

BUSINESS AS USUAL, BELARUS ON THE EVE OF THE ELECTIONS

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TENTH CONGRESS SECOND SESSION

SEPTEMBER 16, 2008

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BUSINESS AS USUAL, BELARUS ON THE EVE OF THE ELECTIONS

September 16, 2008

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 2:39 p.m. in room 328-B Rayburn House Office Building, Washington, DC, Hon. Benjamin L. Cardin, Co-Chairman, Commission on Cooperation in Europe, presiding.

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe; and Hon. Hilda L. Solis, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Hon. David J. Kramer, Assistant Secretary of State for Democracy, Human Rights and Labor; Laura Jewett, Regional Director, Eurasia, National Democratic Institute for International Affairs; Rodger Potocki, Director, Europe and Eurasia, National Endowment for Democracy; and Stephen B. Nix, Regional Program Director, Eurasia, International Republican Institute.

HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. The Commission hearing will come to order. Today's hearing is titled Business as Usual, Belarus on the Eve of the Elections. Since its independence in 1991, Belarus has been faced with a choice, whether to move forward in the direction of greater freedom and respect for human rights or perpetuate the Soviet model. Despite some positive steps during its early years, the situation remains rather bleak, especially for those attempting to voice views differing from the official line.

When one looks at what's happened in Belarus since its independence I think initially there was some reason for hope. But I must tell you the repressive regime and the manner in which it handles opposition is one which is not reflective of the commitments of OSCE member states. So therefore, I am very interested in hearing today's witnesses as to the current situation in Belarus.

We know that parliamentary elections are scheduled. We would like to have an update as to what's the prognosis for an open and free election in Belarus, what we should be doing in regards to our Commission work as it relates to Belarus.

And we do recognize, at least I think, some encouraging signs of Belarus' comments in regards to recent activities by the Russian Federation, which gives us some hope of more independence from

that member state. Nevertheless, if the Belarus Government chooses to take concrete steps toward genuine progress, I am confident that the United States would do everything we can to encourage those steps and do what we can so that the citizens of Belarus enjoy the freedoms associated with a democratic state that so many other countries in Europe have followed since the fall of the Soviet Union.

I will turn now to Ranking Member, Chris Smith from New Jersey.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Thank you very much, Chairman Cardin. And thank you for convening this very timely and very important hearing.

And let me just thank you in advance to all of our witnesses for their testimony and for the insights that they, I know, will provide.

Less than 2 weeks before the elections to Belarus' National Assembly President Lukashenka has given us few signs that these elections will be different from other elections held under his rule, which have fallen far short of OSCE standards. Once again, the opposition finds officials restricting its campaign activities, and opposition candidates have little access to the state-dominated media.

Some opposition candidates have been denied registration, while other potential opposition candidates have suddenly found themselves unemployed. Of course, we welcome the Belarusian Government's recent release of some political prisoners, including Alexander Kazulin, and the inclusion of a few members of the opposition on precinct election commissions. But given President Lukashenka's record as Europe's last dictator and leading abuser of human rights, we shouldn't create false hopes that these gestures portend a new springtime for democracy in Belarus.

In his long tenure as President of Belarus, Lukashenko has liquidated his country's democratically elected parliament and conducted a series of phony, stage-managed elections. His government has trampled on elementary human rights such as the freedom of expression, association and assembly. He has harassed and arrested opposition activists, closed down NGOs and stifled the independent media and restricted religious freedom.

There was a very disturbing report that I was just handed a copy of which points out that candidates for members of parliament have been brutally beaten up in Minsk today, including one of the best friends of this Commission and of democracy. Anatoly Lebedka is seen in the photo in a headlock after being brutally beaten by Lukashenka's thugs. That is an awful indictment of the state of affairs in Belarus. And again, that's as recently as a news report today just a few moments ago.

The catalogue of Lukashenka's crimes, as we all know, is all the more reason for our government to stand by the suffering people of Belarus. We have to continue to support the efforts of brave Belarusians to build their civil society and to break Lukashenka's media monopoly. Here our government has a vital role to play as does the European Union by technically and financially supporting international broadcasting that provides the Belarusians with objective news about their country.

In recent years, like my good friend and colleague, Ben Cardin and like Alcee Hastings and so many members of our Commission, we have met with civil society, members of the parliament, including our good friend Anatoly Lebedka and many others now and again that are in the crosshairs of the secret police and are suffering immensely. So this hearing is timely. And we need to send a clear message that Republican, Democrat, executive branch, across the board we stand in solidarity with these very brave and heroic individuals. I yield back.

Mr. CARDIN. Thank you, Congressman Smith.

We're also joined by Congresswoman Hilda Solis.

**HON. HILDA L. SOLIS, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Ms. SOLIS. Thank you, Senator Cardin. And I also want to thank the Chairman, Mr. Hastings, for having this very important hearing today.

Back in 1994, Belarus elected Alexander Lukashenka as its first democratically elected President. For the past 14 years, he has instituted direct power over institutions, controlled the electoral process and significantly reduced the independent press. Local elections carried out in January 2007 resulted in reduced opposition representation in local council. Out of 23,000 elected parliamentarians, only 20 opposition representatives won seats in the council at all levels.

Local governments implement many of the policies of the central government, including harassment of democratic activists and local free press. While more than two-thirds of the periodicals are private, the state-owned press heavily dominates the available news. The government also continues to deny independent journalists access to official events and information, suggesting that these events or activities would destabilize the situation in the country.

In June 2007, the Belarus House of Representatives approved a law that requires all state officials to receive approval from higher authorities before speaking to the press. I find it very disconcerting that the government has asserted such control over the electoral process and independent press.

I hope that we can glean more information from the witnesses that we have today. Thank you for having this hearing.

Mr. CARDIN. Thank you very much.

Our first witness—we're very pleased to welcome to the witness table the Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, David J. Kramer. I say that because Secretary Kramer is a member of our Commission. So he could be on this side of the table, but he has chosen to be at the witness table, which will give him no special privileges in our questioning.

From July 2005 to March 2008 Mr. Kramer was Deputy Assistant Secretary of State for Europe and Eurasian Affairs responsible for Russia, Ukraine, Moldova, and Belarus affairs as well as the regional nonproliferation issues. Previously he served in the Department of State Office of Policy Planning as a professional staff member. And before that he was a Senior Adviser to the Undersecretary of State for Global Affairs.

He also was Executive Director of the U.S. Advisory Commission on Public Diplomacy in Washington. He brings a wealth of experience to his current role. And it's a pleasure to have him on the Commission.

And we welcome you here today to help us.

**HON. DAVID J. KRAMER, ASSISTANT SECRETARY OF STATE
FOR DEMOCRACY, HUMAN RIGHTS AND LABOR**

Sec. KRAMER. Mr. Chairman and distinguished members of the Commission, thank you very much for the opportunity to appear before you here today to discuss a very important issue. And that is the state of democracy and human rights in Belarus. And let me commend the Commission for its engagement on this important subject.

Mr. Chairman, if I may request that my written testimony be entered into the record.

Mr. CARDIN. Without objection, all of the witnesses' full testimonies will be made part of the record.

Sec. KRAMER. Thank you, sir. Mr. Chairman, the active interest shown by the Commission, I think, has ensured that a strong message of solidarity has been sent to the Belarusian people from both the legislative and executive branches of the U.S. Government. The Belarus Democracy Reauthorization Act, which some members and staff of this Commission have been instrumental in moving forward, has given the Administration a key tool in formulating policy toward Belarus.

I also wish to applaud the vital work of organizations such as the National Endowment for Democracy, International Republican Institute, and the National Democratic Institute for the work they have done to help support democracy in Belarus from the grass roots. And I'm truly delighted to be appearing here today in this hearing with such devoted colleagues as Steve Nix, Laura Jewett, and Rodger Potocki.

Mr. Chairman, given the recent release of all political prisoners and the upcoming parliamentary elections September 28th, this hearing comes at a time of opportunity for Belarus. If the Government of Belarus shows that it is truly committed to democratic reform, we will have the possibility to develop a more robust relationship between our two countries. As we have said many times, we would like to have a different relationship with Belarus, one that is based on mutual respect for internationally recognized norms in human rights of the people of Belarus.

For an improved relationship to be possible, Belarus must truly abide by its commitments as a member of the Organization for Security and Cooperation in Europe, to respect human rights and fundamental freedoms and democratic norms. The release of all political prisoners in Belarus is an encouraging step in this direction.

Former Presidential candidate Alexander Kazulin was freed from prison on August 16th, over 2 years after his arrest and conviction on charges of alleged hooliganism at a protest after the fraudulent March 2006 Presidential election. The Bush administration from the President on down, including our embassy in Minsk, pressed very hard for his release and met numerous times with his late wife and daughters. I truly regret that Iryna Kazulin, herself a

brave fighter for human rights, did not live long enough to see her husband freed.

On August 20th, Belarusian authorities released the last two political prisoners, businessman Syarhey Parsyukevich and youth activist Andrey Kim. Mr. Parsyukevich and Mr. Kim had been in prison on charges stemming from a demonstration held in January 2008 to protest new government restrictions on businesses.

Earlier this year the Government of Belarus released five individuals internationally recognized as political prisoners: Andrey Klimov, Dmitri Dashkevich (ph), Artur Finkevich (ph), Nicolai Avtukhovich, and Yuriy Leonov. Freeing all eight prisoners is a meaningful step forward. Of course, we're also looking to Belarus authorities to respect the human rights and civil rights of all Belarusian people, in particular the freedoms of assembly and expression, including respect for an independent media. We hope the government of Belarus shows a true, sustained commitment to democratic reform and respect for human rights.

As we have discussed many times with the Belarusian authorities, the release of Alexander Kazulin and the other two political prisoners, days after provides the opportunity for the United States and the European Union to start a dialogue with the Belarusians about ways to improve relations. My colleague, Deputy Assistant Secretary for European and Eurasian Affairs, David Merkel, traveled to Minsk August 21–23 to explore the possibilities for a real dialogue between our two governments as well as to deepen our contacts with the democratic opposition.

Mr. Merkel's was the first visit at this level by a U.S. official since my last trip in that same job to Minsk in April 2007. Following Merkel's visit, the Department of State in coordination with the Department of Treasury's Office of Foreign Assets Control, known as OFAC, approved a 6-month suspension until March 2009 of sanctions against two subsidiaries of Belarusian state-owned enterprise, Belneftekhim. We will continue to watch Belarus closely to determine whether to extend the suspension and take other steps or take steps in the opposite direction.

The release of political prisoners shows that the United States and the European Union can be effective in bringing about change when we are united. We regularly coordinate with our European allies on the situation in Belarus. And, in fact, DAS Merkel has been in Brussels yesterday and today doing just that. And we've been united in our desire for the unconditional release of political prisoners in Belarus and for the authorities to respect the human and civil rights of its people.

Though we have had occasional tactical differences on how best to approach Belarus with the European Union, there is no question that the United States and the E.U. share the same goal of seeing a democratic Belarus assume its rightful place as a fully integrated member of the international community.

The United States and European Union have had a dual track approach to Belarus. We strongly support civil society, NGOs and other democratic forces in Belarus while we also take action against those whom we hold responsible for electoral fraud, human rights abuses and corruption. We also are working closely with the European Union to urge Belarus to live up to its obligations to its

people by allowing an open and transparent electoral campaign process and hold free and fair parliamentary elections later this month.

Free and fair elections depend only in part on the conduct of the actual balloting and vote tabulation. Both we and the European Union have emphasized the need for Belarus to make significant progress in improving conditions throughout the electoral process. Key concerns include full access for OSCE observers, including to the voting process and ballot count, registration of opposition candidates, access to the voters and media for all candidates and participation of the opposition in electoral commissions at all levels.

And let me echo Congressman Smith's deep concerns about the reports today and the picture of people like Anatoli Lebedka being beaten up by Belarus authorities. There is no place; there is no excuse for such conduct and behavior. And we all continue to stand with these courageous defenders of human rights in Belarus.

In previous Belarusian elections, OSCE observers concluded that fundamental freedoms of association, peaceful assembly and expression were disregarded. During its initial assessment of this election environment, the OSCE has found no evident progress in these areas. The OSCE has numerous times also provided recommendations to the government to improve the conduct of elections in Belarus in line with OSCE commitments.

Unfortunately, the authorities have not taken any significant steps to address these recommendations. Though lack of opposition representation on precinct election commissions and allegations that employees of regime named candidates serve on the commissions are serious concerns to us. Candidate registration offers a somewhat better picture with approximately 78 percent of opposition candidates being registered, still below the 83 percent opposition registration rate in the 2004 elections.

Now, in addition to the conduct of elections in Belarus, another important issue for the United States in improving relations between our two countries is Belarusian authorities' treatment of imprisoned U.S. citizen, Emanuel Zeltser, who was arrested in March of this year and later convicted in a secret trial on charges of using false documents and economic espionage. With the real possibility for an improvement in the relationship between the United States and Belarus we hope and are continuing to press for a quick, humanitarian resolution in Mr. Zeltser's case.

We will continue to request consular access to Mr. Zeltser to monitor his welfare as well as press for his access to his prescribed medications. And as long as his welfare remains endangered, we will continue our call for his humanitarian release.

And I must add, Mr. Chairman, I was saddened to hear of the passing this weekend of Mr. Zeltser's mother.

No matter what relationship we have with the Government of Belarus, we have and will continue to provide assistance to empower the Belarusian people so that they may determine their own future. We strive to build NGO capacity, to increase public participation, bolster the capacity of democratic political parties to unify, strategize, organize, and connect with constituents and strengthen independent media and expand access to objective information.

Radio Free Europe/Radio Liberty's Belarus service remains a leading international broadcaster, providing programming in the Belarusian language. The service's new television program has recently been placed on a Polish-led satellite television channel. In addition to that, the Voice of America broadcasts are available in Russian to audiences in Belarus.

