refining enterprise in which Lukashenka himself reportedly had a stake). Within two months of taking that step, a representative of Lukashenka went to the American Embassy in Minsk to ask what would the U.S. – not what the EU, which did not go after Belneftekhim, but the U.S. – do if Lukashenka released the political prisoners at that time. Within 48 hours of the response from Washington, Lukashenka began releasing the prisoners. Unfortunately, due to the unwelcome intervention of the German Ambassador at that time, the release of the most prominent prisoner, Aleksandr Kazulin, was delayed for several months, during which time the U.S. ratcheted up the sanctions even more. It was during that period that Lukashenka expelled the American ambassador and most of the American staff from our embassy in Minsk; Kazulin, nevertheless, was finally released in August 2008 because Lukashenka couldn't withstand the pressure that came from economic sanctions.

Engagement with Lukashenka or parts of his regime did not win the freedom of the political prisoners in 2008; tough sanctions did. The overture to the U.S. Embassy in Minsk in January 2008 made by Lukashenka's representative and intelligence information I had access to at the time leave no question in my mind that this was the case.

Fast-forwarding to today, similar steps must be applied again state-owned enterprises. The U.S., in response to events of December 19 and afterward, reimposed its measures against Belneftekhim; the EU, however, has yet to take this step. If we want to see the release of those currently in prison, the EU must join the U.S. in imposing tough measures and squeezing Lukashenka as hard as possible.

Earlier this week, the State Department announced sanctions against Belarusneft, a state-owned energy company and subsidiary of Belneftekhim, because of its involvement in the Iranian petroleum sector. Even though this step was not taken because of the situation inside Belarus, every step like this helps tighten the noose around Lukashenka. The major fertilizer firm, Belarus Potash Company, would make another good target for sanctions. The U.S. and EU together should go down the list of companies in Belarus until they find Lukashenka's weak spot and force him to release the prisoners. Other approaches measures will not work.

In the process, we need to be clear what we want to and can accomplish in Belarus in the short term. Bringing democracy to Belarus is desirable, of course, but unrealistic as long as Lukashenka rides roughshod over his people. Instead, we should focus on the immediate and most critical goal of winning the release of the political prisoners.

Undermining Lukashenka and helping those opposed to his leadership are also important objectives, but they are longer term. Lukashenka and his goons have all the weapons and power, but tough sanctions can help neutralize that advantage now. At the same time, if Lukashenka in reality won only 35 or so percent of the vote last December, his support is waning inside the country. This suggests that Western assistance to advocates of freedom and pluralism in Belarus over the last 16-plus years has had a cumulative effect. The likely "real" outcome on December 19 was that more people probably voted *against* Lukashenka than *for* him (whereas in previous elections, he in fact may have won in real terms and then inflated the margin). This reflects an investment over time that is starting to show small, admittedly understated, returns and reminds us of the importance of standing by our principles and commitments. Indeed, sending the right message about Belarus is important not only to the people there, but beyond.

That tens of thousands turned out in downtown Minsk to protest also indicates that Lukashenka's hold on power is slipping. His resort to brutal force may have been the only way to avoid losing complete control over the situation. His personnel changes at the top of his administration immediately after the election suggest growing suspicion about which people can be trusted. We should sow doubts in his mind as much as possible, for he's a paranoid leader prone to make mistakes, and if he suspects that no one around him can be trusted, he may discover that his days are numbered.

Time for Action

Tough talk by Western leaders condemning what has happened in Belarus is simply not enough. Lukashenka and his henchmen must suffer major consequences for what happened. We have an obligation to stand with those who turned out in the squares of downtown Minsk on December 19 and sacrificed their lives in calling for a better, brighter future for their country. It is critical that the U.S. and EU speak with one voice. Sadly, within the EU alone, there are different voices on Belarus; some member states support imposing economic sanctions, others worry we already have been too tough. The reality is that Lukashenka is the enemy of

democracy and freedom and poses a threat to Europe. He spurned efforts last year by a number of European leaders to engage with him, even coax if not bribe him (with an offer of $3.5 billion if the elections passed the test) into better behavior; his response was a clear middle finger to the West. And if we don't adopt tougher measures, Lukashenka will grow more defiant, while his people's suffering will worsen.

Together, the EU and U.S. should be stating publicly and repeatedly that Lukashenka is a threat to freedom in his country and to the region. He is the reason why Belarus suffers from self-imposed isolation from Europe. He is why the families of officials who engage in human rights abuses are not allowed the privilege to travel, live, or study in the West. He is why their assets are frozen and their credit cards won't work. If they want to fix these problems, they need to focus their energies on the reason for their hardships – Aleksander Lukashenka.

On the issue of assisting the opposition and civil society, we should:

- Waive visa fees for citizens, expand exchange programs, and help students seeking to travel or move to Europe or the U.S.
- Help families of those in detention with lawyer fees, medical bills, food, etc.
- Support more media into Belarus to let the people know we're on their side and that the enemy is Lukashenka.
- Resume material support for opposition and civil society – neutrality in the face of Lukashenka's threat is an enemy of freedom.
- Meet with activists, opposition figures, and the families of those in jail as often as possible.
- Pass the Belarus Democracy Reauthorization Act of 2011, which Chairman Smith has introduced. I strongly urge Members to expedite passage of this Act.

At the same time, we need to ratchet up pressure on the regime. We say we have not recognized the results of the election as legitimate, therefore, we should refuse to deal with Lukashenka or anyone representing him, including his foreign minister who regrettably is not on the EU visa ban list; he should be. We should be calling for new elections. Beyond that, we should:

- Sanction state-owned enterprises – that's what worked in 2007-2008.

- Cancel meetings with senior officials of the regime unless and until the political prisoners are released.
- End International Monetary Fund or European Bank for Reconstruction and Development support for Belarus. As Belarus' hard currency reserves dwindle and it faces devaluation of its currency and possible default, we should reject even the thought of propping up Lukashenka by bailing him out with IMF loans.
- Suspend Belarus from the EU's Eastern Partnership initiative; at a minimum, opposition and civil society representatives should be invited to the Eastern Partnership summit later this year, not government officials.
- Either relocate or boycott the International Hockey Federation World Championship, which Belarus is scheduled to host in 2014. This step is certain to get the attention of Lukashenka, a former hockey player and ardent fan who sees this tournament as a reflection of his regime's international prestige.
- Reject calls for engagement with the regime. This policy has failed, and failed miserably.
- Understand that pressure, the fist, is what Lukashenka understands, that's what gets his attention, and that is the only way to win the release of the political prisoners.
- Begin now a serious and comprehensive effort to document the many crimes of the last 16 years, so that should Lukashenka be brought before justice, the adjudication of his case may be thorough and swift.

In Freedom House's Freedom in the World annual rankings, Belarus has been rated as "Not Free" since 1997 as its government has kept a vice-like grip on all institutions of democratic accountability. Meaningful changes have not been in evidence, and the regime's true essence shined through in this election. On January 31, in response to the terrible violence committed by Lukashenka's goonish security services against thousands of protestors on December 19 and since, the EU and U.S. together announced sanctions on individuals responsible for the human rights abuses. A visa ban and asset freeze on 175 officials (156 originally with 19 more added on March 21) responsible for human rights abuses are good steps. But they simply aren't good enough.

Showing Solidarity with Belarus Civil Society and Opposition

Secretary Clinton issued a good joint statement with EU High Representative Ashton on December 23 condemning the violence in Belarus. Unfortunately, President Obama has remained silent on Belarus. The White House statement of December 20 was issued in the name of the press secretary. And yet President Obama saw fit to issue a statement December 30 commending Ukrainian President Yanukovych on the transfer of highly enriched uranium to Russia, but opted to say nothing on the situation in Belarus (or on the verdict in the Khodorkovsky case in Russia or the arrest and sentencing of Russian opposition leader Boris Nemtsov). It matters in whose name such statements are issued, and the President's silence has been noticeable.

Freedom and democracy should be the common cause uniting the EU and U.S. together with those inside Belarus who are fighting for a better, more democratic future. We must keep up the drumbeat – and that is why this hearing is so important. Lukashenka's regime is not serious about engagement. This is a regime that only understands pressure and strength – that's the way to get Lukashenka's attention. It is a regime that a decade ago "disappeared" four prominent opposition figures for crossing the regime; their whereabouts remain unknown. It sells arms to such places as Syria, Venezuela, Sudan and Iran, revenue from which lines not only the state's coffers but Lukashenka's pockets. It handed out passports to Saddam Hussein's sons Uday and Qusai and gives refuge to Kyrgyz strongman Kurmanbek Bakiev, who was deposed by his own people a year ago. Lukashenka's regime, in other words, is not only a threat to its own people but beyond its borders. By practically any measure, Belarus under Lukashenka is truly the last dictatorship in Europe, a view reinforced by developments on December 19 and since.

