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Nations in Transit 2012 - Belarus

Capital: Minsk

Population: 9.5 million

GNI/capita, PPP: US\$13,590

Source: The data above were provided by The World Bank, *World Development Indicators 2010*.

Nations in Transit Ratings and Averaged Scores										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	6.75	6.75	7.00	7.00	7.00	7.00	6.75	6.75	7.00	7.00
Civil Society	6.50	6.75	6.75	6.75	6.50	6.50	6.25	6.00	6.00	6.25
Independent Media	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.50	6.75	6.75
Governance*	6.50	6.50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	6.75	7.00	7.00	7.00	6.75	6.75	6.75	6.75
Local Democratic Governance	n/a	n/a	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75
Judicial Framework and Independence	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00
Corruption	5.50	5.75	6.00	6.25	6.25	6.25	6.00	6.00	6.00	6.25
Democracy Score	6.46	6.54	6.64	6.71	6.68	6.71	6.57	6.50	6.57	6.68

** Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance, to provide readers with more detailed and nuanced analysis of these two important subjects.*

2012 Scores

Democracy Score:	6.68
Regime Classification:	Consolidated Authoritarian Regime
National Democratic Governance:	6.75
Electoral Process:	7.00
Civil Society:	6.25
Independent Media:	6.75
Local Democratic Governance:	6.75
Judicial Framework and Independence:	7.00
Corruption:	6.25

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Executive Summary:

Belarus is a consolidated autocratic regime, in which the economy is controlled by the state with the exception of some limited activity in the private sector. Since coming to power in 1994, President Alyaksandr Lukashenka's political strategy has centered on creating revenue from external economic rents and using them to establish a kind of social contract with the population, providing sustained social welfare in exchange for public loyalty. External rents, mostly from Russia, come in the form of oil and gas subsidies, but also in the form of special conditions in regional customs agreements and support in deterring international pressure for implementing reforms. In 2007, Russia, a longtime sponsor of the Lukashenka regime, began to withdraw the massive energy subsidies upon which Lukashenka's personalistic rule and Belarus's "socially oriented" model of unreformed, command-style economy were largely built. The removal of this stabilizing factor forced the state to embark on a partial transformation of its socioeconomic model. Pressure of the worldwide financial crisis, Western sanctions, Russia's war with Georgia, and energy conflicts with Moscow forced the government to free political prisoners, relax repression on democratic activists, and initiate liberalization of the business climate, along with some unpopular reforms in the social sphere. Minor progress in market reforms and human rights was enough to renew hopes of a thaw in Belarus's relations with the West, bring Belarus to the European Union's Eastern Partnership Program, and secure stabilization loans from the International Monetary Fund.

Unable to depend on Moscow's support, Lukashenka courted the EU's recognition of his December 2010 reelection by marginally increasing the freedom of media, political, and civil society actors in the months preceding the December 19 vote. Domestically, the president also bolstered his support with economic incentives, raising the average salary in Belarus close to US\$500 a month. As in previous years, opposition campaigns suffered from disunity and self-defeating political tactics; nevertheless, an unprecedented nine candidates were allowed to collect signatures, campaign via state-owned media, and appear on the ballot next to the incumbent president.

The crackdown that ensued on December 19 led to the imprisonment of 7 out of 9 presidential candidates and a wave of arrests and intimidation of the political opposition, terminating any hope of a thaw in Lukashenka's authoritarian rule. In 2011, the government responded to a growing economic crisis and consequent decline in public support by preemptively repressing the political opposition and civil society organizations. Opposition members and other activists involved in the anti-Lukashenka demonstrations of December 2010 suffered intense reprisals during the year, with a hundreds of arrests and sentences passed down in January and June-July 2011.

National Democratic Governance. Political repression of civil society and the opposition continued to intensify in the aftermath of the December 19, 2010 presidential elections. By the end of 2011, the regime had fifteen political prisoners, including well-known opposition figures. Throughout 2011, the defining features of President Lukashenka's consolidated autocratic regime remained constant, and no breakthrough in political democratization occurred. In order to keep the country's economy afloat, President Lukashenka cultivated partnerships with donor-governments like China, Azerbaijan, and Iran, whose assistance is not conditional upon his government's human rights record. *Belarus's National Democratic Governance rating remains at unchanged at 6.75.*

