



## **CONSERVATION OF THE SYSTEMIC HUMAN RIGHTS CRISIS IN BELARUS: A WORTHWHILE PRICE FOR LUKASHENKO’S “PEACE-MAKING”?**

*A Report by Freedom Files and the Working Group on Investment of the  
Committee of International Control over the Human Rights Situation in Belarus  
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## Introduction

This report has been produced in March-April 2015 by the analytical centre “Freedom Files” and the Working Group on Investment of the Committee of International Control over the Human Rights Situation in Belarus. Authors cordially thank the Civic Solidarity Platform for its support. Since the beginning of the current phase of the human rights crisis in Belarus in December 2010 both groups have researched the human rights, political and economic situation in Belarus, and the impact of the steps taken by the international community in response to the crackdown on rule of law and fundamental freedoms by the Lukashenko regime, and have published reports, policy papers and articles with results of their research and recommendation to international actors on strategies of bringing Belarus back to the democratic path of development.

In these publications we have argued that while assessment of the human rights situation in Belarus by the international human rights institutions, including the UN bodies, the OSCE and the Council of Europe, has been precise and provided strong and clear recommendations, the overall international response has been limited and inconsistent, in particular regarding the use of the most effective tool, economic restrictive measures. This inconsistency, especially the leaving of major loopholes in economic sanctions against key businesses supporting the repressive regime in 2011-2012, ceasing the expansion of sanctions in 2013 and, eventually, decisions to exclude a number of targets from the sanctions list in 2014, has allowed the regime to escape from the economic crisis of 2011 and adapt through a combination of large exports of oil products to the EU member states and subsidies and loans from Russia. Still, economic sanctions and, most importantly, a threat of their expansion in 2012 had a positive, albeit limited, impact and lead to a release of a number of political prisoners.

As a result of this inconsistency in the EU policy, the regime has not implemented a single recommendation on human rights and rule of law made by international organisations, and the situation in the country has continued to steadily deteriorate, turning into a human rights crisis where violations are of a “systemic and systematic” character, in the words of the UN Special Rapporteur on the Human Rights Situation in Belarus. No major human rights violations committed in 2010-2011 have been reversed while repressive practices persist. New restrictive laws have been adopted in 2011-2014, further undermining all fundamental rights and freedoms. All political prisoners who returned home from colonies in 2014, except one, had served their entire terms. A new political prisoner has been convicted and another one has received an additional term in the recent months, thus bringing their total number to six as of the time of writing this report. Their harassment and inhuman treatment, amounting to torture, continues on a daily basis. Dozens of former political prisoners have not been rehabilitated and remain restricted in their fundamental rights. All in all, as a result of absence of positive changes in human rights and rule of law, the framework of relations between the Lukashenko regime and the international community has been again, like in the past, skilfully restricted by the autocratic ruler to his classic game of “hostage trade”. When he receives the lifting of sanctions, expansion of trade and financial support from the West in exchange for release of all current political prisoners, he will detain and convict a new group of opponents when he sees fit, and the “game” will continue. As a result of these developments, experts and activists started to experience a strongest sense of déjà vu, recalling the same pattern in the past.

However, everything changed in 2014 after the annexation of Crimea by Russia and the beginning of the war in Eastern Ukraine, next door to Belarus. On the one hand, Lukashenko has successfully posed himself as a “peacemaker”, hosting the Minsk negotiations on ceasefire, supporting Ukraine’s sovereignty and the new government in Kiev, distancing himself from Putin’s aggressive rhetoric and actions, and presenting himself as a guarantor of independence of Belarus. By smartly acting this way, he has managed to break through the diplomatic blockade of the West and begin a new “thaw” in relations with the EU and the USA. Two series of lifting of parts of the EU sanctions in August and October 2014, including several key businesses of Lukashenko’s “bagmen,” were followed by softening of the US sanctions in the end of the year. A stream of high-level Western politicians coming to Minsk, including those who just a couple years ago called him “the last dictator of Europe” but apparently seeing him now as a “lesser evil” than aggressive and unpredictable Putin, has paved the ground for a possible participation of the Belarusian autocrat in the Eastern Partnership summit in Riga in May, for the first time ever. Lukashenko is approaching the next round of presidential “elections” in November, experiencing a true renaissance of relations with the West and in full control of the situation at home, with his political opponents in jail, in exile, or demoralized and intimidated. The ruler is ready to brutally suppress even a tiny protest, should it happen. It seems that he is very close to “getting it all” in relations with the West without making a single positive step at home, beyond “trading hostages”.

At the same time, the war-related developments have hit Belarusian economy very hard. Economic situation in the country is dire and probably in the worst condition in many years. Severe economic crisis in Russia and Ukraine, the first and the third main trade partners of Belarus, unwillingness of Moscow to give a new credit to Lukashenko, combined with the drop in the world oil prices, have led to growing foreign trade deficit, sharp depreciation of the Belarusian rouble, increasing budget deficit, falling hard currency reserves, dwindling income of the population, massive hidden layoffs of workers, and partial closure of many industrial enterprises. A traditional raise of wages and pensions on the eve of the elections seems to be an impossible task this time. As in the past, Lukashenko hopes to be saved by a new loan from the IMF and sales of Eurobonds. Driven by this goal, he intensifies his “peace” rhetoric and diplomatic charm offensive in the West.

Ironically, at the time when the autocratic regime in Belarus is in the most vulnerable position in many years in terms of the state of its economy – to such an extent that it seems Lukashenko can be taken by the West with “bare hands” and fulfil its demands on human rights – the West appears to be gradually giving up on applying economic pressure. Apparently, it is done for the sake of “restoring relations” with Belarus in order to isolate Putin, help the peace process in Eastern Ukraine, and preserve Belarus’ sovereignty from potential Russian aggression by helping Lukashenko strengthen his rule. However, in the long run Lukashenko is not capable of preserving independence of Belarus and would not withstand potential Russian aggression, should Putin choose to go this way. By giving up on human rights and rule of law for the sake of peace and Belarusian sovereignty, the West is risking to not achieve both. If Lukashenko gets financial assistance from the West, successfully holds presidential “elections” and receives even a limited international recognition of progress in their conduct and of his legitimacy, his

autocratic regime will stay there forever while the threat of takeover by Russia will remain in place. After all, Russian troops are already stationed in Belarus.

We believe it is not too late for the democratic community of nations to renew its principled position, based on clear demands of positive change in human rights and rule of law in Belarus, stemming from resolutions of international organisations and including measurable benchmarks of progress. Dire economic situation of Lukashenko and his well-grounded fear of Putin provide an excellent opportunity for the West to advance demands that would include not only the release and rehabilitation of all political prisoners but systemic changes in laws and practices on a wide range of fundamental rights and a conduct of free and fair elections.

This report provides an overview of the situation in Belarus in the period of 4.5 years since the crackdown in December 2010 and shows that there has been no progress in human rights and that not a single recommendation of international organisations has been implemented. It provides analysis of inconsistency of the policy of restrictive measures by the EU in 2011-2014 and explains why the current economic situation in Belarus gives good prospects for renewal of a principled policy. The report concludes with recommendations on specific mechanisms that can be applied to put effective pressure on the Lukashenko regime in the new situation.

## **50 months of the Crackdown: An Overview of the Human Rights Situation since December 2010**

### *Political prisoners*

The Lukashenko regime had regularly imprisoned its critics as a result of politically motivated and unfair trials long before the events of December 2010. However, persecution and harassment of political opponents reached a new peak during the election night of 19 December 2010, when the authorities launched a massive crackdown on and an intimidation campaign against the opposition and civic activists. Seven of the 10 presidential candidates were arrested and detained on the election day or shortly after. According to various reports, almost 700 people were detained by the end of December 2010, mostly the protest participants, opposition activists and journalists.

Most of those arrested were later released, many after receiving administrative charges or fines, or after having spent several weeks or months in custody. 43 people were, however, charged in criminal offence, and stood trials in Minsk district courts. Five of nine opposition presidential candidates received prison sentences: Andrei Sannikov, Mikalai Statkevich, Dzmitry Us, Uladzimir Niakliayeu and Vital Rymasheuski. The longest sentences were given to Andrei Sannikov (five years), Dzmitry Us (five and a half years) and Mikalai Statkevich (six years). All three were found guilty in “organization of mass disorder”.

Violence against and intimidation of the detainees were widespread at the time of arrest and during pre-trial detention.<sup>1</sup> During pre-trial detention most of the prisoners experienced a high

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<sup>1</sup> Analytical Review upon Results of the Examination of Evidence from 205 Citizens Detained during the Public Action on

degree of physical and psychological pressure amounting to torture. By accounts of various prisoners, they were severely beaten, denied medical treatment, denied access to a restroom for many hours, forced to stand undressed in freezing cold outside of the building, forced to lie still on a wooden bunk bed for hours in bright light, forced to run up and down stairs with heavy weight on extended hands, and more<sup>2</sup>. Many of them received threats to life of their family members, including spouses and children. In some cases, torture was inflicted by masked personnel – allegedly state security agents – which made it difficult to identify them and impossible to bring charges against them. Physical and psychological torture was used to force the prisoners to write “a plea for indulgence” to president Lukashenko or to “strike a deal” with the KGB, promising to act as informants. In many cases, ill-treatment continued after sentencing, including long periods of denial of medical care in instances of serious health conditions such as in the case of Zmitser Bondarenko or threats to life such as in the case of Andrei Sannikov.

A number of political opponents and activists, whose sentences were politically motivated, have been routinely handed out disciplinary punishments for allegedly violating the rules of detention. This often resulted in limitations placed on meetings with relatives and/or lawyers, on receipt of food and medicine packages, and correspondence, transfer to solitary confinement, and other forms of harshening conditions of their imprisonment.

In August 2011, Ales Bialiatski, head of the Human Rights Centre “Viasna” and Vice-President of the International Federation for Human Rights (FIDH) who had been a leading figure in collecting and managing financial support to the lawyers and families of political prisoners, was arrested. In November he was found guilty of tax evasion and sentenced to four and a half years and confiscation of all assets in a clearly politically motivated and unfair trial aimed at silencing him. In June 2012, the prison authorities labelled him a repeat violator of the regulations of his detention. He continued to face arbitrary reprimands in the form of cancellations of visits by family members, restrictions on his mealtimes and on permission to receive parcels for allegedly having violated the prison rules. Other inmates were not allowed to communicate with him, threatened with disciplinary action. Many political prisoners have been repeatedly subjected to disciplinary penalties, including isolation in solitary confinement and cell-type premises or transfer to a stricter regime institution. In some cases political prisoners received additional sentences of one year under article 411 of the Criminal Code for alleged repeated “malicious violations” of the penal regime and “deliberate disobedience to the correctional institution administration”, including Zmitser Dashkievich in 2012 and Mikalai Dziadok in 2015. A recent decision to extend the period of the Mikalai Dziadok’s detention on the eve of his scheduled release was apparently taken by the authorities in view of the presidential election of 2015<sup>3</sup>.

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December 19th, 2010 in Minsk; A report by the Foundation for Legal Technologies Development, International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus and the Legal Transformation Center, May 2011, [http://hrwatch-by.org/sites/default/files/IOM\\_Analytical\\_Review\\_N4-1\\_ENG\\_0.pdf](http://hrwatch-by.org/sites/default/files/IOM_Analytical_Review_N4-1_ENG_0.pdf)

<sup>2</sup> Irina Khalip Presented “A Diary of a Woman Prisoner”, Charter97, in Russian [Ирина Халип презентовала «Дневник зечки», Хартия97], 11.03.2014, <http://charter97.org/ru/news/2014/3/11/90103/>

<sup>3</sup> Political prisoner Mikalai Dziadok sentenced to one more year in prison, “Freedom for Political Prisoners!”, 06.03.2015, <http://palitviazni.info/навіны-en/2015/03/21184?lang=en>

Despite the release in August and September 2011 and April 2012 several groups of political prisoners convicted in connection with the events of 19 December 2010, they have remained restricted in exercise of their fundamental rights and freedoms<sup>4</sup>. Moreover, new cases of politically motivated prosecution and conviction have been taking place after trials of spring of 2011. These include Ales Bialiatski in November 2011 and, more recently, Yury Rubtsou in October 2014<sup>5</sup>. As of the time of writing this report, the total number of remaining political prisoners, recognised as such by most leading Belarusian and international NGOs, is 6 people<sup>6</sup>, including Mikalai Statkevich, a former presidential candidate, recognized by Amnesty International as a prisoner of conscience, Mikalai Dziadok, Ihar Alinevich, Artsiom Prakapenka, Yauhen Vaskovich and Yury Rubtsou.

All the political prisoners that left colonies during 2014, except one, were freed only after the expiration of their prison terms<sup>7</sup>. The only exception was the unexpected release of Ales Bialiatski in June 2014 who was freed on the first day of entry into force of the Law "On Amnesty". His release was clearly a political decision of the Belarusian authorities since the amnesty did not apply to Ales Bialiatski because of the status of "malicious offender" imposed on him by the prison administration, as well as numerous disciplinary penalties he had received in connection with these violations. The Belarusian authorities used Ales Bialiatski's release in order to intensify their contacts with the EU and the US. He spent 2 years, 10 months and 17 days in prison.

In the recent weeks a new spiral of reprisals against political prisoners has started. In addition to sentencing Mikalai Dziadok to one more year imprisonment for "deliberate disobedience to the correctional institution administration" in March 2015<sup>8</sup>, on 6 April human rights organisations learned that a new criminal case had been also opened against Yury Rubtsou. He is facing up to 3 years of additional deprivation of liberty for "evasion of serving the sentence".<sup>9</sup>

New reports have been coming lately about increased administrative and other forms of pressure against Mikalai Statkevich. He has been deprived of a food parcel and a short- and long-term visits with his relatives, placed in a penal cell for three days and was put in the cell-type facility for two months on April 3, 2015. According to human rights defenders, the penalties, imposed on Statkevich for trumped-up reasons as well as reports about his alleged disciplinary violations create reasons for toughening the regime and his transfer to a prison from the colony he is currently serving his term. It is widely believed that this pressure is aimed at "breaking" Statkevich and making him write a petition for pardon to Lukashenko<sup>10</sup>.

