



Testimony of Susan M. Corke

Director for Eurasia, Freedom House

before the

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“Unbridled Repression in Belarus”

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Mr. Chairman, Members of the Commission, it is an honor to appear before you today for a very timely discussion on “Unbridled Repression in Belarus.” As someone who has worked in common cause with Commission staff both when I worked for the Bureau of Democracy, Human Rights, and Labor at the State Department and now in my role covering the OSCE region at Freedom House, I have always appreciated the opportunity to participate in the Commission’s important work. It is also an honor to appear today with former Belarusian presidential candidate Ales Mikhalevich and Rodger Potocki of the National Endowment for Democracy who have both played a large role in working to improve adherence to international human rights standards in Belarus.

Mr. Chairman, I’d like to commend you for your leadership in securing the passage of the U.S. House of Representatives’ Belarus Democracy and Human Rights Act of 2011. This is an extremely important bill that will reinforce the Administration’s efforts to foster democracy in Belarus and to show strong support for the civil society actors and citizens of Belarus who are suffering under the Aleksandr Lukashenka dictatorship. The role you have personally played in shaping US policy on Belarus over the past decade, along with a number of your colleagues, including Senator Cardin, demonstrated solidarity with those who are trying to bring an end to Europe’s last dictatorship.

All of us here today hope to see a democratic transformation in Belarus in the near future. In Freedom House’s annual reports Belarus is ranked, not surprisingly, as Not Free, and has the dubious distinction of a place on our list of “Worst of the Worst” offenders in terms of human rights abuses. The status quo is not sustainable. Yet, Lukashenka will continue to do whatever he can, using any means, to preserve his own power and the system he created to perpetuate it. Since declaring victory in the presidential election of December 2010, Lukashenka has used increasingly brutal tactics to maintain control of the country. Through such techniques as criminalizing libel, intimidating journalists and opposition voices from speaking out on human rights abuses with spurious charges, imposing high fines and draconian jail sentences, Lukashenka attempts to quell popular discontent and prevent conduits for civic action and change.

However, unprecedented developments this year are leading some observers to suggest that Lukashenka's days might be numbered. Never before has Lukashenka faced an economic crisis in his country like the one he bears responsibility for today, with a collapsing currency, severe shortages, and dwindling hard currency reserves. Never before has he been under more pressure from the European Union and United States through sanctions for his human rights abuses, from Russia through its cut-off of subsidies, and from the International Monetary Fund (IMF) for rightly withholding additional loans. In September of this year, Lukashenka hit the lowest point of his popularity in his nearly 17 year-rule, recently dropping to only about 20 percent support for the first time since he came to power in 1994.¹ Lukashenka can no longer assert that his regime provides for economic stability in the country, and the implicit social contract, which ensured ongoing support for Lukashenka from the majority of Belarusians, has been broken. As winter hits, and with it the imminent need to heat cold houses, compounded by worsening economic conditions, the discontent of the Belarusian population will grow. From some whispered rumblings, even those within Lukashenka's ruling elite will start to look around for survival options, recognizing that the Lukashenka path is one of dead-end governance. This hearing today is timely indeed.

The hardships Belarusians are experiencing led many of them to take to the streets in protest during the summer, risking injury and imprisonment. While these protest actions have subsided in part due to fear of reprisals from the authorities, it demonstrates that there is brewing discontent among the population. The regime's crackdown on the protests, however, became increasingly indiscriminate, with its net coming down on passersby; in several particularly ludicrous cases in July a one-armed man was charged with taking part in the clapping protests and a mute person was accused of shouting antigovernment slogans. Just this week, Lukashenka signed into law amendments that introduce additional restrictions on street protests and tighten penalties for political and civil society groups receiving foreign aid.

Despite Lukashenka's plummeting popularity ratings, civil society has been paralyzed and unable to channel popular frustration with the regime into a cohesive movement for change. Belarus' civil society organizations faced raids on their offices and were forced to limit or cease

¹ Independent Institute for Social and Political Studies

activities. Many leading activists are imprisoned or abroad. Ales Bialiatski, Chairperson of the Human Rights Center Viasna and a Vice President of the International Federation for Human Rights, was charged with massive tax evasion and is currently in custody, facing up to seven years behind bars. Civil society is still stigmatized and alienated from common people; it must rise to meet this challenge. Support is needed from the international community to bridge the gap between the population, civil society and the political opposition. The opposition should look to build trust, and connect with the ordinary people, develop a viable, sensible, and rational political, social and economic alternative that would appeal to the majority of the population, in order for the opposition to capitalize on Lukashenka's low approval rating and be seen as an alternative for a brighter future.

As such, while the population is united in their economic woes, only a minority has shown willingness to take action, while the majority remains politically apathetic overall. It would thus seem, in the short term, absent an unpredictable catalytic event, that if there were to be any kind of putsch, it would more likely stem from divisions in Lukashenka's inner circle, from those closest to him, and work its way outward.

