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BEFORE THE
SUBCOMMITTEE ON EUROPEAN AFFAIRS
SENATE FOREIGN RELATIONS COMMITTEE
“CRACKDOWN IN BELARUS: RESPONDING TO THE LUKASHENKA
REGIME”
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Chairwoman Shaheen and Members of the Subcommittee, thank you for inviting me here today to discuss the current crisis in Belarus. I just returned on Tuesday from Minsk, where I met with human rights organizations, opposition political leaders, independent journalists, and the families of many of those currently being held by the regime. I also expressed directly to representatives of the Belarusian foreign ministry our grave concerns over the present situation.

While the current crackdown may be notable in scale and scope, it fits within a clearly-demonstrated pattern of behavior by the Belarusian government stretching back to the mid-1990s. In light of these recent events, we must continue to speak out against the detentions, raids and other human rights abuses, while at the same time continuing to demonstrate our unwavering support for the democratic aspirations of the Belarusian people.

Overview of Belarus' Human Rights Record

Alyaksandr Lukashenka rose to power in 1994 as an independent candidate running on an anticorruption platform; he won what is widely considered Belarus' last democratic election. Since that time, Lukashenka has consolidated virtually all power into his own hands. He has maintained his authority through a series of fraudulent referenda and elections, while at the same time suppressing all forms of dissent, sometimes brutally. Lukashenka oversees a bureaucracy, intelligence service and economy that remain largely unreformed since the Soviet period. In the past, political opponents and journalists have disappeared; security forces were presumed to be responsible. In today's Belarus, civil liberties – including freedom of speech, press, assembly, association, and religion – are sharply restricted. The government controls and limits citizens' access to information through near-total domination of television and print media. Through a restrictive internet law that entered into force in July, authorities are working to extend that control even further.

Belarusians live their lives under the watchful eye of the KGB, which employs wiretapping, video surveillance and a network of citizen informers to keep the public in line. Authorities arrest, detain and imprison people for criticizing members of the government, for participating in demonstrations, and for other political reasons. Police routinely beat protesters, use excessive force when dispersing peaceful demonstrators, and employ physical and psychological torture during investigations. The regime works to suppress the activities of nongovernmental organizations (NGOs), independent media, political parties and religious groups through a mix of non-registration, harassment, fines, and prosecutions. Moreover, individuals who engage in activities on behalf of any organization that the government refuses to register in any of these sectors face criminal prosecution with potential jail terms of up to three years. State-owned companies, which employ most Belarusians, routinely fire employees as retribution for their political activities or for attempting to unionize. Short-term labor contracts ensure that no citizens can take job security for granted. University students have been expelled for expressing their opinions, and young men with ties to the opposition have been forcibly conscripted. The country's judiciary suffers from blatant political interference, corruption, and inefficiency; trial outcomes are usually predetermined, and many trials take place behind closed doors. Over the years, the regime has held numerous political prisoners for extended periods of detention. Abuse of prisoners and detainees is pervasive, and conditions inside prison remain extremely poor; the government does not permit any independent monitoring of prisons. Belarus under Lukashenka has well and truly earned its designation by The Economist Intelligence Unit as an "authoritarian" country, and its place on the Freedom House list of the "Worst of the Worst."

While the broader situation in Belarus has changed little over the past decade and a half, during the past two years, the regime began to indicate at least some interest in exploring improved relations with the United States and European Union through the loosening of some restrictions on political and civil society activity. In early 2007, the United States took concrete action to press the government for the release of political prisoners through the imposition of unilaterally targeted sanctions against Lukashenka-controlled, state-owned petrochemical conglomerate "Belneftekhim." Lukashenka responded in early 2008 by forcing the departure of our Ambassador and the reduction, almost overnight, of our Embassy's American staff from 33 diplomats to five. But over the next few months, authorities released all of the political prisoners. During late-2008 and into 2009, the government took other small positive steps, including allowing the registration of a few civil society organizations, and allowing a small number of independent newspapers to be sold through the government monopoly distribution system. At the same time, however, authorities resisted pressure from the U.S. and EU to undertake any meaningful systemic changes. The government ignored requests to repeal Article 191 of the criminal code, a tool routinely used to harass members of unregistered organizations. In the run-up to the 2010 presidential election, the regime declined to follow through on repeated requests from the Organization for Security and Cooperation in Europe (OSCE) Office of Democratic Institutions and Human Rights to bring its election law into compliance with OSCE standards.