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<sup>4</sup> 9 political prisoners in Belarus are in critical situation and freedom for 32 activists is restricted, FIDH - International Federation for Human Rights and Human Rights Center "Viasna", April 2014, [http://spring96.org/files/misc/political-prisoners-eng\\_final.pdf](http://spring96.org/files/misc/political-prisoners-eng_final.pdf)

<sup>5</sup> Yury Rubtsou sentenced to 18 months of personal restraint, Human Rights Center "Viasna", 06.10.2014, <http://spring96.org/en/news/73511>

<sup>6</sup> List of political prisoners, Human Rights Centre "Viasna", <http://spring96.org/en/news/49539>, last visited on 11.04.2015

<sup>7</sup> Political prisoners in 2014: 11 – 6 + 1; "Freedom for Political Prisoners!", 29.12.2014, <http://palitviazni.info/навіны-en/2014/12/21154?lang=en>

<sup>8</sup> Mikalai Dziadok: "I want to be the last convict under Article 411 of the Criminal Code", Human Rights Centre "Viasna", 24.03.2015; <http://spring96.org/en/news/76374>

<sup>9</sup> Ales Bialiatski: Authorities stepping up pressure on political prisoners; Charter-97, 07.04.2015, <http://charter97.org/en/news/2015/4/7/146595/>

<sup>10</sup> Human rights organizations demand to stop pressurization of Mikalai Statkevich, Human Rights Center "Viasna", 08.04.2015, <http://spring96.org/en/news/76623>

### *Access to justice and fair trial. Independence of the judiciary*

In its report of monitoring of trials of persons arrested on 19 December 2010 and immediately after<sup>11</sup>, OSCE/ODIHR highlighted a number of violations of international norms regulating the right to a fair trial, including concerns at the basis of the defendants detention, access to counsel, treatment in detention, influence of the executive on judiciary matters, close relations between the prosecutor and the judge, presence of Ministry of the Interior and KGB personnel at the trials, and apparent denial of the right to the presumption of innocence until proven guilty. The report points at a high level of dependency of the judiciary from the executive authorities. All this leads to politically motivated proceedings and verdicts.

Reports indicate that defence lawyers have systematically faced interference, harassment, intimidation or other consequences, including impediments in access to the legal profession and practicing as a lawyer, for proper defence of the interests of their clients, and overall interference with lawyer-client confidentiality. A number of well-known defence lawyers, including Hanna Bakhtina, Daria Lipkina, Aleh Ahejeu, Tatstsiana Ahejeu, Uladzimir Toustsik, Tamara Harajeva, Paval Sapelka, and Andrei Varvashevich were disbarred as retaliation for representing candidates in the presidential elections of December 2010. By mid-May 2011, 53 defence lawyers were put under investigation by the Ministry of Justice.

Prosecutors wield excessive and imbalanced authority because they may extend detention without the permission of judges. There is also a power imbalance between the prosecution and the defence. Defence lawyers are unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brings the case to court. Lawyers find it difficult to challenge some evidence because technical expertise is under the control of the Prosecutor's Office. According to many defence lawyers, this power imbalance is persistent, especially in politically motivated criminal and administrative cases.

The executive authorities continue to play a decisive role on appointment of judges. This dependency is exacerbated by very short period of judge tenure: in 2013-2014 only 15% of judges had life-long appointments.

### *Prohibition of torture. Prison conditions*

While the Belarusian law prohibits torture, the Committee for State Security (KGB), riot police, and other security forces, often unidentified and in plain clothes, continue to beat detainees and demonstrators routinely. Security forces also reportedly use torture during investigations. During arrests police frequently beat criminal suspects and persons detained for organising or participating in demonstrations and other opposition activities, as well as common citizens. Human rights advocates, opposition leaders, and activists released from detention facilities continue to report torture and other forms of physical and psychological abuse of suspects during criminal and administrative investigations. Evidence by some political prisoners provides

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<sup>11</sup> Report: Trial Monitoring in Belarus (March – July 2011); OSCE/ODIHR; 10 November 2011; <http://www.osce.org/odihr/84873?download=true>



testimony about the use of torture against them as well as all prisoners as a routine practice.<sup>12</sup> Prison conditions are such in Belarus that imprisonment in many penal facilities is a form of cruel, inhuman and degrading treatment.<sup>13</sup>

There is no mechanism of effective investigation of allegations of torture. Courts have not issued a single verdict convicting perpetrators of torture and compensating a victim. Public oversight commissions are fully dependent on the Ministry of Justice and do not conduct effective monitoring of places of prisons. Public monitoring of other places of detention (pre-trial facilities, police precincts, psychiatric hospitals, etc.) is not enshrined in the law.

Belarus almost entirely ignores recommendations adopted by the UN Committee against Torture in November 2011<sup>14</sup> and has not ratified Optional Protocol to CAT.

### *Arbitrary arrest and detention*

Belarusian authorities make extensive use of arbitrary arrest and detention as a tool of repression against civil society and political activists. The Belarusian government first used this type of arbitrary detention on a large scale in the run-up to the 2006 presidential election. Since then arbitrary detentions have become systematic in nature and have been used as a means of repression and pressure on citizens who expressed their civil and political activity. At the night of 19 December 2010 after the elections and immediately thereafter hundreds of people were arbitrarily detained.<sup>15</sup> This practice continued through 2012-2013 during “silent protests”.<sup>16</sup>

A report, issued in September 2014 by the International Federation for Human Rights (FIDH) and Human Rights Centre “Viasna”<sup>17</sup>, established that the authorities of Belarus systematically arrest activists prior to important public events to prevent any protest. These arrests, which completely lack any legal grounds, constitute arbitrary detention under international law.

This report follows an international fact-finding mission that took place in Belarus in May-June 2014 and concludes: “Preventive arbitrary detentions are ordered in the period immediately preceding important political or social events, such as election campaigns, official visits by leaders of foreign states or large-scale events organised by the authorities or by the opposition. This practice is largely used by authorities in total contradiction to laws and to the international obligations Belarus has adhered to.”

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<sup>12</sup> A Letter from Hell: Political prisoner Nikolai Avtukhovich wrote a shocking letter from jail, Charter-97, 18.10.2013; <http://charter97.org/en/news/2013/10/18/77938/>

<sup>13</sup> Report on the Results of Monitoring of Places of Detention on Belarus in 2013-14, Human Rights Centre Viasna, 2014; [http://spring96.org/files/book/en/2014\\_prison\\_conditions\\_en.pdf](http://spring96.org/files/book/en/2014_prison_conditions_en.pdf)

<sup>14</sup> Concluding observations of the Committee against Torture, December 2011; Belarusian Helsinki Committee, <http://belhelcom.org/en/node/14485>

<sup>15</sup> Analytical Review upon Results of the Examination of Evidence from 205 Citizens Detained during the Public Action on December 19th, 2010 in Minsk; Foundation for Legal Technologies Development, International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus and Legal Transformation Center, May 2011, [http://hrwatch-by.org/sites/default/files/IOM\\_Analytical\\_Review\\_N4-1\\_ENG\\_0.pdf](http://hrwatch-by.org/sites/default/files/IOM_Analytical_Review_N4-1_ENG_0.pdf)

<sup>16</sup> Report of the Special Rapporteur on the situation of human rights in Belarus to the 23<sup>d</sup> session of the UN Human Rights Council, 18 April 2013, A/HRC/23/52, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52_en.pdf)

<sup>17</sup> Arbitrary Preventive Detention of Activists in Belarus, Report by the International Federation for Human Rights and Viasna Human Rights Centre, September 2014, <http://spring96.org/files/misc/belarus640uk2014web.pdf>



Especially revealing was the campaign of arbitrary detentions on the eve of the Ice Hockey World Championship held in May in Minsk in spring 2014. According to “Viasna”, a total of 38 activists were subjected to arbitrary detentions and arrests. Moreover, most of them were detained by police at the place of their residence and charged with two administrative offences – Articles 17.1 (disorderly conduct) and 23.4 (disobedience to the lawful demands of a police officer). This resulted in their isolation for a considerable period of time, up to 25 days. On the eve of the World Championship, arbitrary detention and arrest were also used against “social outcasts” (persons with alcohol dependence, homeless, prostitutes). In 2014 “Viasna” documented a total of 253 facts of administrative detention, a rise from 172 in 2013 which can be attributed to two factors that affected the overall level of repression: the elections to the local councils and the Ice Hockey World Championship in Minsk.<sup>18</sup>

### *Enforced disappearances and abductions*

Four prominent politicians and activists disappeared in Belarus just before the second presidential election in 2001: Yuri Zakharenko, former Interior Minister; Victor Gonchar, former Vice Speaker of Parliament; Anatoly Krasovsky, a businessman who financed the opposition; and Dmitry Zavadsky, a journalist.

In 2004, based on investigatory work carried out by the Special Rapporteur of the Parliamentary Assembly of Council of Europe Christos Pourgourides<sup>19</sup>, PACE Resolution 1371 (2004) “Disappeared persons in Belarus” concluded that “proper investigation of the disappearances has not been carried out by the competent Belarusian authorities. On the contrary, the information gathered by the rapporteur leads it to believe that steps were taken at the highest level of the state to actively cover up the true circumstances of the disappearances and to suspect that senior officials of the state may themselves be involved in these disappearances... it [is] hard to believe that the above could have taken place without the knowledge of the President.”<sup>20</sup>

In 2004, four high ranking officials suspected in organising these disappearances and mentioned in the Report were put on visa ban lists in the European Union, United States, and Canada. In 2006, President Lukashenko was added to these sanctions lists. Despite numerous resolutions of international organisations including the United Nations Human Rights Committee, the United Nations Working Group on Enforced and Involuntary Disappearances, the Parliamentary Assembly of the Council of Europe, the Organization for Security and Cooperation in Europe, and the Inter-Parliamentary Union demanding an investigation of these cases, the Government of Belarus continues to ignore these demands.<sup>21 22</sup>

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<sup>18</sup> Human rights situation in 2014: Trends and Evaluation. A report by Human Rights Centre “Viasna”, 27.01.2015, <http://spring96.org/en/news/75286/print>

<sup>19</sup> Disappeared persons in Belarus: Report to the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe; Rapporteur: Christos Pourgourides; 4 February 2004; <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=10456&Language=EN>

<sup>20</sup> Disappeared persons in Belarus: Resolution 1371 (2004) of the Parliamentary Assembly of the Council of Europe; 28 April 2004; <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17210&lang=en>

<sup>21</sup> Enforced Disappearances and Abductions in Belarus, Civic Campaign “European Belarus”, March 2014 (authors’ archive).

<sup>22</sup> Letter of the relatives of the disappeared Belarusians to the Minister of Foreign Affairs of Latvia Edgars Rinkevichs, Civil Initiative “We Remember”, 16.02.2015, [http://www.ciw.org/article\\_en/2015/02/19\\_letter\\_latvia\\_print.html](http://www.ciw.org/article_en/2015/02/19_letter_latvia_print.html)

### *Right to life. Death penalty*

Belarus continues to execute people and remains the only European country to have the death penalty. Since 2010 at least 10 people have been executed. Two death convicts – Eduard Lykau and Sergei Ivanov – are currently on the death row awaiting execution.

The practice of commuting death sentences by the Supreme Court as a court of first instance in certain cases continues, which deprives the convicts the right to appeal. This was the case of Uladzislau Kavaliou and Dzmitry Kanavalau in 2012 who were executed just two months after the conviction.

Death sentences in six cases have been carried out after the registration of their individual communications at the UN Human Rights Committee and the enforcement of Committee's Rule 92, of which the government of Belarus was informed of in writing (Uladzislau Kavaliou, Andrei Zhuk, Ryhor Yuzepchuk, Andrei Burdyka, Aleh Hryshkavets, Pavel Sialiun, and Aliaksandr Hrunou). This practice demonstrates a total disregard by Belarus for its international obligations in the field of human rights.<sup>23</sup>

Belarusian human rights activists continue to criticize the very procedure of carrying out death verdicts, in particular, a ban on releasing of the body of the executed person to his family and a failure to specify the place of his burial. Such procedures have been repeatedly recognised by the UN HRC as cruel and inhuman treatment in respect of the death convict's relatives. Families of executed prisoners repeatedly petitioned government officials with a request to amend these provisions of the Criminal Executive Code, but these attempts have been unsuccessful.

During 2014, there were two cases when relatives of executed persons – Pavel Sialiun and Aliaksandr Hrunou – received from prison No. 1 in Minsk their prison clothes labelled "IMN" (exceptional punishment). It is this uniform that persons on death row wear in jail while awaiting execution. Such actions cause additional suffering to relatives and constitute cruel and inhuman treatment.<sup>24</sup>

In April, the UN Special Rapporteur on Belarus expressed concern at the lack of transparency surrounding Belarus' death penalty system and in October 2013 stated that "the way the death penalty is carried out in Belarus amounts to inhuman treatment."<sup>25</sup>

### *Freedom of expression*

The media remains largely under state control and is used to smear political opponents. Authorities routinely harass and interfere with the work of independent and opposition journalists and bloggers. According to the Belarusian Association of Journalists, since the

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<sup>23</sup> 2nd cycle of the Universal Periodic Review of the Republic of Belarus: A report prepared and submitted by Belarusian NGOs, 15.09.2014, [http://spring96.org/files/misc/2014-upr\\_belarus\\_alternative-report\\_en.doc](http://spring96.org/files/misc/2014-upr_belarus_alternative-report_en.doc)

<sup>24</sup> Human rights situation in 2014: Trends and Evaluation. A report by Human Rights Centre "Viasna", 27.01.2015, <http://spring96.org/en/news/75286/print>

<sup>25</sup> Human Rights World Report 2015: Belarus. Human Rights Watch, <http://www.hrw.org/world-report/2015/country-chapters/belarus?page=1>

beginning of 2014, authorities arbitrarily detained 15 journalists.<sup>26</sup> For example, in March, Minsk police detained seven journalists covering a protest near the Russian embassy against Russia's annexation of Crimea. Courts charged at least three of them with misdemeanour "hooliganism" and imposed fines and up to 10 days' detention.

The most significant recent event in the field of freedom of expression has been adoption of amendments to the Law "On Mass Media" on 17 December 2014 without public discussion and involvement of mass media experts. According to the amendments, the media law now applies to all online outlets, except for a requirement of a mandatory state registration. The Ministry of Information can now block any website after one warning without any court decision. In order to prevent access to "undesirable sites" through proxies, since March 2015 access in Belarus to anonymizers and TOR websites is also blocked.