Electoral Process. Elections in Belarus are largely an administrative formality, conducted to validate the selection of progovernment candidates. Legislation fails to protect such basic tenets of free and fair elections as equal campaigning opportunities, representation of all political parties in the country's electoral commission, and transparent vote counting. In 2011, Lukashenka and the head of the Central Electoral Commission responded to strident criticism of the 2010 presidential elections by discussing additional modifications to electoral system; however, these discussions did not translate into legislation, nor do the proposed changes in any way address fundamental obstacles to transparency and fairness in Belarus's electoral process. *Belarus's rating for Electoral Process remains unchanged at 7.00.*

Civil Society. Throughout 2011, the regime continued its intimidation of the opposition through harassment and arrest of journalists and prominent activists like Ales Bialiatski of the Viasna Human Rights Center. At year's end, Lukashenka signed draft amendments that substantially restricted funding options for civil society organizations. *Belarus's Civil Society rating worsens from 6.00 to 6.25.*

Independent Media. The Lukashenka regime continued its systematic suppression of media freedom in 2011. During the summer's "silent protests," ninety-five journalists were detained and the KGB conducted several raids on the offices of independent media outlets. However, a few independent newspapers are still permitted to operate and internet media remains relatively unrestricted, *leaving Belarus's Independent Media rating at 6.75.*

Local Democratic Governance. Local officials have extensive responsibilities in carrying out government programs, especially in the areas of health, administration, and infrastructure. However, they are often underfunded due to the lack of local revenue sources. In November 2011, Lukashenka ordered the formation of a new army called the territorial defense troops, in which regional governors hold the rank of major-general. *Belarus's Local Democratic Governance score remains at 6.75.*

Judicial Framework and Independence. The legal system in Belarus continues to be subordinated to the president, with courts playing the role of punitive bodies executing the president's will against political opponents. Opposition members and other activists involved in the anti-Lukashenka demonstrations of December 2010 suffered intense reprisals in 2011, with hundreds of arrests and sentences passed down in January and June-July. In September 2011, the government created a special body subordinated to the president will take over the investigative functions of the Prosecutor's Office, the Interior Ministry, and the Financial Monitoring Department of the State Control Committee, effectively eliminating the last space for independent activity in the judicial system. *Therefore, the judicial Framework and Independence score worsens from 6.75 to 7.00.*

Corruption. The Lukashenka regime's attempts to sustain Belarus's economy led to multiple devaluations of the currency in 2011. In November, the Republic of Belarus sold its 50 percent stake in the Belarusian gas transport company Beltransgaz to Russia's Gazprom in exchange for a low fixed rate on gas imports. The decision, which is contrary to Belarus's long-term strategic interests, represents a clear attempt on Lukashenka's part to suppress mounting public discontent over high gas prices. *Due to the president's disregard for national interests in favor of maintaining his hold on power, Belarus's corruption score drops from 6.00 to 6.25.*

Outlook for 2012. As a postelectoral Russia returns its focus forging economic unions in the region, the Lukashenka regime may find itself under increasing pressure from its eastern neighbor. The sale of Beltransgaz to Gazprom and the resulting oil and gas prices promise to strengthen Russia's role in Belarusian politics and its economy.

If Russia withholds its economic support, Lukashenka will probably attempt to reopen a dialogue with the West – and especially with Western lending institutions – by releasing the regime's remaining political prisoners. Over time, Lukashenka will be forced to transform his formerly inclusive autocratic regime – in the which the regime gains popularity by providing stable social welfare – into an exclusive autocratic regime, in which the regime shifts resources away from the public towards paying off elites in order to win their loyalty.

National Democratic Governance:

The Constitution of the Republic of Belarus, amended in a controversial referendum in 1996, established a system of unlimited presidential authority over the executive branch, local administrations, and the security apparatus. Presidential decrees overrule laws adopted by the parliament and regulate the activities of the Constitutional Court. The president appoints and removes regional and local governors, all judges (except for

the chairman of the Supreme Court), half of the Constitutional Court, half of the Central Election Commission (CEC), and 8 out of 64 members of the Council of the Republic (the upper house of the parliament). A constitutional referendum in 2004 removed the last check on presidential powers by waiving presidential term limits.

Dependence on oil and gas revenues from Russia has turned Belarus into a rentier state.^[1] Lukashenka's regime maintains power by redistributing external economic rents obtained from Russia – including energy subsidies and privileged access to the Russian market – in exchange for domestic political support. With up to 70 percent of the population employed by the state, the government is able to purchase loyalty by bailing out insolvent sectors of state-owned economic enterprises, inflating salaries when expedient, and spending heavily on welfare services. In addition to ensuring regime support, external rents have helped strengthen the security apparatuses of the regime.