We must remember that tens of thousands of people turned out in downtown Minsk -- unprecedented numbers -- to protest against a fraudulent election and the Lukashenka regime. They knew they were risking serious injury and worse at the hands of Lukashenka's repressive security services. And yet they stood for freedom and human rights. We should be standing with them. When President George W. Bush signed the original bipartisan Belarus Democracy Act in 2004, he declared, "[T]here is no place in a Europe whole and free for a regime of this kind." At the same time, there is very much a place in Europe for a democratic Belarus – but such a possibility is unlikely as long as Lukashenka remains in power and we in the West provide him succor as we did last year. Our support should be for the tens of thousands of brave

people who turned out to protest Lukashenka's rule and the many more who rejected his candidacy in the last presidential election. They are the future of Belarus, and they need our support and solidarity urgently.

Mr. SMITH. Secretary Kramer, thank you very much for that very comprehensive prescription of what we need to be doing. I am taking notes, and I know others will as well. I do thank you for that and for your leadership in the past as well.

Mr. Rojansky.

STATEMENT OF MR. MATT ROJANSKY, DEPUTY DIRECTOR, RUSSIA AND EURASIA PROGRAM, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Mr. ROJANSKY. Thank you very much, Mr. Chairman.

As a member of last December's OSCE election observer mission in Belarus I am particularly appreciative of this opportunity to share my assessment of what has taken place there and how I believe we need to move forward.

Of course, you yourself, Mr. Chairman, Mr. Payne, Secretary Russell, and others I think have provided an ample and accurate summary of the recent repressions. I am also in full agreement with Mr. Kramer that a reversal of these measures should be a top U.S. policy priority at this point.

What I would like to focus on, though, is what I believe is ultimately our core policy challenge. How can we in the West help to create the conditions for future positive change?

In light of the ongoing abuses by the Lukashenka regime, Western governments are understandably compelled to adopt a strong and a moral stance, severing public engagement with Minsk, withdrawing previously offered incentives, and imposing new penalties. An example, of course, is what you heard Mr. Kramer say about not meeting with Mr. Martynov, the Foreign Minister.

These sanctions I believe, as they have been reinforced and reinstated, should remain in force until Minsk acts clearly to reverse the most egregious consequences of the crackdown. We and our European allies should assist those still suffering under government repression, including specifically identifying and imposing new penalties on their persecutors as individuals, supporting victims' legal defense, and publicizing their harrowing stories. And some of that has been done already.

The present sanctions as they have been reinforced should also continue until the OSCE can return to Belarus with an explicit mandate to investigate the violence linked to the elections. And here I would agree with the suggestion of implementing the Moscow Mechanism.

That said, an approach in my view that is centered solely on coercion and punishment is unlikely to help the people of Belarus. Some recognition first is due for recent responsible behavior by Minsk, for example, the commitment to eliminate all highly enriched uranium by the 2012 nuclear summit; compliance with terms of the IMF and World Bank loans; and the announced reduction of regulatory burdens on small- and medium-sized businesses. Because these in fact enable greater economic independence from Lukashenka and the state for the Belarusian people.

To prevent imposing de facto isolation on the people of Belarus, Western governments must also sustain and enhance their efforts to engage with ordinary citizens. Our goal should be to build the skills and capacity of Belarusians to take responsibility for their

own political future but not to catalyze regime change when it is not yet ripe domestically.

As a friend involved in civil society working in Belarus told me, the real long-term challenge is social and political change, not regime change. The former gives us Poland, the latter gives us Ukraine, by which I mean an incomplete and possibly unstable transition to democracy.

Western governments should make small- and medium-sized grants to grassroots organizations, especially those that are outside of Minsk and those with nonpolitical missions. Examples would include groups working to treat social problems like drug and alcohol abuse, domestic violence, groups that track reforms and monitor corruption and network-building NGOs.

Western aid should include training on the Internet and social networking tools, basic communication strategy, and community advocacy. Independent media, above all, that cover Belarus need better training, and they need the means to reach audiences throughout the country.

In the near term, we must remain firm and uncompromising in the demand that Lukashenka release the political prisoners and stop the repression. However, we should also have an eye to the upcoming 2012 parliamentary elections. These elections, it has been announced by the Belarusians, will once again have OSCE observers invited.

In my view, the best mechanism to prevent another blatantly undemocratic electoral process is to push hard and uncompromisingly now for an electoral commission which has independent membership and to train and equip Belarusians to serve as domestic election observers. This, by the way, is a role that was authorized under the 2010 election law as it was amended at the urging of the OSCE, but I personally did not see domestic observers in polling stations. They lacked the capacity and the training.

The U.S. and the European Union have done an admirable job of coordinating their official response, particularly in terms of official statements. Now I believe that, thanks to improved dialogue among Washington, Brussels, and Moscow, we can seek coordination with Russia as well. We cannot allow Lukashenka alone to define the terms of Belarus' engagement with East and West.

Russia and the West have different interests with respect to Belarus, surely, but the costs of business as usual are shared and the danger is shared if Belarus' economic vulnerability and political isolation lead to more upheaval, violence, and potentially bloodshed. For Russia, coordination with the West does not need to undermine historically close ties with Belarus.

Mr. Chairman, there is no simple policy prescription to change the nature of the Belarusian regime without exacting painful costs for the country's people. But there are some short- and long-term steps that can enable Belarusians themselves to define a future in which they enjoy security and prosperity with close ties to partners throughout the Euro-Atlantic region. I believe these measures are in our national interest and in the interest of the people of Belarus.

Thank you.

[The prepared statement of Mr. Rojansky follows:]

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE
Congressional Testimony

THE GOVERNMENT OF BELARUS: CRUSHING HUMAN RIGHTS AT HOME, MARKETING ARMS TO STATE SPONSORS OF TERRORISM ABROAD

Testimony by **Matthew Rojansky**
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House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights
Subcommittee on Europe and Eurasia
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As somebody who closely monitors developments in Belarus and the region and who participated in the Organization for Security and Co-operation in Europe's Belarus election observation mission last December, I am appreciative of this opportunity to share my assessment of what has taken place and my recommendations on how to move forward.

We are here today in part because of what began on the snowy streets of Minsk on the night of December 19, 2010 and has continued over the subsequent weeks and months. As Belarusian and international witnesses have attested, state security forces arrested hundreds of people from among the thousands protesting the outcome of the presidential election. The authorities raided homes, news media offices, and political party headquarters, confiscating documents and computer equipment, and taking detainees' family and friends into custody and holding them in harsh conditions.

The result of these events was not only to undermine completely the legitimacy of the December 15-19 presidential election process, but to impose renewed isolation on the Republic of Belarus, and to dramatically narrow the economic, political, and diplomatic options of the government in Minsk. These events have brought Belarus and the international community to their current impasse. In this testimony I will seek to explain how events might now evolve, and I will propose some broad recommendations for U.S. policy toward Belarus and the region with the aim of undoing the worst consequences of the post-election crackdown and creating the conditions for more positive change in the future.

How We Got Here

Some opposition leaders and Western critics have argued that Lukashenka decided to launch the vicious crackdown on election night primarily to conceal the fact that he actually lost the popular vote, or at least failed to secure the outright majority that would have been required under the election code to avoid an embarrassing second-round runoff.[1] In fact, the causes of the crackdown are more complex, including competition within the ruling regime, division between peaceful opposition protesters and those who actively sought confrontation, and tenuous relations between Minsk and Moscow. Moreover, while the incumbent almost certainly did not win the 79 percent popular mandate reflected in the official results, and while many aspects of the voting process (especially early voting and the vote count) fell far short of international standards for free and fair elections, it is impossible to know for certain whether Lukashenka won a majority.[2]

That a large number of Belarusian voters would have supported Lukashenka is not surprising. Despite his unpopularity in Brussels, Washington, and Moscow, Lukashenka's regime has carefully courted and maintained support from a range of interest groups at home who have benefitted from his "sharing the wealth" of revenues from state industry and foreign subsidies. He has likewise gained the loyalty of pensioners, state employees and others who depend on the state, to the degree that many speak openly about their support for the president. By contrast, the Belarusian opposition, despite its prominent role in the post-election protests, remains weak. Opposition leaders are distrustful of one another, lack a clear program or message other than antipathy to the regime, and are generally unfamiliar to people outside the cities. As a result, even without manipulating the polls or harassing the opposition, Lukashenka remains for the present the one nationally familiar figure capable of securing nationwide support.

