

# **Belarus' Resilience to Russian Influence Depends Largely on Democratic Reform**

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Not-So-Good Neighbors: Russian Influence in Belarus

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## **Introduction**

Chairman Hastings, Co-Chairman Wicker, and members of the commission, it is an honor to testify before you today. I ask that my full written testimony be admitted into the record.

Today, I will focus on the following issues:

- The hasty and nontransparent expediting of the Russia-Belarus Union State project by the Russian Federation indicates that Russia is likely to win more, while holding Belarus hostage to its economic, trade, and energy ties to Russia.
- Russia makes ample use of its bilateral agreements with Belarus to persecute political dissent, such as compelling Belarusian officials to deport Russian nationals through noncompliant procedures. Belarus becomes an instrument in the Kremlin's political game.
- Most importantly, despite promises, the Belarusian government has failed to initiate meaningful democratic transformations. An autocratic regime doesn't allow Belarus to strengthen internal defenses and makes it more vulnerable to Russia's bullying.

## Russia is coercing Belarus into the Union State

As we look into the substance and effects of Russia's influence in Belarus, we must address the impending meeting between Vladimir Putin and Aliaksandr Lukashenka on December 8. They are slated to sign the updated integration action plan and a series of industry-specific roadmap documents. The plans to create the Union State were hastily revived in early 2019, at the initiative of Russian Prime Minister Dmitry Medvedev.

While the official reason behind the sudden expediting of this process is the 20<sup>th</sup> anniversary of the Union State Agreement, the haste with which the otherwise forgotten Union State project was resurrected suggests it may become the stage for Vladimir Putin's next political gambit. He cannot run in the 2024 Russian presidential elections without changing the Constitution but could very well become the head of the newly created supra-national structure.

The revamped preparations for the integration process have been shrouded in secrecy, prompting escalating concern from Belarusian civil society, political activists, academia, and independent media. High-level Belarusian officials, including Prime Minister Siarhei Rumas and Foreign Minister Uladzimir Makei, have repeatedly dodged requests to disclose the details of policy discussions between the two states, while providing assurances that the action plan primarily involves deeper economic cooperation. Most of the information available about the preparation process comes from the Russian sources.

Less than one month out, neither the Russian, nor Belarusian officials have presented the updated integration action plan and industry-specific road maps. In September, a major Russian media outlet, *Kommersant*, released a summary review of the initialed integration action plan without publishing the original. In early November, activists of the civic movement *Svezhii Veter* received an official response from the Belarusian Ministry of Economy that the documents are classified "for government use only" and cannot be released for public review, including due to concerns for "national security" and "public order."

It is unsurprising, however, that Belarusian officials are so reluctant to publicly engage on the substance—and, most importantly, the benefits—of the accelerated integration process. After all, Belarus was effectively bullied into relaunching talks on the Union State after the Russian Prime Minister Dmitry Medvedev refused to discuss the possible measures to alleviate the devastating

economic blow the Russian government dealt to Belarus by the so-called “oil tax maneuver” last year. Under the complex tax restructuring on oil mining and export, the Russian government estimates to gain around \$168 billion while also incentivizing domestic oil production. Belarus, in turn, would lose the current advantage of buying reduced-price oil from Russia, to the tune of \$11 billion over six years, according to official estimates.

To add insult to injury, this July the Russian government officials announced that there are no plans after all to compensate Belarus for the future losses as a result of its “oil tax maneuver.”

### **Russia uses Belarus for the persecution of political dissent**

As other witnesses further elaborate, Russia has a tight grip on Belarus’s independence through economic and trade ties. I would like to focus your attention, however, on another aspect of this dependence: the exploitation of Belarus’ vulnerable position in this unequal marriage to persecute political dissent in Russia.

Four years ago, Belarus and Russia ratified an agreement on exchanging information about citizens of their countries placed under travel restrictions, including due to outstanding arrest warrants. Russia has made bold use of this agreement to pursue individuals fleeing from politically motivated persecution by the Russian federal government and regional authorities.