According to representatives of the independent journalistic community and human rights activists, the new legal provisions create the possibility of total censorship of the Internet space. Ahead of the announced date of entry of the law into force on January 1, 2015, starting from 19 December, a number of independent Internet outlets were blocked for access inside Belarus. Among these were the independent websites belapan.com, belapan.by, naviny.by, belaruspartisan.org, charter97.org, udf.by, gazeta.by, and zautra.by. In April 2015 blocking of these sites was resumed.<sup>27</sup>

Since 27 March, a number of providers started to block websites according to the list of "undesirable sites" based on a blacklist dating from 1 February 2010. Since that time the black list was applied for blocking access only in government and municipal organisations, but since 27 March this black list is effective for all users across country. This order was issued on 26 March by the Ministry of Information and obliged all providers to block the websites included in the list throughout the country. Apparently, these measures are taken in the framework of implementation of the new legislative amendments from January.

Administrative harassment of independent journalists working for foreign media without accreditation has been a growing negative trend. In 2014 law enforcement officials initiated misdemeanour proceedings against three independent journalists because of their cooperation with foreign media outlets not registered in Belarus, and threatened six others with similar charges. In April, a court fined a reporter for *Belsat*, a Poland-based satellite television station known for its critical reporting of Belarus, approximately US \$428.

At the same time, the authorities repeatedly deny accreditation to the media whose correspondents received the majority of such penalties, including Radio Racyja and the Poland-based BelSat TV channel. The most widely used means of harassment of journalists are official prosecutorial warnings about the inadmissibility of violations of media legislation and administrative responsibility for "illegal production and distribution of media products".

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<sup>26</sup> Attacks against journalists and media staff (2014); Belarusian Association of Journalists; [http://baj.by/sites/default/files/monitoring\\_pdf/attacks\\_against\\_journalists\\_and\\_media\\_staff-2014.pdf](http://baj.by/sites/default/files/monitoring_pdf/attacks_against_journalists_and_media_staff-2014.pdf)

<sup>27</sup> Human rights situation in 2014: Trends and Evaluation. A report by Human Rights Centre "Viasna", 27.01.2015, <http://spring96.org/en/news/75286/print>

In February 2014, prosecutors initiated a criminal investigation on charges of “defamation of government officials” against Aleh Zhalnou, an independent blogger who published audio and video material allegedly showing unlawful police actions. The authorities initiated fourteen cases against Zhalnou including four criminal cases, nine administrative proceedings, and one civil suit. Since February, police have questioned Zhalnou 40 times.<sup>28</sup>

### *Freedom of peaceful assembly*

Although article 26 of the Constitution guarantees the right to peaceful assembly, the legislation and practices remain highly restrictive and have been repeatedly criticised by international organisations as contradicting international standards. Legislative amendments adopted in 2011 broadened the definition of mass events and criminalised their organisation in violation of the law.

Brutal dispersal of protest against the electoral fraud on 19 December 2010 was carefully studied by international experts who found numerous violations of international standards and norms.<sup>29</sup>

Authorities regularly prohibit peaceful gatherings and use “hooliganism” or similar charges of misdemeanour to detain, intimidate and silence citizens.

Any forms of unauthorised peaceful assembly are immediately dispersed by the authorities, often with disproportionate use of force. In the period since 2010 more than 1200 people have been convicted to fines and short-term sentences for participation in peaceful assemblies.<sup>30</sup>

### *Freedom of association*

There have been no positive developments in freedom of association lately. Although amendments to the NGO legislation in 2013 somewhat eased requirements for incorporation of NGOs, registration remains cumbersome, and a broad list of grounds for refusal in registration allows the Ministry of Justice to apply the law selectively on the basis of minor technical irregularities. Since 2010 the Ministry has denied registration to dozens of associations, including human rights groups. Courts have never upheld appeals against such decisions. The last time a political party was registered was in 2010.<sup>31</sup>

Repressive amendments to the NGO legislation in autumn 2011 severely restricted ability of NGOs to receive funding from abroad which have to be approved by the government, and established criminal liability for violations of the established order.<sup>32</sup>

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<sup>28</sup> Human Rights World Report 2015: Belarus. Human Rights Watch, <http://www.hrw.org/world-report/2015/country-chapters/belarus?page=1>

<sup>29</sup> Final Human Rights Assessment of the Events of 19 December 2010 in Minsk, Belarus; Committee on International Control over the Human Rights Situation in Belarus and Special Rapporteur on the Events of 19 December 2010, December 2011, [http://hrwatch-by.org/sites/default/files/Final\\_HRights\\_Assessment\\_of\\_19-12-2010\\_in\\_Minsk-eng\\_final.pdf](http://hrwatch-by.org/sites/default/files/Final_HRights_Assessment_of_19-12-2010_in_Minsk-eng_final.pdf)

<sup>30</sup> 2nd cycle of the Universal Periodic Review of the Republic of Belarus: A report prepared and submitted by Belarusian NGOs, 15.09.2014, [http://spring96.org/files/misc/2014-upr\\_belarus\\_alternative-report\\_en.doc](http://spring96.org/files/misc/2014-upr_belarus_alternative-report_en.doc)

<sup>31</sup> Ibid

<sup>32</sup> Freedom of Association and Legal Status of Non-Commercial Organizations in Belarus. Review of the year 2013. Legal

Article 193-1 of the Criminal Code on criminal liability of up to two years for activity on behalf of unregistered NGOs remains in force despite the strongest criticism by all international organisations. The KGB and the Prosecutor General's office regularly issue warnings to members of unregistered groups.<sup>33</sup> While the authorities continue to enforce repressive legislation that criminalises involvement in an unregistered organization, they at the same time arbitrarily refuse to register opposition political groups, human rights, and other groups critical of the government.

In January 2014, the prosecutor's office issued a warning to the chairman of the organising committee of the Belarusian Christian Democratic party's for acting on behalf of an unregistered group and reminded him of criminal liability. The party has attempted to register at least four times since it was established in 2009, but authorities have repeatedly denied registration requests on arbitrary pretexts.

In August 2014, the Ministry of Justice refused to register the Movement for the Implementation of the International Covenant on Civil and Political Rights, *Pakt* (Covenant), citing minor spelling errors in the group's application.<sup>34</sup>

In an important development, the UN Human Rights Committee ruled that the right of Ales Bialiatski for freedom of association were violated when he was convicted for alleged tax evasion and served three years in prison.<sup>35</sup>

### *Forced labour*

Forced labour is widespread in Belarus, in various sectors and in various forms. Presidential Decree No. 9 "On Additional Measures to Develop the Woodworking Industry" signed on December 7, 2012 makes it virtually impossible for workers to terminate their contracts from their own initiative. During their military service, conscripts are obliged to carry out unpaid work that is unrelated to military activities. National, regional and local authorities regularly impose unpaid work on the already working population. Although in theory participation is on a voluntary basis, in practice there is little possibility to avoid it.

Another serious concern is the pervasive discrimination and stigmatization of people suffering from alcoholism or drug-dependency who are also subjected to forced labour. Instead of ensuring that seriously ill people have an access to government health programs, the existing legislation severely punishes them, in spite of all international norms and proper means to rehabilitate alcoholics and drug addicts. The highly discriminating legal term "anti-social elements" is used to refer to such people.

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Transformation Center and Assembly of Pro-Democratic NGOs of Belarus, 2014, [http://www.lawtrend.org/pdf-viewer?file=http://www.lawtrend.org/wp-content/uploads/2014/07/Freedom-of-Association\\_Belarus\\_2013\\_eng.pdf](http://www.lawtrend.org/pdf-viewer?file=http://www.lawtrend.org/wp-content/uploads/2014/07/Freedom-of-Association_Belarus_2013_eng.pdf)

<sup>33</sup> New Wave of Warnings Under Article 193.1 <http://belngo.info/2013.new-wave-of-warnings-under-article-193-1.html>

<sup>34</sup> Human Rights World Report 2015: Belarus. Human Rights Watch, <http://www.hrw.org/world-report/2015/country-chapters/belarus?page=1>

<sup>35</sup> UN recognizes that Belarus violated the rights of Ales Bialiatski, FIDH and Human Rights Centre "Viasna", 17.11.2014, <http://spring96.org/en/news/74178>

Forced labour is also imposed on prisoners in various types of detention facilities. Prisoners cannot choose the work they perform, nor can they refuse to work without facing sanctions.

In the cases of children separated from their parents through administrative proceedings, their parents become 'obligated persons': they have the legal obligation to compensate the state financially for the fostering of their children. If they do not, civil courts sentence them to "state assigned work" and withhold 70% of their wages.

These repressive practices in the sphere of working relations have also led to discriminations against persons perceived as opponents of the regime.

On 29 November 2013, the UN Committee on Economic, Social and Cultural Rights raised in its concluding observations the issue of forced labour and the violations of workers' rights. In particular, the Committee called on Belarus to review the current system of short-term contracts, abolish compulsory labour for alcoholics, drug addicts and "anti-social elements", ensure freedom of activity for trade unions and take positive steps to ensure a real and effective social protection of the rights of the Belarusian population.<sup>36</sup>

On April 2, 2015 President Lukashenko signed Decree No. 3 "On Prevention of Social Dependency", colloquially referred to as the "decree on social parasites". The official commentary to the decree says it is adopted "to encourage able-bodied citizens to work and to ensure the fulfilment of their constitutional duty to participate in the financing of public spending". The decree obliges citizens of Belarus, residents of foreign countries and stateless persons who do not participate in the financing of government spending or participated in such financing less than 183 days in the past year, to pay a charge equivalent to 20 basic units.

### **Consistent Position of International Organisations Regarding the Human Rights Crisis in Belarus**

Since the beginning of the crackdown in December 2010 the situation in Belarus has been in the focus of attention of international organisations. First, OSCE/ODIHR conducted monitoring of trials of the detainees and published a strong report, exposing lack of fair trial and politically motivated character of the processes.<sup>37</sup> At about the same time, on 7 April 2011, the OSCE invoked its Moscow Mechanism, a tool of reaction to human dimension crises, to study the post-December human rights situation in the country and develop suggestions on the way out of the crisis. An OSCE report by rapporteur Dr. Emmanuel Decaux covering the post-electoral events was presented to the OSCE Permanent Council in June 2011<sup>38</sup>. It contained thorough documentation and analysis of the events and a set of comprehensive recommendations aimed at bringing the situation into line with OSCE human dimension commitments.

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<sup>36</sup> Forced Labor and Pervasive Violations of Workers' Rights in Belarus, a report by FIDH and Human Rights Centre "Viasna", 10.12.2013, <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/belarus/14364-forced-labor-and-the-pervasive-violation-of-workers-rights-in-belarus>

<sup>37</sup> Report: Trial Monitoring in Belarus (March – July 2011); OSCE/ODIHR; 10.11.2011; <http://www.osce.org/odihr/84873?download=true>

<sup>38</sup> OSCE Rapporteur's Report on Belarus, prof. Emmanuel Decaux, 28 May 2011, <http://www.osce.org/odihr/78705>



Half a year after the December 2010 events, in July 2011, the UN Human Rights Council reacted to the crisis by adopting a resolution 17/24<sup>39</sup> where it mandated the UN High Commissioner for Human Rights to monitor the human rights situation in Belarus and to present to the Council a comprehensive report on the human rights situation in Belarus in a one year time. In this resolution the Council expressed deep concern about and condemned “severe deterioration” of the human rights situation in Belarus since the presidential elections of 19 December 2010 and urged the government of Belarus to end politically motivated persecution and harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them, to comply with international standards for due process and fair trial, to release and rehabilitate all political prisoners, including those detained in connection with the demonstrations of 19 December 2010, and to conduct a thorough, credible, impartial and transparent investigation into the disproportionate use of force on 19 December 2010 and into allegations of torture and ill-treatment of detainees, to respect freedom of expression and freedom of association and peaceful assembly, and bring its relevant legislation into line with its international obligations under human rights law, to implement its commitments made with the OSCE and to allow its meaningful presence in Belarus, to allow international monitors and cease the detention and expulsion of international monitors from the country. The resolution insisted that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and the human rights treaty bodies.

A year later the High Commissioner presented her report to the Council<sup>40</sup> where she described two sets of violations. First, “a pattern of serious violations of human rights since 19 December 2010” included “curtailing the rights to freedoms of association, assembly and expression, and the right to a fair trial”, “allegations of torture and ill-treatment in custody... and lack of an independent judiciary”. Secondly, the High Commissioner noted that amendments to several laws in the period after the December events further restricted civil and political rights. She concluded that “this situation indicates that the deficiencies pertaining to human rights in Belarus are of a systemic nature”.

After discussing the High Commissioner’s report, the Human Rights Council decided to establish a mandate of the UN Special Rapporteur on the human rights situation in Belarus. Reports of Miklos Harazsti, holder of the mandate, to the Council and to the UN General Assembly in 2013<sup>41</sup> and 2014<sup>42</sup> have been comprehensive, despite lack of cooperation from authorities of

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<sup>39</sup> Situation of Human Rights in Belarus. Resolution of the UN Human Rights Council, Seventeenth session, 14.07.2011, A/HRC/RES/17/24; <http://hrwatch-by.org/sites/default/files/A-HRC-RES-17-24.pdf>

<sup>40</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus, A/HRC/20/8, 10.04.2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8_en.pdf)

<sup>41</sup> Report of the Special Rapporteur on the situation of human rights in Belarus to the 23<sup>d</sup> session of the UN Human Rights Council, 18 April 2013, A/HRC/23/52, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52_en.pdf); Report of the Special Rapporteur on the situation of human rights in Belarus to the 68th session of the UN General Assembly, A/68/276, 6 August 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/420/01/PDF/N1342001.pdf?OpenElement>

<sup>42</sup> Report of the Special Rapporteur on the situation of human rights in Belarus to the 26<sup>th</sup> session of the UN Human Rights Council, 22 April 2014, A/HRC/26/44, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-44\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-44_en.doc); Report of the Special Rapporteur on the situation of human rights in Belarus to the 69th session of the UN General Assembly, A/69/307, 12 August 2014, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/502/90/PDF/N1450290.pdf?OpenElement>



Belarus, and documented continued “systemic and systematic violations” and the absence of any progress in implementing recommendations contained in the previous resolutions and the High Commissioner’s report. Since 2012, the mandate of the Special Rapporteur has been annually extended by a confident majority of votes of the Human Rights Council members.