After 2007 the flow of rents from Russia drastically declined, forcing Lukashenka to pursue funding opportunities in the West. Belarus's reluctant courtship of European support resulted in the appearance of human rights improvements and political thaw at different times between 2007 and 2011, most recently in the run-up to the 2010 presidential election. An unprecedented nine opposition candidates were registered to run for the office and were allowed to campaign without much harassment; they were even allowed to address the public on national television. However, this political thaw showed no promise of genuine liberalization, as authorities reaffirmed their full control over the election commissions.

Any façade of liberalization during the presidential campaign was abruptly dropped on election day, when the state used unprecedented force against demonstrators who had assembled in protest of election results. During the protest, some doors and windows of the building were shattered, which was interpreted by the authorities as "mass disorder." Later, President Lukashenka and the government-controlled media claimed that the demonstrations had been an attempted coup, masterminded from abroad. Crowds were dispersed and beaten, with more than 700 protesters arrested on administrative charges, and forty activists, including seven out of nine presidential candidates imprisoned on criminal charges.

Fear of government oppression was palpable in the first months of 2011. Members of the opposition who were not arrested lived in fear of another crackdown, and some activists were coerced into denouncing their colleagues. As of March 1, 2011, twenty-six persons arrested in connection with the protests remained in custody awaiting trial, including two former presidential candidates. Another former candidate was under house arrest, and two others were out on own bail. Twelve additional persons were under official

investigation. By the end of 2011, fifteen persons active in the anti-Lukashenka demonstrations had been sentenced, including not only those arrested in December, but other, well-known dissidents, such as Ales Bialiatski, who was arrested on August 4 for tax evasion and sentenced to 4.5 years in prison on November 24.

The political crackdown in late 2010 and 2011 elicited strident criticism from Europe and the United States, souring hoped-for opportunities in the short-term. To survive the coming period, the Belarusian government must find an alternative partner to both the EU and Russia to support its modernization projects. Options include China, whose investment has been actively wooed, and Venezuela, whose oil supplies in 2010 broke Russia's monopoly on the supply of raw materials. As Belarus becomes further integrated with the economic space dominated by Russia and Kazakhstan, its attractiveness to China increases.

Electoral Process:

Although the political opposition has typically been given some room to organize, elections in Belarus are largely an administrative formality, conducted to validate the selection of progovernment candidates. Legislation that meets most international standards nevertheless fails to protect such basic tenets of free and fair elections as equal campaigning opportunities, representation of all political parties in the country's electoral commission, and transparent vote counting. The threat of losing jobs is often used to force public employees to take membership in progovernment organizations that may later turn into pro-Lukashenka political parties, such as the Belaya Rus movement. Members of the Central Electoral Commission are appointed to five-year terms by the president, effectively ensuring the interpretation of electoral legislation to the advantage of progovernment candidates.

Both the results of the 2010 presidential election and the subsequent crackdown on protests sent a clear signal to the country, and to those observing from abroad, that recent reforms in the electoral campaign process had been superficial and temporary. When opposition protesters gathered in October Square to contest fraudulent election results on the night after the vote, they were met with indiscriminate and disproportionate force. Many protesters were severely beaten by Belarus's Special Purpose Police Unit and some 700 people in total were arrested, including journalists and presidential candidates from the opposition.

In 2011, the 2010 presidential elections remained a dominant theme in political discourse. Seven out of ten former presidential candidates were put behind bars and neither the European Union nor the United States recognized the election results as free and democratic. The final report of the Organization for Security and Cooperation in

Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) condemned the December 2010 elections as nontransparent, noncompetitive, and marred by a restrictive media environment.^[2] On March 31, 2011, the OSCE Minsk office was closed down, three months after Belarusian authorities determined that "an evaluation of the results achieved by the OSCE mission in Minsk shows that the mission has fulfilled its mandate."^[3]

At several points during the year, Belarusian authorities discussed the possibility of transitioning from a majority electoral system to a party list system, potentially improving representation of opposition parties in the country's governing bodies. In reality, experts note that the introduction of proportional representation would not, in itself, guarantee more seats in parliament for the opposition, which would still have to compete with numerous progovernment parties, including the Communist Party of Belarus, the Liberal Democratic Party, and the Belarusian Patriotic Party. With a party list system it would not be easy for any of Belarus's weak and politically fragmented opposition parties to pass the electoral threshold, which could be quite high.