Recent assistance successes include our work with five Belarus umbrella organizations and our programs supporting the development of an NGO map to analyze civil society trends, improve strategic planning and enhance donor coordination. And we are supporting a Polish-led effort to broadcast television to Belarus via satellite. It is with this assistance that the National Endowment for Democracy, the International Republican Institute and the National Democratic Institute as well as other non-governmental organizations have been so critically helpful.

In closing, Mr. Chairman, as President Bush has said, quote, "The United States will continue to stand with the people of Belarus and all those who are working to help Belarus take its rightful place in the community of democracies," close quote. Our policy, U.S. policy toward Belarus has never been driven by Minsk's relationship with Moscow, whether warm or cold. Instead our policy has been driven by the Government of Belarus' treatment of its own people.

We have shown our determination to take action against Belarus officials responsible for human rights abuses, assaults on democracy and state corruption. The targeted sanctions and penalties we have imposed are not directed against the people of Belarus. With the release of all political prisoners by the government there, we have begun a review of these sanctions and are allowing certain, but by no means all, transactions to move forward.

We never sought regime change per se, merely a change in regime behavior. And we hope we are seeing some positive signs of such a change.

Again, we hope the Government of Belarus shows a true, sustained commitment to democratic reform and respect for human rights so that we finally have the opportunity to move our relationship forward. It is my hope that we will look back on this year, Mr. Chairman, as a time when relations between Belarus and the United States got back on their rightful track. Thank you.

Mr. CARDIN. Thank you, Secretary Kramer. I'm going to talk to Chairman Hastings who has joined us. I'm going to ask a few questions, and then I'm going to turn the gavel over to Chairman Hastings. The Senate has started a vote, and I will need to go to the Senate floor in order to cast that vote.

But let me ask you one or two questions at this point. And that is you mentioned the fact that the Belarus government has released some of the political prisoners as a positive step. But what do you believe was the motivation of the government at this particular moment in the release of these prisoners? Was it an effort to try to deal with the public relations internationally? Or was it a real change in direction of the Belarus government?

Sec. KRAMER. Mr. Chairman, the release of political prisoners started earlier this year, in fact, the beginning of this year when I was still in my previous position as the Deputy Assistant Sec-

retary in the European Eurasian Bureau. And it came about based on engagement we had in Minsk with our embassy where we hoped and were led to believe that at that time the six political prisoners in jail would all be released, including Mr. Kazulin.

Unfortunately, Mr. Kazulin was the only one who stayed in jail. The other five were released, which was a good thing. Any time you can secure the release of political prisoners, that is a positive development.

But we made it clear at that time that any way forward in our relationship required the release of all six, not simply five out of six. And after we ran out of patience and came to the conclusion that Kazulin would not be released in due time as we had been promised, we decided to take additional action as we did in early March against the government.

Since then I think it has been a combination of resolve we have shown in underscoring to the Government in Belarus that we would not bend in our position in our principle that all political prisoners had to be released as a precondition for the actual start of any kind of dialogue. And I think it has also been the resolve of the European Union, which has maintained a similar firm view. And I think together this united position has been critical.

Finally, I think while—

Mr. CARDIN. So you're saying that you believe that this action was as a result of Belarus recognizing in order to have dialogue with Europe and America that they needed to make this step? Is that—

Sec. KRAMER. Since 2006 following their election and then the detention of a number of individuals, including Kazulin, but others, too, we and the European Union tightened the noose around the Government of Belarus. We made life difficult by imposing an expansive visa ban that prevented people from—well, in fact, I can't mention the names, but from the highest levels on down, from traveling to the United States, certainly. And the E.U. did the same thing. The E.U.'s list actually is publicly available.

We also froze the assets of a number of individuals. Well, oddly enough or interestingly enough, that list is publicly available from the U.S. Department of Treasury. And then beyond that we, in November 2007, because we continued to think that there was not going to be any release of these political prisoners, imposed an asset freeze and imposed sanctions on Belneftekhim, their largest exporter to the United States.

I think it was a combination of these targeted measures against key individuals and against state-owned enterprises that key individuals had a vested interest in that got their attention in a very serious way. And it was the looming threat of further sanctions because we made clear after imposing the freeze on Belneftekhim that more sanctions could follow.

The other point I would just add very quickly, Mr. Chairman, is at the risk of trying to read their minds, I do think that the Russian attack against Georgia also contributed to Belarus' decision to take this step. I think the repercussions of that move on all of Russia's neighbors have forced them to rethink some of their policies and approaches.

And I think there is the possibility—again, I can't say this with certainty—that the Government in Belarus decided keeping its options open to the West was something they desired. And they knew the only way to do that was to release all the political prisoners. That was based on the clear message we had sent.

Mr. CARDIN. Thank you. Let me just make one other comment. And that is the September 28th elections—you've already alluded to it that it's not just counting the votes accurately and openly, but it's what leads up to the elections. We are just a couple weeks away from the elections now.

We know that in the 102 districts, I think—110 districts, I believe it is, that there have been repressive practices that have already been deployed making it virtually impossible for opposition candidates to have an opportunity at a fair shot of election. So it appears, at least from our observations that there these elections will not meet the standards that we expect for open, free, and competitive elections and that what we are asking now with the observation teams, et cetera is to look at what happens on the ground leading up to the elections and the actual casting of ballots and the counting of ballots.

But I don't want to give the impression that just because votes are cast and counted that they're open and free elections.

Sec. KRAMER. Yes.

Mr. CARDIN. And I hope that you will stay very strong in reporting what has happened in regards to opposition candidates and how much progress, in fact, will have been made by Belarus in regards to these parliamentary elections.

Sec. KRAMER. Well, Mr. Chairman, let me assure you that the positive move on the release of political prisoners by no means guarantees the Government of Belarus a pass on these upcoming elections. We will call these elections as we see them. We will rely, of course, on the assessments of the observation teams in place, the ODIHR mission, parliamentary assembly of the OSCE and others who will be on-hand to observe these elections. We do have concerns about the way they have been conducted so far. We regret that the government of Belarus has not followed through on the recommendations that have been made.

The problems that opposition representation has encountered in being on district election commissions, the fact that almost 20 percent of opposition candidates have been denied registration, transparency of voting, ballot box security, vote counting, all of these things—as you rightly point out, Mr. Chairman, it is not simply what happens on the 28th. It's everything leading up to the 28th as well as the 28th and following the 28th. And that's how we'll judge these elections.

Mr. CARDIN. We'll be looking forward to getting the reports.

I now turn the gavel over to Chairman Hastings. Thank you.

**HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. HASTINGS [presiding]. Thank you very much, Senator. And I'll thank you for carrying forth my apologies for having floor responsibilities before coming here as well.

In light of the fact that the ranking member and the distinguished special representative were here before myself, I would ask of them their indulgence to allow that I read my opening statement. And then I won't ask questions.

But before doing that, I'll take the distinct pleasure in introducing to the audience two people that I've spent a large portion of my life with, including in Belarus, I might add, at the elections that took place previously. The Secretary General of the Parliamentary Assembly of the OSCE and the Deputy Secretary General of the Parliamentary Assembly, Spencer Oliver and Tina Schoen over here in this corner.

Welcome. And tomorrow Mr. Oliver will be presenting to the Helsinki Commission.

This hearing comes at a very interesting time for a country which has the sad distinction of having one of the worst domestic human rights records in Europe. Quite frankly, Commissioner Kramer, Mr. Assistant Secretary, I don't know too many people, if any, in the government that have had a more hands on experience in dealing with Belarus than yourself. And my compliments to you for your efforts on behalf of our government and the Belarusian people in those ventures.

Russia's invasion of Georgia and ongoing occupation has changed the dynamics within much of the OSCE region. With even heretofore normally staunch Russian allies such as Belarusian leader Alexander Lukashenka, wary of Moscow's aggression and reluctant to recognize South Ossetia and Abkhazia, on a concrete positive note, the three remaining internationally recognized political prisoners were released, including Belarus' most prominent political prisoner that I know you and others of us and Mr. Smith and countless of us have raised the issue with reference to Alexander Kazulin.

And as a result, the United States has temporarily suspended its ban on two U.S. companies dealing with Belarus. There's a huge state-controlled petro-chemical concern. Although other sanctions remain in place pending future progress.

Despite some slight improvements, the election environment in Belarus remains significantly problematical, as you just pointed out. And since I was the one who led the last OSCE election observation mission to Minsk in March of '06, I can tell you that there is much room for improvement. And I can also tell you that as in many countries, I was extremely impressed with the young people in Belarus who in spite of pressures and being told that they could be arrested, went forth with their demonstrations that took place during that time.

I hope that the Belarusian authorities will take resolute steps to improve the election climate in the short time left. And I also remain concerned, Mr. Secretary, about the imprisoned U.S. citizen, Emanuel Zeltser, whose health has reportedly seriously deteriorated and who has been denied his doctor-prescribed medications. Although I'm told two of them that are vital to him have been allowed to be given to him.

And also he has been denied some regular consular access. And hopefully that will improve. And I call for his humanitarian re-

lease. His brother lives within the confines of the district that I represent.

The human rights and democracy situation in Belarus is so wanting that it will undoubtedly take a long and considerable effort to reverse the damage done over the course of the last 14 years. As I remarked in Minsk in March of '06 and Deputy Secretary Schoen was there with me, the Belarusian people deserve better. However, should the Belarusian authorities display a concrete willingness to begin making progress with respect to their democracy and human rights, the United States should be open to prudent and measured engagement.

So with the release of the political prisoners, are we witnessing a glimmer of hope for the beginnings of long-awaited change? Or is it business as usual? I look forward to hearing from the other witnesses that are with us. And I'm glad I heard some of your testimony. Our other witnesses, too, have extensive experience and deep involvement in encouraging respect for human rights and democratic change in Belarus. And they're uniquely qualified to assess the prospects for democratic change in that long-suffering country.

I see Steve Nix is here. I know he is going to be onboard. And he and I have been in a lot of these places at different times with IRI and NDI and other non-governmental organizations working to improve democracy in these areas.

With that, I would ask the ranking member if he would have any questions, to be followed by Ms. Solis.

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

Let me just ask Secretary Kramer a couple of questions. It's in regard to the sanctions which have been waived until March 2009. If these reports of Anatoly Lebedka and others being beaten—and if it's as severe as it could be—and hopefully it is not, but it could be—what kind of message have we—or what are our instructions basically in terms of those sanctions? Is there a snap-back capability to say, OK, you know, in good faith we have waived—you know, we had hoped that you were going in the right direction, but frankly, when you go and you beat people up and send bully boys out, you know, that flies in the face of reform, which I know you agree with?

But is the March '09 in concrete? Or is that something that very quickly could evaporate, that's it, we're going right back to where we were before?

Second, it's my understanding that Lukashenka's government still has not and hopefully will not recognize South Ossetia and Abkhazia as independent states. And it was telling, I think, to some extent that Lukashenka did not join the bandwagon in Moscow as many of our friends in the Duma did in backing that violence.

Now, we all remember that Nicolae Ceausescus played the West and the United States for fools. I read Ion Pacepa's book. I worked with his daughter, along with Frank Wolf to get her out after he defected. And in Red Horizon he made it very clear that he played this dual track difference from Moscow in order to curry certain favor in the West. And we swallowed it hook, line and sinker.

And, you know, there's not, it would seem to me, a whole lot of downside to Lukashenko remaining mute on South Ossetia and Abkhazia if we fawn over that. It's good. It's positive. If it's sincere, it's very good. But if it's nothing but duplicity, I think we need to have our eyes opened on that and at least be asking that question. Because again, Ceausescu was perhaps among the most brutal, as Alcee knows so well, and Steny Hoyer and all of us who were there. And Spencer Oliver. You know, he really had the most brutal secret police, Securitate, than anywhere else in Europe. And that's, a pretty dubious distinction. So I'm a little bit concerned about that, and I'd be interested in your views.

And finally, on the issue of the new media law that goes into effect shortly in February. As you know, I've introduced the Global Online Freedom Act, have been trying to get it passed for 3 years. It has stalled again even though it's ready to come to the floor. All three committees have approved it, or at least waived it—Foreign Affairs. And we know it's often we think of China and other countries like Vietnam because of their use of the Internet to restrict information. It's a propaganda tool, but also to find dissidents who have Yahoo accounts or any other account.

And you know what the bill does and how it would force or compel disclosure. Now, this law appears to move Lukashenko's government further down the line on restricting the Internet and using it as a secret police tool in a very large toolbox of repression capabilities that he has. Your view on that, and I thank you.

Sec. KRAMER. Congressman Smith, thank you very much for the questions. Let me try to answer them to the best I can.

On the temporary lifting of the two subsidiaries of Belneftekhim, it is not Belneftekhim itself that the sanction has been lifted. It is on two subsidiaries of Belneftekhim. Those were imposed following the initial imposition of sanctions on Belneftekhim in November 2007.

They came in March of this year. And they were imposed after we came to the conclusion that Kazulin, the last of the six prisoners, would also not be released. And we took that step because we felt the government in Belarus left us no choice and we needed to get their attention once again, as I think we very successfully did in November in 2007.

The lifting of those sanctions is a goodwill gesture in response to the release of the political prisoners. It can certainly be reimposed if need be. And certainly, what happened today will be a factor as we examine our sanctions policy toward Belarus. And any future possible negative developments that would happen would also be factored into those considerations.

While we are hopeful that the government will take further positive steps that would match the release of political prisoners, we will not rely on hope. We will not rely on wishful thinking. And this comes to the second question you asked, not only about recognition, but about the possibility of Lukashenko playing us off of Russia.

