

BELARUS: THE ONGOING CRACKDOWN AND FORCES FOR CHANGE

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION

NOVEMBER 15, 2011

Printed for the use of the
Commission on Security and Cooperation in Europe

[CSCE 112-1-11]



Available via <http://www.csce.gov>

U.S. GOVERNMENT PRINTING OFFICE

75-135 PDF

WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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NOVEMBER 15, 2011

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BELARUS: THE ONGOING CRACKDOWN AND FORCES FOR CHANGE

November 15, 2011

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

[The hearing was held at 10:30 a.m. in room 210, Cannon House Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.]

Commissioners present: Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; and Hon. Phil Gingrey, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Ales Mikhalevich, Former Presidential Candidate, Political Prisoner, Belarus; Rodger Potocki, Senior Director Europe, National Endowment for Democracy; and Susan Corke, Director, Eurasia, Freedom House.

HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. The Commission will come to order, and good morning to everyone. I'd like to welcome all of our witnesses and everyone who is joining us this morning for a hearing titled "Belarus: The Ongoing Crackdown and Forces for Change."

Nearly a year after the brutal post-election crackdown of last December, the Lukashenka dictatorship has not relaxed its grip. Civil society remains under attack, with NGOs facing even greater constraints, and freedoms of assembly and expression being severely infringed. Just a few weeks ago, Lukashenka further tightened his grip by signing amendments to two laws. One would tighten penalties for political and civil society groups receiving foreign aid, and the other would add even more restrictions on peaceful gatherings, such as the silent protest which resulted in the detentions of some 3,000 people this past summer.

Yet at the same time, there are reasons to ask whether the dictatorship may not be increasingly vulnerable. Lukashenka's popular support has plunged because of his repression and because of the ongoing economic turmoil. And Lukashenka is facing a new international environment. We can talk about how changing policies of the United States, E.U., and international institutions like the IMF may be affecting the dictatorship.

The sad truth is that two decades after the demise of the Soviet Union, Belarus remains unreconstructed politically and economi-

cally and isolated from its European roots. The Belarusian people, who have endured so much over the course of the last century, certainly deserve better. I am convinced that the time will come when Belarus will be an integral member of the family of democratic nations. We need to stand in solidarity with the people of Belarus, with the oppressed and not the oppressor, to achieve these goals and the values we all espouse.

So we'll have to talk more about what can be done by the United States and its European partners to promote democratic change in Belarus, both by assisting those struggling for freedom and by holding accountable those who perpetrate human rights abuses.

The Belarus Democracy and Human Rights Act of 2011, legislation that I authored this spring, passed by the House in July, and awaits Senate passage. The Belarus Democracy and Human Rights Act reinforces earlier legislation that I authored, known as the Belarus Democracy Act of 2004 and 2006. The Bush and Obama administrations have put the provisions of the earlier legislation to good use. But this new bill will reinforce our message and provide new tools for promoting democracy and human rights in Belarus. For example, it expands the list of Belarusian senior officials who would be denied U.S. visas and be subject to asset freezes, so that the list would now include those involved in the post-election crackdown.

I'll close with an observation on political prisoners. In the last few months, Lukashenka has released many of the political prisoners convicted in the crackdown. He obviously hopes to regain favor in Europe and in the United States in view of Belarus' sinking economy. The United States and the Europeans and the international lending institutions must not be taken in by this. Before we can improve relations with such a vicious dictator, we need to see truly meaningful changes and reforms, such as the release of all remaining political prisoners, full restoration of their civil and political rights, and a complete end to the harassment of all those who criticize the dictator.

I'd like to now introduce our very distinguished panel of witnesses, beginning first with Ales Mikhalevich, who was a candidate in the December 2010 Belarusian Presidential elections. In the protest that followed, Mr. Mikhalevich was arrested, as were six other Presidential candidates and more than 600 other individuals. Held for 2 months in a KGB jail—in Belarus, it is still called the KGB—after his release, Mr. Mikhalevich publicly denounced the conditions in his prison and described the acts of physical and psychological abuse that he and others endured. In danger of being arrested again, he sought and received political asylum in the Czech Republic. Last week, Mr. Mikhalevich was awarded Canada's John Humphrey Award for his courage and determination in defending human rights and democratic principles. He holds degrees in political science and law from the Belarusian State University and has studied at the University of Warsaw and the University of Oxford.

We will then hear from Mr. Rodger Potocki, who is Senior Director for Europe at the National Endowment for Democracy, where he has overseen NED's Belarus portfolio since 1977. Mr. Potocki has written widely on Belarus. His most recent article, "A Tale of Two Elections," appeared in the July 2011 issue of *Journal of De-*

mocracy. An adjunct professor at Georgetown University's history department, Mr. Potocki also worked in the U.S. Congress and at the Woodrow Wilson International Center for Scholars and James-town Foundation. He holds an M.A. in Russian and East European studies from Yale University.

Then we'll hear from Susan Corke who was Director for Eurasia Programs at Freedom House. Before joining Freedom House, she spent 7 years at the State Department, most recently as the Deputy Director for European Affairs in the Bureau of Democracy, Human Rights, and Labor. Of great interest to us because of the Helsinki Commission's mandate to combat human rights abuse, she has been the managing editor for the State Department Country Reports on Human Rights Practices, where she has been responsible for reports on European countries. She has also had supervisory oversight over DRL's civil society, media and human rights programs in Europe, and of course that includes Belarus. She has a master's degree in international affairs from George Washington University.

And we welcome her and thank her for her service as well.

I'd like to now ask you, Mr. Mikhalevich if you would present your testimony.

**ALES MIKHALEVICH, FORMER PRESIDENTIAL CANDIDATE,
POLITICAL PRISONER, BELARUS**

Mr. MIKHALEVICH. Mr. Chairman, members of the Commission, thank you for the opportunity to speak here about the terrible conditions facing democratic politicians, civic activists, human rights groups and lawyers in Belarus.

As one of the candidates in the 2010 Presidential election, I was deeply involved in the events that took place during and after the campaign. The brutal crackdown against peaceful protests that began on December 19th and continues to this day has shocked not only the international community but also many Belarusians who were previously not interested in politics. Today, as we speak, a number of my colleagues, including two other Presidential candidates, remain imprisoned. I hope that my testimony will help their difficult conditions.

I would like to tell you about my about my own personal experience. I was not naive when I decided to enter the Presidential race. After years of being a democratic activist, I clearly understood the state's repressive mechanisms, how they and what they are capable of. But I also had a clear vision of how my country could be modernized and changed for the better.

Back in 2010, during the "dialogue process" with the European Union, it seemed that positive changes without—within the regime were possible. Before the elections, the candidates were allowed to campaign in ways that were previously forbidden. Many experts interpreted this softening of repressions as a sign of liberalization. But it all ended with the brutal crackdown on election night.

When I heard that many people had been beaten by special forces, I used my car to help my campaign team bring the injured to the hospital or homes. That evening, I stayed with my staff at campaign headquarter. In the middle of the night, officers in black masks and uniforms broke down the office door and arrested me.

I was brought to a KGB detention center, where I spent the next 2 months.

During my imprisonment, I was subjected to constant mental and physical torture in order to coerce a confession of guilt. Masked KGB jailers carried out body searches five or six times a day. We were stripped naked and forced to assume various positions. For example, our legs were pulled apart with ropes. Afterwards, it was difficult work—to walk. We were forced to stand close to the wall with our arms outreached until our hands swelled up. All of this was done in freezing rooms, never warmer than 50 degrees. Some of the prisoners in poor health fainted during these procedures, but those in the masks didn't stop. They wouldn't turn off the overhead lights at night, but forced us to lie down underneath the fluorescent lamps. We couldn't even cover our eyes with handkerchief. As a result, our eyesight began to deteriorate.

Prisoners were denied their legal right to medical help. A doctor could visit the prisoners only once a week at a specific time. Prisoners were also not allowed to see their lawyers. This was done deliberately to ensure silence about the torture. The isolation was used to force people into signing prepared statements and confessions.

For me, it became a choice between remaining in jail until my trial or pretending to cooperate with KGB. At the same time, I had very little information on what was going on in Belarus, what was happening to my stuff.

I later learned that those working at my headquarters were detained and office equipment confiscated. Campaign workers were summoned by the KGB for interrogation. Those who called to me to express their solidarity were questioned. My apartments—my apartment, as well as those of my family, were searched several times by the KGB, and my relatives were interrogated.

I was unable to see my wife and daughters for 2 months. After my wife accepted an invitation to address the Polish parliament about my imprisonment, she was taken off the train to Poland before it left. When she tried to get to Warsaw by car, she was followed by the car—by several cars of KGB officials and she was stopped near the border and escorted back to Minsk by KGB staff. She was informed that she couldn't leave the country until I was indicted. During my imprisonment, she was left to care for our two small children and was constantly harassed by the KGB.

Due to this physical and mental pressure, I agreed to play the game proposed to me and signed an agreement with the KGB. But as soon as I was released, I had a press conference to break the silence about the torture that I and others had experienced. I felt that I had no other choice but to speak about it. Despite the risk of being arrested again, I still decided to publicize the torture so as to ease the fate of other political activists and peaceful protesters. I hope that the pressure on them has diminished after my statement.

I'm not a hero. I was—it was not possible for me to stand further torture. I believe I could do more good by speaking about what is going on in the capital of one of the European countries.

After I was released, it took me a while to adapt to the new Belarusian reality. What was going on in my country can only be

compared to Stalinist gulag. Faced by an unprecedented wave of repressions, the country has changed. People were intimidated. Belarus civil society was paralyzed with leading activists imprisoned or abroad.

Since coming to power in 1994, Alexander Lukashenka has steadily consolidated his power and transformed Belarus into Europe's last dictatorship. Furthermore, the regime has become a virus in the sense that its authoritarian methods have spread to other countries in the region, such as Russia and Ukraine. The roots of Putin's "administrative reform" and Tymoshenko's prison sentence can be founded in Lukashenka's Belarus.

Nevertheless, I decided to participate in the 2010 Presidential elections in Belarus. I tried to position myself as an independent candidate, distancing myself from both the regime and the traditional Belarusian opposition. In my platform, I advocated economic modernization, rule of law, real separation of powers and democratic institutions. I saw my participation in the campaign as an opportunity to attract people who had never before actively participated in politics but were willing to improve the economic and political state of the country without resorting to radical ideas and acts.

During the violent crackdown on December 19th, more than 800 people were detained, among them dozens of journalists and six Presidential candidates. Many participants were beaten. More than 40 people were charged with crimes, including 7 of the 10 Presidential candidates. Today, two candidates still remain behind bars, Andrei Sannikau and Nikolai Statkevich. The health of many of the arrested and imprisoned is very bad.

Soon after elections, the campaign headquarters of most Presidential candidates were raided and their work paralyzed. Equipment was confiscated, and many activists were detained. The same happened to the offices of many prominent NGOs and human rights organizations. Ales Bialiatski, Chairperson of the Human Rights Center "Viasna" and Vice President of the International Federation of Human Rights, was arrested in August 2011. He is charged with massive tax evasion, is currently in custody and faces up to 7 years behind bars. Recently, a new law is being considered that criminalize all activities carried out with foreign funding.