The same conclusions as in the Special Rapporteur’s reports have been reflected in several subsequent resolutions of the UN Human Rights Council<sup>43</sup>, the OSCE Parliamentary Assembly<sup>44</sup>, and PACE<sup>45</sup> in 2011-2014, and in numerous reports of national and international NGOs<sup>46</sup>.

Certain differences in views among member states of the European Union emerged visibly for the first time in summer of 2013 during discussions in the European Parliament and preparation of a report by the parliamentary rapporteur Justas Vincas Paleckis. Softer assessment of the human rights situation in the draft report caused strong criticism by many human rights NGOs and experts<sup>47</sup> and resulted in a much clearer language in the final text of the decision by the Foreign Affairs Committee of the European Parliament<sup>48</sup>.

As of the time of writing this report, inter-governmental organisations continue to stay alert and principled as regards the human rights situation in Belarus, monitor the situation closely and regularly adopt resolutions providing clear and sound legal analysis and recommendations. The role of the UN Special Rapporteur remains critically important in this process. The upcoming review of the situation in Belarus within the second cycle of the Universal Periodic Review in early May 2015 will provide an important platform for maintaining international attention to the protracted human rights crisis in Belarus. A coalition of leading Belarusian NGOs submitted its report for the UPR process.<sup>49</sup>

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<sup>43</sup> Resolution of the UN Human Rights Council, Twentieth session, 28 June 2012, A/HRC/20/L.7; [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.L.7\\_en.doc](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.L.7_en.doc); Situation of Human Rights in Belarus. Resolution of the UN Human Rights Council, Twenty third session, 7 June 2013, A/HRC/23/L.18; <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G13/145/15/PDF/G1314515.pdf?OpenElement>; Situation of Human Rights in Belarus. Resolution of the UN Human Rights Council, Twenty sixth session, 25 June 2014, A/HRC/26/L.14/Rev.1; [http://ap.ohchr.org/documents/E/HRC/d\\_res\\_dec/A\\_HRC\\_26\\_L14\\_rev1.doc](http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_26_L14_rev1.doc)

<sup>44</sup> Collection of OSCE PA resolutions of 2011, resolution on Belarus on p. 3, <http://oscepa.org/publications/declarations/2011-belgrade-declaration/681-belgrade-resolutions-english/file>; Collection of OSCE PA resolutions of 2012, resolution on Belarus on p. 64, <http://oscepa.org/publications/all-documents/annual-sessions/2012-monaco/declaration-1/1258-2012-monaco-declaration-eng/file>; Collection of OSCE PA resolutions of 2013, resolution on Belarus on p. 62, <http://oscepa.org/publications/declarations/2013-istanbul-declaration/1826-istanbul-declaration-eng/file>

<sup>45</sup> The situation in Belarus: Resolution 1857 (2012) of the Parliamentary Assembly of the Council of Europe; 25 January 2012; <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=18062&lang=en>; The situation in Belarus: Report to the Committee on Political Affairs and Democracy; Rapporteur: Andres Herkel, Doc. 12820; 09 January 2012; <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=12917&lang=en>

<sup>46</sup> See, for example, Human Rights World Report 2015: Belarus. Human Rights Watch, <http://www.hrw.org/world-report/2015/country-chapters/belarus?page=1>, and Amnesty International Report 2014/15: Belarus, <https://www.amnesty.org/en/countries/europe-and-central-asia/belarus/report-belarus/>

<sup>47</sup> See, for example, Belarus report: EU Parliament Risks Encouraging Dictator, Olga Zakharova and Yuri Dzhibladze, EU Observer, 09.07.2013, <https://euobserver.com/opinion/120804>

<sup>48</sup> Recommendations to the Council, the Commission and the European External Actions Service on EU Policy towards Belarus; European Parliament Committee on Foreign Affairs; Rapporteur: Justas Vincas Paleckis; 15.07.2013;

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2013-0261+0+DOC+WORD+V0//EN>  
<sup>49</sup> 2nd cycle of the Universal Periodic Review of the Republic of Belarus: A report prepared and submitted by Belarusian NGOs, 15.09.2014, [http://spring96.org/files/misc/2014-upr\\_belarus\\_alternative-report\\_en.doc](http://spring96.org/files/misc/2014-upr_belarus_alternative-report_en.doc)

## Belarus' Non-Cooperation with International Human Rights Mechanisms

Belarus has a poor record of cooperation with international human rights mechanisms and has been criticised for such non-cooperation in reports of official representatives of inter-governmental organisations<sup>50</sup>, international<sup>51</sup> and Belarusian<sup>52</sup> NGOs. Over the years, both before and after the dramatic events of December 2010, various international human rights mechanisms – of the UN, the OSCE and the Council of Europe – have made numerous recommendations to bring legislation, policies and practices into line with the commitments of Belarus under international human rights law. Implementation of these recommendations remains very limited and selective, with Belarusian authorities applying a “pick and choose” approach, dismissing critical assessment and focusing on issues that are non-controversial and have no impact on the government control over society. One such area is combatting trafficking in human beings for which Belarusian government takes pride in.

An international group of researchers which completed in early 2015 a comprehensive study on the effectiveness of the use of international human rights mechanisms in Belarus concluded that “the Belarusian government ignores the decisions and recommendations of international bodies, but is forced to reckon with the international legal mechanisms. This, incidentally, is manifested in the rare facts of restoration of rights, changes in legislation and the implementation of the recommendations, as well as other attempts to save face and give Belarusian authoritarian state at least some legal image.”<sup>53</sup>

Cooperation with OSCE on human rights issues was difficult for many years but started to deteriorate in 2010 when a spokesman of the Belarusian Foreign Ministry announced that there were “no objective reasons” for extending the mandate of the OSCE office in Minsk, despite the fact that the mandate of the office had not been fulfilled. In March 2011, just weeks after the post-electoral crackdown, the OSCE office in Minsk was closed by the decision of the Belarusian authorities. In April the same year Belarus did not recognise the decision to invoke the OSCE Moscow Mechanism, refused to cooperate with its rapporteur Emmanuel Decaux and did not allow him to visit the country. Consequently, Belarus refused to discuss the OSCE Moscow Mechanism report, react to it and implement its recommendations. In the same spirit, Belarus dismissed resolutions on the human rights situation in Belarus of the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

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<sup>50</sup> Report of the UN High Commissioner for Human Rights on the situation of human rights in Belarus, A/HRC/20/8, 10.04.2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8_en.pdf)

<sup>51</sup> Non-Cooperation with the United Nations: Belarus is Putting Itself aside of the International Community; Belarusian Human Rights House and the Human Rights House Foundation, 2012, <http://humanrightshouse.org/Articles/18195.html>

<sup>52</sup> Alexei Kozlyuk: Belarus is Moving Further Away from Implementing Recommendations on Human Rights; Sergei Kozhukov, EuroBelarus (in Russian) [Алексей Козлюк: Беларусь отдаляется от выполнения рекомендаций по соблюдению прав человека; Сергей Кожуков, ЕвроБелорусь], 05.02.2015, <http://eurobelarus.info/news/society/2015/02/05/alexey-kozlyuk-belarus-otdalyaetsya-ot-vypolneniya.html>; Effectiveness of Application of International Human Rights Mechanisms Regarding Belarus, a research report by a collective of authors, Belarusian Human Rights House, 2014 (in Russian) [Эффективность использования международных правозащитных механизмов в отношении Беларуси; коллектив авторов, 2014]; [http://belhelcom.org/sites/default/files/Efficiency\\_report\\_2014\\_rus.pdf](http://belhelcom.org/sites/default/files/Efficiency_report_2014_rus.pdf)

<sup>53</sup> The state cannot ignore the international human rights mechanisms; Belarusian Human Rights House, 02.02.2015, <http://humanrightshouse.org/Articles/20707.html>

Belarus does not respect its obligation of timely submission of reports to the UN treaty bodies. Its report to the Human Rights Committee on the implementation of ICCPR is overdue since 2001; the report to the Committee against Torture was submitted in 2009 with a 9-year delay. Belarus's delegation reacted to the publication of the Committee against Torture concluding observations in 2010 by dismissing them.

Belarus continues to challenge on procedural grounds the registration of individual cases filed under the Optional Protocol to the International Covenant on Civil and Political Rights. Therefore, the Human Rights Committee is dismissed by Belarus as an appeal body reviewing individual complaints on human rights violations in the country and the government refuses to implement views of Committee on these complaints. Belarus has executed several persons convicted to death penalty despite the fact that their individual complaints were under review of the UN Human Rights Committee at that time and that the Committee had requested freezing of the commuting of the sentence while the review was going on. Such an open and demonstrative challenge to the UN human rights system has been interpreted by the international community as a particularly brutal and cynical manifestation of non-cooperation.

In her April 2012 report<sup>54</sup> to the Human Rights Council, the United Nations High Commissioner for Human Rights raised the issue of cooperation of her office with the Belarusian government. The report clearly illustrated that the communication with the Belarusian authorities is challenging and they are reluctant and ignorant to cooperate with the Office on similar terms as the ones used by the Office with other United Nations member states. As the Belarusian authorities do not recognise the Council's resolution 17/24 on the situation with human rights in Belarus, mandating the High Commissioner to study the situation in the country, they refused to cooperate with OHCHR on this issue and did not agree to let her team inside the country.

Non-cooperation with the High Commissioner herself and her office is further aggravated by the refusal to cooperate with the Human Rights Council special procedures. The Human Rights Council reiterated the call for cooperation with all mechanisms of the Human Rights Council in its resolution 17/24. The resolution 17/24 also contains a clear mandate for special procedures to pay particular attention to the human rights situation in Belarus: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Working Group on Enforced or Involuntary Disappearances, as well as the Working Group on Arbitrary Detention. The authorities did not allow any of the requested visits and have provided substantive responses to only a part of their written communications. All of these responses dismissed the cases raised by the mandate holders. In response to joint communications sent by Belarus by the UN special procedures mandate holders, Belarusian government claimed that communications were politically motivated and unduly interfering in domestic affairs.

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<sup>54</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus, A/HRC/20/8, 10.04.2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-8_en.pdf)

When the UN Human Rights Council established a mandate of the Special Rapporteur on the Human Rights Situation in Belarus in June 2012, Belarusian authorities stated that they would refuse any cooperation with the mandate holder. Consequently, Special Rapporteur Miklos Haraszti was not permitted to travel to the country.

In general, the UN special procedures are seen by Belarus as an obstructive and politicised mechanism. The visit in 2009 of the Special Rapporteur on trafficking in persons was the last visit to Belarus undertaken by a special procedure mandate holder.

Belarus accepted the majority of recommendations it received at its UPR in 2010. However, the recommendations related to civil and political rights have mostly been rejected. The responses of the Belarusian government on the implementation of some recommendations do not correspond to the reality in the country. Now Belarus is approaching its second cycle of the Universal Periodic Review, scheduled for early May 2015.

### **Rise and Fall of the European Sanctions against Belarus in 2011–2014**

The Lukashenko regime has been a subject of various European and US sanctions since 1998. The last four out of six waves of sanctions have been applied since 2004 for violations of human rights and electoral fraud. Some of the sanctions were kept for a long time; some were lifted over a time span with the lifting often caused more by political considerations rather than by real progress in meeting specific demands in human rights and conduct of elections. The broadest and the most serious set of restrictive measures was introduced by the EU and the US after the December 2010 post-election crackdown. The list included, for the first time, not only asset freeze and travel ban for more than 200 government officials involved in repressions and electoral fraud, but also trade and financial restrictions on a number of Belarusian oligarchs, serving as Lukashenka's "bagmen", and their businesses.

In March 2012 the EU adopted restrictive economic measures against more than two dozen companies belonging to two Belarusian businessmen close to Lukashenko, Yuri Chizh and Anatoly Ternavsky. These measures were applied in addition to the previously instituted sanctions against the dictator's oligarch-favourite Vladimir Peftiev in summer of 2011. These expanded EU sanctions signalled the seriousness of the EU's intentions. They did not appear to be an immediate emotional reaction to the wave of repressions after December 2010 but rather a long-term strategic policy that Lukashenko would have to take into consideration.

There is no doubt that these new sanctions in March 2012, combined with the threat of their further expansion (this prospect looked quite possible then), led to the release a month later of two prominent political prisoners, former presidential candidate Andrei Sannikov and the coordinator of his campaign Zmitser Bondarenko. Even before that, in August 2011, soon after application of the first set of sanctions against Mr. Peftiev, Lukashenko released two groups of "less important" political prisoners. He hoped that the EU sanctions would be lifted in exchange for this release but the EU stood strong and made it clear that no progress in economic and political relations was possible before all political prisoners were released and rehabilitated.

These important developments, as well as an earlier example of release of political prisoners Alexander Kozulin, Andrei Kim, Sergey Parsyukevich and others in August 2008 after more than two years of application of EU and US sanctions make it clear: *sanctions do work and have a direct impact when they are applied consistently and patiently over time, include a threat of their further expansion and are based on clear and measurable demands.*

The most prudent expert analysis concluded that application of sanctions regarding Belarus was successful in approximately half of the cases, and they indeed have worked better when included specific demands.<sup>55</sup>

In addition to these very concrete human consequences, sanctions also caused systemic economic consequences. According to our sources, restrictive measures adopted by the EU in 2011-2012 not only caused trouble for the businessmen they targeted, but also sparked a discussion throughout Belarusian business circles, making entrepreneurs reconsider their strategies and those of their government. Sanctions have also had a clear collateral effect by causing a loss of possible foreign investments since many Western businesses also reconsidered their strategies in the light of potential reputational damage. All this had certain impact on Lukashenko, preventing new arrests and convictions on political grounds.