We won't rely on wishful thinking. We will rely on specific concrete actions that the government of Belarus needs to take in order for us to respond in a positive way. It's similar to what had been proposed several years ago—step by step or selective engagement—

with the government of Belarus that is predicated on specific steps that the government takes in a forward, positive direction that also means not just one step and one step backward. It means steps forward, so a continuum in that direction.

And we are cognizant of the possibility that he is taking the step in releasing the political prisoners to ease the pressure off, at least from the West, as Russia affords him little haven, given the rising energy prices that Russia keeps imposing on Belarus. Belarus has not exactly had a lot of friends close by or even more distant in the United States.

The release of all political prisoners, I think, was a significant development, one that we had told the government for 2 years we would respond positively to if they took that step. But we have also told them that is not the be all and end all. We will judge them based on their overall behavior. And release of political prisoners does not secure them a pass so that they can behave any way they want in other areas.

Mr. SMITH. On that let me just congratulate you on securing their freedom. That is an extraordinary feat, and you're to be greatly commended for it.

Sec. KRAMER. And I must say the policy on this has been a model of interagency coordination, including with the Pentagon because the Pentagon has had issues with Belarus' partnership, the peace relationship. They've been extremely helpful. The NSC has been outstanding, the vice president's office. Treasury Department has been indispensable in terms of the sanctions that we've imposed. So it's really been a model for interagency coordination and also with the European Union.

On the recognition part of the question, sir, they have not recognized Abkhazia and South Ossetia. In fact, the only country that I'm aware of that has is Nicaragua. And Abkhazia and South Ossetia have recognized each other. I'm not sure I'd rack that up to a great diplomatic success.

We have engaged them on this issue. Nothing, from what we've been told, will happen before the parliamentary elections. We also hope that they won't take that step after the parliamentary elections. And we'll continue to engage with them on this issue.

They are facing, I think—there's no question—significant pressure to recognize. They're not the only ones facing such pressure. And we hope all the neighbors resist this pressure.

On your third question, the media law, this is a cause of concern. When the parliament passed the legislation and then it was signed in August into law, we registered our serious concerns with this. You're absolutely right that this will have the affect of requiring all media outlets, including domestic-based Internet Web sites to reregister with the government, which is likely to lead to the hindering, if not outright closure, of some of these media organizations. This, too, will factor into our overall approach in policy toward Belarus and what kind of steps we take in a positive way that would respond to positive developments, but also how we need to respond to get their attention when they engage in negative activity.

Mr. HASTINGS. Ms. Solis?

Ms. SOLIS. Thank you, Mr. Kramer. I just wanted to touch base again on the sanctions. And if you could just go over that again, that we're somehow putting those back, so to speak. And it's because of the release of these prisoners in part.

Sec. KRAMER. Yes.

Ms. SOLIS. What happens after the elections? What happens with the notion of the sanctions? And with the detention of Mr. Emanuel Zeltser, who is already—we've already, I guess, appealed to have him released. It seems to me that there should be some standard, I'm assuming, that you all are looking at. And what is that? What is that standard, if you could share some of that?

Sec. KRAMER. No, thank you. Thank you for the question and the opportunity to elaborate on this. In November 2007, the Treasury Department in full coordination with the interagency group issued an announcement freezing the assets of Belneftekhim. And that imposed, I think, significant hardship on that company and on the Belarusian state as a whole as well as, I think, arguably, on some individuals that had ties to that entity.

In March of this year, after we concluded that Kazulin would not be released along with the other five political prisoners, we asked the Treasury Department to issue a clarification or an elaboration of the announcement from November 2007. And in that announcement in March, the Treasury Department extended the asset freeze and sanctions to several of Belneftekhim's subsidiaries.

There had been, I would argue, rather helpful ambiguity as to whether those subsidiaries had been covered under the initial November 2007 announcement. The March announcement removed that ambiguity and made it clear that those subsidiaries were covered.

Now, as we all know—and I apologize. I'm going to digress for a second. That March announcement by Treasury's OFAC unit led the Belarusian authorities to force out our Ambassador and to significantly scale down the presence of our embassy down to five individuals, whom I highly commend for the outstanding job they've done under very adverse conditions. And let me also, if I may use the opportunity, commend the Foreign Service Nationals who have also been operating under extremely adverse and difficult circumstances and have behaved heroically, in my view.

We then were prepared to go ahead with further steps and further sanctions. And I think that the way we looked at the lifting of these sanctions in light of the release of political prisoners we scaled back what was done in March of this year. But we did not scale back what was done in November of last year. So we simply dealt with two of the three subsidiaries that were announced in March. But the broader Belneftekhim sanction stays in place as a point of leverage, quite frankly, to try to prevent further negative behavior. And that's something that we will continue to review.

Lifting that overall sanction would be a pretty significant step. I hope the Government of Belarus earns the lifting of that sanction. But it'll have to earn it.

Ms. SOLIS. So what would be a trigger that?

Sec. KRAMER. To lift it?

Ms. SOLIS. Yes. Because you're looking at the elections.

Sec. KRAMER. The elections will be one.

Ms. SOLIS. Yes.

Sec. KRAMER. We'll see how the elections go. And we discussed, there are some serious problems with the elections. Treatment of members of the opposition, treatment of journalists, treatment of NGOs, the ability of NGOs and journalists to operate in an unhindered and unfettered fashion inside the country.

Ms. SOLIS. Is it premature to say you might have a timeline, a conceptual timeline to look at to get so folks might be able to review that?

Sec. KRAMER. It's conceivable. And, quite frankly, when in January we were approached about what our response would be to the release of the prisoners then, we and the government in Belarus came to an understanding that there was a timeline there, that the release of political prisoners could not be dragged on endlessly so as to try to stave off the imposition of further sanctions. Because they knew—at least I hoped that they didn't doubt that further sanctions were possible since we've hit them several times with this after giving them full and fair warning that further sanctions would come.

We don't necessarily have a particular timeline. Now, obviously September 28th would be voting day as well as the campaign and everything leading up to it is a point to keep in mind. But I think we'll have to wait and see. I think our expectation is to have further discussions with them after the elections to see how the elections go, to see what they might do after the elections on non-election related issues. And then we can gauge and determine what kind of response we would have from that.

Ms. SOLIS. I'm being a bit facetious, but is there maybe an expectation that something might happen before our elections?

Sec. KRAMER. There's hope. But I'm not sure. By November 4th I'm not sure I would recommend getting expectations too high.

Ms. SOLIS. Timelines—the word has different meanings for different people.

Thank you, Mr. Chairman.

Sec. KRAMER. If I may, though, just on that point, I think it is fair to say this administration, as you know, will be out the door January 20th. But everything I can infer suggests that whichever Senator winds up the next President, I think this policy that we have had toward Belarus will continue.

Mr. HASTINGS. OK. Thank you very much, Mr. Secretary. Mr. Secretary, in light of the time constraints and I am anticipating that we will have a vote real shortly and I do want to get to our next witnesses, so I'd ask you please just catalogue two questions for me. And one is not a question, but rather if you would have your good offices tell me just what, if anything, has been done with reference to the U.S. citizen that Ms. Solis and I have mentioned, Emanuel Zeltser.

I'd like to know more about the present circumstances. I'm mindful of the facts, at least as are presented, and would like to know what, if anything, the government is doing or can do.

The second thing has to do with your good offices telling us about relations between the democratic forces of Belarus with neighboring countries. What I have found is significant changes take place when people can communicate. And more specifically Poland

and Lithuania and Latvia and Ukraine are what I have reference to. But you and I can talk about that further.

I'd like to get to the next panel. You're welcome to stay and join us if you can. And if not, then we certainly understand that you have other business. But thank you so much for your testimony.

Sec. KRAMER. Sure. Thank you very much.

Mr. HASTINGS. OK. I'd like to invite now and am pleased to do so representatives from three organizations, which have been in the forefront with respect to Belarus. I had mentioned earlier a longstanding good friend, Stephen Nix, who is the Regional Program Director for Eurasia at the International Republican Institute and Laura Jewett, the Regional Director for Eurasia for the National Democratic Institute, and Rodger Potocki, the Director for Europe and Eurasia at the National Endowment for Democracy.

Lady and gentlemen, I would appreciate very much—I believe it was earlier announced that your full statements would be made a part of the record—if you could abbreviate as much as possible. And if Mr. Smith and Ms. Solis are still here, I'm going to begin the questioning by asking Mr. Smith to go forward and then Ms. Solis. And I'll be last since I was last to arrive.

Mr. Nix, no reflection. I know you better than I do our other witnesses. I do know Ms. Jewett. But let's begin with the lady, all right?

Mr. NIX. Certainly. I'll defer to you, Mr. Chairman. Of course.

Mr. HASTINGS. Ms. Jewett? OK.

LAURA JEWETT, REGIONAL DIRECTOR, EURASIA, NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Ms. JEWETT. Thank you, Mr. Chairman and members of the Commission. I'm Laura Jewett from the National Democratic Institute. And it's a pleasure to be here.

And I thank you for this opportunity to comment on the upcoming elections. These elections may turn out to be significant, but not for the reasons usually ascribed to elections. They will not produce a representative parliament that will legislate on behalf of constituents' interests, which is the outcome expected of democratic elections. They are also unlikely to cause a dramatic transformation in the Belarusian political system, which has been the outcome of popular reactions to some fraudulent elections in the region in recent years.

In short, these elections will not likely be remembered for having brought democracy to Belarus. They're more likely to be remembered for their role as both an agent and a barometer of improvements in Belarusian relations with the West.

They are also noteworthy because of the opportunity they provide to Belarusian Democrats to organize and build support for alternative political viewpoints. If Belarusian relations with the West do, in fact, improve and if the Democratic opposition makes the most of its opportunities, limited though they may be, the long-term prospects for Belarusian democracy may brighten slightly.

Belarus has yet to organize an election that meets even minimum international standards. ODIHR, the Office for Democratic Institutes and Human Rights that you know well, has observed elections in Belarus in 2000, 2001, 2004, and 2006. The ODIHR re-

ports have repeatedly concluded that the elections have fallen well short of OSCE commitments. These were elections in name only.

And the September 28th elections are not likely to break what is by now a well-established pattern. The political environment is simply hostile to competitive participatory elections. I would like to highlight just two of the many adverse conditions.

Most forms of independent political activity, including NGO and political party organizing, have been repressed. 2005 amendments to the criminal code made operating an unregistered organization punishable by up to 2 years in prison. In Belarus registration is reserved only for the organizations most loyal to the government. So these provisions constitute a serious threat for many civic groups. And they were employed liberally in the run-up to the March 2006 Presidential election.

In fact, in February 2006, several civic activists partnering with NDI were accused of illegally running an unregistered organization and sentenced to prison for periods from 6 months to 2 years. Opposition political parties have faced particular obstacles. The government has arbitrarily deregistered some parties and closed down regional branches of others. Party activists are regularly fired from jobs, expelled from universities, sentenced to prison terms on manufactured charges such as using obscenities in public. And party activists are regularly beaten, as we have seen as recently as today.

The threat of arbitrary liquidation is just one of a large assortment of tools the government has used to prevent parties from gaining a foothold. NDI's own experience, alongside that of other international democracy assistance organizations, is evidence of the harsh environment. NDI has conducted democracy assistance programs in Belarus since 2000 partnering with citizens who want to build democratic political institutions. Yet the institute is unable to open an office inside Belarus and staff are unable to get visas to travel to the country. Programs are conducted from an office outside Belarus.

There are no quick fixes to the repression and resulting underdevelopment of civil society and political parties in Belarus. These are entrenched features of the political environment. When we look back on the 2008 parliamentary elections and compare them with their predecessors, it's a safe bet that we will see more continuity than discontinuity.

That said, as Assistant Secretary Kramer outlined, there are signs of a mild thaw in U.S./Belarusian relations, which may find reflection in some aspects of this month's electoral process. The conduct of the upcoming elections will serve as another measure of the government's intentions. I would suggest that the following six items would be indicators of relative improvements to the process.

First, the territorial election commissions have registered 77 of the 110 unified list opposition candidates who applied, a ratio of roughly two-thirds, which is a mildly positive sign. Will any of these 77 be deregistered for minor infractions such as spelling errors in application documents or improper placement of campaign booths before they make it onto the ballot?

No. 2, I think Steve Nix and I have slightly different numbers, but the conclusion is the same. Of 1,430 district election commis-

sioners, 36 are from the opposition. Of 69,845 precinct election commissioners, 41 are from the opposition. Opposition representation on election commissions is thus miniscule. Nonetheless, are these individuals being allowed to exercise their rights and responsibilities?

No. 3, do candidates have the freedom to conduct active campaigns? This includes the freedom to travel throughout their districts, to conduct campaign activities in locations that are accessible to voters. It precludes arbitrary arrests and detentions of candidates or their teams, dismissals from jobs and other forms of intimidation and pressure.

No. 4, do candidates have access to the government news media beyond the mandated 5 minutes of free television and radio time? This would include invitations for interviews, coverage of events and opportunities to respond publicly to any coverage.

Five, are domestic and international observers granted accreditation and full access to all stages of the electoral process, including the vote count and tabulation?

Six, are complaints about the process given due hearing by the appropriate electoral or judicial bodies? And are violators prosecuted?

Two weeks into the 4-week campaign we have preliminary answers to a couple of these questions. In regard to campaigning, some opposition candidates are facing obstacles. Some have been arrested or detained. Some are under investigation for alleged crimes unrelated to the elections. Some have had trouble getting campaign literature printed or have had literature confiscated. And we've heard some reports of candidates not being allowed to set up campaign booths to meet with voters.

With regard to the media, opposition candidates have not been given access to state-controlled media, aside from the mandated 5 minutes of air time. It's also the case that the negative attacks on candidates that were prevalent in 2006 seem not to be occurring this year.