Lukashenka has been popular because he represents stability in uncertain times. Compared with its much larger neighbors Russia and Ukraine, Belarus has grown with less tumult. Income inequality is less extreme, employment is virtually guaranteed, health care remains available, pensions are paid on time, and other basic social services are largely available for all citizens. The price for these comforts is the lack of political pluralism or opportunity for the country's talented people. It is a bargain reminiscent of the old Soviet system, but without pervasive ideology or global pretensions.

Like the Soviet system, Belarus is on an unstable footing. External debt is equivalent to over half the country's GDP, and the current account gap is projected to hit 14% of GDP in 2011, a gap that the IMF has warned to be "unsustainable."[3] [4]Although Belarus is ranked 68 of 183 economies in the World Bank's 2011 "Ease of Doing Business" index, well above both Russia (123) and Ukraine (145), the country's relative isolation makes it difficult to attract the quality and quantity of foreign investment necessary to support economic development.[5]

Since independence, Belarus has relied on an uneven exchange with Russia, in which Minsk gave ostensible political allegiance and gained real economic benefits: access to Russia's vast market, and discounted gas and crude oil, which it then refined and re-exported to Western Europe at a profit. Lukashenka has also extracted economic concessions from Russia by flirting with Europe and cultivating Kremlin worries that Belarus could latch onto its Western neighbors to escape the Russian sphere of influence.

The strategy has paid dividends for Belarus with the West as well, even though Lukashenka bears the label of "Europe's last dictator," and targeted trade and travel sanctions have been in place since the last round of post-election repressions in 2006. From 2008, the European Union began softening its stance, offering Minsk a pathway to normalized relations through participation in the EU's Eastern Partnership, which includes promotion of European democratic norms. The United States also suspended some of its sanctions against Belarus in response to the release of political prisoners in 2008, but the U.S. sanctions regime remained in place along with substantial constraints on both sides' diplomatic missions.[6]

From Brussels, the message in 2010 was clear: Minsk could earn a higher level of European engagement, and with it a potentially lucrative path to normalization and inclusion in Europe's economic and travel space, by conducting an election that was more open and democratic. As a first steps toward this goal, the government enacted a revised election code, and invited the Organization for Security and Co-operation in Europe (OSCE) to observe the vote, hoping it would be deemed sufficiently free and fair. Instead, the international observer mission, in which I took part, found that the process lacked transparency and failed to live up to OSCE standards, while the post-election violence and crackdown impaired any residual sense that progress had been made.

Relations between Minsk and Moscow have also been in flux. Lukashenka's ties with Russian president Boris Yeltsin in the 1990s resulted in energy and other bilateral trade terms extremely favorable to Minsk, plus creation of the nominal Russia-Belarus union state, of which, it was rumored, Lukashenka hoped to become president. But with Vladimir Putin's arrival in the Kremlin in 2000, Russia became far less willing to subsidize the ambitions of its

smaller neighbor, and the past decade has witnessed a general downturn in relations, exacerbated by bitter energy price wars between the two countries.

The Kremlin has expressed repeated annoyance with Lukashenka for obstructing its agenda in the post-Soviet space: refusing to recognize the separatist territories of South Ossetia and Abkhazia, providing safe haven to ousted Kyrgyz strongman Kurmanbek Bakiyev, and conspiring to reverse the flow of Ukraine's Odessa-Brody pipeline. Lukashenka has sought to enhance his freedom of action by courting Chinese investment and signing agreements to buy Venezuelan oil, but neither can replace low-cost Russian energy supplies and duty-free access to the Russian market. Even with these subsidies, Minsk will likely be forced to cut social benefits—provoking domestic backlash—and privatize state enterprises, an opportunity that Kremlin-backed Russian oligarchs will be well positioned to exploit.

In the run-up to the December election, a series of anti-Lukashenka programs ran on Russian state-controlled television, which has a large market share in Belarus, and the Kremlin gave tacit backing to several opposition candidates. A few days before the vote, however, Moscow and Minsk struck a framework agreement on gas pricing, signaling Moscow's apparent acceptance of a Lukashenka victory. After the election, the two governments agreed to a new deal on Russian oil exports, where Belarus will buy at a premium of $46 per ton and Russia will provide a subsidy of over $4 billion.[7] In addition, despite opposition from neighboring Lithuania and from domestic activists citing the ongoing crisis in Japan and the upcoming twenty-fifth anniversary of the Chernobyl disaster, Putin and Lukashenka signed a deal in March providing a nearly $10 billion Russian loan to pay for construction of a new Russian-designed nuclear reactor for Belarus.[8]

Although Belarus has profited in the short term from the renewal of exclusive economic ties with Moscow, Lukashenka is unlikely to give much long term trust or confidence to his relationship with Russian leaders who have tried to undermine and defeat him in the recent past. He also recognizes that with the benefits of Russian subsidies comes dangerous dependence on Russia, and Belarus will remain vulnerable to a future decision by Russia to raise the oil price or turn off the gas spigot, as it has done to Ukraine. Moscow's support for alternative routes to export Eurasian gas to Western Europe, such as Nord Stream, underscores this possibility. At the same time, Lukashenka's leverage with Moscow is limited as long as relations with the West remain frozen, and as long as he remains vulnerable to domestic political unrest.

Lukashenka may have managed to hold onto power through yet another election, but Belarus' current predicament is unstable for at least three reasons. First, Lukashenka faces a genuine groundswell of public frustration and anger following the botched elections, and has acknowledged the need to find ways to reach his opposition's "minds and hearts, because otherwise it is impossible to unite the society, save the country and solve the problem confronting us."[9] Second, the Belarusian economic model is unsustainable without severe cuts to government spending; continued external subsidies, whether from Russia or the West; or wholesale privatization of state assets. Finally, Lukashenka's cardinal goal to maintain power and freedom of action is jeopardized by his current isolation from the West and dependence on Russia. With domestic political and economic constraints bearing down, pressures are mounting on Lukashenka to take measures to restore engagement with the West, if only to enhance his bargaining power with Moscow.

What to Do

U.S. and European policy toward Belarus must take into account both values and interests, including the fates of those still detained, the broader welfare of the people of Belarus, and relations with the authorities in Minsk and other governments in the region. Any policy response to the current crisis in Belarus must also recognize the importance of ensuring not only a reversal of the recent repression, but also moves by Belarus toward greater stability, prosperity and freedom which can be enjoyed by all of its citizens in the long term.

After the crackdown, Western governments and societies feel understandably compelled to adopt a strong moral stance, severing public engagement with Minsk, withdrawing all previously offered incentives, and imposing new penalties. Yet an approach centered solely on coercion and punishment is less likely to help the people of Belarus, who will suffer most from sanctions and isolation, but presently lack the leadership, organization, or resolve to confront their iron-fisted government and force change. A policy response that balances targeted punishment for those responsible for the abuses with sustained engagement with the Belarusian people and clear positive incentives for the authorities to change course is still the best option for the West to influence events in Belarus.

Any reversal of recently enhanced sanctions should be expressly tied to the government's undoing the immediate consequences of the post-election crackdown, by releasing the remaining political prisoners, stopping politically motivated prosecutions, and ending harassment of opposition leaders, civil society groups, and the independent media. Additionally, Minsk should be clearly told that it must permit the OSCE mission to return and resume operations with a mandate to investigate the violence linked to the elections, in which it must have the full cooperation of the Belarusian authorities. If the government is willing to take these steps, the U.S. and Europe should be prepared to "zero the score" and permit a return to the positive path that both sides were on prior to the election. Until such time, however, there should be no further engagement with the leadership and no additional incentives offered.

In the course of tightening constraints on Lukashenka and others responsible for the recent repressions, it is nonetheless important to recognize recent examples of progress and emphasize that renewed positive engagement will be possible if Belarus complies with the terms above. Last December, for example, Secretary of State Hillary Clinton and Belarusian Foreign Minister Sergei Martynov memorialized a commitment by Belarus to eliminate all of its remaining Highly Enriched Uranium (HEU) prior to the 2012 Nuclear Security Summit in Seoul, South Korea.[10] In exchange for this pledge, the U.S. had previously suggested that Belarus could be invited to participate in the summit. This invitation should be renewed, but only if and when Lukashenka reverses the post-election repressions.