- Most recently, in August 2019, activist **Nikita Chirtsov** was arrested in Minsk and deported to Russia following an arrest warrant for his participation in this summer’s protests in Moscow. Russian authorities detained him several days later and on a felony charge of violence against a representative of authorities. His arrest was recently extended as his case is being investigated.
- In May 2019, an opposition blogger from the Russian republic of Ingushetia, **Ismail Nalgiyev**, was arrested in Minsk airport on an arrest warrant for participation in unsanctioned protests against border demarcation between Chechnya and Ingushetia. He was hastily deported to Russia without a court hearing two days later.
- In September 2017, **Imran Salamov**, who was escaping from torture at the hands of Chechen law enforcement, was detained in Belarus and placed into deportation proceedings. Belarus denied Salamov’s request for asylum and deported him to Russia with procedural violations.

- In July 2017, Russian anti-corruption investigative journalist **Vladimir Yegorov** was in Belarus after a failed attempt to request political asylum in Ukraine. Following a visit by the Belarusian KGB, he disappeared and was tried in absentia by a Belarusian court on charges of petty hooliganism. Yegorov reappeared several days later in a Russian detention center. Belarusian human rights defenders suggest that trial was a step to buy time as the law enforcement agencies were trying to figure out the transfer.
- In perhaps the most known case, in June 2017, the world champion in mixed martial arts **Murad Amriyev** was apprehended in Belarus as he was trying to flee from persecution by Chechen police in the Russian Federation. Despite his request for asylum, Belarusian law enforcement authorities handed him over to the Chechen special forces.
- In May 2016, Belarusian customs officers removed **Lilia Shibanova**, the founder of the Russian elections watchdog *Golos*, from the train as she was traveling from Lithuania to Russia. She was thoroughly inspected and let go, but witnessed telephone conversations of border officials suggesting her name was flagged by an outside authority.

The bilateral arrangement has also aided Russia in its pursuit of non-Russian nationals. In at least one case, a Ukrainian citizen, Pavlo Hryb, was kidnapped on a personal trip to Belarus in August 2017, allegedly by the Russian special services. In March 2019, a Russian court sentenced him to six years on charges of “promoting terrorism.” EU officials consider his prosecution in Russia politically motivated.

In all these cases, detentions were made under spurious charges and with little to no public oversight. The deportation and transfer proceedings were hasty and nontransparent; Belarusian human rights defenders and lawyers have repeatedly had difficulties accessing the detainees and demanding accountability from the Belarusian authorities for violation of procedure. It is unclear whether Belarus collaborates with the Russian FSB willingly or because it has no other choice. In a rare act of honesty, in 2017 a prosecutor’s office admitted that Imran Salamov was deported with violation of process and initiated internal investigation. However, we see that the abuse of the Belarusian immigration laws and procedures to the benefit of the Russian government did not stop with that case.

## **Autocratic governance keeps Belarus vulnerable to external influence**

Aside from the detrimental effect the Russian government influence has on Belarus, we must not forget that the government of Belarus has fallen short of its own promises and guarantees for democratic progress. Since the mid-1990s Belarus has championed repressive legislation and tactics to curb civic activity. Overregulation of civic life and violent crackdowns on dissent have not only undermined any pro-democracy and pro-reform rhetoric of its leadership, but also severely damaged productive cooperation between Belarus and the West for years. The sanctions put in place by the U.S. Congress through the Belarus Democracy and Human Rights Act of 2011, and the restrictive measures previously enacted by your counterparts in the EU, have been conditional, primarily, on concrete actions Belarus must take to acknowledge and rectify its horrendous human rights record.

While the recent thawing in the U.S.-Belarus relations and preparations to fully re-establish the diplomatic missions in both countries is a welcome development that will benefit Belarusian and American people, the further rapprochement should remain tied to *bone fide*, systematic change in Belarus. Increased attention that the U.S. Administration has paid to Belarus, including through the first high-level visit in 18 years, by then-National Security Adviser John Bolton, should not only signal that the U.S. is interested in re-establishing a partnership, but also reinforce its contingency on significant improvements in governance.

The United States cannot afford to have another autocrat among its friends, even if it is an ally in its fight to contain Russia's influence in Europe. The Belarusian people cannot afford to live under a dictatorship supported by the most powerful nation in the world that has for decades declared democracy, the rule of law, and respect for human rights and fundamental freedoms as its highest values. This would be an insult to both.