So while the news is not positive, it may be slightly less negative than it was 2 years ago. And I leave that to your judgment whether that's an improvement or not.

If by September 29th, the day following the election, the answer to most of the six questions turns out to be no, we can conclude that these elections are business as usual in Belarus. If the answers turn out to be yes, it would not necessarily suggest that the elections are legitimate, but rather that the Government of Belarus is making a modest effort to respond to United States and European concerns with the aim of getting sanctions lifted and improving its positioning with respect to Russia.

That effort could in turn open slightly more space in the country for democratic political organizing. These elections also provide a narrow but important opportunity for the democratic forces in the country to take advantage of limited political space by articulating an alternative vision for Belarus and building public support. It has been encouraging to see some progress in the opposition's efforts over time, including nominating a unified list of candidates through a decentralized and participatory process. These achievements are impressive in the highly restrictive Belarusian setting.

NDI approaches democracy assistance in Belarus as a long-term process. No single election will deliver the final result. The September 28th elections provide an opportunity for incremental progress due to the broader international context and the efforts of Belarusian Democrats. We should encourage those trends while keeping in check expectations for dramatic, immediate change.

NDI appreciates the efforts of Congress to support the people of Belarus in establishing a full democracy, the rule of law and respect for political and civil rights. We value the role of this commission in defending human rights and respect for all elements of the Helsinki process and in promoting a cohesive U.S. and European position toward the Government of Belarus.

Thank you, Mr. Chairman and members of the Commission.
Mr. HASTINGS. Mr. Potocki?

**RODGER POTOCKI, DIRECTOR, EUROPE AND EURASIA,
NATIONAL ENDOWMENT FOR DEMOCRACY**

Mr. POTOCKI. Mr. Chairman and distinguished members of the Commission, thank you for the opportunity to comment on the political situation prior to Belarus' September 28th parliamentary elections. In comparison to 2004, the regime in Minsk has adopted a different approach to this election. But the changes are of style, not of substance. Belarus has not held a free or fair election in 14 years. And the end result of this one will almost certainly be no different.

To win Transatlantic political and economic concessions, the regime is altering the way it conducts elections in three ways, by allowing international scrutiny, asserting technical improvements and moderating the campaign climate. In the past, Alexander Lukashenka cared little about Western outcry over his persecution of the opposition and falsification of elections.

The regime's new business plan is to minimize international condemnation of and encourage domestic apathy about what is already a flawed process. Lukashenka wants a "quiet election" that can be sold to the West by advertising "progress" on several fronts.

The regime's first move toward muting international criticism has been to open up the elections to the outside world. Unlike Russia, Belarus has welcomed international monitors. In contrast to 2004, the regime has been less obstructionist, granting the OSCE mission access to the highest levels of government. Lukashenka has declared "We want to show Western countries and Russia how elections should be organized."

This election is being orchestrated to improve Belarus' image abroad. The country's top election official has made it clear that the primary goal is to "have the results recognized by the international community." The acceptance of and focus on international observers also helps gain legitimacy amongst the 71 percent of the people who think the election should be monitored.

But just as importantly the regime's détente with the West seeks to divert citizens' attention away from the election's domestic aspects. Up to a third of the state media's election coverage is centered on the international monitors, not candidates or races. The regime's international spotlight has been carefully focused. In terms of monitoring, it has concentrated on the more friendly CIS

observers. In mid-August, the state news agency Belta devoted four times as much coverage to the CIS monitors than to their Western counterparts. There has been almost no official coverage of domestic observation efforts.

Like the government, democratic leaders also recognized the paramount role of the international community. By trying to compete with the regime for Western attention instead of campaigning at home, the opposition is also deflecting the electorate's attention away from domestic issues. The OSCE's first interim report stated that there is "very little evidence" that an election is actually underway in Belarus. Calls for a boycott by some of the opposition also threaten to turn the election into exclusively an international show.

The second tact to temper international dissatisfaction with the election process is the regime's focus on organizational matters. Lukashenka has declared "we want the election to be held in such a way so that nobody will be able to criticize us." The Central Election Commission is pointing to procedural improvements as evidence of Belarus "coming closer to international standards."

The Central Election Commission has pointed out, for example, it has received a total of only 275 complaints since the parliamentary campaign began as compared to 888 during the 2004 campaign. The CIS mission has lauded the Belarusian authorities for successfully "securing the proper organization of the election process."

Cosmetic changes in routine can produce good publicity, especially if the state controls the media. If this election is perceived as more efficiently run, it gives the appearance of being more democratic. A focus on procedures helps to influence the one-third of voters who consider Belarus' Election Code as flawed and do not believe that this will be a free and fair election.

Similarly, the state media is reporting on those who are running the election, not those running in the election. During the second half of July, it devoted more than 70 percent of its parliamentary coverage to President Lukashenka. During the first half of August, Gomel Pravda, a state regional newspaper covering 17 election districts, allocated 99.82 percent of its election space to the president and Central Election Commission.

An orderly election also contrasts nicely with a democratic opposition painted by the regime as disorganized and riven by conflict. The regime, which bases its legitimacy on stability, is using opposition protests against procedural irregularities to accuse the democrats of disturbing the peace. By confronting the regime over procedures rather ideas, the opposition is reinforcing the regime's "well-ordered" election plan.

The state's actions are not designed to inform voters, but to influence foreign observers and foster mass indifference. According to one OSCE employee, the most important thing for the regime is how this election looks to the West, not how it affects Belarusians.

The third means to ensure a quiet election is to temper political noise at home. The regime has moderated its repression against the opposition. Candidates report that the current environment is appreciably better than it was in 2004. The state media's coverage

has improved in the sense that there has been less vitriol flung at the opposition.

But again, this is a change in approach, not in direction. Heavy-handedness has been shelved for subtlety, brute force has been set aside in favor of low-level harassment, and intimidation has been replaced by indifference. While raising the international profile of the election for its own purposes, the regime is downplaying it at home.

Before the campaign began, the regime made sure to eliminate many of the troublemakers. A dozen of the opposition's "rising stars" who had previously run strong campaigns and developed popular support were not registered. Until today, those who had made it past the procedural hurdles had not been subjected to the full force of the state's repression apparatus. But they had been forced to undergo tax inspections, expelled from university, fired from their jobs, drafted into the army and suffered other pressure. The regime hasn't abandoned the use of force, just ratcheted down its intensity. In fact, because it wants this election to come off well, most of the election-related arrests have focused on those advocating a boycott.

To foster indifference, state media has minimized reporting on the election. From July to August, election-related coverage actually decreased. The state broadcast media has devoted more time to reporting on the weather than the elections. It has offered almost zero coverage of opposition campaigns. State radio rejected the opposition's request to hold debates. As late as the first week of September, Soviet Belarus and The Republic, two leading state dailies, provided no positive or no negative reporting on political parties—they simply ignored them.

The main news program on state television devoted less than 3 percent of its election reporting to an anonymous opposition and anonymous political parties. An independent monitor reported that "there is literally no election campaign going on in the media."

Finally, the regime is using its administrative resources to limit the public outreach of opposition campaigns. Candidates' television addresses were broadcast during rush hour, when working people were still commuting home. They appeared not on national television, but on less-watched regional channels. The state provided the equivalent of \$800 to each candidate for campaigning, the only funding that can be legally used to get out his or her message. Meetings with voters have been restricted to only a few, out-of-the-way places. Campaign materials are limited to isolated billboards.

The regime's goal is to make the elections uneventful for the general public. Citizens are being encouraged to go the polls without a knowledge of their choices, and the regime is perpetuating the ritual of voting that still dominates in this post-Soviet state.

Mr. Chairman, during Soviet times Belarus was known as "the quiet Republic." The regime is doing all it can today to make this a "quiet election," palatable for the West. But the "sounds of silence" emanating from Minsk ensure that this will not be a free and fair election. To answer to the question in the title of this hearing, it is not business as usual in Minsk this fall, but the same old scam is still in the works. Thank you.

Mr. HASTINGS. Thanks, Mr. Potocki.

Mr. Nix?

**STEPHEN B. NIX, REGIONAL PROGRAM DIRECTOR, EURASIA,
INTERNATIONAL REPUBLICAN INSTITUTE**

Mr. NIX. Mr. Chairman, I hope you know that it's a true honor to appear before you and the members of this Commission. I'd like to thank you for your gracious remarks in your opening statement. And I would like to thank you and the members of this Commission for your engagement and your interest in this important area, the important area of the world that we all work in, the former Soviet states.

Mr. Chairman, I'd like to comment first on the title of today's hearing, "Belarus on the eve of elections, business as usual?" Unfortunately, I fear that this is an appropriate title for the pre-election period in Belarus. Sadly the Government of Belarus has a track record of denying its people their fundamental right to have their voices heard in the ballot box. And we fear that this election will prove to be no different.

A view of the history in post-Soviet Belarus is sobering in terms of elections. Local elections held in 2007 were declared by OSCE observers as failing to meet international standards. 2004 parliamentary elections fared no better. They were declared to have fallen significantly short of OSCE requirements.

According to exit polling conducted in the 2004 elections by IRI, those results demonstrated that Lukashenka's proposal to amend the constitution to allow for a third Presidential term did not have the support of a majority of voters and would not have passed. Based on the exit polling, an estimated 22 pro-democratic candidates would have won seats had the votes been counted fairly. But as you know, Mr. Chairman, no members of the opposition were allowed to take seats in that parliament.

During recent actions by the Government of Belarus, there appears to be cautious optimism by some in the international community that Mr. Lukashenka is taking steps to improve relations with the West and to lighten his grip on the opposition. In this past month, as was noted earlier, we witnessed the release of political prisoners, including Alexander Kazulin, and we heralded the release of these brave men.

However, we must remember that this action by the regime is singular in nature and it falls short of the list of requirements for increased diplomatic engagement that have been set forth by both the European Union and the United States. We must be careful not to view the upcoming elections through rose-colored glasses. And we must be increasingly on guard to monitor both the pre-election as well as election day events.

Now, in assessing whether these elections will be free and fair, I think it's instructive to use the standard set, the findings of fact from the delegation that you led yourself, sir, the last time out. And there are four of them, since my colleagues have covered some of them already.

The first one is the executive apparatus maintains control on election commissions. Assistant Secretary Kramer alluded to this. I'd like to go into more detail.

There are 110 district election commissions in Belarus with a total membership of 1,430; this is the figure we have. Out of these, the opposition was only allowed appointment to 44 seats, representation of only 3.1 percent of the seats.

Next, there's a total of 6,485 precinct election commissions with a total of 69,845 seats. Of these, the opposition was allowed to have 48. And that amounts to 0.07 percent of the available seats.

Mr. Chairman, let me be very blunt. If the regime in Belarus were truly interested in running free and fair elections, it would ensure that all the votes are truthfully counted. However, when only 0.7 percent of the precinct election commissions, the very commissions where the votes are tabulated, are opposition members, this is evidence enough that the regime has every interest in controlling the voting results.

Second standard, candidate registration procedures were abused to prevent undesirable candidates from participating in the election, limiting voters' choice. Again, we see little change. On August 29th, the CEC [Central Election Commission] announced that only 276 out of 365 candidates were registered. I'll cut through some of the details because you've heard from some of my colleagues.

Three hundred and sixty-five people sought registration. That means 25 percent were denied the right to be on the ballot. Of the candidates registered, 78 are opposition members. With 110 electoral districts, this means that voters in approximately 29 percent of the districts are not being allowed a choice. If they vote, they have no option but to support the regime's candidate.

Third point, significant restrictions on fundamental freedoms of expression, assembly, and association had an intimidating and constraining effect on the campaign. In Belarus there is a law against mass gatherings, which means that any group of two or more people must receive official government permission to do so. This law is largely used to control opposition meetings with voters.

In August, the CEC actually published a list of approved venues where candidates can meet with voters. Candidates must receive permission in the event they want to meet with voters in any venue not listed. This completely hinders effective voter outreach by the candidates.

Fourth point, provisions for early voting, mobile ballot boxes, vote counts fall short of minimum transparency requirements for independent verification. Again, it's no news to you, Mr. Chairman, early voting 5 days before election day is the period during which much of the fraud and vote rigging that you and others have so well documented takes place. Again, we foresee similar problems with this election.

In conclusion, Mr. Chairman, it appears that once again it is business as usual in Belarus and that the odds are overwhelmingly stacked in the regime's favor. Yet even in the midst of this repressive culture, the United Democratic Forces, a coalition of pro-democratic activists in Belarus, is ardently striving to offer voters an alternative to the regime.

The UDF has drafted and has implemented a strategy for these elections; the cornerstone of which is developing a single unified list of candidates in each of the 110 constituencies. The goal of the UDF campaign message is to prove to voters that they are a viable

alternative to the regime and that they have concrete ideas of how to bring positive change to the country.

If elections in Belarus were free and fair, I truly believe that the UDF would be represented in this parliament. IRI's polling demonstrates that the citizens of Belarus are ready for a change, and they deserve to be heard. U.S. and European government officials must remain vigilant in calling for democratic reform in Belarus. We need to remind the Belarusian Government that the world is paying close attention to this situation and improved relations with the West are related to the transparency of the elections in Belarus.

And finally, Mr. Chairman, the UDF have proven their willingness to unite and campaign against all odds. But they realize their campaign to bring change to their country is not limited to the parliamentary elections this September. This is a campaign that knows no electoral boundaries.

The regime might prevent change via the ballot box in September 2008, but it cannot squelch the will of the people forever. Voters want change, and the UDF represent that change. We owe it to the people to acknowledge their dedication and stand with them until the end when they witness a truly free and democratic Belarus.

Mr. HASTINGS. Thank you very much.

Mr. NIX. Thank you, Mr. Chairman.