The authorities have attacked lawyers defending the detained and the politically neutral bar association. My lawyer, who was speaking to the media about my bad physical condition, was disbarred. As part of the pressure on the legal community, the mother and wife of my lawyer also lost their licenses. But it was not enough to the regime. Criminal cases against my lawyer and his mother were started against them. Altogether, seven lawyers were disbarred, and several thousands are still under so-called "recertification process" and can lose their licenses soon. The relative independence of Belarusian bar association was totally destroyed, and now it is totally controlled by the Ministry of Justice.

I'm absolutely sure Lukashenka is ready to defend his power by all possible means. We can compare—unfortunately, we can compare Lukashenka with Gadhafi. And by the way, Lukashenka is speaking a lot about Gadhafi's case during all his speeches in parliament or with the general public.

So I urge the United States, European Union, and the international community not to trust another game of liberalization badly played by the regime. Cooperate only with independent civic society in Belarus: nongovernmental organizations, both registered and not registered; independent newspapers and media; and democratic activists. These will be the main partners in Belarus after Lukashenka leaves the scene.

We should not give a saving hand to a collapsing regime. We should not replace one dictator in Belarus by another. The Belarusian people deserve to enjoy the same freedoms and rights enjoyed by every American. In the current situation, Belarusian human rights activists and NGOs need more international support and attention. The authoritarian regime in Belarus has become a contagion, negatively affecting other states in the region, even some countries of the European Union, such as Lithuania. Yet with the right changes and the active support of civil society, the country has a chance to turn into a sustainable democracy and increase democracy and stability in all Central and Eastern Europe.

Thank you very much.

Mr. SMITH. Thank you very much for that very moving and comprehensive testimony. I'd like to now ask to Mr. Potocki if he would present his testimony.

**RODGER POTOCKI, SENIOR DIRECTOR EUROPE, NATIONAL
ENDOWMENT FOR DEMOCRACY**

Mr. POTOCKI. Mr. Chairman, members of the Commission, thank you for the opportunity to speak about the ongoing crackdown in Belarus. And thank you for all that you and your staff have done on behalf of Belarus, especially through the Belarus Democracy Acts.

I represent the National Endowment for Democracy, a leading supporter of civil society in Europe's last dictatorship, and we have been on the front lines of providing support for the victims of repression for more than 15 years.

Ales Michalevich's testimony and personal story illustrate the appalling events that followed the flawed December election. But Belarus' Bloody Sunday and winter repression are only part of a larger chronicle of egregious human rights violations that began when Alexander Lukashenka came to power 17 years ago. While unprecedented in its ferocity, this crackdown also calls to mind the brutal attacks on demonstrators in 1996, the disappearing of dissidents in 1999–2000 and the violence against peaceful protesters in 2006.

Sadly, the repression continues today. As you have noted, more than 3,000 Belarusians have been arrested for participating in this summer's silent protests. Scores have been detained, jailed and fined for taking part in this fall's people's assemblies, including just this past Saturday.

The crackdown that began on December 19th has not ceased. It is destined to continue because force is a fundamental feature of this regime. The Lukashenka regime's human rights record has been repeatedly criticized by every leading rights body, including this Commission. Fear has helped this dictator to stay in power.

But Mr. Chairman, despite more than a decade of repression, there are indications that Belarusians are becoming less afraid. Today, for the first time, citizens blame the regime for the country's economic and political woes. Support for and trust in the head of state and government are at historic lows. While organized protests have yet to gain momentum, there are signs that society is stirring. In addition to this summer's silent protests, more recent events, such as the garbage strike in Borisov and the attempt to form a free trade union branch in Slonim, indicate that unrest is rising.

Today I will speak about three areas in which, despite the repression, there have been positive developments. The first optimistic note is the performance of independent media. Since Mr. Lukashenka came to power, Belarus has been one of the worst perpetrators of crimes against free media. Hundreds of independent broadcast and print outlets have been closed down. Last year, a new law to regulate the Internet came into force. Reporters Without Borders has declared that Lukashenka is a predator of the press and an enemy of the Internet. On election night, scores of journalists were detained and had their equipment smashed. In the weeks that followed, more than a dozen media offices and journalists' homes were raided. During the silent protests, 95 reporters were detained and 13 sentenced to jail time. Today, three journalists remain prisoners of conscience.

Yet, despite this repression, independent media is thriving in Belarus. This is in dramatic contrast to 5 years ago, when it was on the verge of extinction. Today, the top five news and information websites in Belarus are either independent or opposition-run. Only 2 of the top 10 sites are state-controlled. The website of the regime's flagship mouthpiece, Sovetskaya Belorussiya, barely breaks the top 15. Since the December crackdown, independent media sites have seen their audiences grow by two and a half to four times. I will cite just one of many examples: In 2006, the independent online newspaper Belorusskie Novosti had 1.2 million visitors. By the 2010 election, the number had grown to 11.4 million. As of the end of this September, the total had already reached 18.3 million.

What we're seeing is that, following the regime's precipitation of the political and economic crises, society is increasingly searching for information and ideas from independent sources. One media expert noted when something happens in Belarus, no one turns on the TV to get news; they go online.

Today, 62 percent of Belarusians distrust state media, and as one sociologist put it, propaganda is losing its influence. Ever growing numbers of Belarusians are getting the real story about the country's collapsing economy, political paralysis and international isolation from the independent media. The regime has failed to convincingly convey its version of the events occurring on and after the 19th. Independent media is winning the information war.

Mr. Chairman, a second bright spot has been the exemplary work of Belarus's human rights defenders. Since the crackdown, human rights groups have had their hands full. But in contrast to a divided political opposition, they have worked together before and after the election to maximize their efforts and impact. Belarusian

human rights groups created a common human rights fund in fall 2010 to render assistance to those in need, putting in place procedures and resources before the crackdown commenced.

As a result, these groups were able to provide legal, medical and humanitarian assistance to more than 500 repressed Presidential candidates and political leaders, civic activists and journalists, lawyers and ordinary citizens and their families, including, too, Ales, his wife and their daughters. More than 20 NGO, political party and media offices had their confiscated equipment replaced. This support has continued through 2011 and is providing—and is being provided regardless of political orientation. All of those who have needed and sought help have received it.

This work has been all the more impressive because, like Belarus' independent journalists, the human rights defenders themselves have been a primary target of the crackdown. At least 10 human rights leaders were persecuted following the elections. The chairman of the Belarusian Helsinki Committee was arrested on the evening of the 19th. The committee's office was searched on the—on the 5th of January, and the organization was officially censored a week later.

The day after the election, the central office of the Viasna Human Rights Center was raided, 10 of its members were arrested and all of its computer equipment and documents confiscated. On July—on January 17th, Viasna's offices were searched again, as was the apartment of its director, Ales Bialiatsky. The effectiveness of the organization's work was recognized by the regime, when it officially warned Mr. Bialiatski for activities on behalf of an unregistered organization, a criminal offense in Belarus. I'm proud to quote Viasna's response: We believe that our human rights activities are absolutely legal and popular among Belarusian society; we will not stop them.

Mr. Chairman, civil society in Belarus is still active and functioning in part because of the courageous and tireless work of these human rights defenders. It wasn't a surprise when the human rights community's leader, Mr. Bialiatski, was jailed in August and put on trial this month. It is ironic that he faces 7 years in prison for not paying taxes on the funds that his organization received to aid those repressed by the regime.

A massive defamation campaign has been launched by the regime against Mr. Bialiatski, his wife and his colleagues, but this has not prevented him from being nominated for the Nobel Peace Prize. It is a tribute to the tireless work of Ales and other human rights defenders that they have been targeted. It is a testimony to their organizations that the assistance to those in need has continued, despite the repressions directed against their leaders.

The last but most encouraging example is the social solidarity that has been—that has resulted from the crackdown. Because so many were arrested on the night of December 19th, the human rights organizations I've spoken about were overwhelmed. Appalled by the regime's brutality, ordinary citizens stepped forward to monitor the assembly line sentencing in courts, gather information about the detainees and contact families to let them know the fate of their sons and daughters.

As the scale of the repression became known, activists made public appeals through blogs and social networking sites that quickly spread throughout the Internet. One web page read: Hundreds of people are in jail, beaten, sick and hungry. They do not enjoy the quiet snow or the holiday season. Restore their faith in the Christmas story. Do not wait for a miracle. Make one yourself.

This was the beginning of what became known as the guardian angels campaign. And despite the fear, holiday vacation and winter weather, hundreds answered the call. Within a day, an office was filled with donated clothes, food, medical supplies, toiletries and even toys for prisoners' children. As the KGB raided organizations and apartments across the city and the police tried—police tried to block access to an office, volunteers worked day and night to assemble more than 1,200 parcels for the prisoners. When jailers decreed that only family members could deliver parcels, the volunteers suddenly became the adopted “aunts” and “cousins” of prisoners.

More than \$50,000 was collected and used to help more than 400 victims by covering the costs of prisoners' upkeep, medical assistance and humanitarian aid to families. Doctors promised to rehabilitate the injured, and private businessmen pledged to hire those who had been dismissed from their jobs.

Perhaps most importantly, the guardian angels provided a human touch to those whose bodies had been beaten and whose dignity had been trampled upon. They comforted the families of the detained and stood vigil outside the prisons in solidarity with those inside. They greeted those released, provided them with rides home and passed along information on where to get medical treatment.

It's not possible here to read even a fraction of the heartfelt responses to the angels. But what is clear is that while prisoners were grateful for the parcels, it was the solidarity that was the true gift that Christmas. One prisoner explained: It wasn't just about clean water or clean clothes; when you're locked away and helpless, it was important to know that people remembered and cared for you.

Another wrote that—without these packages, many of us would have left prison with just one thought: to leave this country as soon as possible, forever. But because of them, we came out believing in better times.

It should come as no surprise that the Assembly of Pro-Democratic NGOs awarded the “guardian angels” its hero of Belarusian civil society award.

The social solidarity and self-organizing wasn't just a response to the election repression. It has continued throughout 2011. When the editorial office of *Nasha Niva* was raided and its equipment seized in January, it was able to keep publishing because its loyal readers donated more than 30 computers to the—to the newspaper. In the spring, when a teacher was fired for her political activities, 117 of her colleagues contributed part of their salaries to help her. During the silent protests, one group of volunteers gathered more than \$4,000 in money, bottled water and other supplies for those detained. There have been many more examples like this. As one newspaper article put it, a wave of repression has caused a tsunami of solidarity.

Mr. Chairman, as inspiring as these examples might be, they are even more remarkable because Belarus remains a hard-core dictatorship. 2011 has been a year in which more Belarusians than ever have been beaten, arrested and repressed, and Mr. Lukashenka continues to tighten the screws. On Sunday, he signed two controversial laws that will make it even harder for Belarusians to exercise their right of freedom of assembly and to receive foreign assistance for their civil society activities.

Against great odds, independent media outlets, human rights groups and citizen solidarity campaigns have performed admirably since the election, producing tangible and compelling results. But given the worsening conditions there, we cannot only laud our Belarusian colleagues' drive and determination. Civil society needs our continued support and solidarity. In my personal capacity as an expert on Belarus, I would like to offer three recommendations.

Support for civil society should be maintained at current levels. Due to the crackdown, the U.S. Government increased its support for Belarus in 2011. Much of this support went directly to aid independent media and human rights victims. The editor of one repressed publication mentioned: We never felt abandoned.

But funding for Belarus is expected to decline to \$11 million by 2013. I ask that we try to hold the line on the Belarus budget so that we can continue to help brave people like Ales Bialiatski and Ales Mikhalevich. It is the right and moral thing to do.