Belarus' continuing record of business and economic reforms also deserves recognition and encouragement. Some reforms have been undertaken in compliance with the terms of more than $3 billion in IMF and World Bank loans since 2009, including currency liberalization, banking sector reform, and reducing the burden of taxation and regulation on private businesses.[11] The President himself announced a new reform package to relax the regulatory climate for doing business at the end of December, while the post-election repressions were in full swing.[12] These reforms should make Belarus a more attractive market for the Western

investment it seeks, and the prospect of that investment can empower pragmatic, reform-minded figures within the current government, like newly appointed Prime Minister Mikhail Miasnikovich, and National Bank Chairman Petr Prokopovich. However, further economic engagement from the West will be counterproductive unless and until the consequences of the post-election crackdown are reversed.

To prevent this necessarily harsh posture toward the Belarusian government from imposing de facto isolation on the people of Belarus, Western governments must sustain and enhance their efforts to engage with ordinary citizens. Poland's approach, which includes elimination of entry visa fees for Belarusians crossing into Poland, doubling of aid for independent media and civil society, and opening Polish universities to Belarusian students, is a step in the right direction. Complementary measures from other governments in the region and from the West more broadly can help sustain the possibility of greater reengagement with Belarus in the future.

Engagement with the people of Belarus should be broad, deep, and long term in nature. The goal must be to develop the skills and capacity among Belarusians to take responsibility for their own political future, and Westerners should seek to catalyze political change that is not yet ripe domestically. As a friend involved in civil society work in Belarus told me, "the real long term challenge in Belarus is social and political change, not regime change. The former gives us Poland, the latter gives us Ukraine."

The weakness of the opposition is not only that it is not well known throughout Belarus—indeed some leaders are better known in Brussels and Washington than in Minsk—but that many of the most outspoken among them are solely focused on ending the Lukashenka regime and not on the many other challenges facing citizens. As long as Lukashenka enjoys substantial domestic popularity, this is obviously a self-defeating strategy. Moreover, without a concrete program of policy change for improving people's lives, focused on economic reform and growth, average Belarusians will see the democratic opposition and its call for free elections as offering only the type of chaos and disorder from which Lukashenka has "protected" Belarus for the past decade.

Opposition political groups, whether based inside or outside Belarus, will continue to enjoy attention and support from Western governments, as indeed they should. But the U.S. and European governments should also invest directly in Belarusian civil society, by empowering aid contractors to make small- and medium-sized grants to grassroots organizations, especially those working outside of Minsk, and especially those with non-political missions. This should include groups working to treat social problems like drug and alcohol abuse and domestic violence, watchdog groups that track implementation of reform laws and monitor corruption, and network-building NGOs, to name just a few examples. Western aid should also be devoted to building capacity and skills for individuals and organizations, with a special focus on making better use of internet and social networking tools, communications skills, basic advocacy, and opportunities for young people to become more engaged in their communities.

Above all, Belarusian citizens will benefit from continued and expanded access to information from independent domestic and international media. Although most print, television and radio is state-controlled, the internet has been largely unrestricted and some

Belarusians have access to satellite TV and foreign radio broadcasts. More financial and technical support is needed to ensure that journalists working in Belarus can file stories that reach audiences in Belarus and the region, whether online or by broadcast media. Belarusian media are hobbled not only by technological and resource limitations, but lack of sufficient training and experience to play the desperately needed role of a domestic watchdog and window into world affairs. Therefore, programs that offer education, exchanges, and professional training directly to journalists working in Belarus should certainly be a priority of Western assistance.

To make civil society assistance most effective, we must recall that a functional civil society is an inherent good. We should avoid thinking about or characterizing it as a wedge to bring about regime change. Such a change, if it is to benefit the people of Belarus, depends on a ripening of conditions domestically in which Western assistance cannot be the primary driver. Moreover, a regime change driven assistance strategy will feed into fears among many in Belarus and the region that Western governments seek to foment "colored revolutions," with little regard for the welfare of the people, and will certainly alienate both other governments in the region, and those more moderate, pragmatic Belarusian elites who can most effectively apply pressure for gradual reform.

In the near term, we must remain firm and uncompromising in the demand for Lukashenka to release the political prisoners and stop the repression. In the best-case scenario, he could begin to do so several months from now, in the run up to parliamentary elections currently scheduled for 2012. The Belarusian government claims it intends to invite international observers, including the OSCE, to monitor these elections.[15] It is likely that over the coming year, as the Russian government faces pressures tied to its own parliamentary and presidential elections, Lukashenka will seek to reopen the path to engagement with the West, hoping to restore his leverage and regain the upper hand in his relations with the Kremlin. The best mechanism to prevent another blatantly undemocratic electoral process in Belarus is to invest now in strengthening the independence of the Belarus Electoral Commission and its regional bodies, and in training independent domestic election observers, who lacked the quantitative or qualitative capacity to effectively report on the 2010 vote.

Thus far, the U.S. and the European Union have done an admirable job of coordinating sanctions and public statements. Belarus' closest European neighbors, Poland and Lithuania, have also coordinated their policy responses, and worked to keep the issue high on the European agenda. Now there is a unique opportunity, thanks to the U.S.-Russia "reset" of the past two years and warming EU-Russia ties, to explore whether we can enhance coordination among Moscow, Brussels, and Washington, rather than allowing Lukashenka alone to define the terms of Belarus' engagement with East and West. Russia and the West have different interests with respect to Belarus, but there can be some areas of agreement. After all, Russian citizens have been arrested and put on trial in connection with the post-election protest, Lukashenka is no friend to the Kremlin, and the subsidies he continues to extract from Russia represent a financial burden that is increasingly difficult for Moscow to justify in the current economic climate.

If Lukashenka seeks to escape his present political and economic vulnerability in the long term, he must be persuaded to abandon the expectation that he can bargain between Russia and the West to keep Belarus as an unreformed buffer between the two. Until election night

last year, relations with the West were on the mend. Now, there is a deep deficit of trust between Minsk on the one hand, and Brussels and Washington on the other.

Securing a future for the Belarusian people in which they enjoy security and prosperity, with close economic, political, and cultural ties to partners throughout the Euro-Atlantic region is not an easy proposition. There is no simple policy prescription by which the United States, Europe, or Russia can change the nature of the Belarusian regime without exacting painful costs for themselves and the people of Belarus. But there are some urgently needed steps, in the short, middle, and long term that can help to make positive change more likely. It is in our own national interest to pursue these steps with an abiding sensitivity to the welfare and best interests of the people of Belarus.

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[1] See, e.g., Ewa Ceglarska, "Belarus Elections in the Focus of Polish Press," Belarus Digest, http://belarusdigest.com/2010/12/29/belarus-elections-in-the-focus-of-polish-press; "Lukashenka Uncovered," *Economist*, December 20, 2010, www.economist.com/blogs/easternapproaches/2010/12/belarusu_election?page=6.

[2] "Prezidentskie Vybory-2010: "Peyzazh posle bitvy" (Presidential Election 2010: The Scene After the Battle), Independent Institute on Socioeconomic and Political Studies, www.iiseps.org/press1.html.

[3] International Monetary Fund, "IMF Executive Board Concludes 2011 Article IV Consultation with Belarus," Public Information Notice no. 11/34, March 9, 2011, http://www.imf.org/external/np/sec/pn/2011/pn1134.htm

[4] "IMF warns Belarus Over Widening Current Account Gap," Reuters, March 9, 2011, http://www.reuters.com/article/2011/03/09/imf-belarus-idUSEBE7DA00320110309

[5] World Bank, "Ease of Doing Business in Belarus," Doing Business 2011, *www.doingbusiness.org/data/exploreeconomies/belarus*.

[6] U.S. Suspends Sanctions Against Belarus, *USA Today*, September 5, 2008, http://www.usatoday.com/news/world/2008-09-05-Belarus-US_N.htm.

[7] ECFR, "The EU and Belarus After the Election," http://www.ecfr.eu/content/entry/the_eu_and_belarus_after_the_election.

[8] "Russia, Belarus Ink $9 Billion Nuclear Deal Despite Activists' Efforts," Radio Free Europe/Radio Liberty, March 15, 2011, www.rferl.org/content/belarus_activists_campaign_vs_nuclear_plant/2339184.html.

[9] President of Belarus, New Year's Speech, December 31, 2010.