Mr. HASTINGS. And I'll turn now to the ranking member, my colleague and friend, Mr. Smith.

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

And thank you, all three, for, not only the very effective testimony, but for the excellent work you do on behalf of democracy, and especially as it relates today to Belarus. Let me just ask a couple of questions.

Ms. Jewett, both you and Mr. Nix, all three of you really, focus on the executive apparatus and how it is so unconscionably stacked in favor of the government. Any of us, if we ran into this kind of situation, the temptation to boycott would be overwhelming because we all know at the end of the day when the doors are closed, we lose. And, you know, we saw that with Meles in Ethiopia. And your organizations were kicked out for your good work there.

And I actually visited President Meles. And, you know, I do believe he's a dictator and has met the opposition with bullets, mass arrests. And then when the re-ballotting occurred under international pressure, the commission was so stacked that they only focused, or largely focused on, any of the seats that they had lost. Yet despite it all, the opposition did extraordinarily well, even though everything was stacked against them.

And you mentioned, Mr. Nix, about 71 percent of the sentiment of the people in favor of—how did you put it, just to be clear?

Mr. NIX. Alluding to the previous parliamentary elections?

Mr. SMITH. Previous parliamentary elections.

Mr. NIX. Yes.

Mr. SMITH. [Inaudible] OK.

Mr. NIX [Off-mike.]

Mr. SMITH. Exactly. But let me just ask you, if I could, about these numbers.

Ms. Jewett, you mentioned 110, 77 were OK, 33 were not. The 33 that were denied, what kind of cause did they give? And were they some of the best and most promising candidates perhaps that were being put forward, you know, taking care of the strong ones and let some of the weaker candidates get approved? Can any of you shed light on the beatings on this Day of Solidarity that occurred or apparently have occurred in Belarus?

Let me just ask you very briefly about what is your recommendation to the opposition—should they boycott? You know, at what point does that become the more prudent thing to do? We know that in Nicaragua, as was mentioned earlier, the only area or country that's recognized Abkhazia and South Ossetia recently. Well, when Daniel Ortega was running and Uno (ph) united and all of those who wanted to sit on the sideline finally didn't, it made the difference and Violeta Chamorro ended up winning that election.

So, you know, if the opposition is split, you almost guarantee a loss, and a worse loss than it would have been had they been united and went down. So there's a very hard call to make. But, you know, I think it hurts.

And finally, Mr. Potocki, you mentioned the sounds of silence and the quiet election. And I think it was very incisive on your part. It reminds me of that Simon and Garfunkel song, "Hello, Darkness, My Old Friend," because the silence does lead to a darkness that we're already seeing.

And I do have a lot of questions, but I'll just finish it with this. The OSCE ODIHR deployment that's been there since August 15th—have they been able to quantify and qualify this media blackout? You know, 5 minutes and presumably the 5 minutes gets given to you at midnight so nobody sees it anyway. Are they creating a robust record of what will be an unfair and unfree election? Because as we all know and have said, what leads up to it is as important, if not more so, than the day of balloting.

Ms. JEWETT. Thank you. As for the 33 or 32 candidates whose registration was rejected, we did not see a clear pattern in whose registration was accepted and whose was rejected. But perhaps my colleagues have a more incisive eye for that. It was not obvious to us whether there was cherry picking going on or whether it was arbitrary.

As to the boycott question, there have been discussions certainly in Belarus about a boycott and among the opposition. And it's my understanding that the political council of the UDF will make a final decision this weekend. It's our sense that they will decide against a boycott.

NDI's advice in these situations typically is that these are decisions that, of course, must be made by the participants themselves. And it's easy sitting here to make judgments about what should be done. But generally speaking, our advice is that it's best to participate.

Participating in an election does not in itself make an illegitimate exercise legitimate. But it does give opportunities to speak to voters, legal opportunities to speak to voters, articulate an alternative vision and build support and to pry a little bit of wedge to open up political space. So on balance, participating is the better option, is generally our advice.

Mr. HASTINGS. I would ask you all to give us snap answers at this point. So if Ms. Solis has any questions, all of you know what that bell means or what those bells mean.

Either of you gentlemen go forth.

Mr. NIX. I would just say in response to your question about competition, our advice and counsel to the UDF has been to stay in the game to compete. In fact, when we meet with opposition leaders, they are not allowed—we will not allow them to use the boycott word. We feel very strongly that it's in their interests to compete in this election. We've made that very clear to them.

Last week at the council meeting alluded to earlier, Mr. Kazulin made a very impassioned plea to everyone that's on the ballot to remain in the race. We believe that that will be the case.

Mr. POTOCKI. I would make two points, one in terms of the candidates. I agree with Laura in the sense that there is no pattern. But we have seen these dozen or so whom we know were not registered were young people who had done already very well in terms of running campaigns and taking part in local or parliamentary elections in the past. And so, they were people that had generated some popular support.

In terms of the boycott, we also agree that the candidates should remain in the race until the end. This is the only legal chance they have to participate and they eliminate the government's need to falsify if they drop out of the election.

And finally, I would answer Rep. Smith's question about the media monitoring. These are figures from a combination of OSCE media monitors as well as independent domestic Belarusian monitors that have been trained with National Endowment for Democracy resources.

Mr. NIX. One comment in response to your request for additional information on the events of today. Mr. Lebedka we can confirm was beaten. But he was not the only one. In addition to that, Vintsuk Viachorka, with whom you have both met many, many times, was also badly beaten as well as his teenage son. Mr. Viachorka was quoted after he was taken for treatment for the beating. He said these events are savagery. And the European Union and the United States should draw the appropriate conclusions. And I agree with him.

Mr. HASTINGS. Ms. Solis?

Ms. SOLIS. Mr. Chairman, I am just flabbergasted and disgusted from what I'm hearing. And all I could—my first thought is that we have to make public this information from the witnesses and what we've gleaned. I would be a little bit reluctant to say that ODIHR should be giving us anything now because usually that might put another effect on their authority to do their work. And we've already seen instances where much of that has already been pre-judged in other elections.

But I think anything we can do as OSCE and Members of Congress to help shed light on this, I think that's maybe a good word to use, is to really provide more transparency on what we know already. Because what you're telling me is there's not going to be a change in the elections.

And I would be very concerned about any folks that are campaigning or running for office that would be further harassed, in-

timidated or incarcerated. And I think those are expectations that, you know, if that's the way the government wants to proceed, then folks ought to just know that business is as usual and we ought to be prepared to come up with our own solutions shortly after the election.

Mr. HASTINGS. Right. I appreciate both of you.

Mr. Smith asked several questions. I think you all responded to them all. But to the extent that any were left out there, including any that I may ask our staff to forward on to you I would appreciate a response. We actively put our information now on our Web site. And so, if you do receive questions from us, your time permitting, I would appreciate it very much if you would respond accordingly.

I thank you all. My favorite expression is it's hard to apologize for working. But we do have to go and vote. And I thank you all so very much.

[Whereupon, at 4:07 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Since its independence in 1991, Belarus has been faced with a choice—whether to move forward in the direction of greater freedoms and respect for human rights, or perpetuate the Soviet model. Despite some positive steps during the early years, the situation remains rather bleak, especially for those attempting to voice views differing from the official line. For the last twelve years, since the consolidation of Alexander Lukashenka's rule, the people of Belarus have been subjected to systematic state control over society, stifling of independent media and non-governmental organizations, arrests, detentions and violence against those who peacefully challenge the authorities. This misrule has led to Belarus' self-isolation, leading it away from its rightful place among the democratic countries of Europe.

Today's hearing comes at an intriguing moment, with the release of political prisoners and Minsk's reluctance to endorse the Russian aggression in Georgia. On the other hand, the current state of affairs does not appear encouraging. From initial reports, it does not appear that we are yet witnessing meaningful improvements in the run-up to the September 28 parliamentary election, and many in the democratic opposition are already calling it an electoral farce. I very much look forward to hearing from our witnesses their assessment of the conduct of the election campaign to date. I am troubled by the very limited representation of the democratic opposition on the precinct and district election commissions and by the questionable denials of registration for some opposition candidates.

Furthermore, we have yet to witness any reversal in the Belarusian authorities' general human rights record—specifically, their poor treatment of non-governmental organizations, independent media and religious minorities. Belarus' new restrictive medial law is also cause for concern.

Nevertheless, if the Belarusian government chooses to take concrete steps towards genuine progress, I am confident that the United States will be willing to help ensure Belarus' democratic development. The people of Belarus deserve to enjoy the freedoms shared by the vast majority of their fellow Europeans.

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,
RANKING MEMBER, COMMISSION ON SECURITY AND CO-
OPERATION IN EUROPE**

Thank you, Mr. Chairman, and welcome to our witnesses and guests this afternoon.

Less than two weeks before elections to Belarus' National Assembly, President Lukashenka has given us few signs that these elections will be different from other elections held under his rule, which have fallen far short of OSCE standards. Once again, the opposition finds officials restricting its campaign activities, and opposition candidates have little access to the state-dominated media. Some opposition candidates have been denied registration, while other potential opposition candidates have suddenly found themselves unemployed.

Of course, we welcome the Belarussian government's recent release of some political prisoners, including Aleksandr Kazulin, and the inclusion of a few members of the opposition on precinct election commissions. But given President Lukashenka's record as Europe's last dictator and leading abuser of human rights, we shouldn't create false hopes that these gestures portend a new springtime for democracy in Belarus.

In his long tenure as President of Belarus, Lukashenka has liquidated his country's democratically elected parliament and conducted a series of phony, stage-managed elections. His government has trampled on elementary human rights such as freedom of expression, association and assembly. He has harassed and arrested opposition activists, closed down NGOs, stifled the independent media, and restricted religious freedom. I particularly recall the "disappearance" of several opposition leaders in 1999 and 2000—people who have never been seen since and whose cases have never been solved.

The catalog of Lukashenka's crimes is all the more reason for our government to stand by the suffering people of Belarus. We have to continue to support the efforts of brave Belarussians to build their civil society and to break Lukashenka's media monopoly. Here our government has a vital role to play, by technically and financially supporting international broadcasting that provides Belarussians with objective news about their country.

In recent years I have met many Belarussian democrats and human rights activists and am convinced that the Belarussian people will take back their country and integrate it into the family of democratic nations—and that this will happen sooner than Lukashenka thinks.

PREPARED STATEMENT OF HON. DAVID J. KRAMER, ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. Chairman and distinguished Members of the Commission, I am honored to appear before you today to discuss the state of democracy and human rights in Belarus and commend the Commission for its engagement on this important subject. Your active interest has ensured that a strong message of solidarity has been sent to the Belarusian people from both the legislative and executive branches of the U.S. Government. The Belarus Democracy Reauthorization Act, which some members and staff of this Commission have been instrumental in moving forward, has given the Administration a key tool in formulating policy toward Belarus. I also wish to applaud the vital work that the National Endowment for Democracy, the International Republican Institute and the National Democratic Institute have done to help support democracy in Belarus from the grassroots.

Mr. Chairman, given the recent release of all political prisoners and the upcoming parliamentary election September 28th, this hearing comes at a time of opportunity for Belarus. If the Government of Belarus shows that it is truly committed to democratic reform, we will have the possibility to develop a more robust relationship between our two countries. As we have said many times, we would like to have a different relationship with Belarus—one that is based on mutual respect for internationally recognized norms and the human rights of the people of Belarus. For an improved relationship to be possible, Belarus must truly abide by its commitments as a member of the Organization for Security and Cooperation in Europe to respect human rights and fundamental freedoms and democratic norms.

The release of all political prisoners in Belarus is an encouraging step in this direction. Former presidential candidate, Al'vaksander Kazulin, was freed from prison on August 16th, over two years after his arrest and conviction on charges of alleged hooliganism at a protest after the fraudulent March 2006 presidential election. The Administration, from President Bush on down, including our Embassy in Minsk, pressed hard for his release and met numerous times with his late wife and daughters. I truly regret that Irina Kazulina, herself a brave fighter for human rights, did not live long enough to see her husband freed. And on August 20th, Belarusian authorities released the last two political prisoners: businessman Syarhey Parsyukevich and youth activist Andrey Kim, Mr. Parsyukevich and Mr. Kim had been imprisoned on charges stemming from a demonstration held in January 2008 to protest new government restrictions on businesses. Earlier this year, the Government of Belarus released five individuals, internationally recognized as political prisoners—Andrey Klimov, Dmitry Dashkevich, Artur Finkevich, Nikolay Avtukhovich and Yuriy Leonov. Freeing all eight prisoners is a meaningful step forward. Of course, we also are looking to Belarus authorities to respect the human and civil rights of all Belarusian people, in particular the freedoms of assembly and expression, including respect for an independent media. We hope the Government of Belarus shows a true, sustained commitment to democratic reform and respect for human rights.

As we have discussed many times with the Belarusian authorities, the release of Mr. Kazulin and the other two political prisoners provides the opportunity for the United States and the European Union to start a dialogue with the Belarusians about ways to improve relations. My colleague, Deputy Assistant Secretary for European and Eurasian Affairs, David Merkel, traveled to Minsk August 21 to 23 to explore the possibilities for a real dialogue between our two governments, as well as to deepen our contacts with the democratic opposition. Merkel's was the first visit at this level by a U.S. official since my last trip to Minsk in April 2007, when I held that same position. Following Merkel's visit, the Department of State, in coordination with the Department of the Treasury's Office of Foreign Assets Control (OFAC), approved a six-month suspension until March 2009 of sanctions against two subsidiaries of Belarusian state-owned-enterprise Belneftekhim. We will watch Belarus closely to determine whether to extend this suspension and take other such steps.