Second, more support must go directly to Belarusian independent journalists, human rights defenders and civil society activists who are doing the good work I described. Too much assistance goes for soft, nondemocracy programs fostering engagement with the regime. It is the Belarusian democrats who are struggling to change their country for the better, and it's their efforts that must be supported.

Finally, the most effective support that can be provided is that over the long term. I first started worked with Ales Mikhalevich when he was still in college back in the mid-1990s. Short-term and one-off programs have little impact or lasting effect in Belarus. In a dictatorship, it takes time for independent publications to build their capacity and audiences, for human rights groups to build networks and trust and for NGOs to engage citizens who have been—who have much to lose by opposing the regime. The outstanding work of Belarusian civil society in the post-electoral period is the payoff of years of investment. Please help us to maintain this commitment, and we'll continue to reap dividends. Despite the crackdown, momentum is building for change.

Thank you very much for your support and for considering these points. I'm happy to answer any questions you might have.

Mr. SMITH. Mr. Potocki, thank you very much for your very long-standing commitment to the Belarusian people and to democracy, and for your very specific recommendations to the Commission. I also serve of the Foreign Affairs Committee and I know that I will translate that to the foreign ops subcommittee people—Kay Granger and others—and as well as to the administration and to members of the Foreign Affairs Committee. So——

Mr. POTOCKI. [Inaudible.]

Mr. SMITH. Thank you so very much for that extraordinary testimony.

I'd like to now ask Susan Corke if she would present her testimony.

SUSAN CORKE, DIRECTOR, EURASIA, FREEDOM HOUSE

Ms. CORKE. Mr. Chairman, Members of the Commission, it is an honor to appear before you today for a very timely discussion on the unbridled repression in Belarus. As someone who has worked in common cause with the commission staff both when I worked for the Bureau of Democracy, Human Rights, and Labor and now through my role covering the OSCE region at Freedom House, I have always appreciated the opportunity to participate in the commission's important work. It is also an honor to appear today with Ales Mikhalevich and Rodger Potocki of the National Endowment for Democracy. They've both played a large role in working to improve human rights in Belarus.

Mr. Chairman, I'd like to commend you for your leadership in securing the passage of the U.S. House of Representatives Belarus Democracy and Human Rights Act of 2011. This is an extremely important bill that will reinforce the administration's efforts to foster democracy in Belarus and to show strong support for civil society actors and citizens of Belarus who are suffering under the dictatorship of Alexander Lukashenka.

All of us here today hope to see a democratic transformation in Belarus in the near future. In Freedom House's annual reports Belarus is ranked "not free," and it's also on our "worst of the worst" list. The status quo is not sustainable. Yet Lukashenka will continue to do whatever he can, using any means, to preserve his own power and the system he created to perpetuate it. Since declaring victory in the Presidential election of December 2010, he has increasingly used brutal tactics to maintain control of the country. As my fellow panelists have already spoken to the tactics used by Lukashenka and conditions on the ground, I will focus primarily on policy prescriptions and why the time is now.

Unprecedented developments this year are leading some observers to suggest that Lukashenko's days might be numbered. Never before has Lukashenka faced an economic crisis in his country like the one he bears responsibility for today, with a collapsing currency, severe shortages and dwindling hard currency reserves. Never before has he been under more pressure from the E.U. and United States, through their sanctions for the regime's human rights abuses; from Russia through its cutoff of subsidies; and from the IMF for rightly withholding additional loans.

In September, Lukashenka hit the lowest point of his popularity in his nearly 17 year rule, dropping to only about 20 percent support. Lukashenka can no longer assert that his regime provides for economic stability in the country, and the implicit social contract, which ensured ongoing support for Lukashenka, has been broken. As winter hits, and with it the imminent need to heat cold houses, compounded by worsening economic conditions, the discontent of the Belarusian people will grow.

In order to put forth a trans-Atlantic policy road map for Belarus, Freedom House and the Center for European Policy Anal-

ysis launched an expert working group in June of this year that included contributions from a bipartisan and international group of leading scholars and analysts, including those from the Helsinki Commission staff. We shared the results in a report entitled “Democratic Change in Belarus: A Framework for Action” in events in Washington, in Warsaw and in Brussels. Many of the recommendations I will share today are direct findings of that group.

In short—and I will go into more detail—it is important that the international community maintain solidarity, not let up on pressure and take actions to catalyze democratic change and transition. At the same time, however, those around Lukashenka need to know that he is no longer a guarantor of their own safety and stability but indeed a liability, which jeopardizes the future of the country.

Lukashenka’s departure from power may occur unexpectedly, and it is the responsibility of Belarusian pro-democratic forces, as well as of the international community, to ease transformation in a democratic direction. Before making recommendations for forward-looking policy, I would like to first briefly recap some recent actions taken by the United States, Europe, and Belarus.

Belarus has been urgently holding out for an IMF loan, but based on the IMF visit in October, such a prospect does not look likely as it requires a clear commitment, including at the highest level, to stability and reform and to reflect this commitment in actions. The E.U. recently said that the success of progress in its relationship with Belarus is conditioned upon Belarus’s steps toward enacting fundamental values of democracy, human rights and rule of law.

As such steps have not been taken, it was logical and sound for the E.U. to extend the existing visa ban and assets freeze until October 2012 for those responsible for violations of international electoral standards in the Presidential elections and for the crackdown on civil society and the opposition. The U.S. Government took some important immediate measures after the December post-election crackdown, including expanding the list of Belarus officials subject to travel restrictions and imposing financial sanctions.

In August, the U.S. imposed more economic sanctions against four major Belarusian state-owned enterprises. The post-election crackdown pledge of a \$100 million by Western governments was an important sign of international solidarity. It is important now for international donors to coordinate and expedite the flow of assistance to those who need it, including those beyond Minsk.

Lukashenka’s regime however remains defiant in the face of growing unpopularity and international pressure and has orchestrated a new series of maneuvers to legitimize—in the eye of Belarusian law—grounds for further repression of citizen freedoms. Nothing except further misery and ruination for Belarus can be possible under Lukashenka. His departure would free the people of Belarus from Europe’s last dictator and establish the foundations for positive integration into Western communities.

In order to prepare for such integration, engagement, and change, here are 10 things the West should do and 10 it should avoid. One, do understand that Lukashenka is a threat to the decades-long vision of a Europe whole, free and at peace; to the people

of Belarus who have suffered 17 years under his abusive rule; and to peace generally, through arms sales to rogue regimes. At the same time, do not worry about isolating Lukashenka. Through his actions, he has done that himself.

Two, do maintain unrelenting pressure on the regime through economic sanctions to force the release and full rehabilitation of political prisoners and lawyers disbarred for representing them. It is the only way to win their freedom. At the same time, do not worry about pushing Belarus toward Russia. Indeed stop viewing Russia—Belarus through a Russian prism. Doing so plays into Lukashenka's hands.

Three, do insist on the unconditional release of all political prisoners. Thirteen are still in Belarusian prison, and even those who have been released have not had their civil rights restored. Do not even talk about engaging the regime as long as one political prisoner still engages—still languishes in jail.

Four, do raise questions about Lukashenka's legitimacy as leader, especially since the United States did not recognize as legitimate the results of last December's rigged election. Do not adopt a business-as-usual approach to Lukashenka now and in the future.

Five, do engage more with Belarusian pro-democratic forces and insist on the unrestrained work of NGOs inside the country. Already the EU and member states and the United States have done a lot on this score, but more can and should be done. On the other hand, do not invite Lukashenka's representatives like Foreign Minister Martynov to European Partnership meetings, as was done recently. This lends credibility to Lukashenka's illegitimate regime and undermines attempts to pressure him.

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

Seven, do question any major privatizations, which Lukashenka seeks to fund his failing system. Do impose sanctions on more state-owned enterprises, driving down their attractiveness for buyers and preventing financial flows into the regime's coffers. Do not allow the IMF to offer a lifeline by extending any assistance. This would simply be a betrayal of Belarus's pro-democratic forces.

Eight, do prepare strategies for a post-Lukashenka Belarus and recognize that the very idea of talking about such a future will take on a life of its own. At the same time, do not force artificial unity among the opposition. Let them forge their own democratic path.

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

Finally, 10, do recognize that with an unprecedented economic crisis, there is no greater opportunity than right now to facilitate change in Belarus. Do not assume that Lukashenka will survive and stay in power for many more years to come. As Tunisians showed in driving out Ben Ali and in holding Tunisia's first free

election, dictators of the world are not destined to rule forever. The same can apply to Belarus and Lukashenka.

For the United States and Europe, the outcome in Belarus matters greatly. Lukashenka is determined to preserve his model of dead-end governance and avoid changing course from authoritarian rule and corruption. He will likely resort to old tricks and strategies, looking to exploit divisions between the United States and Europe and among E.U. member states. We must not let him do so.

The United States and Europe have made many commendable policy steps in 2011, as well as a few that could be improved upon. Those in Belarus who look to the West have high expectations for an active, coordinated response to help them press for democratic change. We have nurtured these hopes. Now is not the time to disappoint. As we approach the 1-year anniversary of the aftermath of Belarus's fraudulent elections, it is a reminder that the United States and Europe must redouble their efforts to bring about positive democratic change to Belarus and to prepare the foundation for the time when the country is able to take its rightful place as a democratic European nation.

Mr. SMITH. Thank you very much for your testimony, and thank you for those very specific recommendations, which you know, are just a blueprint for action. So I deeply appreciate that on behalf of the Commission.

Let me ask Mr. Mikhalevich—when you spoke about the physical and the mental torture that you and your fellow political prisoners endured in order to coerce a confession of guilt—and the other panelists might want to speak to this as well—you know, it has always struck me—and I've been in Congress now 31, almost 32 years, and my first trips were to the Soviet Union. And I have always felt—other than the propaganda value that they might glean inside the country—it is absolutely ludicrous and absurd to think that anyone believes a coerced confession and that it has any value outside of the controlled press inside the country. And that—I guess, that validity is why they do it.

But in a day when the Internet, obviously, and all the other independent media have the ability to overcome the government-controlled press, such a signing is—who cares. I'm glad you signed. I hope others would sign, come out and then speak—to endure torture over a big lie effort on their part only brings dishonor on those who are perpetrating the lie, and that's the KGB and Lukashenka.

When you described the tortures, and you pointed out that masked KGB jailers carried out body searches five or six times a day, which is all about humiliation and degradation because—you—it is not about trying to find weapons or anything. We all know what they're doing here. You said, you were stripped naked and forced to assume various positions.

You also said, your legs were pulled apart with ropes and we could feel our ligaments tear.

That sounds like the rack. I mean, that is—that is just—that's outrageous.

And I would like to say, you know, we ought to—rather than calling them the KGB, it ought to be the KGBP—P for pervers. Masked men who strip other men naked—and women, presumably, as well—that's acts of perversion that should not go unnoticed by

the international community in terms of its degradation. It is a form of torture, and I—and you might want to speak to that, because I just think that is—and then you mentioned all the other things, including the lights—and the overhead lights that were kept on all night.

All of the methods of torture designed to break people, so if you wanted to speak to that or elaborate on that because again, KGBP—P for perverts—on the part of these jailers. And someday they have to know that there will be efforts made to hold them to account for their crimes against humanity that they committed against you and all of your fellow political prisoners. So if you would like to—any of you—speak to the actual torture issue.