[10] William Potter, "Belarus Agrees to Remove All HEU," December 1, 2010, CNS Feature Stories, James Martin Center for Nonproliferation Studies, http://cns.miis.edu/stories/101201_belarus_heu.htm.

[11] International Monetary Fund, "IMF Completes Fourth Review Under Stand-By Arrangement With Belarus, Approves US$662.9 Million Disbursement," Press Release no. 10/119, March 26, 2010, www.imf.org/external/np/sec/pr/2010/pr10119.htm.

[12] Lukashenko Signs Directive on Business Development," National Legal Internet Portal of the Republic of Belarus, January 3, 2011, http://ftp.ncpi.gov.by/work/EnglPortal.nsf/NewsBelForInt/79D8C5961B1C280CC225780D0055F5A0?OpenDocument.

[13] "Belarus Intends to Invite International Observers for Parliamentary Elections in 2012," Belarus.by, http://www.belarus.by/en/press-center/news/belarus-intends-to-invite-international-observers-for-parliamentary-elections-in-2012_i_0000002082.html.

Mr. SMITH. Thank you very much, Mr. Rojansky, for your testimony and for being a part of reform for so long there and elsewhere. I just have a few questions.

I would like to ask, are we coordinating our democracy assistance well enough with the European Union? How is USAID getting it wrong, or is it getting it right with regards to that assistance?

And with regard to the additional sanctions, Secretary Kramer, that you mentioned, do you believe that is something that is seriously being contemplated or have we done enough and closed the door and we are now looking somewhere else and waiting to see if those sanctions already articulated are going to have any kind of bite?

Mr. KRAMER. Mr. Chairman, I think on the coordination issue, there was a donors' conference that the Poles hosted in Warsaw in early February that was a good opportunity for the Americans and Europeans to compare notes to coordinate, avoid duplication, and make sure that there is sufficient coverage.

My impression is that there is good coordination between Europeans and the United States on these issues. The assistance people at the State Department are in constant contact with their European colleagues. I don't really have any criticism of the coordination when it comes to assistance programs.

On USAID's point, USAID, with the operations for Belarus that are run out of Embassy Kiev, has been resistant to go ahead with material support for opposition. They feel that that is unwarranted, that it is playing favorites with certain individuals, and they simply feel it is not something the United States should be doing. We have to be clear here, which is that we are not talking about a level playing field. We are talking about a playing field that is grossly tilted in favor of Aleksandr Lukashenka.

What we are trying to do in pushing forward on this is to suggest that they need as much support as they can possibly get. They are not going to get it inside Belarus. They need help with training and with equipment and other things to at least give them a uniform to play in the game. We are not even talking about fair competition.

And so my hope is that USAID would go along with this and recognize that such assistance is in fact important to go through. And it is not really for my organization. It is for organizations that do this work for a living that are very good at it, such as IRI and NDI.

On the issue of sanctions, I speak from the experience of working with the Europeans very closely on this in 2006 and 2007. We in the U.S. and Europe went forward with the visa ban and asset freeze. When it came to sanctions against state-owned enterprises, we did that unilaterally. The Europeans did not go along with it.

But it is critical to remember when that sanction was imposed against Belneftekhim in November, 2007, within 2 months of that sanction a representative of Lukashenka came to the U.S. Embassy in Minsk and asked what the United States—not what Europe would do, what the United States would do—if they started releasing the political prisoners. And we explained we would ease the sanctions on Belneftekhim. We found their vulnerability with that sanction against state-owned enterprises. It took us too long, but we finally found it.

And what we need to do now is recognize that a visa ban and asset freeze are nice to do, and they are important. I don't mean to minimize them. But they are nowhere near sufficient if we want to effect a change in the status of the political prisoners.

But by these sanctions I don't want to imply that we are going to bring democracy to Belarus. That won't happen as long as Aleksandr Lukashenka sits in the President's chair in Minsk. But it will at least mitigate the deteriorating situation on the ground and the terrible plight that people like Andrei Sannikov Alexander Lebedko and Vladimir Neklyayev and others have experienced, people who are being tortured on a daily basis, the Belarus Free Theater people, who barely escaped with their lives.

This is a leader who disappeared four critics and opposition figures in 1999 and 2000. This is not new behavior. This is typical Lukashenka behavior, and we have to understand that democracy, and democratic reform are not going come to the country as long as he is there. So regime behavior won't change, and I think we really do have to start talking about some form or another of regime change.

Thank you.

Mr. SMITH. Yes.

Mr. ROJANSKY. Mr. Chairman, I want to say, first, that I am in full agreement with Mr. Kramer as far as it concerns reversing the abuses that have taken place, getting the folks out of jail, providing the assistance to make sure that they have legal defense. I think the OSCE mission has to go back, and I think it has to have the capacity to have an investigation. Those are the minimum steps.

I think in terms of what comes next when we look at the bigger picture, I have a slightly different view. Regarding democracy assistance and coordination, I think the dialogue has been there. What is missing I think is an understanding of what role Western assistance for democracy and opposition figures has played thus far.

I agree that there certainly are cases in which very targeted punitive steps can get people who have already been put in prison out of prison. But as to whether democracy assistance from the West can create an opposition, a political opposition which is truly capable of taking on the mantle of governance, of democratic effective governance in Belarus in place of Lukashenka—because I am truly of the opinion that Lukashenka will not last in Belarus. But when that change comes, the question is will we have prepared the ground for a democratic opposition or democratic forces to truly take leadership in Belarus? And I think that is where our assistance has been uncoordinated and it has been ineffective.

I will give you just a couple of examples of I think how that has taken place. One is that it is a mistake for us to anoint opposition leaders. We should not be in search of the next Vaclav Havel in Belarus, because I think we will only be hurting that person and those closest to that person. In a sense, we create a mutually damaging symbiosis, particularly I think when we take these people in in the West and we raise them up, we give them publicity. They don't appear to be of the people and understood by the people and understanding the people in Belarus.

I will tell you from my personal experience people didn't know who most of those candidates on that list of 10 candidates were. They knew who Lukashenka was. He's a nationally known figure.

I don't think we can know with certainty what the real percentages were in that vote, because it wasn't a real vote. It was rigged. But I would posit he is the one figure who has national name recognition.

I think what we can do is we can help to build conditions where there is more communication and more access to information. These are kind of basic building blocks of democracy, as opposed to doing the type of sophisticated political party training and campaigning that can be helpful in other contexts but, in my view, not so much in Belarus. I think that addresses as well the question about the USAID policies and providing material support to opposition.

With respect to additional sanctions, my feeling here is we have sanctions in place now that send a very strong message. And those sanctions have been reinstated, and they have been strengthened from the United States' part. From Europe's part, one of the reasons that Europe has influence on Belarus—and I think we have seen the limitations, with all due respect, to those achievements that the last administration had. I think we have seen the limitations of the effectiveness of American leverage, quite simply because we have very little relationship left with Belarus to exercise leverage on. The Europeans have a much, much larger relationship diplomatically, economically, and in every other way.

I think it is sort of like the wedding ring problem, which is to say, if you have worn a wedding ring all your life and you've been faithful, if you take it off it sends a bad message. But if you haven't worn a wedding ring and nonetheless you have been faithful, you don't need to put that ring on in order to show your moral position.

And I think the Europeans have made their position very clear through their statements. I don't think at this point that they need to ratchet up broad sanctions. They need to have targeted punishments, and they have done that with the visa ban list.

The last comment I'll make, sir, is just, as I said, I think in the long term the disappearance of Lukashenka from the scene is going to happen; and the evidence for that is the instability and vulnerability and isolation that he faces right now. Over 50 percent of the GDP now is made up by foreign debt. He cannot sustain that situation. Around 15 percent of his annual budget is in deficit. He cannot sustain that situation. The Belarusian people are withdrawing their assets and transitioning them into foreign hard currency and sticking it under the mattress.

This guy is going to go. And this is why I say it is in the interest of Moscow, of Brussels, of Washington, of the entire world community to ensure that that situation doesn't lead to instability and violence and bloodshed in the heart of Europe; and I think that is where we need to have a unified front and more coordination.

Mr. SMITH. To follow up on the state-owned enterprises and whether or not the EU ought to take a stronger sanctions approach toward them, do you agree with that?

Mr. ROJANSKY. I would only agree to the extent that assets can be specifically traced to individuals who are tied—and I would say,

for example, the visa ban list is an example of some of the individuals who are responsible for the abuses on December 19th and afterwards. But I would not do blanket cutting off of the economic relationship with Belarus because I think the EU—and we can't dictate their policy, but I think the EU will lose their ability to implement effective policy in a few years down the road.