The release of political prisoners shows that the United States and the European Union can be effective in bringing about change when we are united. We regularly coordinate with our European allies on the situation in Belarus (in fact Deputy Assistant Secretary Merkel has been in Brussels yesterday and today doing just that) and have been united in our desire for the unconditional release of political prisoners in Belarus and for the authorities to respect the human and civil rights of the Belarusian people. While we have had occasional tactical differences on how best to approach Belarus, there is no question that the United States and the European Union share the goal of seeing a democratic Belarus assume its rightful place as a fully integrated member of the international community.

The United States and the European Union have had a dual-track approach to Belarus. We strongly support civil society, NGOs, and other democratic forces in Belarus, while we take action against those whom we hold responsible for electoral fraud, human rights abuses, and corruption. We also are working closely with the European Union to urge Belarus to live up to its obligations to its people to allow an open and transparent electoral campaign process and hold free and fair parliamentary elections later this month.

Free and fair elections depend only in part on the conduct of the actual balloting and vote tabulation. Both we and the European Union have emphasized the need for Belarus to make significant progress in improving conditions throughout the electoral process. Key concerns include full access for OSCE observers, including to the voting process and ballot count, registration of opposition candidates, access to the voters and media for all candidates, and participation of the opposition in electoral commissions at all levels.

In previous Belarusian elections, OSCE concluded that fundamental freedoms of association, peaceful assembly and expression were disregarded. During its initial assessment of this election environment OSCE has found no evident progress in these areas. OSCE has numerous times also provided recommendations to the government to improve the conduct of elections in Belarus in line with OSCE commitments. However, the authorities have not taken any significant steps to address these recommendations.

The lack of opposition representation on precinct election commissions, and allegations that employees of regime-named candidates serve on the commissions, are of serious concern to us. Candidate registration offers a somewhat better picture, with approximately 78 percent of opposition candidates being registered, albeit below the 83 percent opposition registration rate in the 2004 elections. However, the registration appeals process added only eight more registered parliamentary candidates out of a possible 52 denied registration.

In addition to the conduct of elections in Belarus, another key issue in improving the relations between the U.S. and Belarus is Belarusian authorities' treatment of imprisoned U.S. citizen Emanuel Zeltser. Mr. Zeltser was arrested in March of this year and later convicted in a secret trial on charges of using false documents and economic espionage. Despite our many repeated requests, we have been allowed consular access to Mr. Zeltser only five times and were denied access to his closed trial. And despite our many efforts, including facilitating an exam by an American doctor and even bringing his medications to prison officials, Mr. Zeltser reports he has not been allowed access to all his prescription medicines or their comparable Belarusian equivalents. Our consular officer and the American doctor reported such a severe deterioration to his health since his imprisonment that we have requested Mr. Zeltser's release on humanitarian grounds. With a real possibility for a significant improvement in the relationship between U.S. and Belarus, we hope there will be a quick, humanitarian resolution in Mr. Zeltser's case. We will continue to request consular access to Mr. Zeltser to monitor his welfare as well as press for his access to his prescribed medicines. And as long as Mr. Zeltser's welfare remains endangered, we will continue our call for his humanitarian release.

No matter what relationship we have with the Government of Belarus, we have and will continue to provide assistance to empower the Belarusian people so that they may determine their own future. We strive to build NGO capacity to increase public participation; bolster the capacity of democratic political parties to unify, strategize, organize and connect with constituents; and strengthen independent media and expand access to objective information.

Radio Free Europe/Radio Liberty's Belarus Service remains a leading international broadcaster, providing programming in the Belarusian language. The Service's new television program has recently been placed on a Polish-led, satellite television channel. In addition, Voice of America broadcasts are available in Russian to audiences in Belarus. Recent assistance successes include our work with five Belarusian umbrella organizations, and our programs supported the development of an NGO "map" to analyze civil society trends, improve strategic planning and enhance donor coordination. We also have supported the ability of an external radio project to improve its program content and expanded its internet audience to over 16,000 hits per month—that represents a four-fold increase in the number of unique visitors each day to the site since 2006. And we are supporting a Polish-led effort to broadcast television to Belarus via satellite. It is with this assistance that the National Endowment for Democracy, the International Republican Institute,

the National Democratic Institute and our other non-governmental partners have been so critically helpful.

In closing, as President Bush has said, "The United States will continue to stand with the people of Belarus and all those who are working to help Belarus take its rightful place in the community of democracies." Our policy toward Belarus has never been driven by Minsk's relationship with Moscow, whether warm or cold. Instead, our policy has been driven by the Government of Belarus's treatment of its own people. We have shown our determination to take action against Belarus officials responsible for human rights abuses, assaults on democracy, and state corruption. The targeted sanctions and penalties we have imposed are not directed against the people of Belarus. With the release of all political prisoners by the Government of Belarus, we have begun a review of these sanctions and are allowing certain transactions to move forward. We never have sought regime change per se, merely a change in regime behavior, and we hope we are seeing positive signs of such a change. Again, we hope the Government of Belarus shows a true, sustained commitment to democratic reform and respect for human rights, so that we have the opportunity to move our relationship forward. It is my hope that we will look back on this year as the time when relations between Belarus and the United States got back on track.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF LAURA JEWETT, REGIONAL DIRECTOR, EURASIA, NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Mr. Chairman and Distinguished Members of the Commission:

Thank you for this opportunity to comment on the political situation in Belarus during the run-up to its September 28 parliamentary elections. These elections may turn out to be significant, but not for the reasons usually ascribed to elections. They will not produce a representative parliament that will legislate on behalf of constituents' interests, which is the outcome expected of democratic elections. They are also unlikely to cause a dramatic transformation in the Belarusian political system, which has been the outcome of popular reactions to some fraudulent elections in the region in recent years. In short, these elections will not likely be remembered for having brought democracy to Belarus. They are more likely to be remembered for their role as both an agent and a barometer of improvements in Belarusian relations with the West. They are also noteworthy because of the opportunity they provide to Belarusian democrats to organize and build support for alternative political viewpoints. If Belarusian relations with the West do, in fact, improve and if the democratic opposition makes the most of its opportunities—limited though they may be—the long-term prospects for Belarusian democracy may brighten slightly.

Belarus has yet to organize an election that meets even minimum international standards. The Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) has observed elections in Belarus in 2000, 2001, 2004 and 2006. The ODIHR reports have repeatedly concluded that the elections have fallen well short of OSCE commitments, noting concerns about deficiencies in the electoral law; government control of election commissions; restrictions on candidates' access to the ballot; government interference with campaigning and intimidation of candidates; constraints on freedom of expression, assembly and association; arbitrary implementation of laws; biased news media; voting procedures that are conducive to abuse; and restrictions on domestic and international observation. These were elections in name only.

There is not a single opposition deputy in the outgoing parliament, which was elected in October 2004. Freedom House ranks electoral processes on a scale of one to seven, with one being the best score. In its 2008 Nations in Transit report, Freedom House gives Belarus a seven.

The September 28 elections are not likely to break what is by now a well-established pattern. The regime in Belarus is one of the most repressive in the former Soviet Union. Over his 14 years as President, Alyaksandr Lukashenka has steadily consolidated all political power in his office. The political environment is simply hostile to competitive, participatory elections. I would like to highlight just a few of the many adverse conditions.

Belarusian citizens lack access to independent sources of news with which to make informed political choices. The government has passed repressive media laws and licensing rules. The broadcast media are all government-controlled. Independent journalists have faced specious libel suits, harassment and imprisonment. News-

papers have encountered discriminatory pricing for printing and distribution as well as arbitrary closures. Even the internet—for a while the only reliable source of alternative information—is now under threat, as the government has passed a law that requires all Belarusian online media to register with the government.

Most forms of independent political activity, including NGO and political party organizing, have been repressed. December 2005 amendments to the criminal code made operating an unregistered organization punishable by up to two years in prison. In Belarus, registration is reserved only for the organizations most loyal to the government, so these provisions constitute a serious threat for many civic groups. They were employed liberally in the run up to the March 2006 presidential election. For example, on February 21, 2006, several civic activists partnering with NDI were accused of “illegally running an unregistered organization” and sentenced to prison for periods from six months to two years. The organization in question, called Partnership, was a nonpartisan domestic monitoring organization that had adhered to the highest ethical standards when observing elections. Partnership’s repeated efforts to get registered were denied. The government’s prevention of nonpartisan election observation by its citizens violates rights guaranteed by the Belarusian constitution, the Belarusian election law, and international obligations, including commitments under the OSCE and the International Covenant on Civil and Political Rights.

Opposition political parties have faced particular obstacles. The government has arbitrarily de-registered some parties and closed down regional branches of others. Party activists are regularly fired from jobs, expelled from universities, and sentenced to prison terms on manufactured charges, such as using obscenities in public. In 2006 and 2007, authorities closed down two small parties, the Belarusian Labor Party and a women’s party, Nadzeya (Hope), both for failure to comply with registration requirements—that is, insufficient membership and lack of the required number of regional branches. The Belarusian Party of Communists, a major opposition party, was suspended for six months last year for similar reasons. The threat of arbitrary liquidation is just one of a large assortment of tools the government has used to prevent parties from gaining a foothold.

NDI’s own experience, alongside that of other international democracy assistance organizations, is evidence of the harsh environment. NDI has conducted democracy assistance programs in Belarus since 2000, partnering with citizens who want to build democratic political institutions. Yet the Institute is unable to open an office inside Belarus and staff are unable to get visas to travel to the country. Programs are conducted from an office in Kyiv, Ukraine. Belarus and Tajikistan are the only countries in the former Soviet Union that have prevented an NDI presence.

There are no quick fixes to the repression and resulting underdevelopment of independent media, civil society and political parties in Belarus. These are entrenched features of the political environment. When we look back on the 2008 parliamentary elections and compare them with their predecessors, it is a safe bet that we will see more continuity than discontinuity.

That said, there are signs of a mild thaw in U.S.-Belarusian relations, which may find reflection in some aspects of this month's electoral process. After years of isolationist policies, President Lukashenko appears to be reaching out to Europe and the U.S.—albeit tentatively and with due consideration to repercussions from Russia. The August release from prison of Alyaksandr Kazulin, Sergei Parsyukevich and Andrey Kim is the most concrete example. In response, the U.S. government has partially lifted economic sanctions.

The conduct of the upcoming elections will serve as another measure of the government's intentions. The following six items would be indicators of relative improvements to the process:

1. The territorial election commissions have registered 77 of the 110 unified-list candidates who applied, a ratio of roughly two-thirds, which is a mildly positive sign. Will any of these 77 be de-registered for minor infractions—such as spelling errors in application documents or improper placement of campaign booths—before they make it onto the ballot?

2. Of 1,430 district election commissioners, 36 are from the opposition. Of 69,845 precinct election commissioners, 41 are from the opposition. Opposition representation on election commissions is thus miniscule. Nonetheless, are these individuals being allowed to exercise their rights and responsibilities?

3. Do candidates have the freedom to conduct active campaigns? This would include the freedom to travel throughout their districts and to conduct campaign activities in locations accessible to voters. It would preclude arbitrary arrests and detentions of candidates or their teams, dismissals from jobs, and other forms of intimidation or pressure.

4. Do candidates have access to the government news media beyond the mandated five minutes of free television and radio time? This would include invitations for interviews, coverage of events and opportunities to respond publicly to any coverage.

5. Are domestic and international observers granted accreditation and full access to all stages of the electoral process, including the vote count and tabulation?

6. Are complaints about the process given due hearing by the appropriate electoral or judicial bodies and are violators prosecuted?

If the answer to most of these questions turns out to be “no,” we can conclude that these elections are “business as usual” in Belarus. If the answers turn out to be “yes,” it would not necessarily suggest that the elections are legitimate, but rather that the government of Belarus is making at least a modest effort to respond to U.S. and European concerns with the aim of getting sanctions lifted and improving its positioning with respect to Russia. That effort could, in turn, open slightly more space in the country for democratic political organizing.

These elections also provide a narrow but important opportunity for the democratic forces in the country to take advantage of limited political space by articulating an alternative vision for Belarus and building public support. It has been encouraging to see some progress in the opposition's efforts over time.

- Since the 2004 parliamentary elections, the United Democratic Forces (UDF) has emerged as a national umbrella organization representing a large majority of opposition groups.
- The UDF has regional “branches” including all major parties and NGOs in six of Belarus’ seven regions.
- This year, the UDF branches agreed on a list of unified candidate for each of the 110 electoral districts to avoid splitting the opposition vote, as has happened in the past.
- The regional branches selected the candidates in a decentralized, participatory and deliberative process.
- A broad national civic movement called For Freedom has formed with the mission of promoting democratic elections within Belarus. The UDF and For Freedom have cooperated on nominating representatives to election commissions.

These achievements are impressive in the highly restrictive Belarusian setting. Regardless of the conduct and outcome of the September 28 elections, they have already helped to lay a foundation for democratic development in the future. The skills and methods used will be applicable whenever new political space opens.

NDI approaches democracy assistance in Belarus as a long-term process. No single election will deliver the final result. The September 28 elections provide an opportunity for incremental progress, due to the broader international context and the efforts of Belarusian democrats. We should encourage those trends while keeping in check expectations for dramatic, immediate change.

NDI appreciates the efforts of Congress to support the people of Belarus in establishing a full democracy, the rule of law, and respect for political and civil rights. We value the role of this Commission in defending human rights and respect for all elements of the Helsinki process, and in promoting a cohesive U.S. and European position toward the government of Belarus.

Thank you, Mr. Chairman and Members of the Commission.