And if you could also speak to the—isn't it time that Lukashenko and other gross violators of human rights in Belarus be indicted by prosecutors at the ICC—at the International Criminal Court? We know that a special request could be made from the Security Council. I believe—and I plan on sending a letter to the Obama administration and to the Security Council to ask that an effort be made to do this.

I know I'm one of the few Members of Congress who actually met with Bashir in Khartoum, the perpetrator of crimes against humanity both in Darfur and in the south of Sudan. And the one thing he wanted to talk about was getting rid of the sanctions. And then when the ICC indictment was handed down, that had him worried and scared, and it is something that potentially, especially in Belarus, might have an impact in bringing that man to justice.

We know Milosevic, Mladic, Karadzic and all the others loathed being charged by the regional court. Charles Taylor and—I could go through a whole long list of thugs who, when they're indicted and face the possibility and hopefully the probability and—God willing someday—certainty of prosecution, are very much worried about spending the rest of their lives in prison for the crimes that they commit—all about accountability.

Why hasn't this man—why hasn't an effort been made to bring an indictment against him at the ICC? And again, the torture issue, if we could speak to that, again, and the issue of indictment—anyone who would like to speak to those.

Mr. MIKHALEVICH. So just—thank you very much for your question. It's about torture. So many people are speaking about it at the moment. It's really—I am very proud that I was the first who started to speak about it and now a wave of people are speaking about it.

So with great assistance from Radio Free Europe, they made, in cooperation with some human rights organizations, a special program about torture. So it's more and more confessions, more and more evidences of tortures in Belarus. And what we are doing, we're just collecting information. And we are working with special—a U.N. Special Rapporteur on Tortures.

The biggest problem is that those people who are still in prison, they cannot write any documents, any evidences directly to the Belarusian prosecutor office. So we are—unfortunately, we are limited that we have to wait until those people will be—will be released because in other cases I'm seeing the torture simply will heighten pressure, and tortures will be more and more.

So the majority of people who are in prison, unfortunately they're afraid. The same, by the way, definitely, while I was—during 2 months in KGB detention center. I didn't complain about any conditions because those who complain, they immediately were beaten, immediately were—like level of tortures were raised. So thank you very much.

Mr. SMITH. You know, I would just add—and it's why we should never lose our shock value and our outrage when torture is employed. And it is—it is human nature that if you're in—being tortured and face the prospects of being tortured again by being re-arrested, you won't speak about it, and others won't speak about it. So I commend you for bringing this to the table.

I'll never forget Jeremiah Denton, one of the POWs in the Vietnam War, who when very gullible Americans traveled to Hanoi to say that the prisoners were being treated very well, he—you might recall, with his—with his eyes, flashed "torture" in Morse code to say that—nobody was fooled, that torture was endemic, it was commonplace, pervasive by those who incarcerated those POWs. So more focus, not less—as a matter of fact, profoundly more focus needs to be brought to light in terms of Lukashenka's systematic use of torture.

Mr. POTOCKI. Mr. Chairman, I would just mention that the human rights groups in Belarus have spent 2 years putting together an alternative report on torture that was presented this week in front of the U.N. committee there in Geneva, mentioning both the case of Mr. Mikhalevich and others. So they are working on gathering evidence, information on what has been taking place throughout these 17 years. And we do look forward to the time when it can be used.

Mr. SMITH. Would you also speak, if you would, to whether or not you think it would be advisable to begin the process of an indictment at the ICC—any of you—and of course, Ms. Corke.

Mr. MIKHALEVICH. So let—

[Off mic.]

Mr. MIKHALEVICH. So we're cooperating with different groups, with a very influential British law firm, on organizing processes against Lukashenka according to legal systems in different European countries—hopes that it also will be not only in European countries. But also what we should remember—as I told—I stated that Lukashenka is ready to defend—to defend his power by all means. It means that I'm absolutely sure that quite soon we will see hundreds or, like, hundreds of thousands of people on our streets. And unfortunately, Lukashenka and his special troops are ready to shoot the people; like, they're ready to defend their power by all means. So just as I predict that definitely we have more than enough evidences for different crimes made by the Lukashenka regime, but unfortunately, it's—to my mind, it's only the beginning. More and more such cases, and they will be—unfortunately, they will be very visible. It will be more and more such—of such evidences. Thank you.

Ms. CORKE. I think it's important that the violators of human rights in Belarus must be held accountable and that any means for doing so should be considered, whether it's the ICC, whether it's before the European Court of Human Rights, whether it's, you

know, looking to a post-Lukashenka environment. There's been a fairly severe information blockade in Belarus. And the people of Belarus do not know the abuses that the regime has committed.

In order to move forward for a better future for Belarus, it's important that the people come to terms and understand the abuses that were committed by the regime. And thus an important step to moving forward is finding accountability, both within Belarus as well as international instruments.

Mr. SMITH. Mention was made—mention was made of no saving hand to a collapsing regime. Is there a sense that it is indeed collapsing or—I mean, in the past—and this applies to places like Cuba and elsewhere where human rights are systematically violated—somehow the dictatorship is able to survive to abuse for another day?

I know that, Mr. Potocki, you mentioned that the independent media is thriving, independent media is winning the information war. And I think that's extremely encouraging. But are we on the precipice of another major additional crackdown that would consolidate Lukashenka's iron-fisted rule?

Mr. POTOCKI. Mr. Chairman, we've seen so many crackdowns over the course of these 17 years that I would say that the independent civil society that exists today—those people who are fighting for free media, for political parties, for NGOs in Belarus—are in a sense professional dissidents. They've already lost their jobs. They've already spent time in jail. They have nothing else to lose. I don't think they can be intimidated.

I think one positive outcome of the crackdown that we've seen is that not one NGO or independent media outlet stopped working since the repression. Belarusians, like Ales, are committed to the work that they're doing, and we're very proud to be supporting them. We don't see the fall-off in activity that we saw in past years. And I think perhaps they also sense that this is the beginning of the end of the regime.

Mr. SMITH. Let me ask, Mr. Potocki, again, talking about independent media and online content and the like, have you seen evidence of the Chinese government's aiding and abetting Lukashenka's regime? Because obviously they've written the book on how to crack down on dissidents. And is that expertise being shared with Minsk?

Mr. POTOCKI. From what we understand, the regime has considered and tried to implement different ways to block or filter or obstruct the Internet in Belarus. But the Chinese have one thing that Lukashenka doesn't have, and that's a lot of money. It takes a lot of resources to construct the great firewall of China. Lukashenka doesn't have those resources, thankfully.

And they've been largely ineffectual in blocking the Internet and being able to deter people from getting out the information about the crackdown, the economic crisis, the international isolation. We've been very proud to see that virtually every independent Web site in Belarus has grown by two and half to four times this past year. And the government has not been able to block them or stop them for more than a few hours or days at a time.

Mr. SMITH. Let me just ask, what role does the church play in promoting—churches of various denominations in promoting human rights respect.

Mr. MIKHALEVICH. The main churches in Belarus are—the biggest and so-called official church is Russian Orthodox Church. So certainly it is not playing any special role in—only maybe sometimes they're speaking about Stalinist crimes, which is also quite positive in Belarusian situation because it's like speaking about historical truths. Definitely the Catholic Church is playing a much, much better role because it's very much integrated into the Western community.

And also there are very active—smaller but very active protestant churches. And they're playing really a very important role because they experienced very difficult Soviet times, and they are very much open for democracy promotion. They've very open for promotion of so-called Western style of life. So it's really very, very important, and churches—even under quite huge control from state sphere, churches are surviving and they are developing their base. And definitely it's helped very much for democratic candidates because it's organized structure of civil society. Thank you.

Mr. POTOCKI. I would—I would just add to that, that we saw this week a very interesting visit of a papal envoy to Belarus, Swiss Cardinal Koch, who spoke in a sermon this Sunday in Minsk about the right of people to a fair trial. I'm hoping that we're seeing—this the third visit by a high-ranking church member from Rome over this last past year. And I hope that we're seeing the church take a more active role—the Catholic Church take a much more active role in promoting democracy and human rights in Belarus, like it did in Central Europe 20 years ago.

Mr. SMITH. Does the International Committee for the Red Cross get to pay visits to the political prisoners? The ICRC, have they been able to have access to prisoners of conscience? Do they—

Mr. MIKHALEVICH. No. I have—I didn't—like, I don't know anything about such visits. As far as I know, Belarusian Red Cross is total governmental organization and totally integrated into the governmental system. And no one—I didn't hear that someone from such structures wanted to visit political prisoners.

Mr. SMITH. Mr. Potocki, you mentioned that too much U.S. assistance goes to U.S. contractors for soft, nondemocracy programs fostering engagement with the regime. It is the Belarusian democrats who are struggling to change their country for the better, and it is their efforts that should be supported. Could you just elaborate on that?

Mr. POTOCKI. I think when Ales Mikhalevich mentioned a saving hand, he was referring to the IMF bailout of Belarus in 2009, and a period in time where the U.S. and Europe believed that by engaging in the regime, we could win over Mr. Lukashenko to become more democratic and more Western.

I think the crackdown destroyed all of these illusions, but I think some of the aid programs that are still being conducted are under the illusion that by working with the state, with the regime that you can bring them to appreciate the values that the Western community espouses. I think that those programs need to be canceled as—like the IMF consideration was for Belarus recently, and that

we need to really redirect most of our support to those who need that assistance in Belarus.

Mr. MIKHALEVICH. Excuse me. I just wanted to add that because of such projects, which are quite important for the local office of USAID—for example—they are lobbying some really strange ideas, like cooperating, like trying to agree on all U.S. projects with the Lukashenka government or even with KGB, for example. So it's very strange ideas in my mind just because—I'm not against some, like, soft projects in cooperation—direct cooperation with registered organizations in Belarus. But the only problem is that because of such project we are, like, forgetting about supporting human rights activities. We're forgetting about supporting an independent media. Because we should remember that economic conditions in Belarus are such that a real, independent media will not survive without such help, because there's huge, huge pressure on them from the side of the authorities.

So totally agree with Rodger Potocki that because of such projects, we have a lot of really—so it's like—very much like supporting the Belarusian government while forgetting about supporting civil society. Thank you very much.

Mr. SMITH. Just two final questions before going to Dr. Gingrey, a fellow Commissioner. I was shocked and dismayed on another human rights issue with regards to China when on her first trip to China, Secretary of State Hillary Clinton said she was not going to allow humans rights to, quote, “interfere” with peddling U.S. debt, as well as global warming issues.

I know most of the United States—now living in the United States, as I know you do as well—dissidents—Harry Wu, Wei Jingsheng, all the others, who were absolutely outraged by that statement and said that threw the dissidents in the laogai under the bus because we were too worried about selling our debt. So in other words, human rights were subordinated in order to curry favor with the Beijing dictatorship.

I'm concerned that the European Union and the United States are far too distracted. We do have obviously pressing and vexing issues dealing with our own economies, but that shouldn't mean that concern for human rights goes on a vacation. And I'm wondering, if you could speak to it, have we been as focused as we should be on bringing accountability and an end to this dictatorship in Minsk, as we should? Is Obama, is the E.U., others doing enough? And I repeat my comment before, because I do plan on sending a letter to all the appropriate officials: Is it time to indict or to seek an indictment—because it's a long step to actually getting an indictment—of Alexander Lukashenka before the International Criminal Court?

Ms. Corke?