Mr. KRAMER. Mr. Chairman, if I can, I absolutely think the EU needs to take these steps. I think each day that passes people in jail will suffer, possibly lose their lives. The EU does have more room to maneuver than the United States does. We don't have many more bullets in our revolver left. The EU has many. Belarus is quite dependent on trade with the EU, and the EU needs to use that as a point of leverage to exercise change in Lukashenka's behavior.

We should also, I would say, listen to people like Iryna Bogdanova, who is the sister of Andrei Sannikov; Natalia Kalyada, who is one of the directors of the Belarus Free Theater; of Irina Krasovskaya, who is the widow of one of the disappeared; Eva Neklyayeva, the daughter of Vladimir Neklyayeva. All of these people are in support of sanctions against state-owned enterprises.

So the concern that some people have that this would have an adverse effect on the population, these people don't see that argument. They also don't buy the argument that these steps would push Belarus and Lukashenka toward Russia. If that is all Lukashenka can do, I think his days are in fact numbered. Because the elite around him don't want to be puppets of the Russian Government and Belarus; the population does not want to be subservient to the Russian people.

So I think this step is vitally important. I am disturbed by the divisions within the European Union over this issue. They need to show resolve, and they need to do it as soon as possible to end the suffering of people who are in jail.

Thank you.

Mr. SMITH. If I could, to Mr. Rojansky, why wouldn't it be a good idea? I mean, sanctions can be imposed. They can be unimposed almost as quickly as they are imposed, although there is probably a turnaround time to get it up and running in terms of the facilitation of that trade to that company.

But it seems to me that we do need a tourniquet when we are on the eve of, rather than at the end of, a number of show trials that will see increasingly harsher penalties, I would think, being imposed on the dissidents and people like Lebedko.

Why wouldn't we want to really strongly admonish our European friends, to say enough is enough, put that tourniquet on? Because Lukashenka, in my opinion, feels that the world is so diverted from Belarus and from Minsk, Japan, all the occurrences in the Middle Eastern countries, all the chaos in the Sudan. And we do know that one of the arms suppliers to Sudan happens to be—to Khartoum, that is—happens to be Belarus. So they are fomenters of potentially truly destabilizing actions—hopefully, not a resumption of hostilities in southern Sudan. Big, key dates obviously are coming up, July 9th being the biggest in Sudan.

So why wouldn't you want to do that, if you could further explain.

Mr. ROJANSKY. Absolutely, sir.

My objection would not be to very targeted and what you described as easy-to-switch-on and easy-to-switch-off measures. To the extent that we are dealing with those, that they are targeted at individuals who we know are criminally responsible for behavior since the 19th, I think that makes a lot of sense.

What I am concerned about are blanket sanctions that do harm the people of Belarus. I think there is no question about that. They are in a very precarious situation today. People had savings prior to 2 years ago. Today, they do not have savings anymore. They have hard currency shoved under the mattress, and they are in a dangerous position. So we have to be careful not to worsen that situation.

We also don't want to cut off our own access to being able to build some of the long-term building blocks of democracy that I was talking about. Because we don't want to see a scenario of potentially violent change, or even nonviolent change but which results in no real change in the system. It is entirely possible that you get rid of the individual personality of Aleksandr Lukashenka and you have another similar system in place with another so-called strong man.

And then I guess my bigger concern about the leverage of sanctions logic is, if you look at recent history, there was a long period in which we used sanctions and I think we made some progress, but we imposed very, very harsh sanctions; and we didn't achieve the big picture goal. And the progress that we made—you asked what about reversing sanctions and turning them off. Well, the progress was turned off, too. So I think it is a two-way street.

And if you look at the legacy of sanctions, for example, against Cuba, we did everything that we can; and now we don't have leverage left. And I am concerned that we end up with a situation where Belarus is Cuba and we and Europe have no leverage left and then we will wish that we had coordinated with Moscow, quite frankly, earlier than we did, because they will be the only ones with any leverage.

Mr. SMITH. Mr. Kramer.

Mr. KRAMER. Mr. Chairman, with all due respect to Matt, let's look at what worked. We imposed a visa ban and asset freeze in the summer of 2006 after the fraudulent election in 2006 against Lukashenka. That didn't work. It took the sanction against Belneftekhim in November 2007, which 2 months later brought the regime to the U.S. Embassy to say how do we get you to ease off on these sanctions? That is the kind of sanction that is going to free the political prisoners; there is a proven track record.

When I was in the State Department there was intelligence to back up this claim, and it seems to me that is the step that we need right now. A visa ban and asset freeze aren't irrelevant, but they are not going to get the job done. Lukashenka was anticipating this. What he was worried about before the EU took its decision on January 31st was that there would be sanctions against state-owned enterprises and that is why he freed two political prisoners on the eve of that decision.

On people losing their savings, that wasn't due to sanctions. That is due to the ridiculous economic policies of Lukashenka and his government.

On engagement, let's remember that after sanctions were suspended by the EU in October 2008—bad timing because it was 1 month after a bad parliamentary election in September 2008—October 2008 there was a full-throttle engagement effort, including offers of $3.5 billion by European foreign ministers that if the elections passed the free and fair test the EU would help Belarus.

And what did Lukashenka do? On December 19th, he gave those who support engagement two middle fingers. That is what he thinks of engagement. So I think engagement has been tried. Engagement was the policy during this whole period leading up to when people have been losing their savings. It isn't because of sanctions. It is because of his leadership.

Mr. SMITH. Thank you.

Let me just ask you a few final questions.

First, with regards to the United Nations' response, to the best of your knowledge, has Ban Ki-moon said anything? I know that on March 14th, 45 U.N. states presented a statement on Belarus at the session of the Human Rights Council. The statement expressed deep concerns on human rights. Belarus responded by denying dialogue and making counteraccusations.

But I am wondering, the Human Rights Council has been, unfortunately, a great disappointment following up to the egregiously flawed Human Rights Commission. But, that said, we are a member—the United States is a member, and many European countries also have delegations there. And I am wondering about an official investigation, tabling of a resolution that would very clearly and cogently single out Lukashenka and his henchmen for the harm they are doing every day.

I am very worried about the loss of life as well as what the cruelty of torture does to a person's mind as well as body, PTSD. I have written four laws called the Torture Victims Relief Acts, and from my contacts with former victims of torture those scars are absolutely lifelong. Although some of the influences or consequences can be mitigated, they carry those scars. And I am so concerned, as I know both of you are, about the scars that are being inflicted as we meet at this hearing today. Especially with long, long sentences likely to be meted out in these show trials.

So I am wondering if the U.N. can be—I asked our previous witness, Secretary Russell, if he would raise the issue of the Convention Against Torture and degrading and cruel treatment. They are signatories. "They" being the Belarusians. Why aren't the panel of experts and the mechanisms being invoked there? Because certainly, at a minimum, cruel and degrading treatment is being imposed and I do believe torture as well. I was just wondering, why is the U.N. seemingly silent on this?

Mr. KRAMER. To the best of my knowledge, Mr. Chairman, I am not aware of any statement from the Secretary General. I would be happy to stand corrected, but I don't believe he has.

On the Human Rights Commission, I agree there should be every effort made to bring attention to the situation in Belarus. Of course, Russia is a member of the Human Rights Council and is

likely to block any resolutions or efforts to launch a special investigation on torture or any other allegations against Belarus through that mechanism.

Freedom House has efforts, and has outreach to different delegations in the Human Rights Council, and we will be happy to pursue those relationships we have and strongly urge this be taken up with the Human Rights Council.

Mr. ROJANSKY. Mr. Chairman, I want to emphasize very clearly that I am not proposing engagement as a solution here. For that reason, I actually think that investigation and putting on the record the crimes of the Lukashenka regime, of Lukashenka personally and his associates, makes perfect sense; and the Human Rights Commission is exactly the right venue. I would recommend, also, Council of Europe, European Court of Human Rights, OSCE; and indeed I think this would be a case in which the ICC's complementarity doctrine could be applied.

I think that the challenge, quite frankly, in practice with any of these things—which, again, is analogous to my concern about blanket sanctions and highly punitive measures, is what if they don't work. If we cannot go in and arrest Aleksandr Lukashenka, then all we have done is create a public record. And I think that is important, but I do think we have to think about the long term and things we can do that will make a difference.

Mr. SMITH. Thank you.