In September 2011, the head of the Central Commission for Elections and Referendums (CEC), Lidzia Yarmoshyna, announced that the next parliamentary elections, scheduled to take place in September 2012, would be held under the current law and that the transition to a proportional voting system would be unlikely in the near future.^[4]

A group of prominent opposition politicians has called for a boycott of the upcoming parliamentary elections on the basis of the 2010 electoral fraud. The official statement explaining the boycott was signed by Stanislau Shushkevich, Belarus's first formal head of state who leads the Belarusian Social Democratic Hramada, Yauhen Afanahel and Pavel Marynich, coordinators of a group called European Belarus, Viktor Ivashkevich, a leader of the organizing committee for a group called Belarusian Movement, and former presidential candidate Alyaksandr Kazulin.^[5] Another group threatening to boycott the September 2012 vote is the Belarusian Popular Front, which has conditioned its participation on the release of political prisoners. Other parties have made similar statements regarding detainees, but have not committed themselves regarding the elections.

Threats of a boycott by the opposition are typical on the eve of any election in Belarus, but rarely materialize. Still wishing to simulate a competitive electoral process, government authorities often weaken boycott efforts by playing on the ambitions of opposition leaders, spreading rumors that members of the so-called "constructive opposition" will be granted deputy mandates. This strategy worked in 2008, but in fact none of opposition candidates were elected. An effective boycott of the 2012 elections

would require more unity than opposition parties currently demonstrate, and the opportunity to campaign publicly against Lukashenka at a time when his popularity is so low might be irresistible.

Civil Society:

Belarus's activists and civil society organizations endured heightened repression at the hands of the authorities and conditions for nongovernmental organizations deteriorated. According to the Human Right Center "Viasna," in 2011 more than 800 people were sentenced for participation in peaceful protests.^[6] The apartments and workplaces of many civil society activists were raided, and the authorities prepared new repressive legislation that restricted civil activism.

A new wave of civic activism took hold in the summer of 2011, as "silent protests" erupted on the main squares of more than 30 cities and towns, every Wednesday from late May until August. Organized through social media platforms like *Facebook* and its Russian-language equivalent, *Vkontakte*, individuals gathered at predetermined locations, simultaneously clapping or setting their mobile phone alarms to go off at specific times. People involved in the protests assumed that if no banners were waved and no slogans shouted, the police could not classify the gathering as a protest and a crackdown would be avoided. This approach succeeded for several weeks, catching the police by surprise, but by July authorities began violently cracking down on the gatherings and arresting participants. By the beginning of autumn, the aggressive response of the authorities had effectively stopped the silent gatherings from occurring.

Despite the regime's attempts to intimidate civil society, groups continued to organize solidarity campaigns in support of political prisoners and their families, gathering monetary donations and food for those in prison and establishing internet campaigns to lobby for their release. The overtly repressive atmosphere of 2011 also encouraged NGOs to coordinate their activities more closely, giving new life and importance to Belarus's membership in the Eastern Partnership Program's Civil Society Forum (CSF). Though sanctions imposed by the EU barred Belarus from negotiating trade agreements, membership in the Eastern Partnership Program remained an important opportunity for dialogue on political rights and civil liberties. In 2011 three conferences of the CSF National Platform took place in Minsk to discuss joint action in defense of civil society's interests and the problem of political prisoners. On October 29, Belarus's National Platform elected a steering committee and adopted an official memorandum (or mission statement), which invited all civil society organizations in Belarus were invited to sign. This was the first formal consolidation of civil society energies toward a common goal

since the 1997 founding of the Assembly of Democratic NGOs, which still exists as coordination body but does not include all active organization in the field.

For almost two years, the Lukashenka administration presided over an alternative forum for dialogue between government and civil society. Established in 2009, the Public Advisory Council of the Presidential Administration consisted of 30 members, including prominent critics of the government. In September 2011, the head of the Presidential Administration, Uladzimir Makey, dissolved the Council, claiming its members were subject to "undeserved defamation on the part of both external and internal enemies of a sincere dialogue."^[7] In its two years of existence, the council achieved little more than a simulation of open discussion with critics of incumbent authority, meeting only 4 times.

At the end of August, Lukashenka made a speech at the Congress of Teachers, announcing the possibility of dialogue with the Belarusian opposition and the EU. Reportedly, the promise was the result of a conversation between President Lukashenka and Bulgarian Foreign Minister Nikolay Mladenov, in which Lukashenka promised to release all political prisoners by the beginning of October.^[8] In early September, Lukashenka withdrew his statement and said there would be no dialogue.