Ms. CORKE. I would say in the past year following the December elections, the United States and the E.U. have been remarkably in-sync and doing a lot of the right moves by extending sanctions and increasing the travel ban. The challenge now is to maintain that solidarity moving forward. Mr. Lukashenka has been very good in the past at exploiting any possible divisions. And even this year he's exploited divisions by having, for example, the Bulgarian Foreign Minister going, thinking that he could cut a deal. Lithuania

and Poland both bear some responsibility in the case against Mr. Bialiatski. So the challenge now is to double down and make sure that there isn't any daylight between the U.S. and European positions.

Mr. POTOCKI. I would just—I would just add to that, I agree. I would add that perhaps the one area where there has been some disagreement between the United States and the E.U. and where the United States has really led is in terms of economic sanctions. The United States has been in the forefront of that.

Lukashenka's largest trading partner isn't Russia. It's the European Union, and the European Union seems happy to still import gas, oil and petroleum products that either originate or travel through Belarus. I think the European Union would be better off tightening economic sanctions, cutting off that saving hand that Mr. Mikhalevich referred to; and that if we could get our European partners to do more in this area, we really could bring down that regime.

Mr. SMITH. Dr. Gingrey?

**HON. PHIL GINGREY, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. GINGREY, M.D. Mr. Chairman, thank you. And I want to apologize to our three witnesses for coming in late. This is obviously a very important subject and one in which I am extremely interested, and so please accept my apologies. We had a markup in another committee, otherwise I would have been here at the beginning.

I did want to ask a question and maybe ask all three of you to respond to this. And I know that there have been some recent amendments to various laws that would appear to strengthen the security services, to outlaw protests, for example, and indeed prohibit any foreign funding of civil society and political organizations.

Do these represent anything new? Or are they essentially reinforcing what was already on the books or what has already been practiced? How dangerous are these recent amendments? And maybe we can start with the gentleman on my right. I can't pronounce—I'm sure I'll mess up your name, but I'm reading about what you have been through in regard to your detention. And I'm sure you have some very strong feelings about this.

Mr. MIKHALEVICH. So thank you very much for your question. First of all, new amendments are just bringing new legislation for real process. For example, there was punishment of civic organizations for, like, receiving foreign funding. It was extremely huge competencies of employees of secret services. So it's more or less the same that used to be—but the very important process is that Lukashenka is trying to convince his people. Because those people who are serving in his system, they can do everything. If you are—if they are killing members or representatives of opposition, he's trying to convince them that it's OK. It's legal. So it's the spreading of these legal opportunities for people within the system.

Definitely at the same time, a majority of them still understand that if they're killing someone, it's illegal, yeah? So even if it will be written in current legislation, so that still they—the majority of society, they have an understanding that it's just Lukashenka try-

ing to prepare the system and to prepare himself and his allies for defending against society in case—if mass manifestations will start. So he's, like, preparing his people that—please do everything in order to defend the system.

Thanks.

Mr. GINGREY, M.D. Well, Mr. Mikhalevich, thank you very much. And in—we'll go to the next witness.

Mr. POTOCKI. I agree with my fellow witness that the regime has never had a hard time in justifying its repression against democrats and civil society activists in Belarus, whether it's in the law or not. These laws are a sign of his increasing desperation in terms of doing all he can to prevent unrest from spreading inside of the country. At the same time, it hasn't intimidated or caused any of the groups that we're working with to be less idealistic or active in terms of opposing the regime.

Mr. GINGREY, M.D. Ms. Corke?

Ms. CORKE. I would agree for the most part with what both Ales and Rodger have said. There have been plenty of restrictions before. I think this is a sign, though, that Mr. Lukashenka is increasingly defiant. As their—as his unpopularity grows within the country and international pressure increases, he continues to put more legislative tools in place to justify more crackdowns. Belarusian civil society has strongly condemned the amendment. On October 20th, several civil society organizations, including the Belarusian Helsinki Committee, "Viasna" and the Human Rights Alliance, released a joint statement in which they said the draft law on amendments to the state security bodies significantly expands the powers of the state security service, makes them uncontrollable and actually puts them above the law.

Another thing I would note is that this summer there were a lot of demonstrations, the clapping protests. Those have slowed down in part due to reprisals. However, the fact that there's more legislation in place to further restrict their ability to—for freedom of assembly, I think, would have a chilling effect and dissuade them from taking to the streets again.

Mr. GINGREY, M.D. Thank you all very much.

Mr. Chairman, I yield back.

Mr. SMITH. Thank you very much, Dr. Gingrey.

Let me just add just—or ask a few final questions, and then I'll yield to Mr. Milosch for a question or two.

Last June, the U.N. Human Rights Council did condemn, as we know, the Belarusian Government's crackdown on the opposition. They talked about serious allegations of torture and ill treatment in custody, impunity of perpetrators and called for a visit. And as a matter of fact, Pillay, I should say—the head of the Office of the High Commissioner wanted to undertake a visit, which apparently has been denied.

And I'm wondering what your sense is as to the U.N. response—you know, a strong statement from the Human Rights Council. Has the U.N. Convention on Torture, the panel of experts, have they spoken about the use of torture? I mean, if we don't have zero tolerance for torture, then, you know, to me that's—especially in light of what you have suffered and so many of your fellow political pris-

oners. Your sense on the Human Rights Council; and second, the Committee on Torture or any other relevant U.N. body?

Mr. POTOCKI. I know that the Belarusian human rights groups also produced an alternative report on the human rights review that was presented to accompany the Belarusian government's report that the U.N. reviewed. The U.N. was strongly critical, as many international bodies, such as the OSCE, have been. But like many, they cannot travel inside of the country and cannot—and cannot share these views with Belarusians inside the country. That's why I believe an independent media is so important for spreading the word about these decisions.

The committee in Geneva, the Committee against Torture, hasn't spoken yet. Just yesterday, Belarusas' envoy to the United Nations, who used to be the Ambassador here in Washington, Mr. Khvastau, denied that Belarus practices torture, in the face of statements such as Mr. Mikhalevich's. I don't think anybody believes him. I agree with you that in the 21st century, it's very hard to keep this information quiet, and the government is in a sense constantly denying its transgressions. We do hope that the committee will make a strong statement on this. I think—I think the 21st is the final day in Geneva for these decisions. We look forward to hearing their comments but we're pleased in a sense that the Belarusian human rights groups have been able to put together their own reports, present their own evidence and argue this case on their own behalf, which is something that they have not been able to do in the past and, I think, shows a strong growth, again, in the self-organizing and solidarity spirit inside the country.

Mr. SMITH. I would just finally add that I believe the most efficacious way or means of holding Lukashenka to account—and I agree with everything you just said—but it is to indict him.

Mr. Milosch?

Mr. MILOSCH [Chief of Staff, Commission on Security and Cooperation in Europe]. Thank you very much, Mr. Chairman.

I'll switch gears here a little bit with a—with a question to the approach taken by the democratic opposition. What is their basic message to the Belarusian people? I'm wondering if maybe they're—do you think they have the right message? Perhaps their message is the fundamental message that they all maybe have in common [inaudible] it might be, Lukashenka is denying us democracy; we want democracy.

Maybe that's not the right message. Maybe their message should be, Lukashenka is impoverishing us.

You know, what is their message? And do you think they have the right one? And would you suggest another one?

A second question—the Polish model of solidarity that was just mentioned—Poland's, of course, on the border, and it's—you have Poles in Belarus. It was—it became the effective model of resistance in the 1980s in Central Europe. The idea was, we're not going to let the dictatorship divide us up into workers versus intellectuals, or workers versus farmers. We're not going to let them play on anti-Semitism to divide us up. You know, we're the 99 percent. They're the 1 percent, to use the current phrase.

What's the relevance of the Polish Solidarity model in Belarus? Has it played any role? Have people tried to use it? And how does that work out?

I'd like to hear from each of you. Thanks.

Mr. MIKHALEVICH. Thank you very much. We should remember that in Belarus during the last—in the second half of '90s and beginning of the 2000s, we had economic growth. And Belarus was—which was relatively poor during many years, we started to become richer in the last years of the Soviet Union. For them, these were quite high salaries. They were something completely new. So they were extremely loyal to the Soviet Union the last years of the Soviet Union, and they became loyal to Lukashenka because it was economic growth. Their salaries were bigger and bigger. They bought their first cars. They made good repairs—their houses and their flats, so—and during the last half year, because Lukashenka wanted to achieve this standard of \$500 per month for every employed person, before elections, we had collapse of our financial system. We had, like, very big problems in the economy. And people lost in their salaries by three times.

So the exchange rate of the Belarusian currency in comparison with the dollar or euro, was decreased three times, became smaller three times. And people lost majority—by almost three times they lost their—in their level of life. And definitely a majority of people became unloyal to Lukashenka. That's why at the moment he has only 20 percent of support, and we should remember that in post-Communist countries 20 percent are usually supporting any government. So those who are in power—they are supporting the authorities. They are not supporting someone personally but they're in favor of authorities.

So Lukashenka lost his—like, I would say, totally lost his support. That's why our message at the moment is just changes. It's not about—so definitely people understand it from economic terms. Because before, like, 5, 7 years ago, we could rely and we could work only with those people who were caring about human rights, who were caring about rule of law. But the majority of people, unfortunately, used to be satisfied. At the moment, 80 percent of people are against Lukashenka, so it's really a very, very big change in our people. And just changes at the moment is our main slogan, our main message for our population. We are speaking in different ways, I mean, but this word "changes" is the most important.

Coming back to solidarity, Rodger in his speech talked about huge levels of solidarity within Belarusian society: when people were collecting money, when Belarusian business was just giving money because they felt themselves guilty that they were not participating in protest against Lukashenka. So it's, like, solidarity among people, and it's really very well-developed. And also I'm absolutely sure that Lukashenka failed to divide us. For example, the Polish national minority, which is quite influential in Belarus, is totally integrated into the democratic movement. We are standing together. We are working together.

The same—while I was employed by an independent trade union, we developed a very high level of solidarity between different groups: workers, teachers, doctors, so—and it's working. I'm absolutely sure that Belarusian society's a completely new society. It's

completely different than society which used—we used to have in '94, when Lukashenka was elected as the president.

Thank you.

Mr. POTOCKI. I would add to that that the message of change, I think, is not enough today in Belarus and that we've been concerned that in contrast with the human rights groups or some of the other parts of civil society that are more united, that the politicians are a bit more divided and have not yet presented an alternative vision of the country that the public will respond to. And we are trying to assist them in that work and urging them to do so. I think it's very important that there is one common message, like Solidarity had in Poland back during those days.

I would also mention—Ales mentioned independent trade unions. The one big difference we see today in Belarus, as compared to Poland 20 years ago, is the amount of activism in the labor sector. We're just starting to see over the last couple of months the first strikes, the first unrest amongst workers, which still comprise 70 percent of state enterprises. But Belarus is still very much a very state-run economy, and I think that once workers begin to become more active, we will see more of a situation like we saw in Central Europe back in the late 1980s.

Mr. MILOSCH. Ms. Corke?

Ms. CORKE. I agree with a lot of what's been said, but it's the economic hardships that drove the Belarusians to take to the street this summer. However, only a minority is motivated by political issues, thus a message of change is important but also recognizing that what's—the fact that the current social contract is broken is what is really driving the population to have dissatisfaction with the current regime.