Just on that, we are looking to mark up H.R. 515 very shortly. Any text ideas that you might have, we would greatly appreciate it.

We do have an amendment in the nature of a substitute that has some refinements already, including calling on the International Ice Hockey Federation to suspend its plan to hold the 2014 International Hockey Championship in Minsk until the Government of Belarus releases all political prisoners. And it seems to me that that is an absolute bare minimum.

I find it appalling, in a parallel way, that the Olympics occurred in China, despite the massive crackdown on dissidents. I remember I met Wei Jingsheng, the father of the Democracy Wall Movement in the early '90s in Beijing. He was let out in order to get Olympics 2000, which the Chinese Government did not get. And then they rearrested him and brought him close to death. And on a humanitarian only basis they allowed him to leave.

But those kinds of tools, and you gentlemen have recommended them, I think they are excellent ideas. Secretary Kramer, you focused on that. I think it is a great idea. But any ideas you might have for how we can beef up our response to Lukashenka so that we don't miss any opportunity to engage and to hold him to account through sanctions and other ways.

Is there anything else either of you would like to conclude with? And I thank you again for your extraordinary patience but also, more importantly, for your very wise counsel.

Mr. KRAMER. Mr. Chairman, thank you and thanks for coming back after the vote. I know it is a Friday afternoon, and so your patience with us is also very much appreciated.

On the legislation, and I think this is already in there, but I would strongly urge that attention also be focused on the IMF so

that international financial institution support not go forward. The U.S. should use its weight in the IMF to block any possible assistance and should strongly—in fact, including through the EBRD, in which we have a large share as well. We should exercise our influence in these international institutions to make sure that Lukashenka is not propped up. There is an aspect where I think the worse a situation is the weaker his grip on power becomes.

I don't quite share the same concerns that the situation could spiral out of control. Having just been in Egypt last week, when I was there also in mid-December, it is a night-and-day change. There are still many challenges in Egypt, a lot could go wrong in Egypt, but there is really for the first time in decades hope and optimism in large part because Hosni Mubarak is no longer in power. The same is true in Belarus. As long as Mubarak was in power in Egypt, democracy and freedom and human rights were not possible in Egypt. As long as Aleksandr Lukashenka is in Belarus, the same thing is true in that country as well.

Mr. SMITH. Thank you.

Mr. ROJANSKY. Thank you again for the opportunity, sir.

I think in this case there is much less disagreement than there appears to be. I think we are of the same mind. No question that Lukashenka requires targeted punishment to get him to reverse the most recent abuses.

I think in the bigger picture the one thing that I would love to see in the legislation, if it is not there already, and I'll be sure to check this, is that we take advantage of a very new relationship that we have created with Moscow. Because I think at the end of the day—and here I would not argue that we are pushing Lukashenka toward Moscow, and if that is the problem, quite the opposite, that there is great power and influence in the hands of the Kremlin and that I think the Kremlin may be prepared or more prepared to use that. Because, if you think about it, our interests in avoiding a scenario in Belarus in which there is instability and chaos or there is a change which leads to damage in Russia's interest and the United States' interests I think are very much shared.

So I think this is a case where we can have more of a united international front than we have had in the past, and that may in fact change this history that I'm concerned about where steps have been taken but that they haven't led to the change that we are looking for. So I would like to see that.

Mr. SMITH. Thank you for that counsel.

And, just to conclude, this is the first in a series of hearings on Belarus. This will not be the last. We hope to go to markup soon in subcommittee, then bring it to the full committee, then to the floor.

And I do believe the legislation—not just the debate itself—will also bring attention to Belarus. There are a number of members who knew what happened in December, but who are not sure where it went. It kind of fell off the front page and page 3 and everywhere else in our news media. That has to change, and I think we are going to try to bring much more light and scrutiny to it and press immediately for the release of all the political prisoners and the end of their unjust incarceration and mistreatment.

And, again, you, both gentlemen, have provided enormous insights and the subcommittees are deeply grateful for that.

The hearing is adjourned.

[Whereupon, at 4:30 p.m., the subcommittees were adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE JOINT HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman and

SUBCOMMITTEE ON EUROPE AND EURASIA
Dan Burton (R-IN), Chairman

April 1, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held jointly by the Subcommittee on Africa, Global Health, and Human Rights and the Subcommittee on Europe and Eurasia to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Friday, April 1, 2011

TIME: 2:00 p.m.

SUBJECT: The Government of Belarus: Crushing Human Rights at Home?

WITNESSES: **Panel I**

Mr. Daniel A. Russell
Deputy Assistant Secretary for Russia, Ukraine, Moldova, and Belarus
Bureau of European and Eurasian Affairs
U.S. Department of State

Panel II

Mr. David Kramer
Executive Director
Freedom House

Mr. Matt Rojansky
Deputy Director
Russia and Eurasia Program
Carnegie Endowment for International Peace

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Joint Africa, Global Health, and, Human Rights and Europe and Eurasia* HEARING

Day *Friday* Date *April 1, 2011* Room *2172 Rayburn*

Starting Time *1:50 p.m.* Ending Time *4:30 p.m.*

Recesses [1] (*2:36* to *3:45*) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

The Government of Belarus: Crushing Human Rights at Home?

SUBCOMMITTEE MEMBERS PRESENT:

AGHHR - Rep. Chris Smith, Rep. Donald Payne, Rep. Russ Carnahan, Rep. Tom Marino
E&E - Rep. Dan Burton, Rep. Gregory Meeks, Rep. Jean Schmidt

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Opening Statement of Mr. Burton
Written Statement of Mr. Russell
Written Statement of Mr. Kramer
Written Statement of Mr. Rojansky
Opening Statement of Mr. Carnahan
Summary and Recommendations from Shattering Hopes: Post-Election Crackdown in Belarus

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:30 p.m.*

Subcommittee Staff Director

OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
SUBCOMMITTEE ON EUROPE AND EURASIA
U.S. HOUSE OF REPRESENTATIVES

Hearing on
The Government of Belarus: Crushing Human Rights at Home?
Friday, April 1, 2011, 1:30 P.M.

I would like to thank the Chairs and Ranking Members of the Africa and Europe Subcommittees for holding this joint hearing on the situation in Belarus. I hope that we shed light today on the most effective approaches for the United States and the international community to exert pressure on the Belarusian government to affect positive changes for its people, who have for too long lived under the tight grip of an oppressive, authoritarian regime.

President Lukashenko has ruled Belarus under rigid control since the mid-nineties, demonstrating a perpetual record of brutal crackdowns on civil society, press freedoms, and political opposition. In the wake of last December's Presidential elections, which overwhelmingly failed to meet international standards for free and fair elections, Lukashenko's authorities violently abused and detained hundreds of peaceful protestors, as well as opposition candidates and independent media.

In response to the fraudulent elections and the repression that followed, the U.S. has responded with sanctions, asset freezes, and travel bans on the regime and its collaborators, sending a clear message to the Belarusian government that blatant disregard for human rights and basic freedoms would not go without consequence. The Administration has additionally said it would increase its democracy assistance by 30% to expand support for civil society groups, independent media, and cultural exchanges. I look forward to hearing about the status of implementation of these enhanced programs.

Importantly, the U.S. has also engaged with the European Union to help influence their adoption of similar sanctions measures against the Lukashenko regime. I believe that a coordinated response between the U.S. and the EU is highly important, and I would like to hear more today about how this collaboration may be strengthened, as well as further options for the U.S. to leverage multilateral support.

In closing, I'd like to thank the panelists for their testimonies and presence here today. I hope that your answers and opinions will further our understanding of the most viable options for U.S. policy towards Belarus.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

BELARUS

Shattering Hopes

Post-Election Crackdown in Belarus

HUMAN RIGHTS WATCH

Summary

During Aliaksandr Lukashenka's 16 years as president of Belarus, the government has continuously tightened control over civil society, alienating its European neighbors and other foreign actors in the process. The recent brief thaw in Belarus's foreign relations had led some activists inside Belarus, as well as policy makers outside the country, to hope this grip would slacken. But such expectations were dashed on December 19, 2010—the night of Belarus's presidential election.

As many as 30,000 people took to the streets of the capital Minsk that evening to peacefully protest what they feared would be yet another stolen election. When Lukashenka's landslide victory was declared, a few dozen masked people started breaking windows in the main government building, which overlooks Independence Square. Police and security forces moved in and beat everyone within reach—most of them peaceful protesters—kicking those who fell, and chasing and grabbing people, including bystanders, in adjacent streets.