However, due to persistent lobbying by Latvia and Slovenia in the spring of 2012, when an updated list of companies to be put under the sanctions was being finalized, three important companies were excluded at the last minute. These companies, *Belneftegaz*, *Neonaftha* and *TripleEnergo* (later renamed Energo Oil to escape possible sanctions) all belonged to the Belarusian oligarch Yuri Chizh, one of the key “wallets” or “bagmen” of Lukashenko. Most of Yuri Chizh’s other companies were sanctioned; however, the harm was already done by exception of the three key businesses. These three companies were all heavily involved in the contraband “solvents scheme” of selling Russian crude oil and petrochemicals to the EU states under the disguise of lubricants, solvents, and thinners, thus avoiding paying customs duties to Russia.

In 2012 approximately US \$2.5-3.0 bln in revenue was gained by Belarus through the “solvents scheme”. Most of this was realised through Latvia by companies of two oligarchs, Yuri Chizh and Nikolay Vorobey, mostly using Chizh’s companies that had been excluded from the EU sanctions. Triple and Belneftegaz, thanks to escaping sanctions, were among the top ten taxpayers in the Minsk region in 2012 for the first time in three years. The trade was very profitable for Latvia which directly benefited from its lobbying efforts at the expense of effective EU sanctions.

As a result of these loopholes, throughout 2012 the Lukashenko regime continued to make good money by selling petroleum products to the West and even increased its earnings from foreign trade. In 2012, overall exports from Belarus to the countries of the EU totalled US \$17.5 billion. The country's trade surplus with EU countries totalled US \$8.284 billion, up from US \$7 billion surplus in 2011, and all of this was despite the EU sanctions<sup>56</sup>. This is the amount the regime

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<sup>55</sup> Do the EU Sanctions Work: Analysis of Arguments. Andrei Eliseev, New Europe (in Russian) [Работают ли санкции ЕС: анализ аргументов. Андрей Елисеев. Новая Европа], 12-03-2012, [http://n-europe.eu/article/2012/03/12/rabotayut\\_li\\_sanktsii\\_es\\_analiz\\_argumentov#comment-212540](http://n-europe.eu/article/2012/03/12/rabotayut_li_sanktsii_es_analiz_argumentov#comment-212540)

<sup>56</sup> For data in this section see: Annual review of European Union’s restrictive measures against Belarus: Economic Sanctions should be made effective by closing loopholes and counterbalancing delistings with additional listings. A policy brief and

received from Europe to fund its apparatus of suppression and continue the crackdown, as a result of the loopholes left in the sanctions.

Even after the “solvents scheme” was closed down by Russia, these three companies have continued their successful export activity in the oil sector and continue to bring significant amounts of cash to the regime. According to the September 2013 issue of a leading business review *Ezhednevnik*, Chizh replaced Peftiev as the most influential and successful businessman<sup>57</sup>. It is important to note that being “influential” in Belarus means, first and foremost, proximity to the ruling regime and the ability to bring it cash.

The second problem with effectiveness of the EU sanctions is that since mid-2012 the EU has stopped expanding sanctions and even stopped threatening Lukashenko with their expansion, despite the fact that no more positive steps were made by the dictator. The threat of expansion in case there is no progress in meeting demands is a major condition for success of any restrictive measures.

In the second half of 2012 and throughout 2013 the EU had plenty of opportunities to successfully exert further pressure on Lukashenko and achieve the release of all political prisoners. This was possible only if the EU did not fall for Lukashenko's vague promises of cooperation in the future. The EU should have continued its pressure on the regime by expanding sanctions targeted at companies that earn revenue for the regime by exporting to or through the EU. This should have included both state owned companies and oligarchs close to the dictator, the “regime's wallets”. This would have undermined Lukashenko's ability to continue repressions and weakened his economic base, thereby pressuring the regime to act.

Unfortunately, effective measures were not taken, and the threat of expanded sanctions disappeared. In early 2013 Lukashenko started to feel protected from an increase of the EU pressure. This is when the first hints were made in Brussels about a possibility of inviting him to the Eastern Partnership summit in Vilnius and lifting the travel ban on the Foreign Minister Vladimir Makei. Both moves were explained in Europe by the need to have a more fruitful high-level dialogue about the release of political prisoners and engage the Belarusian government in the Dialogue for Modernisation. Indeed, a few months later Makei's name was suspended from the list, and the idea of the “dialogue” started to dominate the discourse in Brussels.

### **Rapprochement with the West in 2014: The War in Ukraine as an Excuse for a Thaw**

The Russian-Ukrainian conflict has suddenly given Lukashenka additional ammunition. Lukashenka is using his new role as host of negotiations on a cease-fire in Ukraine to gain a new status and legitimacy in the world and reopen an “unconditional dialogue” with the West on his own terms without changing anything inside the country.

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recommendations by the Working Group on Investment of the Committee of International Control over the Human Rights Situation in Belarus. 07.10.2013, <http://www.hrwatch-by.org/en/annual-review-european-union-s-restrictive-measures-against-belarus-should-be-made-effective-closing>

<sup>57</sup> 200 Most Successful and Influential Businessmen in Belarus – 2013: Yuri Chizh, *Ezhednevnik* (in Russian) [200 успешных и влиятельных бизнесменов Беларуси – 2013: Юрий Чиж; *Ежедневник*], <http://www.ej.by/rating/business2013/chiz.html>.



Lukashenko's ultimate goal is to re-open the door to the West to ensure unhindered access to Western money. He badly needs increased exports of Belarusian goods to the West, international credits, sales of Eurobonds, and various other channels to prop up the inefficient Belarusian economy and maintain his repressive apparatus. The Belarusian economy is steadily deteriorating: export of the leading machinery and other high-processed goods is decreasing, while the revenue from potash sales and new oil product export schemes is not sufficient to maintain dropping gold and hard currency reserves. At the same time 2014-2015 are the peak years for the paying back old foreign loans. This makes Lukashenka especially vulnerable: in the run up to the elections he traditionally needs to raise salaries to ensure popular support.<sup>58</sup>

In the present situation, Lukashenko has indeed been quite successful in posing as a “peacemaker” and as an ally of the West in its efforts to contain Putin’s aggression, expecting in exchange financial and political support and the abolition of Western sanctions<sup>59</sup>. Lukashenko hosted the Minsk negotiations on ceasefire and has supported Ukraine’s sovereignty and the new government in Kiev, distancing himself from Putin’s aggressive rhetoric and actions, and presenting himself as a guarantor of independence of Belarus. Recently in a rare big interview with Bloomberg Lukashenko urged the U.S. to play a bigger role in the Ukrainian peace process, said that a lasting solution will be impossible without its help and stressed that “without the Americans, there can be no stability in Ukraine.”<sup>60</sup> This sudden turn-around in Lukashenko’s rhetoric towards a country that he has long accused of trying to oust him and that has blacklisted him, his cronies, and their businesses for blatant human rights abuses has caused a lot comments by observers.<sup>61 62 63</sup>

By smartly acting this way, Lukashenko has managed to break through the diplomatic blockade of the West and begin a new “thaw” in relations with the EU and the USA. Two series of lifting of parts of the EU sanctions in August and October 2014, including several key companies of Lukashenko’s “bagmen,” were followed by softening of the US sanctions in the end of the year. A stream of high-level Western politicians coming to Minsk, including those who just a couple years ago called him “the last dictator of Europe” but apparently seeing him now as a “lesser evil” than aggressive and unpredictable Putin, has paved the ground for a possible participation of Lukashenko in the Eastern Partnership summit in Riga in May, for the first time ever<sup>64</sup>.

This tactic of Lukashenko is apparently working. As *Le Figaro* reports, “Our diplomatic source based in Minsk cannot help his adoration with Lukashenka's art of manoeuvring: ‘Making

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<sup>58</sup> Budget-2015: Barely Enough Money, Yet Elections Need to be Organised (in Russian) [Бюджет-2015: денег впритирку, а выборы проводить надо], Naviny.by, 27.10.2014, [http://naviny.by/rubrics/finance/2014/10/27/ic\\_articles\\_114\\_187399](http://naviny.by/rubrics/finance/2014/10/27/ic_articles_114_187399)

<sup>59</sup> Belarus's Quandary: No Longer Putin's Dependable Ally?, Paul Coyer, Forbes, 24.01.2015, <http://www.forbes.com/sites/paulcoyer/2015/01/24/belarus-quandary-no-longer-putins-dependable-ally/>

<sup>60</sup> Belarus Strongman Balances Between Ukraine War, Putin, EU; Aliaksandr Kudrytski and Ryan Chilcote, Bloomberg, April 2, 2015, <http://www.bloomberg.com/news/articles/2015-04-02/belarus-strongman-balances-among-war-in-ukraine-putin-eu>

<sup>61</sup> The U.S. is courting Lukashenka amidst regional crisis, Valery Kavaleuski, Belarus Politics, 11.03.2015, <http://eng.belaruspolitics.org/2015/03/us-courting-luka.html>

<sup>62</sup> Lukashenko Gave the USA a Special Role in Solving the Ukrainian Crisis. Denis Lavnikovich, BDG Business Newspaper (in Russian) [Лукашенко отвел США особую роль в решении украинского конфликта, **Денис Лавникевич**, БДГ Деловая газета], 02.04.2015, <http://bdg.by/news/authors/lukashenko-otvel-ssha-osobuyu-rol-v-reshenii-ukrainskogo-konflikta>

<sup>63</sup> Why the U.S. Should Ignore Belarus' Unlikely Appeal. Joerg Forbrig, The American Interest, 10.04.2015, <http://www.the-american-interest.com/2015/04/10/why-the-u-s-should-ignore-belarus-unlikely-appeal/>

<sup>64</sup> Latvian President Ready to Meet with Lukashenka at EaP summit. Political Prisoners Forgotten?, Belsat, 27.03.2015, [www.belsat.eu/en/articles/latvian-president-ready-meet-lukashenka-during-eap-summit-political-prisoners-forgotten/](http://www.belsat.eu/en/articles/latvian-president-ready-meet-lukashenka-during-eap-summit-political-prisoners-forgotten/)



Ashton come to Minsk despite sanctions – I am taking my hat off!" Now Belarus is working hard to attract Western investment that was meant for Russia, in parallel increasing re-export of food products to Russia after Western products were banned by Putin. "In this poker game Washington and Brussels will try to play the Belarus card against Russia."<sup>65</sup>

Leader of the opposition movement "European Belarus" Andrei Sannikov uses much harsher and more bitter words to describe the dramatic change in the Western attitude to the person who only recently was referred to as "the last dictator of Europe": "All of a sudden Belarus's Alexander Lukashenko, only yesterday a European pariah, is regarded not even as a lesser evil but as a legitimate mediator and independent player on the side of Ukraine. He is becoming a star of European media that lines up to interview him, including Euronews and France 24. Europe abruptly agreed that Lukashenko is eligible to provide good offices for talks on Ukraine, which turned out to be treacherous offices helping Putin to leap forward on the issue of recognition of terrorists in eastern Ukraine. Under the disguise of the 'peace' talks in Minsk, EU's high representative met with Lukashenko, shamefully ignoring the EU policy banning high-level contacts with Belarus until all political prisoners are released."<sup>66</sup>

Needless to say, Lukashenko is genuinely scared by Putin's aggressive steps in the region and is quite cognisant of the presence of Russian troops on the Belarusian soil<sup>67</sup>. He is probably very nervous now about the agreement that was signed in spring 2014 on opening of the first Russian military aviation base in Belarus in 2015, seriously expanding Russian military presence in the country<sup>68</sup>. His repeated statements to the account that Belarus will not become a Russian province<sup>69</sup> and that he guarantees its sovereignty, his sudden support for revival of the Belarusian language<sup>70</sup>, and recent draft changes to the military doctrine of Belarus which would include a response to the "hybrid war" of the type Russia wages in Ukraine<sup>71</sup> are all strong signals aimed at both the domestic audience and foreign powers in the East and the West.

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<sup>65</sup> Bielorusie: le retour en grace de Loukachenko, l'autocrate de Minsk, Pierre Avril, Le Figaro, 01.10.2014, <http://www.lefigaro.fr/international/2014/10/01/01003-20141001ARTFIG00382-le-retour-en-grace-de-loukachenko-l-autocrate-de-minsk.php>

<sup>66</sup> Europe's Turning To 'Dictators International' Helps Putin, Andrei Sannikov, The Interpreter, October 7, 2014, <http://www.interpretermag.com/europe-turning-to-dictators-international-to-appease-putin/>

<sup>67</sup> You Know it's Hard out There for a Belarusian Dictator, Daniel W. Drezner, The Washington Post, 02.04.2015, <http://www.washingtonpost.com/posteverything/wp/2015/04/02/you-know-its-hard-out-there-for-a-belarusian-dictator/>

<sup>68</sup> There Will Be More Russian Military Bases in Belarus (in Russian) [Российских военных баз в Беларуси станет больше], Deutsche Welle, 06.08.2014 <http://www.dw.de/%D1%80%D0%BE%D1%81%D1%81%D0%B8%D0%B9%D1%81%D0%BA%D0%B8%D1%85-%D0%B2%D0%BE%D0%B5%D0%BD%D0%BD%D1%8B%D1%85-%D0%B1%D0%B0%D0%B7-%D0%B2-%D0%B1%D0%B5%D0%BB%D0%B0%D1%80%D1%83%D1%81%D0%B8-%D1%81%D1%82%D0%B0%D0%BD%D0%B5%D1%82-%D0%B1%D0%BE%D0%BB%D1%8C%D1%88%D0%B5/a-17832759>

<sup>69</sup> Belarus Strongman Balances Between Ukraine War, Putin, EU; Aliaksandr Kudrytski and Ryan Chilcote, Bloomberg, April 2, 2015, <http://www.bloomberg.com/news/articles/2015-04-02/belarus-strongman-balances-among-war-in-ukraine-putin-eu>

<sup>70</sup> Lukashenko: Belarusian Language is What Makes Us Different from Russians (in Russian) [Лукашенко: белорусский язык — это то, что отличает нас от россиян]. Naviny.by, 29.01.2015, [http://naviny.by/rubrics/society/2015/01/29/ic\\_articles\\_116\\_188110/](http://naviny.by/rubrics/society/2015/01/29/ic_articles_116_188110/); Lukashenko Proposes to Pay More Attention to the Studying of Belarusian Language in the School Curricula (in Russian) [Лукашенко предлагает в школьных программах уделять больше внимания изучению белорусского языка]. БЕЛТА, 29.09.2014, [http://www.belta.by/ru/all\\_news/president/Lukashenko-predlagaet-v-shkolnyx-programmax-udeljat-bolshe-vnimaniya-izucheniju-belorusskogo-jazyka\\_i\\_681645.html](http://www.belta.by/ru/all_news/president/Lukashenko-predlagaet-v-shkolnyx-programmax-udeljat-bolshe-vnimaniya-izucheniju-belorusskogo-jazyka_i_681645.html)

<sup>71</sup> Lukashenko: External Threats Are Prepared by Destabilisation of the Situation inside the Country (in Russian) [Внешние угрозы начинаются с дестабилизации обстановки внутри государства — Лукашенко]. Interfax.by, 19.02.2015, <http://www.interfax.by/news/belarus/1178259>

Attempts by various Western politicians to “reopen” relations with Belarus without any progress in human rights and democracy, often driven by their countries’ economic interests or by fatigue from “no impact of sanctions”, are becoming more obvious and are justified by them as political pragmatism<sup>72</sup>, especially as limited economic sanctions have not led to improvement in the human rights situation. Ironically, Putin’s new aggressive policy supports their arguments: it is often being said these days that “now Lukashenka does not look that bad” in comparison with Putin, despite the fact that nothing has changed for the better inside Belarus<sup>73</sup>.