PREPARED STATEMENT OF RODGER POTOCKI, DIRECTOR, EUROPE AND EURASIA, NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. Chairman and Distinguished Members of the Commission:

Thank you for the opportunity to comment on the political situation in Belarus prior to its September 28 parliamentary elections. The regime in Minsk has adopted a different approach to the elections, in comparison to the 2004 contest, but the changes are of style, not substance. Belarus has not held a free or fair election since Alexander Lukashenka was elected president 14 years ago. From the 1996 constitutional referendum to the 2006 presidential elections, the regime has been rightly charged with obstructing election monitoring, manipulating and falsifying tallies, and repressing opposition candidates. This time around, the thrust has changed, but the end result will almost certainly be the same.

To win Transatlantic political and economic concessions, the regime is altering the way it conducts elections in three ways: by allowing international scrutiny, asserting technical improvements, and moderating the campaign climate. The changes are tactical, but they are directed at achieving a familiar outcome. In the past, Lukashenka cared little about Western outcry over the regime's lack of restraint in persecuting the opposition and falsifying elections. The regime's new business plan is to try to minimize international condemnation of and encourage domestic apathy about what is already a flawed process. Lukashenka wants a "quiet election" that will advertise "progress" on several fronts and can be sold to the West, while still producing the predictable outcome.

SELLING ABROAD

The regime's first adjustment towards muting international criticism has been to open up the elections to the outside world. Unlike Russia, Belarus has welcomed international monitoring of the upcoming elections. As compared to previous contests, Minsk has issued invitations in a timely manner and not refused visas to observers. In contrast to 2004, the regime has been less obstructionist, granting the OSCE mission access to the highest levels of government. Lukashenka has declared: "We want to show western countries and Russia how elections should be organized."

This election is being orchestrated primarily for US and European consumption, with the primary purpose of improving Belarus' international image. The country's top election official has made it clear that the Central Election Commission's primary goal is to "have the results be recognized by the international community." The acceptance of and focus on international observers also helps generate legitimacy amongst the 71 percent of the population that thinks the election should be monitored. But just as importantly, the regime's detente with the international community seeks to divert citizens' attention away from the election's domestic aspects. The country's airwaves and newspapers have been flooded with pieces on Europe, not the elections. Close to a third of the state-controlled media's election coverage has centered on the international monitors, not the candidates or races.

The regime's spotlight on the international has been carefully focused. In terms of international monitoring, it has concentrated on the more friendly CIS observers. During the second week of August, the state news agency Belta devoted four times as much coverage to the CIS monitors than to their western counterparts, but there has been almost no official coverage of domestic observation efforts. The CIS mission has been careful to reinforce the "quiet election" being organized by the regime. Its Russian head declared: "The preparations for the parliamentary election in Belarus are going on in a calm manner, just as planned."

Like the government, the leadership of the democratic opposition has also recognized the paramount role of the international community. By focusing much of its efforts on competing with the regime for Western attention, instead of campaigning, the opposition is also deflecting the electorate's attention away from domestic issues and races. OSCE observers describe the ongoing campaign as "noiseless," and a domestic observer declared that "there has never been such a 'quiet campaign' in Belarus." Calls for a boycott by some in the opposition also threaten to turn the election into exclusively an international show. As the first interim report of the OSCE/ODIHR mission reported, there is "very little evidence" that an election is actually underway in Belarus.

BETTER BUSINESS PRACTICES?

The second tack to temper international dissatisfaction with the election process is the regime's focus on organizational and technical matters, rather than political contests. Lukashenka has declared that "we want the elections to be held in an open and democratic way so that nobody will be able to criticize us." It comes as no surprise that the Central Election Commission is pointing to procedural improvements as evidence of Belarus coming "closer to international standards." Chairperson Lidia Yarmoshyna pointed out, for example, that the CEC has received a total of 275 complaints since the parliamentary campaign began, as compared with 888 complaints during the last parliamentary campaign. The CEC has touted accrediting more observers and registering a greater percentage of candidates as successes in preparing for the elections. The CIS monitoring mission has praised the Belarusian authorities for successfully "securing the proper organization of the election process."

Cosmetic changes in routine do produce good publicity, especially if the state controls the media, like in Belarus. If this election is perceived as more efficiently run, it gives the appearance of being more democratic. A focus on procedures helps to influence the more than one-third of voters who consider the country's election code as flawed and do not believe this election will be free or fair.

Similarly, the state-run media's election coverage is reporting on those who are running the election, not those running in it. During the second half of July, the state-controlled media devoted more than 70 percent of its coverage on the parliamentary elections to President Lukashenka. During the first half of August, the state's leading daily, *Soviet Belarus*, dedicated 90 percent of its election coverage to the president and the CEC. *Gomel Pravda*, a regional

newspaper covering 17 election districts, managed to top that figure, allotting 99.82 percent of its space to the president and CEC.

The regime's depiction of the election as a series of well-organized procedures helps to promote "calm" because it diverts attention from competing candidates, parties, platforms or issues. As an independent media monitor noted, "When we watch a play, the director is not present on the stage. So far, we have only seen the director, lighting technicians and bit players, not the actors themselves, that means the parliamentary candidates and their voters, the main actors in the election process. The state media writes very little about these actors."

An orderly election also contrasts nicely with a democratic opposition that is painted by the regime as illegitimate, disorganized and riven by conflict. Protests by the opposition against procedural irregularities are being used by a regime which bases its legitimacy on stability to accuse the democrats of being unruly and disturbing the peace. The Central Election Commission has declared, for example, that criticism over the formation of election commissions is part of a strategy aimed at preventing the campaign from being as quiet "as we would like it to be." By spending more time tussling with the regime over election procedures than campaigning, the opposition has contributed to the regime's priority of conducting a "well-ordered" election. The state's actions and its media coverage are not designed to inform voters but to influence foreign observers. They foster mass indifference, and preserve the political status quo. According to one OSCE employee, the most important thing for the regime—and apparently the opposition as well—is how this election looks to the West, not how it affects Belarusian citizens.

TARGETED ADVERTISING

The third means to insure a "quiet election" is to temper political noise at home. The regime has made an effort to moderate its repression against the democratic opposition. Candidates report that the current election environment is appreciably better than that of 2004, when the regime barely cared about international opinion and made little pretense in allowing any semblance of competition. The state-run media's coverage has improved in the sense that there has been less vitriol flung at the opposition. This time around there is no climate of fear. There is some truth in the claim by the secretary of the Central Election Commission that "The campaign is being carried out peacefully, in a quiet manner."

But again, this is a change in approach by the regime, not a change in direction. Heavy-handedness has been shelved for subtlety. Brute force has been set aside in favor of low-level harassment, and intimidation has been replaced by fostering indifference. While purposely raising the international profile of the elections for its own purposes, the regime's game plan at home has been to play down the elections.

Before the campaign began, the regime made sure to eliminate many of the opposition's troublemakers. As my colleagues have pointed out, leading representatives, including former statesmen, government leaders and VIPs, were left off of election commissions. A dozen of the opposition's "rising stars," who had previously run

strong campaigns and developed popular support, were not registered as candidates.

Those who made it past the procedural hurdles of registration have not been subjected to the full force of the state's repressive apparatus. Rather than being beaten or arrested, as in 2004, they or members of their campaign teams have been forced to undergo tax inspections, expelled from university, fired from their jobs, drafted into the army and subjected to other forms of pressure by the authorities. The regime hasn't abandoned the use of force, just ratcheted down its intensity. In fact, because the regime wants this election to come off well, most of the election-related arrests have been of those advocating a boycott or, as one judge put it, "an unsanctioned event." Yes, in Belarus, even boycotts must be approved by the state.

To foster indifference among the populace, the state-run media has played down the elections. From July to August, election-related coverage actually decreased. The state broadcast media has devoted more time to reporting on the weather than the elections in spite of the fact that, as one media monitor quipped, "there were no floods, storms or tsunamis in our country." It has devoted almost zero coverage to opposition campaigns. As late as the last week of August and first week of September, Soviet Belarus and The Republic, two leading state dailies, provided no positive or no negative reporting on political parties—they simply ignored them. During the same period, a leading news program on state TV devoted less than three percent of its election reporting to an anonymous opposition and anonymous political parties. There is no mention of the elections as a choice between different candidates, political platforms and possible paths of social, political and economic development. State radio rejected the opposition's request to hold candidate debates. Another independent monitor was discouraged to see that "except for the publication of political programs in the newspapers and short advertisements on television and radio, there is literally no election campaign going on in the media."

Finally, the regime has used its administrative resources to limit the public outreach of opposition campaigns and silence competition between different political visions. Candidates' television addresses were broadcast during rush hour, from 5:30 to 6:30pm, when working people were still commuting home. They appeared not on national TV, but on regional channels, which less people watch. The state provided the equivalent of \$800 to each candidate for campaigning. This is the only funding that can legally be used to get out his or her message. Meetings with voters have been restricted to only a few, out of the way places, such as parks where dogs are allowed. Candidate materials are only allowed to be posted on isolated billboards. The regime's goal is to make the elections unnoticeable for the general public and to prevent any political excitement among common people. Citizens will be encouraged to go to the polls without knowing their choices, and the regime is doing all it can to keep a tight rein on those who might disturb the ritualization of voting that still exists in this post-Soviet state.

Mr. Chairman, during Soviet times, Belarus was known as "The Quiet Republic." The regime is doing all that it can to make this a "quiet election," palatable to the West. But "the sounds of silence"

emanating from Minsk insure that this will not be a free and fair election. To answer the question in the title of this hearing; it's not business as usual in Belarus this fall, but a scam is still in the works. Thank you.

PREPARED STATEMENT OF STEPHEN B. NIX, REGIONAL PROGRAM DIRECTOR, EURASIA, INTERNATIONAL REPUBLICAN INSTITUTE

Mr. Chairman, I wish to thank you for the opportunity to testify before the Commission today. I want to first comment on the title for today's hearing "Belarus on the Eve of the Elections—Business as Usual?" Unfortunately, I fear that this is an aptly appropriate title for this pre-election period. Sadly, the government of Belarus has a track record of denying its people their fundamental right to have their voices heard through the ballot box, and we fear that this election will prove to be no different.

A view of the history of elections in post-soviet Belarus is sobering. After gaining independence in 1992, the first parliamentary elections were held in 1995 and democratically elected Members of Parliament rightfully took their seats in Parliament. This bright period of democracy lasted a scant year, and in 1996, President Lukashenko dissolved the elected parliament and a new Chamber of Representatives consisting of 110 members loyal to Lukashenko was appointed.

Parliamentary elections were next held in 2000 and OSCE observers declared that they "failed to meet international standards for democratic elections." The 2004 elections fared no better. The OSCE declared "parliamentary elections in the Republic of Belarus fell significantly short of OSCE commitments. Universal principles and constitutionally guaranteed rights of expression, association and assembly were seriously challenged, calling into question the Belarusian authorities' willingness to respect the concept of political competition on a basis of equal treatment . . . Belarusian authorities failed to create the conditions to ensure that the will of the people serves as the basis of the authority of government. . . ."

According to exit polling conducted by the Gallup Organization and IRI, the results showed that Lukashenko's proposal to change the Belarusian Constitution to allow him to seek a third term did not have the support of a majority of the voters and would not have passed. Moreover, based on the exit polling, Belarusians did not simply vote against Lukashenko, but voted demonstrably for pro-democratic candidates running for parliament. According to our polling, twenty-two pro-democratic candidates would have won seats had the votes been fairly counted and reported, but as you know; no members of the opposition were allowed to take seats.

Mr. Chairman, due to recent actions by the regime in Belarus, there appears to be cautious optimism by the international community that Mr. Lukashenko is taking steps to improve relations with West and to lighten his grip on the opposition. In the past month, we have witnessed the release of the final three remaining political prisoners in Belarus; including former presidential candidate Aleksandr Kozulin. We herald the release of these brave men, but it behooves us to question the motives behind their release. Lukashenko has a history of making overtures to the West when it suits his interests or he faces challenges from Russia; and it did not go unnoticed that Mr. Kozulin's release came one day after Russia rebuked Belarus for not publicly supporting Russian actions in the South Ossetia and Abkhazia conflict. In addition, it should be noted that the release of Mr. Kim and Mr. Parsyukevich came one day after

Lukashenko's closed door meeting with President Medvedev in Sochi.

While the release of these political prisoners is a positive step, we must remember that this action by the regime is singular in nature, and falls far short of the list of requirements for increased diplomatic engagement that have been set by both the European Union and the United States. We must be careful not to view the upcoming elections through rose-colored glasses and must be increasingly on guard to monitor both the pre-election as well as election day events.

In assessing whether these elections will be free and fair, or "business as usual," it is instructive to review the factors which the OSCE has stated contributed to the failure of past elections:

1. THE EXECUTIVE APPARATUS MAINTAINED CONTROL ON ELECTION COMMISSIONS;

There are 110 district election commissions (one for each district which elects a Member of Parliament) with a total membership of 1430 seats. Out of these 1430 seats, the opposition was only allowed appointment to 44 seats; representation of only 3.1%.

Next, there are a total of 6,485 precinct commissions which comprise between five and 19 members each and total of 69,845 open seats. Of these 69,845 open seats, the opposition was only allowed appointment to 48 seats; 0.07 percent of the total membership of election commissions.

Mr. Chairman, let me be very blunt: if the regime in Belarus was interested in running free and fair elections, it would ensure that all the votes are truthfully counted. However, when only .07 percent of the precinct election commissions—the very commissions where the votes are actually tabulated—are opposition members; this is evidence enough that the regime has every interest in controlling the voting results.

2. CANDIDATE REGISTRATION PROCEDURES WERE ABUSED TO PREVENT UNDESIRABLE CANDIDATES FROM PARTICIPATING IN THE ELECTIONS, LIMITING VOTERS' CHOICE;

It is fair to ascertain that Lukashenko realized that it was in his best interest to allow a large number of opposition candidates to become registered in order to give the international community the false impression that he is allowing a fair playing field. The regime knows that it has other ways to control the candidates and the voting results, as I just mentioned.