Legal and extralegal harassment of NGOs and individual activists and their families increased in 2011. At the start of the year, the offices of the Belarusian Helsinki Committee were raided by the KGB, which confiscated several computers. Throughout the year, the Belarusian human rights organization Charter'97 reported that security services were paying visits to the relatives of activists who had fled the country. On August 4, police arrested Ales Bialiatski, vice president of the International Federation for Human Rights and president of the Human Rights Center "Viasna." Bialiatski was charged with withholding personal income tax by hiding personal funds in foreign bank accounts in Poland and Lithuania. On the evening of his arrest, police ransacked Bialiatski's apartment and the offices of Viasna, confiscating the organization's computer equipment and documents. On November 24, ignoring the outcry of the international human rights community, the Pershamayski District Court in Minsk found Bialiatski guilty of tax evasion, sentencing him to four-and-a-half years in a high-security colony and confiscating the contents of his foreign bank accounts. Lithuanian and Polish government officials apologized profusely on behalf of the bank officials who had provided Belarusian authorities with Bialiatski's account information, unwittingly abetting the politically-motivated investigation.

By year's end, the Lukashenka administration had tightened its grip on civil society activities still further, introducing legal amendments to three laws governing the right to

free assembly, funding for public associations, and the powers of the State Security Committee (KGB). Signed into law on November 8, the amendment to the Law on Mass Events requires any gathering to be officially sanctioned by the authorities ahead of time, while a simultaneous amendment to the Law on Public Associations prohibits all organizations from holding funds in foreign banks and criminalizes foreign aid to political parties, NGOs, or unions. A third proposed amendment – still under discussion at year's end – grants Belarus's State Security Committee almost unlimited powers when it comes to investigating and restricting civil society activity. For example, officers of the committee may enter any premises, using physical force if needed, without a court order. In response to petitions from civil society groups, Belarus's Constitutional Court examined the proposed amendments before the first two were signed and found them to be in full compliance with the constitution.

Independent Media:

The Belarusian government tightly restricts media freedom. State-controlled media outlets engage in progovernment propaganda and receive subsidies from the government. The government prohibits civil servants from accessing blacklisted websites from their office computers. The authorities restrict advertising in independent newspapers and charge them higher rates for distribution services and newsprint. Independent journalists face persecution and are often denied access to information. In 2011, the government continued its brutal post-election crackdown on journalists, as the Lukashenka regime panicked in response to the Arab Spring, a mysterious subway bombing in April, and anti-government flash mobs held in Minsk and other cities during the spring and summer. The government clamped down aggressively on news coverage of the protests as well as the economy.

According to the Ministry of Information of Belarus, as of April 2011 there were 1362 printed mass media outlets registered in Belarus, including 666 newspapers, 650 magazines, 38 newsletters, 7 catalogues, and 1 almanac. More than two-thirds of these are privately-owned, but the market for news remains dominated by state-run publications, with the majority of nonstate media confining themselves to entertainment and apolitical content. A total of 30 publications cover sociopolitical issues – however, only those distributed by the state-monopolized press distributors Belposhta and Sayuzdruk are widely available in subscription catalogues and news kiosks.^[9]

In the first months of 2011, the government dramatically increased pressure on independent media and journalists. The Belarusian Association of Journalists (BAJ) found that, in the two months after the December 2010 elections, the KGB conducted searches

of the private residences of at least twelve journalists and three editorial offices seizing a large amount of professional technical equipment.^[10] On January 10, the National Broadcasting Commission silenced the private Minsk-based Autoradio by withdrawing its broadcasting license in retaliation for having broadcast allegedly "extremist" advertisements for opposition candidates during the December 2010 election.

Independent media also faced severe financial problems in 2011 as paper and printing costs increased by approximately 80 percent due to the economic crisis and the abrupt devaluation of Belarusian ruble in May 2011. Meanwhile, the state-controlled Shklov newsprint mill continued selling newsprint to state-owned publications at pre-crisis rates.

On April 11, an apparent terrorist attack on a Minsk subway killed fifteen people and wounded over 200 others. In the week following the explosion, the Public Prosecutor's Office, Ministry of Information, and KGB issued no fewer than ten official warnings to individual journalists and media outlets concerning the release of case details or any suggestion of possible government involvement. State officials threatened journalists with legal action, claiming their coverage of the incident disrespected the victims of the blast.