In order to put forth a transatlantic policy roadmap for Belarus, Freedom House and the Center for European Policy Analysis (CEPA) launched an expert Working Group in June 2011. Chaired by David Kramer of Freedom House and Wess Mitchell of CEPA, this group gathered contributions from a bipartisan and international group of leading scholars and analysts (including staff from the Helsinki Commission) to identify sustainable strategies for advancing democratic reform inside Belarus. We have shared the results in a report entitled "Democratic Change in Belarus: a Framework for Action" in events in Washington, DC, at the OSCE Human Dimension Conference in Warsaw, and with EU policy-makers in Brussels. Many of the recommendations I will share today are direct findings of that group.

It is important that the international community maintain solidarity, not let up on pressure, and take actions to catalyze democratic change and transition. At the same time, however, those around Lukashenka need to know that Lukashenka is no longer a guarantor of their own safety and stability, but indeed a liability which jeopardizes the future of the country as a whole. Replacing one dictator with another will not be the solution; there is a critical need for transforming Belarusians' mindset, consolidating various strata in society, and enacting

sustainable systemic changes that would reflect and solidify Belarus' commitment to Western democratic and human rights norms. The West also needs to prepare a package of economic and political assistance should Lukashenka flee or be removed from power.

His departure from power may occur unexpectedly, and it is the responsibility of Belarusian pro-democratic forces, as well as of the international community, to ease transformation in a democratic direction for the entire population. The policy recommendations that I would like to focus on today aim at consolidating both the Belarusian population and forging a comprehensive, sustainable, united strategy for transitional justice from the West.

First I would like to briefly recap some recent actions taken by the United States, Europe, and Belarus before making some recommendations for forward-looking policy.

- **Belarus** has been urgently holding out hope for an IMF loan, but based on an IMF visit October 5-17 such a prospect does not look likely. Mr. Christopher Jarvis, head of the IMF Belarus team, stated that “there is an urgent need to bring down inflation, which is eroding living standards and feeding depreciation expectations,” and that before any negotiations for financial support could begin, “as a first step, the authorities will need to demonstrate a clear commitment—including at the highest level—to stability and reform and to reflect this commitment in their actions.”
- The **European Union (EU)** recently said that the success of progress in its relationship with Belarus is conditioned upon Belarus's steps towards enacting the fundamental European values of democracy, human rights and the rule of law. As such steps have not been taken, it was logical and sound for the EU to extend the existing restrictive measures until October 31, 2012, which subject 192 individuals to a visa ban and an assets freeze, namely those responsible for the violations of international electoral standards in the presidential elections and for the crackdown on civil society and democratic opposition. In addition, the assets of four companies² owned or controlled by the Belneftekhim Concern and linked to the regime, are frozen, while exports to Belarus of arms and materials that might be used for internal repression are prohibited. The council added 16 persons to the list of those targeted by a visa ban and an assets freeze.

² Belshina tire factory; Grodno Azot, Grodno Khimvolokno; and Naftan.

- The **U.S. Government** took some important, immediate measures in January 2011, following the December post-election crackdown, including expanding the list of Belarus officials subject to travel restrictions and imposing financial sanctions against unspecified Belarus citizens and entities. Washington also revoked a general license that had temporarily authorized Americans to engage in transactions with two subsidiaries of Belneftekhim, the largest state-owned petroleum and chemical conglomerate in Belarus. On August 12, 2011, U.S. imposed more economic sanctions against four major Belarusian state-owned enterprises: the Belshina tire factory; Grodno Azot, which manufactures fertilizer; Grodno Khimvolokno, a fiber manufacturer; and Naftan, a major oil refinery.
- The post-election-crackdown pledge of \$100 million by Western governments was an important sign of international solidarity. It is important now for international donors to coordinate and expedite the flow of assistance to those who need it, including those beyond Minsk who may not have benefited previously.
- Lukashenka's regime, defiant in the face of growing domestic unpopularity and international pressure, has orchestrated a new series of maneuvers to legitimize – in the eye of the Belarusian law - grounds for further crackdown and repression of citizens freedoms. As mentioned above, Lukashenka this week signed into law draconian amendments to the laws that govern the framework and scope of work by civil society groups and the political opposition. The amendments to the Mass Events Law require any gathering of people to be sanctioned by authorities, while amendments to the law governing the operation of parties and NGOs prohibit them from keeping funds and other valuables at financial institutions abroad, as well as criminalize the receipt of foreign aid by political parties or NGOs. In addition, draft amendments under consideration to the law "On Bodies of State Security" would expand the security bodies' mandate to an unprecedented level.

Nothing except further misery and ruination for Belarus can be possible under Lukashenka. Lukashenka's departure would free the people of Belarus from Europe's last dictator and establish the foundations for positive integration into the European and Western communities. While some are speculating that the regime could fall very quickly, as history has shown us in other places, it may take longer. What we do know from experience (e.g. Arab Spring) is that

there will be a time-limited window of opportunity for the emergence of reforms and catalyzing sustainable democratic transition.