As was briefly touched upon previously, civil society has not done a great job at reaching out to the population. In part, as Rodger noted, funding has gone toward soft things that have encouraged talking to the regime, and a lot of the population outside of Minsk is not understanding that both civil society and the opposition can help them in this time of economic hardship. So creating greater solidarity amongst the population, civil society and the opposition are important areas to focus on.

Mr. MILOSCH. Thank you all for very incisive answers.

Mr. Chairman?

Mr. SMITH. Thank you.

Mr. Mikhalevich, you said in your statement that you're not a hero. I just want to say you are a hero and you are a very enlightened individual that helps this Commission but, more importantly, the people of your beloved Belarus. Thank you for your courage. Thank you for your testimony and for telling the world with fresh insights what—exactly what Lukashenka and his thugs are doing to the people, especially the bravest and the best, and that would be the political prisoners.

I want to thank Mr. Potocki. Thank you for your expertise and since 1997 working this very, very difficult issue of trying to bring democracy and freedom to Belarus.

And Susan Corke, thank you for your expertise, for your many excellent recommendations. Freedom House is always welcome here and has helped this Commission, as well as my sub-

committee—the Africa, Global Health, and Human Rights Subcommittee—time and again over the many years with suggestions for legislation and for holding dictators to account and helping those who are striving for freedom.

If there's anything you would like to add before we conclude—yes, Mr. Potocki?

Mr. POTOCKI. Mr. Chairman, I just—on behalf of those who suffered for the cause of democracy in Belarus after the 19th, I wanted to personally thank you for taking part in the Voices of Solidarity campaign that recited their names to the world over Radio Free Europe and Radio Liberty during those difficult Christmas days. It would be my pleasure to present you with a CD produced by RFE/RL and NED with that entire program, and we're grateful for your efforts.

Mr. SMITH. Thank you for doing that very program and thank you for presenting that.

And again, I want the human rights defenders in Belarus to know that they have many friends throughout the world, including in the U.S. Congress—House and Senate. Democrat, Republican, we are all united in standing in solidarity with them. And so I want the human rights defenders to know they are not alone.

The hearing is adjourned.

[Whereupon, at 12 p.m., the hearing was adjourned.]

APPENDICES

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

Thank you, Chairman Smith, for convening this important hearing. The difficult situation in Belarus merits our ongoing attention as the post-December 19, 2010 election crackdown continues to this day. The very modest hopes engendered prior to that election were crushed as the world witnessed singularly brutal repressive acts from the Lukashenka regime—a regime with the unfortunate distinction of being the worst human rights violator in Europe.

Clearly, throughout his 17-year rule, the Lukashenka regime has repeatedly violated its OSCE human rights and democracy commitments, but this nearly year-long crackdown has been especially egregious. The international community has properly reacted, including the OSCE. Earlier this year, the United States together with 13 other countries invoked the Moscow Mechanism concerning Belarus, an extraordinary, rare measure last used with Turkmenistan in 2003, reflecting the gravity of the post-election crackdown. Despite Belarusian attempts to undermine the Mechanism's implementation, a comprehensive report was issued in June documenting Belarus' non-compliance in many areas of the human dimension and containing numerous recommendations, which the Belarusian authorities have chosen not to act upon.

In June 2009, I led a seven-member Congressional delegation to Minsk where we met with Belarusian leader Alexander Lukashenka and made it clear to him that the only way to improve the relationship between our two countries is for him to increase political freedom and respect for human rights. Unfortunately, this is something that he has been either incapable or unwilling to do, thereby isolating Belarus. Along with our EU partners, we have taken various targeted measures against those involved in human rights violations and the suppression of democracy, sending the message that the contempt Lukashenka exhibits for international standards and, indeed, for the people of Belarus, will not be countenanced.

The economic situation in Belarus is dire, and the Belarusian people—already denied their rights—are now suffering as a result of Lukashenka's long-time mismanagement of the economy. This has spurred growing disaffection among the populace, and Lukashenka's popularity is at an all-time low. Lukashenka needs to make a choice—either to begin to live up to OSCE commitments and move in the direction of democracy and a functioning, market economy, or face a very uncertain future. The Belarusian people deserve to share in the democracy, freedom and prosperity enjoyed by most of Europe, to which, after all, they belong.

**PREPARED STATEMENT OF ALES MIKHALEVICH, FORMER
PRESIDENTIAL CANDIDATE, POLITICAL PRISONER, BELARUS**

Mr. Chairman, Members of the Commission, thank you for the opportunity to speak here about the terrible conditions facing democratic politicians, civic activists, human rights groups and lawyers in Belarus. As one of the candidates in the 2010 presidential election, I was deeply involved in the events that took place during and after the campaign. The brutal crackdown against peaceful protesters that began on December 19th and continues to this day has shocked not only the international community but also many Belarusians who were previously not interested in politics. Today, as we speak, a number of my colleagues, including two other presidential candidates, remain imprisoned. I hope that my testimony will help their difficult conditions.

Today I would like to highlight the horrible human rights situation in Belarus by telling you about my own personal experience. Over the last year, thousands of Belarusians have been arrested, denied legal council, and unjustly sentenced by courts completely controlled by the authoritarian regime of Alexander Lukashenka. Their defence lawyers were rendered incapable of carrying out their professional duties and their licenses to practice were revoked through intimidation and persecution by the authorities. Our stories are similar in many ways.

I was not naive when I decided to enter the presidential race. After years of being a democratic activist, I clearly understood the state's repressive mechanisms, how they function and what they are capable of. But I also had a clear vision of how my country could be modernized and changed for the better. Back in 2010, during the "Dialogue Process" with the EU, it seemed that positive changes within the regime were possible. Before the election, the candidates were allowed to campaign in ways that were previously forbidden. Many experts interpreted this softening of repression as a sign of liberalization. But it all ended abruptly with the brutal crackdown on election night.

When I heard that many people had been beaten by special forces, I used my car to help my campaign team bring the injured to the hospital or home. That evening, I stayed with my staff at campaign headquarters. In the middle of the night, officers in black masks and uniforms broke down the office door and arrested me.

I was brought to a KGB detention center, where I spent the next two months. During my imprisonment, I was subjected to constant mental and physical torture in order to coerce a confession of guilt. Masked KGB jailers carried out body searches five or six times a day. We were stripped naked and forced to assume various positions. For example, our legs were pulled apart with ropes and we could feel our ligaments tear. Afterwards, it was difficult to walk. We were forced to stand close to the wall, with our arms outstretched, until our hands swelled up. All of this was done in freezing rooms never warmer than 50 degrees. Some of the prisoners in poor health fainted during these "procedures." But those in the masks didn't stop. They would not turn off the overhead lights at night but forced us to lie down underneath the florescent lamps. We couldn't even cover our eyes with a handkerchief. As a result, our eyesight began to deteriorate. We were ordered to sleep only

with our faces turned towards the observation “eyes” in the doors. If we rolled over while sleeping, we were woken up and forced to face the right way. This caused sleep deprivation.

All these KGB tactics aimed to break opposition leaders. Prisoners were denied their legal right to medical help. A doctor could visit the prisoners only once a week, at a specific time. Prisoners were also not allowed to see their lawyers. This was done deliberately to insure silence about the torture. The isolation that is at the core of the KGB’s “secret investigations” is used to coerce people into signing prepared statements and confessions.

For me, it became a choice between remaining in jail until my trial or pretending to cooperate with the KGB. At the time, I had very little information on what was going on in Belarus, what had happened to my staff. I later learned that those working at my headquarters were detained and the office equipment confiscated. Campaign workers were repeatedly summoned to the KGB for interrogation. Those who called to me to express their solidarity were questioned.

My apartment, as well as those of my family, was searched several times by the KGB and my relatives were interrogated. My sister’s family was in a suspicious accident. Their car was suddenly blocked on the road and rammed from behind by a minibus. The driver of the minibus called the police, who confiscated my sister’s documents and detained her husband.

I was unable to see my wife and two daughters for two months. After my wife accepted an invitation to address the Polish Parliament about my imprisonment, she was taken off the train to Poland before it left. When she tried to get to Warsaw by car, she was followed and the car was stopped near the border and escorted back to Minsk by the KGB. She was informed that she could not leave the country until I was indicted. During my imprisonment, she was left to care for our two small children and was constantly harassed by the KGB.

Due to this physical and mental pressure, I agreed to play the game proposed to me and signed an agreement with KGB. But as soon as I was released, I held a press conference to break the silence about the torture that I and others had experienced. I felt I that I had no other choice but to speak out. Despite the risk of being arrested again, I still decided to publicize the torture so as to ease the fate of other political activists and peaceful protesters. I hope that the pressure on them has diminished after my statement.

I am not a hero. It was not possible for me endure further torture and be a martyr. Instead, I believed I could do more good by speaking out about what is going on in the very heart of a European country. I wanted the torture to stop and wanted those people who were earlier hesitant or indifferent to understand the true nature of Lukashenka’s regime. After I was released, it took me a while to adapt to the new Belarusian reality. What was going on in my country can only be compared to a gulag. Faced by an unprecedented wave of repression, the country had changed. People were intimidated. Belarus’ civil society was paralyzed, with leading activists imprisoned or abroad.

Since coming to power in 1994, Alexander Lukashenka has steadily consolidated his power and transformed Belarus into “Europe’s last dictatorship.” The regime does all it can to hinder those who oppose it. In these circumstances, any pro-democratic political or civic activity in Belarus is not only problematic but also dangerous. Furthermore, the regime has become a virus in the sense that its authoritarian methods have spread to other countries in the region, such as Russia and Ukraine. The roots of Putin’s “administrative reforms” and Tymoshenko’s prison sentence can be found in Lukashenka’s Belarus.

Nevertheless, I decided to participate in 2010 presidential elections in Belarus. I tried to position myself as an independent candidate, distancing myself from both the regime and the traditional Belarusian opposition. In my platform, I advocated economic modernisation, rule of law, real separation of powers and democratic institutions. I sought peaceful evolutionary change by identifying possible ways of cooperation between the authorities and civil society in Belarus. I saw my participation in the campaign as an opportunity to attract people who had never before actively participated in politics but were willing to improve the economic and political state of the country without resorting to radical ideas and acts.

During the violent crackdown on December 19th, more than 800 people were detained, among them dozens of journalists and six presidential candidates. Many participants were beaten and injured. More than 40 people were charged with crimes, including seven of the ten presidential candidates. Today, two candidates remain behind bars—Andrei Sannikov and Nikolai Statkevich—and one is under house arrest. The health of many of the arrested and imprisoned has gravely deteriorated.

Soon after the elections, the campaign headquarters of most presidential candidates were raided and their work paralyzed. Equipment was confiscated and many activists were detained; some had to leave the country for fear of further persecution. The same happened to the offices of many other prominent NGOs and human rights organizations. This was a major blow to the democratic community. Political parties, youth organizations, journalists associations and other initiatives were forced to limit or temporarily cease their activities. Ales Bialiatski, Chairperson of the Human Rights Center Viasna and a Vice President of the International Federation for Human Rights (FIDH), was arrested in August 2011. He is charged with massive tax evasion, is currently in custody, and faces up to seven years behind bars. Recently, a new law is being considered that criminalize all activities carried out with foreign funding.

The regime, which already controls mass media in the country, has only tightened its grip. It has become common practice for the authorities to interfere with the work of independent newspapers and news sites, or block their activities during protests and demonstrations. The authorities have again threatened to close down important independent newspapers, such as *Nasha Niva* and *Narodnaya Volya*. The regime often uses procedural pretexts to limit the free press. The regime is preparing a new law on mass media that aims to control the Internet and limit the financial

sources of independent media, as well as toughen conditions for re-registration. It also will establish a new body to regulate the media. According to the new law, independent media can be shut down for a broad number of alleged violations by the decision of the Ministry of Information.