On April 27, the Ministry of Information filed a case at the Supreme Economic Court to terminate the publication of independent newspapers *Nasha Niva* and *Narodnaya Vola* for reasons concerning both their coverage of the 2010 presidential elections and the April 11 explosion in the Minsk subway. The court rejected the appeals of the newspapers' editors, citing previously issued ministerial warnings as justification. Minister of Information Aleh Praliaskouski claimed it was within his power to call for the closure of the two newspapers in accordance with the Law on Mass Media. The proceedings sparked a broad response among civil society groups both within the country and abroad, causing the Ministry of Information to withdraw its case on July 13. Immediately afterwards, however, the ministry initiated similar administrative proceedings against the publishers of the two newspapers for violating mass media laws by repeatedly committing violations within one year after a written warning had been issued. Both publishers were fined 14,000,000 Belarusian rubles (approx. €2,000) each.

Government authorities responded with equal hostility to pessimistic media coverage of the economic crisis. On May 27, President Lukashenka called on the government to close down all mass media guilty of inciting economic hysteria. The president noted that Russian media had been among "the most rabid" instigators of panic, and urged the government to "do something to make sure these mass media are removed from our country."^[11]

On June 14, the authorities began a closed trial of journalist Andrei Paczobut, charged with violating articles 367 and 368 of the criminal code by defaming and offending President Lukashenka in writings for the Polish daily, *Gazeta Wyborcza*, the opposition news portal, Belarusian Partisan, and Paczobut's personal blog on the online social network Livejournal. The case received widespread international media attention and calls for Paczobut's immediate release. Paczobut, who had been in custody since April, was found guilty on July 5. However, he will not begin serving his three-year prison sentence until 2013.

Pressure on journalists and media outlets also intensified in connection with the "silent protests" of May-August 2011. According to the Association of Belarusian Journalists, ninety-five journalists were detained during the street protests and many were penalized on administrative charges.^[12]

In November 2011 the state telecommunication company, Beltelecom, imposed restrictions on the use of the internet in state agencies and organizations in accordance with a presidential decree from February 1, 2010 "On Measures to Improve the Use of the National Segment of the Internet Network." The restrictions prohibit visits to certain websites from computers in government offices. According to Yury Zisser, the general director of the popular internet portal tut.by, the thirty-five blacklisted websites include mostly terrorist or adult content sites, but also the sites of major opposition or civil society organization sites, such as those of Belarusian Partisan, Charter'97, and government critic Yauhien Lipkovich's blog.^[13] Nevertheless, most citizens still have fairly free access to the internet and online independent media. As of November 2011, internet penetration in Belarus was 50 percent.^[14] Despite the government's capacity to exert stricter controls over the internet, its interference with online communications during the year was selective and limited.

Local Democratic Governance:

Heads of Belarus's regional and district administrations are directly appointed by President Lukashenka. Local officials have extensive responsibilities in carrying out central government programs, especially in the areas of health, administration, and infrastructure; only a few services, such as institutions of higher education and medical clinics, are directly administered by central government bodies. However, local governments are often underfunded due to the lack of local revenue sources.

Almost all public services are provided at the middle level of local government, in districts and cities. Regional governments control or manage some health, educational and cultural facilities, but their role in service delivery is generally confined to funding, supervising and controlling the activity of lower-level governments. Bottom-tier local

governments (village councils, for example), provide a very limited range of services, including preschool education and primary education. Many local communities still lack independent status, elected bodies, or local budgets.

In November, the president issued the military rank of major-general to the heads of all provinces and the city of Minsk, making them responsible for the deployment of military defense in their territories. This move further strengthened the subordination of local officials to the president by assuming a military-like chain of command between the supreme commander in the country, President Lukashenko, and the regional heads.

Elections to local councils in April 2010 saw only six opposition members elected among the 21,288 council members nationwide. Because the authorities generally view community organizing on local issues as a form of political activity, local political and civic activists are closely monitored and have less freedom than their counterparts in Minsk. A local activist is quite likely to lose his or her employment for political reasons, after which it is almost impossible to find another job. For these reasons, many local civil society groups avoid broader political agendas, focusing instead on apolitical issues of local importance.

Protests, like other forms of political activity, are usually confined to the capital city. However, in 2011, the momentum of political activism brought on by the "silent protests" spread to provincial and district centers. In the city of Baranovichi, 250 residents gathered in protest of the events of December 2010; in Brest, Hrodna, Vitsebsk and Mahilou, demonstrations gathered 300-600 participants; in Babruisk, the number of demonstrators was between 500 and 600; and in Homel, the number reached nearly a thousand. By the end of summer, the crackdown by authorities had been so forceful that protests across the country were largely subdued.