### **Belarus’ Sovereignty Questioned after the Annexation of Crimea**

However, this position leads the West – and Belarus itself – into a trap<sup>74</sup>. Supporting the authoritarian regime of Lukashenko without attaining any democratic change inside Belarus may have serious consequences in light of the new aggressive policy of the Kremlin and might even lead to undermining of Belarusian sovereignty as Russia strives to establish its control in its neighbourhood.

The most troubling new development in Belarus is that things have gone worse not only in terms of fundamental freedoms, but also with the state of the minds of the Belarusian public. If the game continues to be played by Lukashenko’s autocratic rules, Belarus faces a very serious risk of being pulled into the “Russian World”, Russia’s new imperial project, and falling under the Russian control. While the Belarusian ruler continues to strangle freedom of expression, association and assembly, Russian propaganda is freely flowing into Belarusian households via TV, radio, and internet, re-shaping Belarusians’ mindset, making them supportive of Russia’s aggressive policy, and alienating them from the West.

It is clear that as a result of the Russian propaganda the mindset of the Belarusian population is increasingly going against what is said by Lukashenko in public, including his message to Western interlocutors that he supports Ukraine’s sovereignty and condemns the annexation of Crimea and the armed fighting in Eastern Ukraine.

Given the increasingly anti-Western and pro-Russian sentiments of the Belarusian public and the fact that about 10% of Belarusians hold Russian passports, Russian annexation of Crimea and its support for separatists in Donbass, justified as a protection of the Russian-speaking population of these regions, pose a very serious dilemma for the Belarusian sovereignty.

While a Russian military aggression into Belarus may sound as an implausible and fantastic scenario at the moment, who could imagine a swift takeover of Crimea by Russia and its incursion into the East of Ukraine just a year and a half ago? However, the Kremlin does not

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<sup>72</sup> Lukashenko: A Prodigal Son of Europe. Maria Kugel, Yaroslav Shimov, Radio Liberty (in Russian) [Лукашенко, блудный сын Европы, Мария Кугель, Ярослав Шимов, Радио Свобода], 21.03.2015, <http://www.svoboda.org/content/article/26913467.html>

<sup>73</sup> Belarus is no longer 'Europe's last dictatorship', Ryhor Astapenia, The Guardian, 12.09.2014, <http://www.theguardian.com/world/2014/sep/12/belarus-no-longer-europe-last-dictatorship>

<sup>74</sup> An Autocratic Trap in Belarus as presidential election approach, Olga Zakharova and Yuri Dzhibladze, Freedom Files, 29.11.2014 (unpublished, authors’ archive).

even need to send its troops into Belarus as it already has them stationed there. More importantly, Moscow has many other ways to establish its full control over its Western neighbour. Replacing Lukashenka by a more cooperative and obedient servant of Russian interests is a more likely and less costly way forward for Russia.

Obviously, the Kremlin is not happy with Lukashenka: he has sabotaged and delayed many Russian integration projects, he continues to refuse to sell Belarusian economic assets much desired by Russia, he stubbornly refuses to recognise Russia-supported separatist regimes of Abkhazia and South Ossetia, he has voiced his support for Ukrainian territorial integrity, he has not recognised annexation of Crimea, and he continues his traditional “see-saw” policy of balancing between the West and Moscow. As patriotic euphoria in Russia resulting from the “victorious” takeover of Crimea gradually diminishes with time and the economic effect of Western sanctions starts to be felt by ordinary Russians, the Kremlin needs to produce new international victories in order to maintain a high level public mobilisation at home and draw attention of the Russian public away from social problems.

Paradoxically, a replacement of Lukashenko by a pro-Russian “governor” would not be met with much opposition inside Belarus. While there is no indication that Belarusian “elites” are currently more interested in giving up sovereignty and the control of resources it brings than in the past, the matter of fact is that Lukashenko in 20 years of his rule has successfully eliminated any political or business challenge to his control and rules amidst a political desert. There is no one around him; he is a single political actor in the country, making decisions on every little question in politics, economy, and even sports. Therefore, if the Kremlin decides to replace him, not a single voice from non-existent elite will be raised against this move.

In its turn, the majority of the Belarusian public, brainwashed by the Russian TV, will likely even support this possible change on the top, admiring the strong man Putin. A recent modest attempt by Lukashenko at a “Belarusianisation campaign” may have won him some approval from small circles of cultural intelligentsia but it is no match to massive Russian propaganda bombarding Belarusians daily.

Moreover, Russian leaders overtly and covertly encourage and support pro-Russian initiatives and activities in Belarus. Way before the events in Ukraine, in 2011, Vladimir Putin had a peculiar response to a question from a young Belarusian participating in an ideological youth camp on Lake Seliger, organised annually by the Russian government. The young man wondered whether Russia and Belarus could merge into “one state like it was in the Soviet times”, and Russian leader said the return to Soviet-style unity is “possible, desirable and wholly dependent on the will of the Belarusian people.” When the young man claimed that the “people want it”, Putin replied: “Then fight for it”.<sup>75</sup> There was no reaction from Belarusian authorities.

Pro-Russian nationalist projects in Belarus such as “Zapadnaya Rus” (Western Rus), calling for unity of Russia, Belarus and Ukraine under a name of a “Holy Rus” are becoming increasingly influential and enjoy open support and blessing by the leadership of the Russian Orthodox

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<sup>75</sup> Putin Supports Merger of Russia and Belarus. Wall Street Journal, 02.08.2011, <http://online.wsj.com/news/articles/SB10001424053111903341404576482491556781076?>

Church<sup>76</sup>. Numerous “scientific” conferences are organised to justify historical and religious reasons for uniting the Eastern Slavic nations under Russia’s banner<sup>77</sup>. After the beginning of the conflict in Eastern Ukraine pro-Russian organisations in Belarus have become decisively more visible and brave, their activities ranging from a more benevolent distribution of Russian flags and the “St George ribbon” on the streets of Minsk, Grodno, Vitebsk, Gomel, and other cities<sup>78</sup>, to a more dangerous military training camps organised by Cossacks in Belarus<sup>79</sup>. Independent journalists in Belarus recall that violence in eastern Ukraine started with distribution of St George ribbons and training camps organised by separatists.

Belarusian experts state that Lukashenko is scared by this situation and is at the same time at a loss as to how to deal with it. He cannot cut off Russian TV and does not have resources to counter the Russian propaganda. At the same time he is not prepared to give freedom to independent media and civil society which could potentially serve as a counterbalance to brainwashing by the Russian media.

This is how one of the leading Belarusian political analysts Vladimir Karbalevich describes this dilemma: “Russia demonstrated that it is prepared to use force to control the so-called “Russian world”, equating it to regions and countries with a Russian-speaking population. Lukashenko himself has spoken about it several times, but so far he is at a loss about how to deal with it. Now the Russian military presence in Belarus is viewed quite differently: we all know how it was used in Crimea to take the peninsula over. How Lukashenko will deal with the Russian military base already here and the plans for expansion of the Russian army’s presence? Especially when all polls show that majority of the Belarusians see the Ukrainian crisis through the lens of the Russian TV channels? Polls show that a significant part of the Belarusian population supports Russia, which goes contrary to the official position of Belarus. Lukashenko is aware that he does not control the public mind anymore and that Russian TV is capable to shape Belarusian public opinion in a way it is needed for Russia.”<sup>80</sup>

This assessment is supported by an independent Belarusian journalist Andrzej Poczubut: “A powerful pro-Russian trend has emerged in the society which is not controlled by the authorities and which has resulted from foreign propaganda flowing onto the Belarusian public through the Russian media. This has frightened Belarusian authorities more than the events in Ukraine, and they don’t know what to do in this situation”.<sup>81</sup>

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<sup>76</sup> See the web site of the movement at <http://zapadrus.su/>.

<sup>77</sup> See, for example, a report of the conference “Reunification of Russia and Belarus” held in Moscow: [http://www.riss.ru/actions/1637-vossoedinenie-belorussii-i-rossii-video#.VE\\_KxRabs24](http://www.riss.ru/actions/1637-vossoedinenie-belorussii-i-rossii-video#.VE_KxRabs24) and report of the hearings “Reunification of Western Belarus with Belorussian SSR and the Soviet Union: An Act of Historical Justice”, held recently in Minsk: [http://www.vmeste-s-rossiei.mid.ru/news\\_2014\\_165.html](http://www.vmeste-s-rossiei.mid.ru/news_2014_165.html).

<sup>78</sup> Russian Flags Are Distributed in the Streets of Bobruisk (in Russian) [На улицах Бобруйска раздают российские флаги], Charter-97, 26.10.2014, <http://charter97.org/ru/news/2014/10/26/122810/>

<sup>79</sup> Belarusian “Cossacks” at the Service of the Russian Intelligence (Белорусские «казаки» на службе разведки РФ), Charter-97, 28.10.2014, <http://charter97.org/ru/news/2014/10/28/123040/>

<sup>80</sup> Lukashenko Does Not Know How to Oppose the Threat of the “Russian World” (in Russian) [Лукашенко не знает, как противостоять угрозе «русского мира»], Vladimir Karbalevich, Naviny.by, 04.10.2014, [http://naviny.by/rubrics/politic/2014/10/04/ic\\_articles\\_112\\_187103/](http://naviny.by/rubrics/politic/2014/10/04/ic_articles_112_187103/)

<sup>81</sup> Andrzej Poczubut: Fight is Going on against Media Working from Abroad (in Russian) [Анджей Почобут: Идет борьба со СМИ, работающими из-за границы], Charter-97, 19.08.2014, <http://charter97.org/ru/news/2014/8/19/111826/>

In his typical way, Lukashenko is tightening his grip on independent media in the run up to the presidential elections. These are exactly those media that could provide at least some alternative to the Russian propaganda. Zhanna Litvina, Chair of the Belarusian Association of Journalists, states that a new wave of persecution of journalists started in spring 2014. She sees it as a clear result of a high-level political decision made by the country's leadership. A growing number of court cases against journalists have a new trend: journalists are persecuted for working for foreign media without accreditation.<sup>82</sup>

Another player that could counter Russian propaganda would be a vibrant civil society, enjoying enabling legal environment and freedom of assembly, association, and expression. However, Belarus is notorious for its restrictive laws and policies on all of these freedoms and its continued crackdown on civil society.<sup>83</sup>

Unfortunately, recent steps by the EU have also undermined the position of Belarusian civil society. In a dramatic change from its previous approach, the EU agreed in the summer of 2014 to conduct a "dialogue on modernization" with the government of Belarus while civil society was excluded from this process and reduced to a separate track of discussions with the EU. This was an important encouraging signal for the regime.

Earlier, a very weak reaction by the international community to the mass arbitrary detention of civic and political activists on the eve of the World Hockey Championship gave Lukashenko assurance of his impunity for continued human rights abuse.

Even a moderate critic of the regime and of EU policies, the Minsk-based Centre for European Transformation, stated in a recent policy paper: "...resumption of the EU relations [with Belarus] has not been based on any systemic changes in Belarus. Intensification of diplomatic contacts and development of sectoral cooperation is going ahead without fulfilment of the condition to release and rehabilitate all political prisoners and despite of the fact that the human rights situation in Belarus has not improved." The paper provides a grim forecast: "Belarus and the EU are now going back to the same framework of cooperation which existed during the "defrosting" of 2008-2010 and to the policy of "engagement" without a critical re-thinking of why it failed then. Even more, the current cycle of "defrosting" in fact wipes out the gains of the previous period, related to the consolidation of civil society through the Belarusian National Platform of the Eastern Partnership Civil Society Forum and its participation in the European Dialogue on Modernisation. In perspective, this can lead to repeating the cycle of 'defrosting-elections-repressions-sanctions.'"<sup>84</sup>

We believe that only by bringing back fundamental freedoms to Belarus, namely the freedoms of expression, assembly and association, can the growing tide of the Russian propaganda be

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<sup>82</sup> Zhanna Litvina: Authorities Have Started a New Campaign against Independent Journalists, Charter-97 (in Russian) [Жанна Литвина: Власть начала новую кампанию против независимых журналистов], Хартия-97, 24.09.2014, <http://charter97.org/ru/news/2014/9/24/117342>

<sup>83</sup> Lukashenko demands the guarantees of security, sticks to dictatorial practices, Valery Kavaleuski, Belarus Politics, 03.02.2015, <http://eng.belaruspolitics.org/2015/02/lukashenko-demands-guarantees-of.html?q=Lukashenko+demands+the+guarantees+of+security,+sticks+to+dictatorial+practices>

<sup>84</sup> New cycle of EU-Belarus relations: Dialogue in spite of actuality? Andrei Yahorau, Alena Zuikova, Center for European Transformation, 08.09.2014; [http://eurobelarus.info/files/userfiles/5/2014\\_EU-Belarus\\_New\\_circle-EN.pdf](http://eurobelarus.info/files/userfiles/5/2014_EU-Belarus_New_circle-EN.pdf)

contained, a pro-European mindset of Belarusians gradually restored, and sovereignty of the country ensured.