Mr. Lukashenka and his government officials have paid a lot of lip service to their promises of reform. But not much has really changed in Belarus's human rights record. I would like to take a look at the concerns spelled out in the Belarus Democracy and Human Rights Act and provide a brief update on the current situation.

## 1. Undemocratic elections and failure on OSCE obligations

A core obligation that Belarus undertook knowingly as an OSCE participating State is ensuring free and fair elections. Yet, none of the electoral contests conducted in Belarus in the last 24 years were genuinely open or competitive.

The elections to the lower chamber of the National Assembly on November 17, alas, again fell short of the OSCE standards. Although the access to the ballot was visibly expanded, with 560 contestants registered to compete for 110 seats, recognizable political opposition activists did not make it to the ballots. The façade of political competition was built by registering at least two quasi-opposition, but in effect pro-government candidates in each district. It is unsurprising that the resulting chamber is almost uniformly loyal to the incumbent government. The only candidate who could be remotely be called “opposition” is the leader of the Liberal-Democrat Party Aleh Haidukevich.

Over 77 percent of voters came out to the polling stations, including 35.77 percent in early voting – more than in previous parliamentary elections. This is a very high voter turnout, which is usually consistent with the disproportionately large support for pro-government candidates. Just around 2.5 percent of election commissions’ members represented opposition parties; and dozens of those who had been registered were rejected on election day. Candidate Stanislau Shashok and observer Pyotr Markelau were detained at a polling station in Minsk after they protested the violation of the vote count procedure.

As we await the official OSCE observation mission report, multiple documented violations of the voting procedure, inconsistencies in candidate registration, and evidence of pressure on students and state budget-supported employees to vote surface online and in independent media. Both the early voting and the election day were marred by numerous reports of irregularities, such as ballot stuffing, group voting, electorate intimidation, tampering with vote counts, and attacks on opposition party observers, to name a few.

And yet, pluralistic and fair elections are the cornerstone of a healthy democracy that could strengthen Belarus’s governance and, as a consequence, resilience to external pressure. A truly representative parliament that debates policy and engages with the people, instead of rubber-stamping bills from the executive branch, is still missing in Belarus.

The electoral reform is moving at a glacial pace. Removing regulatory and clearly politically motivated obstacles for political party registration is one of the fundamental changes that needs to happen in Belarus to ensure political pluralism and competition. The legislative amendments proposed this summer offer a glimpse of hope but still are full of unrealistic and superfluous requirements, such as the minimum membership levels and limits on spending.

But most importantly, the draft amendments fail to fundamentally overhaul or simplify the party registration process, providing no guarantees or recourse against prejudiced denials of registration. Individual candidates are still vulnerable under the current majoritarian system. The chair of the Central Election Commission Lidia Yermoshina acknowledged just days ago that switching from the majoritarian to the proportional or mixed electoral system cannot happen without political will and must follow the “country’s development strategy.”

## 2. Freedom of expression has a steep price

For Eurasia watchers, it has become quite customary to observe authoritarian governments in the region adopt repressive legislation a few years after Belarus had championed something similar. However, in the recent years, two legislative updates from Belarus are particularly worrisome in the contest of unrelenting Russia’s political influence in the Eurasia region.

First, the 2018 **amendments to the Law on Mass Media** largely mimic those of the notorious and now defunct Russian law “on bloggers.” The amendments to the Belarusian mass media law greatly expanded the government legal authority to censor the web without judicial oversight, curtailed possibility of anonymous internet use, and obliged media resources to police the content of user comments. Reporting on behalf of unregistered online outlets is now outright banned and subject to heavy fines.

Belarusian Association of Journalists documented 39 administrative fines against freelance and online journalists so far in 2019 for “illegal production and distribution of media products.” Fines range from \$120 to \$620, a hefty burden in a country where the average monthly wages are roughly \$470. In 2018, when the amendments were adopted, journalists were fined 118 times, totaling over \$50,000; both numbers were the highest on the record.