After more than a decade of stifled civic freedoms, Belarusian civil society activists and independent media face new government harassment and threats in the wake of the post-election protest. This report, based on research conducted in Minsk in February 2011, documents the human rights violations that have occurred since the election—including abuse of detainees, trials behind closed doors, and raids on human rights organizations—which have led to a serious deterioration in the already poor state of human rights in Belarus.

On December 19 and in the days that followed, police arrested hundreds of people and physically abused most of those they arrested by punching, pushing, kicking, and hitting them with batons. During the next two weeks, administrative courts sentenced at least 725 people to between 10 and 15 days "administrative detention"— or misdemeanor detention — for participating in an unsanctioned gathering.

Trials took place behind closed doors, with journalists and relatives excluded, and hearings typically lasting between 10 and 15 minutes. In most cases, the accused had no defense counsel and was not allowed to call witnesses. Detainees served their sentences in overcrowded cells, where they were forced to sleep on the floor, share beds, or take turns sleeping. Many say their cells were freezing and lacked toilets, that there was no easy access to medical treatment, and that there were no hygiene items for women.

As of March 7, 2011, 38 people were charged for organizing and/or participating in riots, including opposition members and 5 former presidential candidates. More than 30 people remained in pretrial custody at the end of February. While detainees have occasionally had a lawyer present during interrogations, none has been able to meet discretely or privately with their legal representation. Lawyers for several detainees say they were warned unofficially by the Ministry of Justice and other officials not to speak publicly about their clients' conditions; some have been disbarred.

In late December 2010, authorities raided the offices of at least three prominent human rights groups and seized computer equipment and documents. Since it is a criminal offense in Belarus to participate in the activities of a non-registered association, those who work for civil society groups have faced the threat of criminal prosecution for years: today they are acutely vulnerable.

Police and security forces also searched the premises of four independent media outlets and the homes of 12 journalists and confiscated their equipment. Authorities revoked the license of at least one radio station. The websites of online news and nongovernmental organizations (NGOs) are the only sources of independent information due to the government's tight control of print and broadcast media. Now their future is at risk due to new internet regulations that give the government more powers to clamp down on online sources.

Human Rights Watch urges the Belarusian government to conduct a thorough and impartial investigation into the use of force on December 19, 2010, and the treatment of all those arrested in connection with the protests. Detainees who were not engaged in acts of violence on December 19 should be released immediately. Belarusian authorities should ensure that all detainees have unimpeded and confidential access to counsel, prompt medical assistance, and can correspond and communicate with relatives. The government should stop pressuring defence lawyers so that they can conduct their work effectively, without harassment or reprisal. Trials relating to events of December 19 should be open to the public.

Belarus should end all forms of harassment of human rights defenders and ensure that the rights to assembly and expression are observed. In order to allow civil society groups to operate free from repression, Belarus should initiate legislation to repeal article 193.1 of the Criminal Code, which makes participation in an unregistered organization a criminal offense.

The United Nations Human Rights Council (UNHRC) should adopt a resolution to condemn the abuses in Belarus and call on the Belarusian authorities to immediately address them. Concerned governments, including those of European Union (EU) member states and that of

the United States, should exert concerted and sustained pressure via the sanctions they have adopted against Belarus to prod authorities to address human rights abuses following the December 19 elections. These sanctions should not be lifted until all detainees who were not involved in violence have been released and the Belarusian government concretely demonstrates its commitment to fostering an open civil society.

Recommendations

To the Government of Belarus:

To the President:

- Issue a standing invitation to the special procedures of the United Nations Human Rights Council for country visits, and urgently allow access to the country for the special rapporteurs on freedom of expression, on human rights defenders, and on torture, who have pending requests for invitation; respond swiftly and positively to any further requests for access.
- Ensure Belarus complies with all the provisions of the United Nations Declaration on Human Rights Defenders and end all forms of harassment of human rights defenders in Belarus, ensuring that civil society groups can operate unhindered and free from repression.
- Initiate legislation to repeal article 193.1 of the criminal code, which imposes criminal penalties for participating in unregistered organizations.
- Repeal the requirements for website operators to register with state authorities and for internet cafes to gather information on internet users.

To the Prosecutor General:

- Conduct a thorough and impartial investigation into the use of force on December 19, 2010.
- Investigate the treatment of all those arrested in connection with the protests, including violations of procedural rights during summary trials, and the legality of, and treatment in detention; ensure law enforcement officers responsible for violations are held accountable and victims receive adequate compensation.
- Ensure that all detainees have unimpeded and confidential access to counsel.

To the Ministry of Interior and the Committee for State Security (KGB):

- Ensure that all those detained are offered prompt medical assistance; are able to correspond with and receive visits from relatives; and that all other relevant international and domestic legal standards are observed.
- Release detainees arrested in connection with the events of December 19 if they are not accused of having directly engaged in violence.
- The Ministry of Interior should return computer and other equipment confiscated from the Belarus Helsinki Committee, Viasna Human Rights Center, and other civil

society groups and media outlets during 2010 and 2011, and end arbitrary raids on civil society organizations.
- Ensure an end to harassment of relatives of those detained, including restrictions on their right to travel and repeated searches of their homes and offices.

To the Ministry of Justice:

- Ensure that any trials of people charged with offenses connected to the December 19 events are open to the public, and comply scrupulously with international fair trial standards.
- Take steps to eliminate all pressure on defense lawyers so that they can conduct their work effectively, without harassment or reprisal.

To the United Nations:

- The Human Rights Council should adopt a resolution to condemn the abuses in Belarus and call on Belarusian authorities to take immediate steps to address them.
- Relevant special procedures of the Human Rights Council, in particular the Working Group on Arbitrary Detention and the special rapporteur on the independence of judges and lawyers, should request immediate access to Belarus to investigate credible allegations of abuse.

To the OSCE:

- Enforce the so-called "Moscow Mechanism", which envisages human rights investigations in critical situations without the consent of the state in question, and initiate an independent international investigation into the human rights violations around the December 19 elections and its aftermath, ensuring the outcome is made public.

To Concerned Governments, in particular those of European Union Member States and that of the United States:

- Continue to forcefully condemn human rights abuses in Belarus in the wake of the December 19 elections and exert concerted and sustained pressure on Belarusian authorities to address the abuses.
- Ensure that international observers are present at ongoing trials of Belarusian activists.

- Use the sanctions adopted against Belarus as a tool to ensure positive change in Belarus. The sanctions should not be lifted until:
    - All those detained in connection with the events of December 19 who were not involved in violence have been released and are not at further risk of persecution.
    - The Belarusian government ends the crackdown on civil society and shows commitment to fostering an open civil society by, for example, registering NGOs and independent media outlets.
    - The OSCE mission in Minsk is restored.

HUMAN RIGHTS WATCH
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HUMAN RIGHTS WATCH

Shattering Hopes

Post-Election Crackdown in Belarus

On December 19, 2010, the presidential election in Belarus shattered hopes for democratic progress. That night, police beat and arrested hundreds of people protesting what they considered to be a rigged vote.

During the next two weeks, administrative courts sentenced at least 725 people to between 10 and 15 days detention for participating in an unsanctioned gathering. Trials typically lasted 10 to 15 minutes and took place behind closed doors. Most accused had no defense counsel and could not call witnesses. Detainees served their sentences in overcrowded, unhygienic cells. Thirty-eight individuals were charged with organizing or participating in riots related to the December 19 protest– including five former presidential candidates—and could serve up to 15 years in jail if convicted of rioting offenses. By the beginning of March 2011 at least 30 were still held on remand and had been unable to meet privately with their lawyers, some of whom said they were unofficially warned not to talk publicly about their clients' cases. Some lawyers have been stripped of their license for doing so.

This report, based on research conducted in Minsk in February 2011, documents the human rights violations that have occurred since the election. These have led to a serious deterioration in the already poor state of human rights in Belarus, where, after more than a decade of stifled civic freedoms, civil society faces a new wave of government harassment. This includes raids on NGOs and media outlets, and new internet regulations that make it easier for the government to clampdown on online news sources.

Shattering Hopes: Post-Election Crackdown in Belarus calls on Belarus's government to immediately release detainees who were not engaged in acts of violence on December 19, and end all forms of harassment of civil society.

Police arrest an activist near Independence Square in Minsk on December 19, 2010.

© AFP Photo / Ksenya Avlmova

[NOTE: The previous article is not reprinted here in its entirety but is available in committee records.]