Should the harsh suppression by Lukashenko and brainwashing by the Russian TV continue for a few more years, the danger of repeating in Belarus of the Crimea scenario of a bloodless takeover would be quite real. Thus, by choosing to give up on human rights in Belarus, at least for now, for the sake of ensuring its sovereignty, the West is risking to have neither of them.

### **New “Dialogue” with the West and More Human Rights Violations in Belarus**

High Representative for Foreign Affairs and Security Policy Catherine Ashton held a bilateral meeting with the President of Belarus Alexander Lukashenko in Minsk on 26 August 2014 during her emergency visit to Minsk related to multilateral negotiations regarding the security crisis in Ukraine. To our knowledge and according to various media reports, during this bilateral meeting, EU HR/VP Ashton did not raise the issue of political prisoners in Belarus while it is the cornerstone of the EU engagement with Belarus. Lukashenko skilfully used this high level meeting for propaganda purposes and increased repressions in the country<sup>85</sup>. According to the UN Special Rapporteur’s statement on 24 December 2014, “There is no sign of improvement in the human rights situation in Belarus”.<sup>86</sup>

Bilateral meeting of the EU HR/VP Catherine Ashton put an end to the principled position and practice of the EU to keep official contacts with Belarus on a low level until all political prisoners are released. It also gave to the Belarusian authorities a false impression of irrelevance of human rights issues for the Belarus-EU relations and led to mounting pressure on political prisoners and new imprisonments for political reasons. Exactly at the time of recent high-level visits of European officials to Minsk former presidential candidate and political prisoner Mikalai Statkevich was subjected to tremendous pressure and will now be transferred from the colony to a closed strict-regime prison for the remaining two years of his prison term<sup>87</sup>, political prisoner Mikalai Dziadok was sentenced to an additional year in prison just three days before his expected release<sup>88</sup>, and an opposition activist Yuri Roubtsou was convicted to 18 months of restraint in a settlement and now faces extra 3 years of imprisonment in a colony<sup>89</sup>.

In 2014 two decisions were taken by the Council of the EU, removing from the EU list of restrictive measures in respect of Belarus (travel ban and asset freeze) 32 persons directly responsible for human rights violations and electoral fraud in Belarus as well as 7 business entities providing financial or material support to the regime. Prior to that, the list of EU restrictive measures in respect of Belarus had been expanded and extended in 2006-2013.

<sup>85</sup> In Belarus, Repression Continues Despite Warmer Relations with the West, Valery Kavaleuski, Belarus Politics, 02.04.2015, <http://eng.belaruspolitics.org/2015/04/in-belarus-repression-continues-despite.html>

<sup>86</sup> “Systemic assault on dissent and the media, executions of death sentences continue in Belarus” – UN rights expert. The United Nations. 24.12.2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15458&LangID=E>

<sup>87</sup> Human rights organizations demand to stop pressurization of Mikalai Statkevich, Human Rights Center “Viasna”, 08.04.2015, <http://spring96.org/en/news/76623>

<sup>88</sup> Political prisoner Mikalai Dziadok sentenced to one more year in prison, “Freedom for Political Prisoners!”, 06.03.2015, <http://palitviazni.info/навіны-en/2015/03/21184?lang=en>

<sup>89</sup> Yury Rubtsou sentenced to 18 months of personal restraint, Human Rights Center “Viasna”, 06.10.2014, <http://spring96.org/en/news/73511>



Persons, taken off the EU list in July and October 2014, include former deputy heads of the KGB, judges, prosecutors, heads and members of the electoral commissions, deputy editors of the main government propaganda newspaper, and businessmen providing direct support to the Lukashenko regime.

According to the official EU documents, it remains unclear based on what consideration the decision in July was made. There had been also no policy discussion in the EU preceding this decision that we are aware of.

On 30 October 2014, following an annual review, the Council removed 24 persons and 7 business entities off the EU sanctions list<sup>90</sup>. The decision of the Council said that “the Council saw no longer grounds to keep them under restrictions.”<sup>91</sup> At the same time, a press statement issued by the EU on that day said that “this decision does not reflect any change in the EU's policy towards Belarus, as set out in the Council conclusions of 15 October 2012: the EU maintains its policy of critical engagement with Belarus, intended to promote the respect for human rights, the rule of law and democratic principles in Belarus.”<sup>92</sup> Given the fact that the situation with human rights has not changed for better, we see a contradiction between the wording of the explanation in the press statement and the content of the Council decision.

The list of 7 business entities, taken off the EU sanctions list on 30 October 2014, includes:

1. Private Unitary Enterprise (PUE) BT Telecommunocations, controlled by businessmen Vladimir Peftiev;
- 2, 3, 4: Entities, affiliated with Triple Ltd company: JLLC Neftekhimtrading, JLLC Triplepharm, LLC Triple-Veles, all controlled by businessmen Yuri Chizh;
- 5, 6, 7: Uninvest M Group of Companies and its affiliated entities FLLC Unis Oil and JLLC UninvestSroyInvest, all controlled by businessmen Anatoly Ternavsky.

Currently 201 persons and 18 business entities remain on the EU sanctions list. The EU restrictive measures against them were extended until 31 October 2015 “because not all political prisoners have been released and rehabilitated, and the respect for human rights, the rule of law and democratic principles has not significantly improved in Belarus.”<sup>93</sup>

As indicated in earlier decisions of the EU Council in 2011-2013, persons included in the EU list of restrictive measures in respect of Belarus are personally “responsible for violation of international electoral standards in the presidential elections or the crackdown on civil society and the democratic opposition”, “serious violations of human rights, the repression of civil society and opposition”, “or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, or any natural or legal persons, entities and bodies associated with them, as well as legal persons, entities or bodies owned or controlled by them”, and “in particular

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<sup>90</sup> Council implementing regulation (EU) No 1159/2014 of 30 October 2014, implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus.

<sup>91</sup> Ibid.

<sup>92</sup> EU extends and updates restrictive measures against Belarus (30/10/2014), EEAS, [http://eeas.europa.eu/delegations/council\\_europe/press\\_corner/all\\_news/news/2014/2014103001\\_en.htm](http://eeas.europa.eu/delegations/council_europe/press_corner/all_news/news/2014/2014103001_en.htm)

<sup>93</sup> Factsheet: The European Union and Belarus. Brussels, 30 October, 2014, 131029/01, EEAS, [http://eeas.europa.eu/statements/docs/2013/131029\\_01\\_en.pdf](http://eeas.europa.eu/statements/docs/2013/131029_01_en.pdf)



persons in a leading position and persons and entities benefiting from or supporting the Lukashenko regime, including in particular persons and entities providing financial or material support to the regime”<sup>94</sup>. The fact that some of them have left their positions does not mean that their responsibility for violations, committed in the past, or their support to the regime, has disappeared. Impunity for the past human rights and electoral rights violations creates conditions for new ones. This is especially important on the eve of the presidential “elections” in autumn 2015 when a new wave of repressions and electoral fraud are expected.

Moreover, it is unclear what the grounds were for the lifting of sanctions against the two Lukashenko “bagmen”, businessmen Vladimir Peftiev and Anatoly Ternavsky. The fact that Mr. Peftiev has managed to conceal most of his direct connections to the regime during the past year does not justify taking him off the sanctions list. He was the first businessman who was put on the EU sanctions list in August 2011 for his clear and direct support to the regime and the benefits he was gaining in exchange for his support. Recent investigation by researchers at *Detective.io* in partnership with a number of experts on Belarus shows clear connections between Peftiev, Ternavsky, and the Lukashenko family<sup>95</sup>.

Most importantly, these decisions by the Council of the EU do not take into account the situation with human rights and democratic freedoms in Belarus which had been the main reasons for introducing the restrictive measures. The situation with human rights has not improved at all and in fact has deteriorated even further:

- almost all political prisoners who were released in 2013-2014 had served their entire prison terms. Six political prisoners remain in custody, including former presidential candidate Mikalai Statkevich;
- dozens of activists were subjected to arbitrary preventive detention on the eve and during the World Ice Hockey Cup in spring 2014;
- exhausted by multiple repeated arbitrary detentions, a number of civic and political opposition activists were forced to leave Minsk or even Belarus in 2013-2014;
- all repressive laws on freedom of assembly, freedom of association, freedom of expression, and on protection from abuse by law enforcement officers, adopted in 2011-2012, remain in place and actively applied;
- shortly before Christmas and New Year 2015 almost all independent web sites were blocked in accordance with new highly restrictive media regulations;
- Belarusian activists and experts expect further crackdown on civil society and media in the view of upcoming 2015 presidential “elections”.

In this context the lifting of sanctions was perceived by the regime as a promise of unconditional dialogue by the EU and an indulgence to continue repressions<sup>96</sup>.

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<sup>94</sup> See, for example, here: Council Regulation (EU) No 114/2012 of 10 February 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, 11.2.2012, Official Journal of the European Union, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:038:0003:0005:EN:PDF>.

<sup>95</sup> The Belarus Networks: The who's who of the Belarussian elite. Detective.io, 2014. <https://www.detective.io/detective/belarus-networks/>

<sup>96</sup> Belarus and Europe: Zero Effect, Andrei Yahorau, Centre for European Transformation, 10.04.2015, <http://en.eurobelarus.info/news/politics/2015/04/10/belarus-and-europe-zero-effect.html>

## How Vulnerable is the Regime's Economic Situation Now?

We have given an extensive overview of “Lukanomiks” and its functioning in our previous reports and policy papers<sup>97</sup>.

Russian loans and loopholes in the EU sanctions have allowed Lukashenko to survive; however, he has come to the 2015 elections year almost broke.

Belarusian economy is showing signs of a close collapse, possibly worse than during the 2011 crisis. National currency is plummeting; exchange offices often lack hard currency. However, these are not the only signs of deepening crisis.

Gold and exchange currency reserves are at almost the lowest in the past 5 years and keep dropping<sup>98</sup>:

- In January USD 5 059.1 mln
- In March 2015: USD 4 651.3 mln
- In April they dropped further by 90 more \$ mln and are now at USD 4 560.5 mln.

In comparison with the previous years:

- in July 2014 USD 6 426.0 mln
- In December 2013 – USD 6 458.7 mln
- In March 2013 – USD 8 011.8
- In November 2012 – USD 8 023.2 mln
- In April 2012 - USD 9 600.7 mln
- In April 2011 – USD 3 761.3 mln
- In September 2010 – USD 5 569.4 mln (previous IMF loan was used to raise salaries up to 500 USD average).

A new peak of paying back hard currency loans by the government of Belarus is in 2015. Total amount of the scheduled payments is USD 4.1 billion, which is dangerously close to the size of the remaining gold and exchange currency reserves. Of this amount 3.1 billion must be paid to foreign creditors and owners of Eurobonds and 1 billion to banks inside Belarus. The largest amount should be paid to Russia – 0.7 bln of the state loan and more than 0.5 bln of the loan of the Russia-controlled Anti-Crisis Fund of the Eurasian Economic Community. These are followed by China, IMF, EBRD and Venezuela. Almost 1.2 bln should be paid on matured Eurobonds

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<sup>97</sup> International Support for the Democratic Future of Belarus: Time Should Not Be Wasted. A report by the Working Group on Investments of the Committee on International Control over the Human Rights Situation in Belarus, January 2012, <http://www.hrwatch-by.org/en/international-support-democratic-future-belarus-time-should-not-be-wasted>; The EU Dilemma: What Kind of Dialogue with Belarus? More Active Engagement with Society and Increased Pressure on the Regime. A report by the Working Group on Investment of the Committee of International Control over the Human Rights Situation in Belarus. May 2013, <http://www.hrwatch-by.org/en/eu-dilemma-what-kind-dialogue-belarus-more-active-engagement-society-and-increased-pressure-regime>; Annual Review of European Union's Restrictive Measures against Belarus: Economic Sanctions Should Be Made Effective by Closing Loopholes and Counterbalancing Delistings with Additional Listings. A policy brief and recommendations by the Working Group on Investment of the Committee of International Control over the Human Rights Situation in Belarus. 07.10.2013, <http://www.hrwatch-by.org/en/annual-review-european-union-s-restrictive-measures-against-belarus-should-be-made-effective-closing>.

<sup>98</sup> National Bank of Belarus statistics, <http://www.nbrb.by/statistics/reserveAssets/assets.asp>

issued by Belarus in 2010 and 2011.<sup>99</sup> The original plan was to partially cover this amount by export taxes on crude oil and oil products and raise the rest by selling more bonds at the international and domestic markets. However, dropping oil prices have made this plan unfeasible, and the government is planning now to refinance the old loans by getting new loans, ideally from the IMF.

During the crisis of 2011 the Lukashenko regime was saved by loans from Russia, Turkmenistan and Azerbaijan and by his “innovative” petrochemical trading scheme. However, now Russia is short of money, while “innovative” scheme is exercised at a much lesser scale due to protests by Russia and is not that profitable anymore due to the low oil prices on the world markets.

In autumn 2014 Lukashenko hoped to profit from Putin's countersanctions against the EU, re-exporting European food products to Russia under the disguise of Belarusian produce, but it has not generated stable income and has caused additional complications in relations with Russia. Sales of heavy machinery are stagnating. The only successful trader, besides oil producers, is Belaruskaliy, the potash company. However, it cannot save the entire country's economy.

In the past 2 years Belarus ended up in a deeply negative trade balance<sup>100</sup>: in 2014 - USD 4,396 bln, in 2013 - USD 5,820 bln.

Due to the lack of money authorities are looking for different ways to extract money. Experts report about increased pressure on remaining private enterprises, including huge fines for no reason and even confiscations of goods.

The latest economic move of the regime aimed at extracting additional taxes from the public was adoption of the so called decree “on social parasites” signed by Lukashenka on 2 April 2015 and coming into force starting at a back date of 1 January 2015<sup>101</sup>. This decree establishes a tax on those who officially work less than 183 days in a year. This tax is equal to about USD 240. This decree, aimed to “stimulate capable to work citizens to work and participate in financing state expenses”, violates a number of articles of the Belarusian Constitution<sup>102</sup>.

Average real salary through the past year, if counted in US dollars, has dropped by 35%, due to the 40% devaluation of the Belarusian rouble. In late 2014 average salary was USD 620, while in January 2015 it was just USD 400.<sup>103</sup> The problem of the wage arrears is snowballing: according to official Belarusian statistics, as of 1 April 2015, 518 enterprises in Belarus had the wage arrears to 90 800 employees, the total debt being over USD 21 million.