The Presidential Campaign

The campaign environment leading up to the December 19 presidential election included a proliferation of opposition candidates, nine of whom ultimately secured places on the ballot. In marked contrast with previous election cycles, authorities generally did not interfere with campaigning by the candidates. The challengers were allowed to appear together on state-controlled television for a live hour-long debate, which Lukashenka boycotted. At the same time, however, authorities were working diligently to ensure that the election machinery remained firmly in the hands of regime supporters. In order to bypass the legal requirement that a minimum of 1/3 of election commission members must hail from political parties and NGOs, the regime stacked local, municipal and regional election commissions with state workers who claimed to be representatives of fabricated NGOs or non-existent pro-regime political parties. Of the roughly 70,000 precinct-level electoral commission members at 6,346 polling stations, only 183 members (0.27%) hailed from parties or organizations that could be considered truly independent of the ruling authorities.

On election day, OSCE and U.S. Embassy observers fanned out across the country, and reported on a heavily stage-managed voting process, with the regime leaving little to chance. Local "observers" – who claimed to be from government-controlled NGOs but often struggled to recall the names of those organizations – were present at most polling stations, and in many instances provided written statements to international observers stating that the elections had been conducted fairly. Members of the OSCE mission reported meeting few truly independent local observers. While the voting process generally followed established procedures at most polling stations, OSCE observers reported instances of ballot stuffing and other manipulations, often involving mobile ballot boxes that disappeared from sight for long periods during the day.

When the polls closed and the vote count began, the situation deteriorated significantly. OSCE/ODIHR, in its preliminary assessment of the conduct of the vote, concluded that the vote count was either "bad" or "very bad" in nearly half of the stations observed. At many stations, commission members ignored the legal requirement to conduct separate counts of the votes from the early, mobile, and stationary election day ballot boxes, and instead mixed the ballots together. Even where officials conducted separate counts or placed votes for each candidate in separate piles, the count was generally conducted in a rushed and silent manner, making it impossible to follow whether the numbers actually added up. Furthermore, commission members at most polling stations kept observers at a distance of 10 feet or more from where the votes were being counted, making it impossible to independently verify the results. In some instances, OSCE observers noted that the vote totals for various candidates changed between the time election officials left their polling stations, and the time they arrived and submitted the results to the regional election commission.

The OSCE observation mission and the OSCE Parliamentary Assembly noted "some specific improvements" in the election process, but underscored the fact that "the vote count

undermin[ed] the steps taken to improve the election.” The OSCE also noted that “election night was marred by detentions of most presidential candidates, and hundreds of activists, journalists, and civil society representatives.” Geert-Hinrich Ahrens, head of the OSCE/ODIHR observation mission, summarized the situation by noting at a December 20 press conference that “a positive assessment of this election isn't possible.”

Post-election Crackdown

Weeks prior to the election, members of the political opposition (including six of the nine opposition presidential candidates) and other civil society leaders announced their intent to hold a large peaceful rally on election night to protest the already evident uneven playing field shaping the campaign environment and a clear lack of integrity of the state electoral machinery. In early December, Lukashenka's presidential administration declared that the opposition was preparing "groups of fighters, buying warm clothes, pyrotechnics and even explosive materials" to create a "provocation" on election night. Well before the polls closed on election day, thousands of police took up positions in downtown Minsk in anticipation of the protest.

That evening, tens of thousands of Belarusians gathered in downtown Minsk, and held the largest public demonstration seen in the country in at least five years. We may never have a complete and accurate accounting of the events of that evening, but there are some things we do know. We know that presidential candidate Uladzimir Nyaklyaeu and his supporters were stopped by police and beaten prior to the start of the demonstration, and that Nyaklyaeu was later removed from his hospital bed by security forces. We know that the demonstration proceeded peacefully for a few hours, until unknown individuals began breaking the windows of the Government House. In the period that followed, we know that security forces launched a broad and seemingly indiscriminate crackdown, holding some protesters on the ground with their boots, and beating people with fists and batons. Among those injured were presidential candidate Andrei Sannikau and foreign journalists. In clearing the square, authorities ultimately detained between 600 and 700 people. According to human rights organizations, these detainees were held for an initial period with extremely limited access to physical necessities including water and toilets; they were subsequently given hearings before judges without the benefit of legal counsel, and were sentenced to between 10 and 15 days of administrative detention. The majority of these detainees were then released at the end of those sentences (in late December or early January).