Judicial Framework and Independence:

The judicial branch in Belarus is regulated by the president, who controls the appointment of judges. The president also has the power to relieve citizens of criminal liability, and no high-ranking public official may be prosecuted without Lukashenko's consent. Throughout 2011, the state employed the police, KGB, and judicial system to suppress, intimidate, and punish political dissent, resulting in a high number of arrests and prison sentences.^[15]

Mass arrests and legal harassment of the opposition began in the aftermath of the 2010 presidential elections, continuing through January 2011 and peaking in May-July with the sentencing of protesters from December 2010 and the crackdown on "silent protest" participants. Also during this period, trumped-up tax evasion charges were brought

against prominent human rights activist Ales Bialiatski, and the opposition movement Belarusian Popular Front was evicted from its office headquarters. By June 1, 2011, thirteen trials of postelection protesters had been completed, resulting in prison sentences for forty-three individuals. No fewer than five former presidential candidates were convicted of contributing to "mass disruption;" three of these – Mikalai Statkevich, Dzmitry Us and Andrei Sannikau – were issued long prison sentences.

The arrests and trials of 2010/2011 showcased shocking delays, torture, and abuse in Belarus's criminal justice system. Former presidential candidate Ales Mihalevich was detained for two months without trial for his participation in the anti-government demonstrations of December 19, 2010. While in custody, Mihalevich reported torture at the hands of prison administrators, a claim corroborated by other detainees, including former presidential candidate Uladzimir Niakliaeu and the coordinator of the civil society campaign European Belarus, Dzmitry Bandarenka. Mihalevich and other detainees also reported that, as a condition of their release from prison, they had been forced to sign a statement agreeing to collaborate with the KGB.^[16] Mihalevich was so shaken by the abuse he endured in custody that upon being released, he fled the country, leaving behind his wife and two young children.

Law enforcement's particularly brutal response to the "silent protests" in June and July 2011 signaled a new phase in the government's disregard for basic rights and security of its citizens. Hundreds of silent protesters were subjected to aggressive treatment by plain-clothed police; participants as well as passers-by were detained without cause and shoved into buses without registered plates. Video footage of the events reveals use of disproportionate force used against unarmed individuals engaging in nonviolent behavior such as simultaneous clapping or stomping.^[17] These events attest to the regime's increased willingness to employ law enforcement for exerting excessive force against perceived regime threats, without justifiable cause or adherence to due process.

Protesters were not the only targets of government reprisals in 2011. During the year, the government also intensified its persecution of select human rights organizations, using the judiciary to prosecute prominent activists on trumped-up administrative charges. Ales Bialiatski, head of the leading human rights organization Viasna, was arrested in early August on charges of alleged tax evasion connected to Viasna's two bank accounts in Poland and Lithuania. Maintaining foreign bank accounts is such a common practice among Belarusian NGOs that no one could fail to understand Bialiatski's arrest as politically motivated. With public discontent on the rise in the summer of 2011, it was an opportune time for the authorities to dispose of figures like Bialiatski, who is well known for exposing the government's human rights abuses to the international community and supporting stricter EU sanctions. At the same time, with

international pressure mounting over Belarus's existing political prisoners, the regime had every reason to hope that Bialiatski would flee the country to avoid arrest. Presumably, this is why Bialiatski was informed of the impending tax evasion charges a full month before his actual arrest, and why he was never barred from leaving the country. In the end, Bialiatski did not leave Belarus and the courts were compelled to fabricate evidence to implicate his guilt. Viasna's expenditures via Bialiatski's account were extensively documented in support of his innocence, but the court, acting as an extended arm of the executive, refused to admit the documents as evidence for the defense. As a result, Bialiatski was found guilty and issued a harsh sentence of imprisonment in a high-security penal colony. The case sent a clear message to other human rights groups that the regime was prepared to use its dominance over the judiciary to make targeted strikes against organized regime-critical activism.

In September, two men – Dzmitry Kanavalau and Uladzislau Kavaliou – were put on trial for their alleged role in the April 2011 Minsk subway bombing. On November 8, the accused men were sentenced to death, despite some reported contradictions. Critics decried the theatrical quality of the proceedings, which seemed orchestrated to bolster public support for the speedy verdict of "guilty." Long before the trial's conclusion, President Lukashenka preemptively congratulated the higher-ranking officials of the Interior Ministry on their prompt and efficient investigation of the case.

On September 12, President Lukashenka signed a decree on the creation of special body subordinated to the president that will take over the investigative functions of the Prosecutor's Office, the Interior Ministry, and the Financial Monitoring Department of the State Control Committee. The so-called Investigative Committee, which assumes its new powers in January 2012, is to be led by Valery Vakulchyk, former head of the Operational-Analytical Center under the Administration of the President – the most powerful branch of the secret service.