Before the candidates were registered, IRI received numerous reports that potential opposition candidates were being dismissed from their jobs or expelled from university. One of the most outrageous reports of repression against candidates is as the case of Alexander Mekh, who works for Belarus' profitable pipeline transit company Beltransgaz. Mr. Mekh was fired for his political activism, and managed to tape the conversation; a copy of the full transcript is attached. During this conversation, Mr. Mekh is pressured to stop his political involvement or lose his job. His boss tells him, "You are a clever man, you just think what you are doing?! You will not have income, how will you provide for the family?! You

won't start a business. No one will employ you in Kobryn. This is dead end!"

On August 29, the CEC announced that only 276 out of 365 people were registered as candidates for the elections; this number is less than both the 2000 and 2004 elections. 51 candidates who were denied registration appealed and only 8 of these were re-instated. In summary, since 365 people were seeking registration, this means that 25% were denied the right to even be on the ballot. Of the candidates registered, only 78 are opposition members. With 110 electoral districts, this means that voters in approximately 29% of the districts aren't even being allowed a choice; if they vote, they have no option but to support the regime's candidate.

Once again we see that candidate registration is a convenient way for the government to remove "undesirable"—meaning opposition—candidates with strong support. The case of Ales Lahvinets, an activist of "For Freedom" movement, is illustrative. After Mr. Lahvinets's appeal for registration was denied, the CEC chair Lydia Yermoshina told him: "No one should ever lecture the CEC. It costs dearly."

Lukashenko has also recently made overtures that during this election it may be possible that a few opposition members are elected. We must ask ourselves: does this constitute democracy? Does "allowing" a few opposition members to take seats satisfy U.S. calls for free and fair elections?

3. CAMPAIGN ACTIVITIES WERE REGULATED EXCESSIVELY, LIMITING CANDIDATE PERFORMANCE;

One way the regime can subtly regulate opposition campaign activities is by showing bias towards regime-supporting candidates. Viktor Ivashkevich, a BPF member and candidate hopeful who was not allowed registration, was told by voters in his constituency that signatures for the regime-supporting candidate in his district were forcibly collected from students at a local high school and college.

Other candidates complain of restrictions on printing their election materials. By law, each registered candidate is given \$830 by the government with which to create campaign materials. Opposition candidates have reported trouble getting printing houses to publish their campaign leaflets. Alyaksei Haurutsikau, registered candidate in Vitsebsk, had his documents refused by his regional printing house, yet publications of the pro-regime candidate in his district were published without problem. These are only two examples of numerous violations which are being reported every day.

4. SIGNIFICANT RESTRICTIONS ON THE FUNDAMENTAL FREEDOMS OF EXPRESSION, ASSEMBLY AND ASSOCIATION HAD AN INTIMIDATORY AND CONSTRAINING EFFECT ON THE CAMPAIGN;

In Belarus, there is a law against mass gatherings, which means that any group of more than two people must receive government permission to assemble. This law is largely used to control opposition meetings with supporters and voters. In August, the CEC actually published a list of "approved" venues where candidates can meet with voters. These venues range from a dance club to a meadow. Candidates were reminded by Lydia Yermoshina, head of the

CEC, that candidates would have to receive permission in the event they wanted to meet with voters in any venue not listed, including dialogue on the street. This completely hinders effective voter outreach by the candidates.

An example of this is Anatol Bukas, a candidate in Barysau, who reported that the local authorities didn't schedule the first meeting for voters with registered candidates until September 9; thus limiting their campaign to only two weeks. Furthermore, he also was warned by officials that they should review and approved the message to be delivered to voters beforehand.

5. HEAVILY BIASED STATE-CONTROLLED MEDIA DOMINATED THE ELECTRONIC AND PRINT SECTORS, AND NO EFFECTIVE COUNTER-BALANCE WAS PROVIDED BY THE INDEPENDENT MEDIA. IN THE END, CANDIDATES HAD VERY LIMITED ACCESS TO THE MEDIA;

By law, each candidate is entitled to limited coverage in the official news media consisting of five minutes of TV time, and five minutes of radio time. They are also entitled to limited access to print media, consisting of the ability to print one statement no longer than two typed pages in one official newspaper which is determined by CEC. However, the government continues to censor the information of opposition candidates. For example, "Respublika," an official newspaper of the Council of Minister of Belarus, refused to publish election programs of three UCP candidates on the grounds that they contained negative estimates of Belarus' political and economic situation.

On September 5, the addresses of candidates for deputies in the Chyhunachny constituency in Vitsebsk were scheduled to be televised. The first address by the pro-regime candidate went without problems. The second address was by opposition candidate Andrei Lyavinou; however, during his speech the sound disappeared "suddenly" as he made the following statement to voters "I urge you not to take part in the early vote. The procedure of early vote does not guarantee the principle of transparency: for the entire 5 days the ballot box is not under control of the district elections commission, observers and mass media since 5 p.m. each day." Miraculously, sound was suddenly restored when it was time for the third candidate and regime supporter to make his speech.

6. PROVISIONS FOR EARLY VOTING, MOBILE BALLOT BOXES, THE VOTE COUNT AND AGGREGATION OF RESULTS, FAR SHORT OF MINIMUM TRANSPARENCY REQUIREMENTS FOR INDEPENDENT VERIFICATION.

The main avenue for the regime to falsify elections occurs during the early voting period. In Belarus, voting begins five days before the actual election day. During this period, we anticipate that the regime will not truly count the votes. It will, as it has done in previous elections, manufacture votes for pro-regime candidates.

CONCLUSION:

Mr. Chairman, it appears that once again it is "business as usual in Belarus" and that the odds are overwhelming stacked in the regime's favor. Yet even in the midst of this repressive culture, the Unified Democratic Forces, a coalition of pro-democratic activists in

Belarus, is ardently striving to offer voters an alternative to the Lukashenko regime.

Since 2007, the UDF has been drafting and implementing their strategy for these elections. The cornerstone of this strategy was the development a single, unified list of candidates to run for each of the 110 seats on the Chamber of Representatives. The UDF's goal was to maximize resources and support to ensure they had one strong, capable candidate representing the UDF in each electoral district. Each UDF candidate on the unified list was chosen through a primary, caucus or some other democratic method in each district. Unfortunately, only 78 of these candidates have been registered.

The UDF has used data derived from polling and focus groups, to create a joint campaign message for all of the UDF candidates to run under. Polling data evidenced that voters are most concerned about the worsening economic situation in Belarus: rising prices, inflation, low standard of living, the cut in social benefits, and unemployment. The goal of the UDF's campaign message is to prove to voters that they are a viable alternative to the Lukashenko regime, and that they have concrete ideas of how to bring positive change to the country. The campaign message is entitled "Power for the People, and not People for the Power." The concept of the campaign message is that the current Chamber of Representatives in Belarus holds no real power, and serves as a rubber-stamp for President Lukashenko. The UDF's goal is to remind voters of their rights as citizens, and that positive change and solutions to the worsening economic situation can only take place if the people have a voice in government; including, the ability to elect members of parliament who can enact change.

Mr. Chairman, if elections in Belarus were free and fair, I truly believe that the UDF would be represented in the parliament. IRI's polling demonstrates that the citizens of Belarus are ready for a change. When asked to choose between a parliamentary candidate that supported change or a candidate that supported the status quo in Belarus; respondents indicated by a two-to-one margin that they would support a candidate for change. When asked whether reforms in Belarus were necessary, the responses were overwhelmingly affirmative: 83% said yes to reforms for the economy; 82% said yes to reforms in social welfare; 62% to reforms in politics; 85% to reforms in healthcare; and 71% to education reforms. The voters in Belarus clearly desire change and they deserve to be heard. U.S. and European Government officials must remain vigilant in calling for democratic reform in Belarus. It is imperative that we continue to document electoral abuses and repressions against opposition candidates and monitor the events on election day. We need to remind the Belarusian government that the world is paying close attention to this situation, and improved relations with the West are related to the transparency of elections in Belarus.

Mr. Chairman, the Unified Democratic Forces have proven their willingness to unite and campaign against all odds. But they realize their campaign to bring change to their country is not limited to the parliamentary elections of September; this is a campaign which knows no electoral boundaries. Lukashenko might prevent

change via the ballot box in 2008, but he can not squelch the will of the people forever. Voters want change, and the Unified Democratic Forces represent that change. We owe it to them to acknowledge their dedication and stand with them until the end when they witness the fruition of their goal for a free and democratic Belarus.

**MATERIAL SUBMITTED FOR THE RECORD BY OLEG
KRAVCHENKO, CHARGÉ D'AFFAIRES, REPUBLIC OF BELARUS**

Chairman Hastings,
Co-Chairman Cardin,
Members of the Commission,

Thank you for the opportunity to address the hearing on the upcoming parliamentary elections in my country. On September 28 the voters of Belarus will decide on the composition of the fourth convocation of the House of Representatives of the National Assembly of the Republic of Belarus.

The elections will be a major political event of considerable importance for Belarus. The free and fair elections are also considered by the United States and the European countries as a prerequisite for the further improvement of relations with Belarus. Belarus has repeatedly confirmed its willingness to improve develop relations with the United States and the European Union, as well as its determination to hold the parliamentary elections in an open, democratic and transparent manner.

The elections will be held in full accord with the Belarusian legislation and OSCE commitments. To ensure the elections' compliance with the international standards, Belarus has vigorously taken a number of legislative and political steps aimed at creating a truly democratic electoral process.

To further reinforce the constitutional right of political parties to participate in the electoral process the Presidential Decree NO 13 of June 24, 2008 empowered them to nominate their representatives to the Central Electoral Commission (CEC) with a consultative voice.

8 officially running political parties, including Belarusian Social Democratic Party (Hramada), United Civic Party, Belarusian Popular Front (BPF) Party, appointed their representatives to the CEC. They are entitled to make statements, put questions, propose items on the CEC agenda and participate in its deliberations.

In seeking to ensure an equal access to mass media for all candidates the Central Election Commission adopted on August 22, 2008 modalities for the distribution of the candidates' air time. Each candidate will be entitled to 5 minutes of TV and radio appearance paid by the State. Candidates will also be able to publish their electoral programmes in national newspapers and regional print media.

Responding to proposals from the OSCE/ODIHR Election Observation Mission the Central Election Commission will double the time allotted to each candidate on TV and radio by broadcasting their presentations for the second time. As another additional goodwill step even more convenient air time for a maximum outreach to the audience will be provided for the second airing, of the presentations.

As an element of public control the CEC also established the Media Supervisory Council, with non-government participation, which will oversee the conduct of the electoral campaign in the media and will act as a focal point for all possible related complaints and appeals.

The General Prosecutor's Office set up an ad hoc Working group to monitor the implementation of the election legislation with a

view to ensuring a stable and free environment for the electoral campaign and to efficiently prevent possible irregularities.

Out of 151 political parties' members in district electoral commissions 38 represent the opposition. On the average, the proportion of opposition presence in district election commissions increased three times: 32 per cent of all opposition nominees made it to district electoral commissions this year compared with 10 per cent in 2004.

Belarus' Central Electoral Commission registered 424 initiative groups that collected voters' signatures on behalf of nominees (out of the original 454 applications). The percentage of rejections for registration decreased twofold compared to previous elections.

Political parties accounted for 40 per cent of all applications. Most of them (97) were filed by the "United Democratic Forces" opposition bloc that registered initiative groups.

365 persons submitted to the election commissions documents for registration as candidates to participate in the parliamentary elections. 40 percent of all nominees were affiliated with opposition political forces.

By the deadline of August 28, 2008 75.6 per cent of nominees (276 out of 365) have been registered by the district election commissions as candidates to the deputies of the House of Representatives of the National Assembly. In the previous elections only 51.9 per cent of nominees (359 out of 692) were registered as candidates. Almost 80 per cent of nominated representatives of political parties have been registered (92 out of 117).

The rejections of registration were mainly due to the applicants' failure to provide correct lists of voters' signatures or income declarations. The Central Election Commission thoroughly considered all appeals against the decisions of the district election commissions to deny registration and 8 of such decisions have been reconsidered.

The Supreme Court of the Republic of Belarus received 18 appeals of non-registered candidates against the CEC decisions. This represents a major, fivefold decrease in complaints compared to 2004 campaign's statistics and proves, inter alia, the increased election commissions' professionalism in dealing with the applications.

The Supreme Court has been considering these appeals in open hearings and to date has reversed the candidates' rejections in 2 cases.

The ongoing electoral campaign is regulated inter alia by the amended Law on Mass Events that shortened the required period for filing a permission request to hold outdoor campaign events from 15 to 5 days.

In order to ensure an open and transparent electoral process in line with its OSCE commitments Belarus has well in advance and without any restrictions invited international observers, including the OSCE ODIHR and the OSCE Parliamentary Assembly, to monitor the upcoming elections.

205 international observers have already received their accreditations with the CEC and are being currently deployed throughout Belarus, including 145 observers from the Commonwealth of Independent States (CIS) and 59—from the OSCE/ODIHR.

Both the OSCE/ODIHR and the CIS election observation missions have publicly expressed their satisfaction with the cooperative stance of the Belarusian authorities in relation to the international observers, noting that all the requests submitted by them were fulfilled and an exhaustive information on the ongoing electoral process was granted.

The steps taken by Belarus are the most vivid proof of the Belarusian leadership will to ensure the democratic nature of the upcoming elections. Belarus has done it for itself, not for the United States and the European Union. Nor has it been done because of the pressure from their side.

At the same time, we do count on the unbiased assessment and appreciation of the above-mentioned steps by the United States and the European Union. The failure to do so would be extremely counter-productive! The proven ability to recognize the steps forwards by Belarus and to reciprocate would produce positive results for our mutual relations and in the broader international context.

Thank you.



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