In the aftermath of the crackdown on the square, authorities began assembling a group of the most well-known detainees at the KGB detention center, some of whom were taken from the square, but others who had been taken from their homes and offices in the days following the protest. At present, authorities have charged 36 persons with organizing or participating in mass riots, including five of the presidential candidates and many of their campaign aides, as well as other political leaders, youth activists and independent journalists. Thirty-two of these individuals remain in detention, and authorities continue to deny family members access to the detainees and threaten the lawyers who have been retained to represent them. Lawyers are

reporting extremely limited access to their clients; nine detainees have not seen their lawyers since December 29. We simply do not know the conditions under which these prisoners are being held, but there are reports that one presidential candidate is on a hunger strike. Others, such as Nyaklyaeu and Sannikau were injured by security forces; we do not know – but are concerned – whether they are currently receiving appropriate medical attention. According to authorities, at least 12 others (including two additional presidential candidates) remain suspects but have yet to be formally charged.

In the days that followed, authorities claimed that the events of December 19 were an attempt at revolution. State-owned newspapers printed allegations that German and Polish security forces had organized and financed a plot to overthrow the government. Belarusian security forces have continued day in and day out to raid the offices of dozens of independent organizations, media and human rights groups, as well as the homes and apartments of leading activists. Targets have included the two leading Belarusian human rights organizations, the Belarus Helsinki Committee and "Vyasna," both of which were involved in actively documenting the electoral fraud and the post-election repression. During these raids, security officials seized as "evidence" the files, computers, flash drives, cameras and other equipment belonging to these organizations. Authorities have also arrested and detained additional activists. These raids are continuing up to the present.

Closure of the OSCE Office

In the wake of the OSCE/ODIHR Election Observation Missions' findings that the presidential election failed to meet international standards, Belarusian authorities announced their intention to close the OSCE Office in Minsk, one of the few international organizations that had the ability to work on promoting democratic governance and respect for human rights inside the country. The office's mission was to assist the Belarusian government in developing democratic institutions, promoting the rule of law, and forging relationships between government and civil society. The office's work was guided by OSCE principles and commitments to which all 56 participating states have agreed, including respect for the rule of law, freedom of assembly and association, and freedom of the media. Based on the conduct of the election and the government's subsequent acts, it is clear that the OSCE office's work was far from complete. We will continue to press vigorously for reinstating the mandate of the office, just as we did when Lukashenka briefly expelled the OSCE mission eight years ago.

Visit to Minsk

The primary purpose of my recent visit to Minsk was to demonstrate the United States government's continued solidarity with – and commitment to – the brave men and women who have been working peacefully to promote democratic values and political reform. As our Ambassador to the OSCE Ian Kelly said on January 20, "[w]e need to make very clear to the Government of Belarus and to Mr. Lukashenka that business as usual cannot go on so long as

members of the opposition, independent journalists, and peaceful protestors are detained." And as Secretary Clinton and European Union High Representative Ashton said in their joint statement on December 23, "The people of Belarus deserve better."

During my visit, I repeated the administration's call for the immediate release of all those detained in the post-election crackdown. I met with human rights groups, NGOs, independent think tanks, members of the democratic opposition, religious groups and independent media organizations. I gave interviews to both local and international media highlighting our commitment to the release of the detainees and to the longer-term survival of Belarusian civil society.

It has also been tremendously heartening to witness the response of Belarusian human rights NGOs and civil society organizations to this crisis. The country's embattled independent media has provided up-to-the minute factual reporting of the elections and crackdown, while NGOs have worked to document the names and locations of the hundreds initially detained. The fact that civil society groups from across the former Soviet Union have joined together to create their own Belarus monitoring and advocacy group further demonstrates the vital roles these organizations play, both locally and regionally.

Of course, with so many Belarusian political and civil society leaders now imprisoned, those who remain out of jail are facing unprecedented challenges moving forward. While we have long provided moral and other forms of support to independent actors in Belarus, the needs now are significant. We are working diligently with our European colleagues to ensure that these immediate needs are met, and we are also reviewing our overall assistance approach to Belarus for the medium and long term.

What struck me most during my time in Belarus was seeing a brave group of independent journalists, political leaders, student activists, civic campaigners and religious leaders – as well as their supportive families– who remain undeterred in the face of the Lukashenka regime's efforts over the past decade and a half to suppress them. In fact, they remain as dedicated as ever to fostering democratic change in their country. And I am convinced that there are millions of Belarusian citizens who – in spite of the repression, the brutality and the propaganda – want more for themselves and for their children. As Europe's last remaining dictatorship, Belarus is the final barrier to what both President George H.W. Bush and President Obama have referred to as "a Europe whole and free." We owe it to the Belarusian people to continue supporting them in this critical pursuit.