Large media outlets continue to be harassed. Earlier this year, the bizarre exhibition trial of *TUT.BY* editor Maryna Zolatava on charges of criminal negligence for sharing her paid subscription to a state news agency *BelTA* with her colleagues showed just how petty the Belarusian government is in its attempt to dissuade independent media from covering alternative points of view. Also this year, the police raided the offices of the independent TV company *Belsat* for the ninth time. This attack came just a few months after *Belsat* journalist Kastus Zhukouski, who had been fined at least 16 times, detained over 20 times, beaten and threatened repeatedly, fled from Belarus.

The other reason to worry is the **amendments to the Law on Countering Extremism** that were introduced in the parliament late last year. While formally presented as an added shield to the rise of neonationalism in Europe, they open the possibility of wide and subjective interpretation that could damage any number of initiatives promoting Belarusian cultural and historical independence.

There are first signs that the existing anti-extremism measures are starting to be used against ordinary internet users, much like in Russia. In a first case that ended with a prison term, in May 2019 a Belarusian citizen was sentenced to three years of restricted freedom for allegedly inciting ethnic hatred against Russians in his social media post.

It is also worth noting that the anti-extremism legislation and the Law on Mass Media have already been used to restrict free speech online; for example the pro-opposition *Charter '97* website was blocked in Belarus for allegedly spreading “extremist” content and other information that could harm Belarusian interests.

The fear of having one’s website blocked or being subjected to harassment or insurmountable fines reinforces self-censorship among editors, journalists, and website owners. This does not help in fostering strong and independent media that can provide high-quality content and a platform for civic discussion as a solid alternative to the omnipresent media outlets and online influencers backed by Russia.

### 3. Political repressions continue

Civil society continues to operate in a hostile legal and political environment. This year, the government has not interfered extensively with the public gatherings. The Freedom Day celebrations in March went largely undisturbed, a stark contrast with the previous years; and

political opposition movements have been able to hold rallies in two dozen cities across Belarus ahead of the parliamentary elections. But make no mistake: we've seen this "liberalization" before. Political prisoners were released before the 2015 presidential election; opposition candidates campaigned widely ahead of the notorious 2010 and 2006 elections. Each time, however, the "thaw" preceded a new cycle of repression.

These past four years can be described as the "softening" of the repressive machine. We see fewer arrests and prison terms, which makes the government of Belarus look good in the eyes of the Western counterparts that have long demanded that fundamental rights and freedoms be respected. The EU even removed its restrictive measures imposed on Belarus following the uneventful presidential elections – which is exactly what Aliaksandr Lukashenka sought, being intimidated by Russia's aggression towards Ukraine.

In reality, there has been no change of heart. The authorities have switched to a much swifter and less tractable tactic of imposing fines on protesters, journalists, activists, and internet users. Organizers of peaceful protests have been charged with paying public safety fees. Threats and physical attacks on government critics are common. **Mikhail Zhamchuzhni** remains a political prisoner; **Siarhei Petrukhin** and **Dzmitser Palienka** are undergoing highly politicized, closed trials on defamation charges.

Repressions continue, just in a less visible format.

With regards to the massive crackdown on peaceful protests in the wake of the notorious December 19, 2010 presidential elections, the government of Belarus continues to ignore the five decisions of the UN Human Rights Committee in which it found Belarusian authorities at fault for violating the rights of presidential candidates Andrei Sannikau and Uladzimir Niakliaeu and rally participants Fiodar Mirzayanau, Pavel Barkovsky, and Maya Abramchik.

Finally, the Belarusian government continues to reject and ridicule the mandate of the UN Special Rapporteur on the Human Rights Situation in Belarus.

#### 4. Nongovernmental organizations are still vulnerable

The government of Belarus has finally made a long-demanded positive step by abolishing this year the deplorable Article 193.1 of the Criminal Code, which prohibited working on behalf of

unregistered civil society organizations. However, criminal penalties were replaced with the possibility of administrative fines for the same offence, while registering a pro-democracy or human rights organization remains virtually impossible. We cannot possibly be talking of substantial progress here.

The Belarus Democracy Act of 2004, as amended, specifically authorized U.S. support to citizen efforts in Belarus that aide democratic processes. Belarusian government, however, continues to impede access of civil society organizations to such resources through restrictive and extremely bureaucratic requirements to register foreign grants. Just last week we learned that a Belarusian civic group was not able to receive a small grant from the U.S. Embassy to promote public discussion of legislative and reform proposals. Three government ministries refused to approve the grant for registration for the most bizarre reasons, including that it “is not consistent with the national interests... and international obligations of the Republic of Belarus.” And this example is just one of many.