As part of the crackdown, the authorities have attacked lawyers defending the detained and the politically neutral Bar Association. Due to intimidation, persecution and unlawful interference by the authorities, lawyers were unable to properly carry out their professional duties. Since the beginning of this year, lawyers with opposition clients have been under additional scrutiny. Based on alleged “grave violations of the law, incompatible with the position of a lawyer”, the Ministry of Justice disbarred seven lawyers. In violation of the Bar Association’s independence, a decision was made in May 2011 to hold a special re-certification of lawyers by committees of state officials. Some lawyers, who were defending the rights of democrats, were not certified by the new commissions. These repressive measures have forced some lawyers not to fully perform their duties of providing competent legal assistance in defending the rights, freedoms and legitimate interests of the accused, but to limit themselves to the perfunctory fulfilment of orders.

The nature of the Lukashenka regime is to hold onto power for as long as possible. It will use almost any method to protect itself. As the post-election events demonstrated, the regime was ready to repress not only opposition leaders, but simple passers-by that happened to be in the streets during the crackdown. All this is done to intimidate not only civil society, but the entire population of Belarus—to show them who is the real leader of the country. To do this, Lukashenka’s inner circle will not stop at anything. The regime not only breaches Belarusian law, but also international agreements. It uses inhumane methods of detainment, pressure and intimidation against even the families of prisoners. No agreement with the regime is valid when the political power of Lukashenka is at stake. He will not implement any serious political or economic reforms, even if he promises and pledges to, because it threatens and diminishes his personal power and wealth, and those who are close to him. Therefore, I believe that it is of no use try to make any agreements with the regime. As the events around the presidential elections have shown, these agreements have proven to be worth very little.

I urge the US, EU and international community not to trust another game of liberalization badly played by the regime. Cooperate only with independent civic society in Belarus: NGOs, both registered and not registered, independent newspapers and democratic activists. These will be the main partners in Belarus after Lukashenka leaves the scene. We should not give a saving hand to a collapsing regime. We should not replace one dictator in Belarus for another.

The Belarusian people deserve to enjoy the same freedoms and rights enjoyed by every American. In the current situation, Belarusian human rights activists and NGOs need more international support and attention. The authoritarian regime in Belarus has become a contagion, negatively affecting other states in the region, even some countries of the European Union, such as

Lithuania. Yet, with the right changes and the active support of civil society, the country has a chance to turn into a sustainable democracy and increase democracy and stability in the region.

Thank you

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

Mr. Chairman, members of the Commission, thank you for the opportunity to speak about the ongoing crackdown in Belarus. And thank you for all that you and your staff have done on behalf of Belarus, especially the Belarus Democracy Acts. I represent the National Endowment for Democracy, a leading supporter of civil society in "Europe's last dictatorship," and we have been on the front lines of providing support for the victims of repression for more than 15 years.

Ales Michalevich's testimony and personal story illustrate the appalling events that followed the flawed December election. But Belarus' "Bloody Sunday" and winter repression are part of a larger chronicle of egregious human rights violations that began when Alexander Lukashenka came to power 17 years ago. While unprecedented in its ferocity, this crackdown also calls to mind the brutal attacks on demonstrators in 1996, the disappearing of dissidents in 1999–2000, and the violence against peaceful protesters in 2006. Sadly, the repression continues today. Since the dark days of December, more than 3,000 Belarusians have been arrested for participating in this summer's "Silent Protests." Scores have been detained, jailed and fined for taking part in this fall's "Peoples' Assemblies," including just this past Saturday.

The crackdown that began on December 19th has not ceased. It is destined to continue, because force is a fundamental feature of this regime. Freedom House, the organization of my fellow witness, rates Belarus as one of the "Worst of the Worst" countries in terms of repression. The Lukashenka regime's human rights record has been repeatedly criticized by every leading rights body, including this Commission. Fear has helped this dictator to stay in power.

But Mr. Chairman, despite more than a decade of repression, there are indications that Belarusians are becoming less afraid. Today, for the first time, citizens blame the regime for the country's economic and political woes. Support for and trust in the head of state and government are at historic lows. While organized protests have yet to gain momentum, there are signs that society is stirring. In addition to this summer's "silent protests," more recent events, such as the garbage strike in Borisov and the attempt to form a free trade union branch in Slonim, indicate that unrest is rising.

Today I will speak about three areas in which, despite the repression since December, there have been positive developments. The first optimistic note is the performance of independent media. Since Alexander Lukashenka came to power, Belarus has been one of the worst perpetrators of crimes against freedom of the media. Hundreds of independent broadcast and print media outlets have been closed down. Last year, a new law to regulate the Internet came into force. Reporters without Borders has declared that Lukashenka is a "Predator of the Press" and "Enemy of the Internet."

On election night, scores of journalists were detained and had their equipment smashed. In the weeks that followed, more than a dozen media offices and journalists' homes were raided. During

this summer's "silent protests," 95 reporters were detained and 13 sentenced to jail time. Today, three journalists remain prisoners of conscience. Yet, despite this repression, independent media is thriving in Belarus. This is in dramatic contrast to five years ago, when it was on the verge of extinction. Today, the Top 5 news and information websites in Belarus are either independent or opposition run. Only 2 of the Top 10 sites are state-controlled. The website of regime's flagship mouthpiece, *Sovietskaya Belarussia* (Soviet Belarus), barely cracks the Top 15. Since the December crackdown, independent websites have seen their audiences grow by 2.5 to 4 times. I will cite just one of many examples. In 2006, the independent online newspaper *Belaruskie Novosti* (Belarus News) had 1.2 million visitors. By 2010, the number of yearly visitors had risen to 11.4 million. As of the end of September 2011, the total had already reached 18.3 million.

What we're seeing is that, following the regime's precipitation of the political and economic crises, society is increasingly searching for information and ideas from independent sources. One media expert noted: "When something happens in Belarus, no one turns on the TV to get news... They go online." Today, 62 percent of Belarusians distrust state media and, as one sociologist put it, "Propaganda is losing its influence over Belarusian society." Ever growing numbers of Belarusians are getting the real story about the country's collapsing economy, political paralysis, and international isolation. The regime has failed to convincingly convey its version of the events occurring on and after the 19th. Independent media is winning the information war.

Mr. Chairman, a second bright spot has been the exemplary work of Belarus' human rights organizations. Since the crackdown was launched, human rights groups have had their hands full. But, in contrast to a divided political opposition, they have worked together before and after the election to maximize their efforts and impact. The "Human Rights Defenders for Free Elections" campaign, led by the Viasna Human Rights Center and the Belarusian Helsinki Committee, united more than 600 activists to independently observe the presidential campaign and Election Day. Its findings played an important role in the international community's determination that the election was neither free nor fair.

Given the repression experienced around past elections, Belarusian human rights organizations also created a Common Human Rights Fund in fall 2010 to render assistance to those in need, putting in place procedures and resources before the crackdown commenced. As a result, these groups were able to provide legal, medical and humanitarian assistance to more than 500 repressed presidential candidates and political leaders, civic activists, journalists, lawyers, ordinary citizens and their families—including Ales, his wife, and their daughters. More than 20 NGO, political party and media offices had their confiscated equipment replaced. This support has continued through 2011 and has been provided regardless of political orientation—all who have needed and sought help have received it.

This work has been all the more impressive because, like Belarus' independent journalists, the human rights groups themselves have been a primary target of the crackdown. At least 10

leaders from human rights groups were persecuted following the elections. Aleh Gulak, chairman of the Belarusian Helsinki Committee, was arrested on the evening of the 19th, the Committee's office was searched on January 5th, and the organization was officially censured a week later. The day after the election, the central office of the Viasna Human Rights Center was raided. Ten of its members were arrested and all of its computer equipment and documents were confiscated. On January 17th, Viasna's office was searched again, as was the apartment of its director, Ales Bilatski. The effectiveness of the organization's work was recognized by the regime, when it officially warned Mr. Bilatski against taking part in activities on behalf of an unregistered organization, a criminal offense in Belarus. I'm proud to quote Viasna's response: "We believe that our human rights activities are absolutely legal and popular among Belarusian society. We will not stop them."

Mr. Chairman, civil society in Belarus is still alive and functioning, in part, because of the courageous and tireless work of these human rights defenders. So it wasn't a surprise when the human rights community's leader, Ales Bilatski, was jailed in August and put on trial this month. It is ironic that he faces 7 years in prison for not paying taxes on the funds that his organization received to aid those repressed by the regime. A massive defamation campaign has been launched by the regime against Mr. Bilatski, his wife, and his Viasna colleagues. But this has not prevented him from being nominated for the Nobel Peace Prize. It is a tribute to the tireless work of Ales and other human rights defenders that they have been targeted. It is a testimony to their organizations that the assistance to those in need has continued, despite the repression directed against their leaders.

The last, but most encouraging, example is the social solidarity that has resulted from the crackdown. Because so many were arrested on the night of December 19th, the human rights organizations I've spoken about were overwhelmed. Appalled by the regime's brutality, ordinary citizens stepped forward to monitor the "assembly line" sentencing in courts, gather information about the detainees, and contact families to let them know the fate of their sons and daughters. As the scale of the repression became known, activists made public appeals through blogs and social networking sites that quickly spread through the Internet. One webpage read: "Hundreds of people are in jail—beaten, sick and hungry. They do not enjoy the quiet snow or the holiday season . . . Restore their faith in the Christmas story. Do not wait for a miracle. Make one yourself!" This was the beginning of what became known as the "Guardian Angels Campaign."

And despite the fear, holiday vacation and winter weather, hundreds answered the call. Within a day, an office was filled with donated clothes, food, medical supplies, toiletries and even toys for prisoners' children. As the KGB raided offices and apartment throughout the city, and police tried to block access to the office, volunteers worked day and night to assemble more than 1,200 parcels for prisoners. Others, including taxi drivers, transported the care packages to three prisons, one of which was in another city, 35 miles from Minsk. When the jailers decreed that only family

members could deliver parcels, the volunteers suddenly became the adopted “aunts” and “cousins” of prisoners.

More than \$50,000 was also collected and used to help more than 400 victims by covering the costs of prisoners’ upkeep—Yes Mr. Chairman, in Belarus, prisoners must pay a daily fee for the “privilege” of residing in a cell—as well as medical assistance to those who had been beaten, and humanitarian aid to prisoners’ families. Doctors promised to rehabilitate the injured and private businessmen pledged to hire those who had been dismissed from their jobs.

Perhaps most importantly, the Guardian Angels provided a human touch to those whose bodies had been beaten and whose dignity had been trampled on for exercising their right to assemble peacefully. They comforted the families of the detained and stood vigil outside the prisons in solidarity with those “inside.” They greeted those released, provided them with rides home, and passed along information on where to get medical treatment.

It’s not possible here to read even a fraction of the heartfelt responses to the Angels. But what is clear is that, while the prisoners were grateful for the parcels, it was the solidarity that was the true gift. One prisoner explained: “It wasn’t just about clean water or clean clothes. When you’re locked away and helpless, it was important to know that people remember and care for you.” Another wrote that “without these packages many of us would have left prison with just one thought—to leave this country as soon as possible, forever. But because of them, we came out believing in better times.” It should come as no surprise that the Assembly of Pro-Democratic NGOs awarded the Angels its “Hero of Belarusian Civil Society” Award.