In order to prepare for such integration, engagement, and change here are ten things the West should do and ten it should avoid – ten **do's and don't's**:

- 1) DO understand that Lukashenka is a threat to the decades-long vision of a Europe whole, free, and at peace; to the people of Belarus who have suffered 17 years under his abusive rule; and to peace generally through his arms sales to rogue regimes. At the same time, do NOT worry about isolating Lukashenka; through his actions, Lukashenka has already created a perception of himself as an unreliable and unstable partner for any future dialogue.
- 2) DO maintain unrelenting pressure on his regime through economic sanctions to force the release and full rehabilitation of political prisoners and lawyers disbarred for representing political prisoners during post-election trials; it is the only way to win their freedom and ensure full societal integration. At the same time, do NOT worry about pushing Belarus toward Russia; indeed stop viewing Belarus through a Russian prism; doing so plays into Lukashenka's hands.
- 3) DO insist on the unconditional release of all political prisoners; 13 political prisoners are still in the Belarusian prisons, according to the Human Rights Center "Viasna", and even those who have been released have not had their civil rights restored (another condition Lukashenka must satisfy in order for the international community to consider rewarding the regime by getting back to the negotiations table). Do NOT even talk about engaging the regime as long as one political prisoner still languishes in jail – and even then recognize that Lukashenka will not guarantee sustainable systemic changes that will lead Belarus toward Europe and the realization of the country's potential.
- 4) DO raise questions about Lukashenka's legitimacy as leader, especially since the United States did not recognize as legitimate the results of last December 19's rigged presidential election. However, do NOT abide by longstanding agreements with his regime that involve exchange of sensitive information that Lukashenka then uses against his opponents (as Poland and Lithuania did in transferring sensitive banking information of Ales Bialiatski, a leading

Belarusian human rights activist); moreover, do NOT adopt a business-as-usual approach to Lukashenka now and in the future – sticks have to remain as options even when carrots are considered.

5) DO engage more with Belarusian pro-democratic forces, insist on the unrestrained work of NGOs inside the country, and build strategies on uniting the Belarusian population; already the European Union and member states have done a lot on this score, but more can and should be done. On the other hand, do NOT invite Lukashenka's representatives like Foreign Minister Serhei Martynov to European Partnership meetings, as was done recently. This lends credibility to Lukashenka's illegitimate regime and undermines attempts to pressure him.

6) DO add Martynov to the visa ban list so that he no longer can peddle the lies of the Lukashenka regime. For European officials, do NOT keep going to Minsk thinking that you can persuade Lukashenka to do the right thing.

7) DO question any major privatizations which Lukashenka might launch to find desperately needed money to prop up his failing system; instead, DO impose sanctions on more state-owned enterprises, driving down their attractiveness to prospective buyers and to prevent financial flows into the regime's coffers. Do NOT allow the IMF to offer Lukashenka a lifeline by extending any assistance. This simply would be a betrayal of Belarus's pro-democratic forces.

8) DO prepare strategies for a post-Lukashenka Belarus and recognize that the very idea of talking about such a future will take on a life of its own. At the same time, do NOT force artificial unity among the opposition; let them forge their democratic path. Having the opposition forces united would represent something positive, but unity is not necessary for ushering changes in the political landscape of Belarus.

9) DO encourage defections among Belarus's diplomatic community and even within the regime. Do NOT rule out turmoil within the ruling circle, for there are clear indications that some officials see that the current political system is not sustainable and Lukashenka is a threat to their own well-being, and they may be looking for a way out.

10) DO recognize that with an unprecedented economic crisis, there is no greater opportunity than right now to facilitate change in Belarus and bring about the end of Europe's last dictatorship. Do NOT assume that Lukashenka will survive and stay in power for many more years to come. After all, as Tunisians showed in driving out Ben-Ali and in holding Tunisia's first free election, dictators of the world are not destined to rule forever. The same can apply to Belarus and Lukashenka.

For the United States and Europe, the outcome in Belarus matters greatly. Europe cannot be "whole, free, and at peace" until the people of Belarus are no longer under the control of Lukashenka's dictatorship. Belarus's current policies are diametrically opposed to those fundamental democratic principles which form the basis of both American and European policy. Lukashenka is determined to preserve his model of dead-end governance and avoid changing course from authoritarian rule and corruption. He will likely resort to his old tricks and strategies, looking to exploit divisions among EU members and between the U.S. and the EU. Deal cutting or rapprochement between the EU and Belarus in its current state would greatly serve as an obstacle for cementing transatlantic bridges of trust, communication, diplomatic partnership, and economic cooperation. The only solution which the West should pursue must be rooted in establishing profound, systemic change and democratic governance. Anything short of that will only allow Lukashenka to continue his personal, repressive rule.

The U.S. and EU have made many commendable policy steps in 2011 as well as a few that could be improved upon. Those in Belarus who look to the West have high expectations for an active, coordinated response to help them press for democratic change. We have nurtured these hopes; now is not the time to disappoint. It is time to use this window of opportunity. As we approach the one year anniversary of the aftermath of Belarus's fraudulent elections, it is a reminder that the U.S. and Europe must redouble their efforts to bring positive democratic change to Belarus and to prepare the foundation for the time when the country is able to take its rightful place as a democratic European nation.