#### 5. Enforced disappearances have not been resolved

The government of Belarus continues to stall in completing the investigation into the disappearances of **Viktar Hanchar, Anatoly Krasouski, Yuri Zakharenka, and Zmitser Zavadsky** in 1999 and 2000. The United States has repeatedly brought up this issue with the government of Belarus and through congressional action, but Mr. Lukashenka continues to ignore it. A year ago, the criminal investigations into Zakharenka, Hanchar, and Krasouski’s disappearances were suspended. The investigation into Zavadski’s disappearance has been suspended since 2006. Meanwhile, Belarusian human rights defenders have amassed voluminous evidence showing the law enforcement bodies have been long aware of who the perpetrators are and yet failed to prosecute the crimes. The government of Belarus continues to ignore the decisions of the UN Human Right Committee from 2012 and 2017 that obliged Belarus to ensure a full and transparent investigation into Krasouski and Zakharenka’s cases.

### **Recommendations**

If the United States wants to help the Belarusian people and the Belarusian state become more resilient in the face of Russia’s encroachment, it should do so, first of all, by **strongly encouraging Belarus to implement genuine democratic reform and abandon authoritarian approach to**

**governance** that enslaves the country to the perpetual competition with other dictators. Belarus will never be truly independent if its government continues to play by the Kremlin's rules that disregard the human dimension of our mutual security and put the ultimate premium on the rent seeking, law-bending behavior of the corrupt elites. In particular, the United States should:

- **Support, facilitate, and incentivize genuine government reforms that strengthen guarantees for human rights and fundamental freedoms and follow the principles of democratic governance**, in accordance with the obligations Belarus undertook as an OSCE participating State. The U.S. could provide experts and technical assistance to help advance comprehensive electoral reform and removal of restrictions on peaceful civic activity, which remain acute priorities.
- **Encourage and support collaborative efforts that bring together and in good faith the government of Belarus, civil society groups, and businesses** to find solutions to implementing OSCE and UN recommendations on human rights and democratic reform.
- **Condition any next steps in U.S.-Belarus engagement, including the removal of restrictions and sanctions, and any future bilateral assistance, on demonstrable progress in *bona fide* reforms.** Comprehensive changes need to happen, such as a combined removal of the requirement of foreign funding registration for NGOs, of the administrative penalty for working on behalf of an unregistered organization, and of the accreditation and fines for traditional and online media. The United States should not turn a blind eye to the obvious attempts by the government of Belarus to gain favors with the West in exchange for cosmetic patching of its flawed governance structure and regulatory framework.
- **Establish clear and transparent benchmarks for assessing progress and ensure consistent and meaningful participation of the Belarusian civil society as an equal party in the bilateral Belarus-U.S. Human Rights and Democracy Dialogue** process. Engage civil society actors in providing an independent assessment of progress on reforms.
- Consistently and regularly **coordinate U.S. bilateral engagement with Belarus with European allies**, to be a united front in providing continued support to strengthening Belarus's independence, as well as a transparent process for internal reforms.

- **Stimulate strong people-to-people contacts between Belarus and the United States** through exchange and public diplomacy initiatives, such as Global Undergrad, Muskie and Fulbright programs, Open World, or the International Visitors Leadership Program.
- **Continue to support U.S. public media programming in the languages spoken in Belarus**, including through the U.S. Agency for Global Media and RFE/RL, and support independent media initiatives developing and promoting local content.
- **Expand foreign assistance in support of civic initiatives** that seek to promote Belarus's cultural, social, political and economic independence, greater civic engagement and political participation, government accountability and transparency, and the rule of law.

## **Conclusion**

A free and democratic Belarus has not only been the aspiration of the Belarusian people but also a vision supported by the United States throughout the years. Now, when the U.S. security, and that of its allies, is primarily assessed through the prism of geopolitical gains and losses, it is especially important to **remain committed to the human dimension of our mutual security, as envisioned by the Helsinki Final Act.**