This social solidarity and self-organizing wasn’t just a response to the election repression—it has continued throughout 2011. When the office of Nasha Niva (Our Field) was raided and its equipment seized in January, it was able to keep publishing because its loyal readers donated more than 30 computers to the independent newspaper. In the spring, when a teacher was fired for her political activities, 117 of her colleagues contributed part of their salaries to help her. During the “Silent Protests,” one group of volunteers gathered more than \$4,000 in money, water and other supplies for those detained. There have been many more examples like these. As one newspaper article put it, “a wave of repression has caused a tsunami of solidarity.”

Mr. Chairman, as inspiring as these examples might be, they are even more remarkable because Belarus remains a hard-core dictatorship. 2011 has been a year in which more Belarusians than ever before were beaten, arrested and repressed in a myriad of ways. It is a country where working for an unregistered organization is a criminal offense. And Lukashenka continues to tighten the screws. On Sunday, he signed two controversial laws that will make it even harder for Belarusians to exercise their right to freedom of assembly and receive foreign assistance for civil society activities such as supporting independent media and human rights.

Against great odds, independent media outlets, human rights groups and citizens’ solidarity campaigns in Belarus have performed admirably since the election, producing tangible and compelling results. But given the worsening conditions there, we can-

not only laud Belarusians' drive and determination. Civil society needs our continued support and solidarity to complement and enhance their brave efforts. I would offer three recommendations:

1) Support for civil society in Belarus should be maintained at current levels. Due to the crackdown, the US government increased its support to \$18 million dollars in 2011. Much of this support went directly to aid independent media and human rights victims. Since December 19th, NED was able to increase its support to independent media by 30 percent and to human rights groups by 236 percents. But the Belarus budget is expected to decline to \$11 million by 2013. I ask that we try to hold the line on the Belarus budget so that we can continue to help brave people like Ales Bilatski and Ales Michalevich. It is the right and moral thing to do.

2) Support should go directly to the Belarusian independent journalists, human rights defenders and civil society activists who are doing the good work I've described. Too much US assistance goes to US contractors for soft, non-democracy programs fostering engagement with the regime. It is the Belarusian democrats who are struggling to change their country for the better, and it is their efforts should be supported.

3) Finally, the most effective type of support is that which is provided consistently, over the long-term. NED has been assisting independent media in Belarus since 1993, and human rights groups since 1996. I first started worked with Ales Michalevich when he was still in college and I was a part-time grad student, back in the mid-1990s. Short-term and one-off programs have had little impact or lasting effect in Belarus. In a dictatorship, it takes time for independent publications to build their capacity and audiences, human rights groups to build networks and trust, and NGOs to engage citizens who have much to lose by opposing the regime. The outstanding work of Belarusian civil society in the post-election period is the payoff of years of investment. Please help us to maintain this commitment and it will continue to reap dividends. Despite the crackdown, momentum is building for change.

Thank you very much for your support and for considering these points.

Chairman Smith, on behalf of those who suffered for the cause of democracy in Belarus after the December 19th election, I would like to personally thank you for taking part in the "Voices of Solidarity" campaign that recited their names to the world over Radio Free Europe/Radio Liberty during that difficult Christmas period. It is my pleasure to give to you a CD produced by RFE/RL and NED with the entire program.

I am happy to answer any questions you might have.

**PREPARED STATEMENT OF SUSAN CORKE, DIRECTOR,
EURASIA, FREEDOM HOUSE**

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

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

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

However, unprecedented developments this year are leading some observers to suggest that Lukashenka's days might be numbered. Never before has Lukashenka faced an economic crisis in his country like the one he bears responsibility for today, with a collapsing currency, severe shortages, and dwindling hard currency reserves. Never before has he been under more pressure from the European Union and United States through sanctions for his human rights abuses, from Russia through its cut-off of subsidies, and from the International Monetary Fund (IMF) for rightly withholding additional loans. In September of this year, Lukashenka hit the lowest point of his popularity in his nearly 17 year-rule, recently dropping to only about 20 percent support for the first time since he came to power in 1994. Lukashenka can no longer assert that his regime provides for economic stability in the country, and

the implicit social contract, which ensured ongoing support for Lukashenka from the majority of Belarusians, has been broken. As winter hits, and with it the imminent need to heat cold houses, compounded by worsening economic conditions, the discontent of the Belarusian population will grow. From some whispered rumblings, even those within Lukashenka's ruling elite will start to look around for survival options, recognizing that the Lukashenka path is one of dead-end governance. This hearing today is timely indeed.

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

Despite Lukashenka's plummeting popularity ratings, civil society has been paralyzed and unable to channel popular frustration with the regime into a cohesive movement for change. Belarus' civil society organizations faced raids on their offices and were forced to limit or cease activities. Many leading activists are imprisoned or abroad. Ales Bialiatski, Chairperson of the Human Rights Center Viasna and a Vice President of the International Federation for Human Rights, was charged with massive tax evasion and is currently in custody, facing up to seven years behind bars. Civil society is still stigmatized and alienated from common people; it must rise to meet this challenge. Support is needed from the international community to bridge the gap between the population, civil society and the political opposition. The opposition should look to build trust, and connect with the ordinary people, develop a viable, sensible, and rational political, social and economic alternative that would appeal to the majority of the population, in order for the opposition to capitalize on Lukashenka's low approval rating and be seen as an alternative for a brighter future.

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

In order to put forth a transatlantic policy roadmap for Belarus, Freedom House and the Center for European Policy Analysis (CEPA) launched an expert Working Group in June 2011. Chaired by David Kramer of Freedom House and Wess Mitchell of CEPA, this group gathered contributions from a bipartisan and international group of leading scholars and analysts (including staff from the Helsinki Commission) to identify sustainable strategies

for advancing democratic reform inside Belarus. We have shared the results in a report entitled “Democratic Change in Belarus: a Framework for Action” in events in Washington, DC, at the OSCE Human Dimension Conference in Warsaw, and with EU policy-makers in Brussels. Many of the recommendations I will share today are direct findings of that group.

It is important that the international community maintain solidarity, not let up on pressure, and take actions to catalyze democratic change and transition. At the same time, however, those around Lukashenka need to know that Lukashenka is no longer a guarantor of their own safety and stability, but indeed a liability which jeopardizes the future of the country as a whole. Replacing one dictator with another will not be the solution; there is a critical need for transforming Belarusians’ mindset, consolidating various strata in society, and enacting sustainable systemic changes that would reflect and solidify Belarus’ commitment to Western democratic and human rights norms. The West also needs to prepare a package of economic and political assistance should Lukashenka flee or be removed from power.

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

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

- Belarus has been urgently holding out hope for an IMF loan, but based on an IMF visit October 5–17 such a prospect does not look likely. Mr. Christopher Jarvis, head of the IMF Belarus team, stated that “there is an urgent need to bring down inflation, which is eroding living standards and feeding depreciation expectations,” and that before any negotiations for financial support could begin, “as a first step, the authorities will need to demonstrate a clear commitment—including at the highest level—to stability and reform and to reflect this commitment in their actions.”

- The European Union (EU) recently said that the success of progress in its relationship with Belarus is conditioned upon Belarus’s steps towards enacting the fundamental European values of democracy, human rights and the rule of law. As such steps have not been taken, it was logical and sound for the EU to extend the existing restrictive measures until October 31, 2012, which subject 192 individuals to a visa ban and an assets freeze, namely those responsible for the violations of international electoral standards in the presidential elections and for the crackdown on civil society and democratic opposition. In addition, the assets of four companies owned or controlled by the Belneftekhim Concern and linked to the regime, are frozen, while exports to Belarus of arms and materials that might be used for internal repression are prohibited. The council added 16 persons to the list of those targeted by a visa ban and an assets freeze.

- The U.S. Government took some important, immediate measures in January 2011, following the December post-election crackdown, including expanding the list of Belarus officials subject to travel restrictions and imposing financial sanctions against unspecified Belarus citizens and entities. Washington also revoked a general license that had temporarily authorized Americans to engage in transactions with two subsidiaries of Belneftekhim, the largest state-owned petroleum and chemical conglomerate in Belarus. On August 12, 2011, U.S. imposed more economic sanctions against four major Belarusian state-owned enterprises: the Belshina tire factory; Grodno Azot, which manufactures fertilizer; Grodno Khimvolokno, a fiber manufacturer; and Naftan, a major oil refinery.

- The post-election-crackdown pledge of \$100 million by Western governments was an important sign of international solidarity. It is important now for international donors to coordinate and expedite the flow of assistance to those who need it, including those beyond Minsk who may not have benefited previously.

- Lukashenka's regime, defiant in the face of growing domestic unpopularity and international pressure, has orchestrated a new series of maneuvers to legitimize—in the eye of the Belarusian law—grounds for further crackdown and repression of citizens freedoms. As mentioned above, Lukashenka this week signed into law draconian amendments to the laws that govern the framework and scope of work by civil society groups and the political opposition. The amendments to the Mass Events Law require any gathering of people to be sanctioned by authorities, while amendments to the law governing the operation of parties and NGOs prohibit them from keeping funds and other valuables at financial institutions abroad, as well as criminalize the receipt of foreign aid by political parties or NGOs. In addition, draft amendments under consideration to the law "On Bodies of State Security" would expand the security bodies' mandate to an unprecedented level.

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

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

- 1) DO understand that Lukashenka is a threat to the decades-long vision of a Europe whole, free, and at peace; to the people of Belarus who have suffered 17 years under his abusive rule; and to peace generally through his arms sales to rogue regimes. At the same time, do NOT worry about isolating Lukashenka; through his actions, Lukashenka has already created a perception of himself as an unreliable and unstable partner for any future dialogue.

- 2) DO maintain unrelenting pressure on his regime through economic sanctions to force the release and full rehabilitation of polit-

ical prisoners and lawyers disbarred for representing political prisoners during post-election trials; it is the only way to win their freedom and ensure full societal integration. At the same time, do NOT worry about pushing Belarus toward Russia; indeed stop viewing Belarus through a Russian prism; doing so plays into Lukashenka's hands.

3) DO insist on the unconditional release of all political prisoners; 13 political prisoners are still in the Belarusian prisons, according to the Human Rights Center "Viasna", and even those who have been released have not had their civil rights restored (another condition Lukashenka must satisfy in order for the international community to consider rewarding the regime by getting back to the negotiations table). Do NOT even talk about engaging the regime as long as one political prisoner still languishes in jail—and even then recognize that Lukashenka will not guarantee sustainable systemic changes that will lead Belarus toward Europe and the realization of the country's potential.

4) DO raise questions about Lukashenka's legitimacy as leader, especially since the United States did not recognize as legitimate the results of last December 19's rigged presidential election. However, do NOT abide by longstanding agreements with his regime that involve exchange of sensitive information that Lukashenka then uses against his opponents (as Poland and Lithuania did in transferring sensitive banking information of Ales Bialiatski, a leading Belarusian human rights activist); moreover, do NOT adopt a business-as-usual approach to Lukashenka now and in the future—sticks have to remain as options even when carrots are considered.

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

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

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

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

but unity is not necessary for ushering changes in the political landscape of Belarus.

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

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

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

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



This is an official publication of the
**Commission on Security and
Cooperation in Europe.**



This publication is intended to document
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