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<sup>99</sup> The State Debt: How and to whom Will Belarus Pay in 2015. Dmitry Zayats, Belorusskie novosti (in Russian) [Государственный долг: как и кому будет платить Беларусь в 2015-м. Дмитрий Заяц, Белорусские новости], 06.01.2015, [http://naviny.by/rubrics/finance/2015/01/06/ic\\_articles\\_114\\_187923/](http://naviny.by/rubrics/finance/2015/01/06/ic_articles_114_187923/)

<sup>100</sup> Foreign trade statistics by Belstat, [http://belstat.gov.by/ofitsialnaya-statistika/otrasli-statistiki/torgovlya/vneshnyaya-torgovlya\\_2/osnovnye-pokazateli-za-period-s-\\_\\_\\_-po-\\_\\_\\_gody\\_10/osnovnye-pokazateli-vneshnei-torgovli/](http://belstat.gov.by/ofitsialnaya-statistika/otrasli-statistiki/torgovlya/vneshnyaya-torgovlya_2/osnovnye-pokazateli-za-period-s-___-po-___gody_10/osnovnye-pokazateli-vneshnei-torgovli/)

<sup>101</sup> Lukashenka signed decree on “social parasites”, Charter97, 02.04.2015, <http://charter97.org/en/news/2015/4/2/145950/>

<sup>102</sup> A Decree on “Social Parasites” Violates at least 5 Articles of the Constitution, Ales Piletski, EuroRadio (in Russian) [Декрет “о тунеядцах” нарушает минимум 5 статей Конституции”; Алесь Пилецкий, Еврорадио], 09.04.2015, <http://euroradio.fm/ru/yurist-dekret-o-tuneyadcah-narushaet-minimum-5-statey-konstitucii>

<sup>103</sup> Salaries in Belarus dropped by one third in dollar terms, Charter97, 24.02.2015, <http://charter97.org/en/news/2015/2/24/140802/>

By March 2015 in Belarus economic courts there were at least 45 cases of enterprise bankruptcies. The government has run out of money to continue with a model of government support to state-owned enterprises. The government has drawn up a list of 106 most important enterprises entitled to government support in all forms; others should take care of themselves.

Lay-offs are now a common practice to “optimize expenses”. Even the most important enterprises like MAZ, Belshina, and GrodnoAzot in 2014 have laid off at least 5% of their employees. A big number of enterprises, including MAZ, are not working full week any more, limiting the work time to 2-3 days a week to save on salaries. Some of the production lines were stopped for certain periods of time.

Officially registered unemployment is now just under 1.0% but the real unemployment is much higher. Experts assess that it is now the highest since 2009 and will grow to 20% of economically active population by the end of 2015<sup>104</sup>. This is happening now due to two coinciding factors: return of Belarusians labour migrants from the crisis-stricken Russia and the deterioration of the national economy. Experts predict that further lay-offs and growth of unemployment are inescapable, but there will be attempts to contain it artificially until after the elections.<sup>105</sup>

We have often heard the following argument against expanding sanctions: if economy of the country is seriously affected, people will suffer. Now, the regime one more time has spent all the loans and export income to support itself and its repressive apparatus, and people are suffering because no strong measures to influence the regime have been taken consistently and systemically.

Deepening crisis is breaking the myth of a social state, or, to put it plain, Lukashenko is no longer able to buy popular support in exchange for economic stability. It makes him especially vulnerable in the year of the upcoming elections and the threat from the aggressive Eastern neighbour<sup>106</sup>. In these circumstances Lukashenka may only count on a political warming up with the West and getting a new loan from the IMF<sup>107</sup>. Now he would agree to “some 2 bln”, in his own words<sup>108</sup>. The last pay-back on the previous IMF loan is due in May 2015. His hopes are based on the assumption that the political warming up would help the EU to “forget” that none of the IMF recommendations has been implemented and no economic reforms have been realised, not speaking of changes in the human rights situation.

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<sup>104</sup> Meet the Belarusian Unemployed. Pavel Krivosheev, Rosbalt (in Russian) [Встречайте: белорусские безработные. Павел Кривошеев, Росбалт], 12.03.2015, <http://www.rosbalt.ru/exussr/2015/03/12/1377104.html>

<sup>105</sup> Belarus Labour Market Returns Back to the Period of the 2000s, Dmitry Ivanovich, Nashe Mnenie: Expertnoe soobshchestvo Belarusi (in Russian) [Рынок труда Беларуси возвращается к периоду 2000-х, Дмитрий Иванович, «Наше мнение: экспертное сообщество Беларуси»], 08.04.2015, <http://nmnby.eu/news/express/5755.html>

<sup>106</sup> To Survive until the Elections. Denis Lavnikovich, BDG Business Newspaper (in Russian) [Дожить до выборов, Денис Лавникевич], 24.03.2015, БДГ Деловая Газета, <http://bdg.by/news/authors/dozhit-do-vyborov>

<sup>107</sup> Lukashenka interested in borrowing funds from EU with no backdown on political prisoners, Belsat, 20.02.2015, <http://belsat.eu/en/articles/lukashenka-interested-borrowing-funds-eu-no-backdown-political-prisoners/>

<sup>108</sup> Lukashenko about an IMF Loan: \$2 Billion Would Be Enough for Us, Charter97 (in Russian) [Лукашенко о кредите МВФ: Нам бы хватило и \$2 миллиардов; Хартия-97], 03.04.2015, <http://charter97.org/ru/news/2015/4/3/146091/>

## Conclusions

1. Belarus has not implemented a single recommendation in the UN Human Rights Council Resolution of 2011 and the OSCE Moscow Mechanism report of 2011 which were adopted in response to the crackdown after the presidential elections of December 2010, including the police brutality against demonstrators, detention of almost 700 people, torture and inhuman treatment of the detainees, and the following unfair trials resulting in conviction of over 40 people, widely recognised as political prisoners.
2. Recommendations addressing other human rights and rule of law problems that were included in the follow-up annual resolutions of the UN Human Rights Council in 2012-14, reports of the UN Special Rapporteur on the Human Rights Situation in Belarus, reports of rapporteurs and working groups on Belarus at the Council of Europe and the OSCE Parliamentary Assembly as well as reports on observation of elections and trials by OSCE/ODIHR have not been implemented either. The situation with human rights in Belarus not only has not improved as compared to 2011 but has deteriorated further as a result of adoption of a series of repressive laws and continuation of repressive practices, negatively affecting exercise of freedoms of expression, association, peaceful assembly and movement, access to justice, protection from arbitrary detention, freedom from torture, enforced disappearances and abductions, the right to life, security of human rights defenders, and free and fair elections, to name a few. Human crisis in Belarus is prolonged, persistent and has systemic and systematic nature.
3. The government of Belarus does not cooperate with international human rights mechanisms on the most important and acute problems of human rights and rule of law. Not only it does not recognise the mandate of the UN Special Rapporteur on the Human Rights Situation in Belarus; it demonstratively ignores and challenges resolutions of the UN Human Rights Council, does not implement most of the recommendations of the UN treaty bodies and refuses to implement decisions of the UN Human Rights Committee on individual complaints, all in violation of its international obligations.
4. In the run-up to the presidential “elections” in autumn 2015 a danger of a new crackdown by the authorities on participants of peaceful protests, civic activists, independent journalists and bloggers is very real. Such crackdowns before and after elections have been a recurrent pattern throughout more than 20 years of Lukashenko’s rule. There are already signs of growing pressure on the regime’s opponents, manifested by mass preventive arbitrary detention during the Ice Hockey World Cup in 2014, emergence of a new political prisoner in the last several months, increased pressure on the remaining political prisoners, harassment of scores of independent journalists, and adoption of a new law on extra-judicial blocking of internet sites in January.
5. Unlike in the earlier electoral cycles, Lukashenko has not released all political prisoners convicted right before or immediately after the previous elections, including one of the candidates in the elections, Mikalai Statkevich. The regime is “playing” with the West by its own rules of the “hostage trade” game, demanding lifting of sanctions in exchange for

release of political prisoners. Inconsistent policy of sanctions, recent warming up of relations with the West, partial lifting of sanctions with zero improvement in human rights and rule of law, and a danger of a new crackdown with potential new arrests in the context of elections create a fertile ground for a new round of “hostage trade” after October 2015.

6. An intensive warming up of relations with the West in the last months as a result of the “peace-making” rhetoric of Lukashenko and his role of a host of the Minsk cease-fire negotiations which have led to partial lifting of sanctions and a breakthrough of the diplomatic blockade have added to Lukashenko’s self-confidence and assured him that he does not need to change anything inside the country.
7. Hopes in the West that Lukashenko would serve as a guarantor of independence and sovereignty of Belarus are based on a wrong assumption. Russian TV propaganda has a growing negative impact on the Belarusian public and cannot be stopped by the Lukashenko regime. Independent Belarusian media and vibrant civil society could counter the Russian propaganda but are suppressed by the regime. Should this harsh suppression by Lukashenko and brainwashing by the Russian TV continue for a few more years, the danger of repeating in Belarus of the Crimea scenario of a bloodless takeover would be quite real. Thus, by choosing to give up on human rights in Belarus, at least for now, for the sake of ensuring its sovereignty, the West is risking to have neither of them.
8. Restrictive economic measures and human rights conditionality built in any and all assistance and cooperation programmes is still the key to addressing human rights and rule of law crisis in Belarus. Dire economic situation and Lukashenko’s well-grounded fear of Putin provide an excellent opportunity for the West to advance demands that would include not only the release and rehabilitation of all political prisoners but systemic changes in laws and practices on a wide range of fundamental rights and freedoms and a conduct of free and fair elections. If pressure is applied smartly and consistently and includes concrete demands, chances are good that some of these demands will be met.

### **Recommendations to the International Community**

1. The international community must use the dire situation in the Belarusian economy and Lukashenko’s grounded fear of Russian aggression to increase pressure on the regime and advance its demands on rule of law and human rights.
2. Vigilance of the international community to the situation with human rights and rule of law in Belarus should be maintained and increased. International organisations should continue to regularly and systematically give assessment of implementation of Belarus’ international obligations and commitments and of recommendations in resolutions adopted since the crackdown in 2010. Analysis and conclusions in these resolutions should serve as a legal framework and a basis for the policy of the international community regarding Belarus.

3. Existing monitoring mechanisms regarding the situation in Belarus of the UN, the OSCE and the Council of Europe should be extended and strengthened, including the mandate of the UN Special Rapporteur on the Situation with Human Rights in Belarus.
4. Active steps should be taken to introduce and apply improved and new instruments of monitoring. They might include the following:
  - sending a long-term OSCE/ODIHR election observation mission, preferably as early as three months before voting day, can be an important tool to foster change in fundamental freedoms by pointing at systemic deficiencies and prompting the regime to address them. The mission should make a particular emphasis on the situation with fundamental freedoms of expression, association and assembly and access to justice as absolute preconditions for free and fair elections. The monitors' conclusions will be particularly important for a regime that craves international legitimacy.
  - the OSCE should follow-up to its Moscow Mechanism report of 2011 and order a new report. The case should not be considered "closed" until there is considerable progress in implementation by Belarus of recommendations from 2011;
  - results of the second cycle of Universal Periodic Review of Belarus, scheduled for May 2015, should be used to the maximum extent possible, including in the process of mid-term evaluation in 2017.
5. Any programmes of international cooperation with and assistance to Belarus, such as economic modernisation programmes by the EU or financial assistance by EBRD and IMF, should include human rights conditionality and involve civil society as a full-fledged interlocutor in discussions.
6. Assistance programmes by OSCE/ODIHR must include activities addressing fundamental rights and freedoms rather than follow the "pick and choose" approach promoted by the government of Belarus.
7. All foreign delegations visiting Belarus should insist on visiting political prisoners and meeting their relatives. All trials of civic and political activists, journalists and participants of peaceful protests should be attended by foreign diplomats.
8. The policy of restrictive measures should not be abandoned and instead should be continued, first and foremost by applying economic sanctions against Lukashenko's "bagmen" and by closing loopholes, until systemic changes in human rights and rule of law take place. No more "delistings" should happen until serious progress is documented. Release and rehabilitation of all political prisoners should be a basic precondition but by far not a final step. Otherwise, the community of democratic nations will never get out of the vicious circle of "hostage trade" that Lukashenko is so skilful in.



9. The following minimum demands should be made to the government of Belarus:
- immediately and unconditionally release all remaining political prisoners and ensure their full rehabilitation; lift all restrictions imposed on political prisoners who have been released earlier;
  - comply with all the provisions of the UN Declaration on Human Rights Defenders and end all forms of harassment of human rights defenders, including preventive arbitrary detention and other acts of retribution against civil society activists;
  - repeal article 193.1 of the Criminal Code which imposes criminal sanctions for participating in unregistered non-governmental organizations; further amend the law “On public associations” and other legislation governing NGO activities with a view of ensuring that it does not unduly restrict freedom of association; simplify the administrative process for registering NGOs and minimise reporting obligations to authorities; allow in practice that domestic NGOs are able to register and function without undue interference and receive funding from international sources;
  - end repressions against independent journalists and bloggers, repeal restrictive media and internet laws, stop the practice of blocking internet sites with critical information;
  - end repressions against lawyers, reverse decisions to disbar lawyers for representing critics of the government, and repeal repressive laws on the bar associations;
  - amend the law “On mass gatherings” to comply with international standards ensuring in particular that any sanctions are proportionate and do not create undue obstacles to freedom of assembly; end the practice of arbitrary detention of protestors;
  - ensure effective investigation of the cases of enforced disappearances of 1999-2000 and bring perpetrators to justice;
  - repeal legislation forbidding calls for a boycott of elections and penalising people for it;
  - allow independent civil society monitors such as members of the European Platform for Democratic Elections to observe the elections;
  - agree to reopen an OSCE Mission in Minsk with a broad mandate.
10. Implementation of these demands, based on the resolutions and documents of the UN, the OSCE, and the CoE bodies, should form a basis of the EU policy of “more for more” and inform decisions on lifting or expanding restrictive measures and engaging in economic cooperation. Once these most acute issues are successfully resolved, more systemic problems of independence of the judiciary, prevention of torture, and conduct of free and fair elections, among others, should be tackled.