Corruption:

Belarus's legal framework addresses the issue of corruption and contains laws on conflict of interest. All draft laws are also required to pass a so-called criminology test with the office of the prosecutor general, which must assess whether a given bill may encourage bribery. Economic liberalization and de-bureaucratization initiatives pursued on a limited scale in 2009 and 2010 allowed for a modest improvement in Belarus's business climate, but with the judiciary serving as a tool of the executive branch, prosecution of corruption-related activities remains selective; targets in 2011 were mostly low-level bureaucrats.

Belarus's economy remains dominated by the public sector, and the vast discretionary power of bureaucrats to regulate economic activities creates ample opportunities for extortion. This is especially true in sectors dominated by excessive administrative regulation, such as transit, exports, and petrochemicals.^[18] In 2011, Belarus's currency devaluation and the existence of multiple exchange rates – one official, one unofficial – led to rampant abuse by rent-seeking bureaucrats and their cronies, who used privileged access to the National Bank exchange rates to capitalize on the exchange rate arbitrage. Corruption also remained widespread in public services that are nominally free, such as health care and education.

While elites profited from economic uncertainty in the early months of 2011, the general public grew increasingly restive about the possibility of high gas prices in the coming winter, especially as their incomes devalued. The administration's response to the impending crisis and potential unrest was to sell its 50 percent stake in Belarusian natural gas transport company, Beltransgaz, to Russia, for US\$2.5 billion.^[19] The deal was finalized on November 25, leaving Gazprom the sole owner of Belarus's most precious economic asset. The benefit to the Lukashenka regime was in the fine print of the contract of sale – in addition to US\$2.5 billion, Belarus received a guarantee that until 2014, gas prices for Belarus would remain the same as in the Yamalo-Nenets autonomous okrug of Russia.^[20] As a result, in 2013-14, Belarus will buy gas at a rate of around US\$165 per 1000 cubic meters, a rate that would otherwise have more than doubled.^[21] Many observers decried the sale as a blatant bartering of the nation's long-term economic interests in exchange for regime stability. President Lukashenka called the sale "a very profitable deal for our country."^[22]

Throughout the economic crisis, officials in the Lukashenka government denied the existence of serious, systemwide corruption, but continued to record successes in addressing low and mid-level graft. According to data from the prosecutor general's office, between January and April of 2011, the damage resulting from corruption totalled 17.9 billion Belarusian rubles (approximately US\$5.8 million) – 70 percent higher than official statistics for the same period in 2010. The government also claims that property confiscated from corrupt bureaucrats totaled around 15.6 billion rubles (US\$5.1 million) during the first part of the year – three times more than in the same months of 2010.^[23] These numbers represent a small fraction of the sums believed to be 'lost' to corruption in Belarus every year. In March 2011, Prosecutor General Ryhor Vasilevich (who was replaced in September by the former head of Belarus's Military Court, Alyaksandr Kanyuk) firmly declared that the level of corruption in Belarus posed no threat to the state, and that the number of corruption crimes in Belarus was actually declining.^[24]

The World Bank's 2012 Doing Business report noted several steps by the government to remove bureaucratic obstacles to business in 2011 and attract foreign investment. Among other changes, the government simplified compliance with corporate income, value added and other taxes, and introduced "requirements for greater corporate disclosure to the board of directors and to the public."^[25]

Author:

Alexei Pikulik

Alexei Pikulik is senior analyst at the Vilnius-based Belarusian Institute for Strategic Studies (BISS). He is also a professor in the IMARES program at the European University at St. Petersburg and associate professor at the European Humanities University in Vilnius.

Dzianis Meyantsou

Dzianis Meyantsou is a senior analyst at BISS.

Notes:

[1] See Alexei Pikulik, "Belarus as a rentier-state: co-development of political and economic institutions," presentation at the Helsinki International Symposium on "Belarus After 15 Years of Authoritarian Rule: Assessment and Prospects," 18 May 2009; and Margarita Balmaceda, *Belarus Energy Strategies under Lukashenka: Turning Economics into Politics, Dependency into Power* (forthcoming book).

[2] Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR), Republic of Belarus, Presidential Elections, 19 December 2010, Election Observation Mission Final Report, (Warsaw: OSCE/ODIHR, 22 February 2011), 1, <http://www.osce.org/odihr/elections/75713>.

[3] "Belarus closes down OSCE office after poll criticism," BBC News, 31 December 2010, <http://www.bbc.co.uk/news/world-europe-12100765>.

[4] "'Manageable opposition' may be awarded parliamentary seats next year," BelaPAN, 15 September 2011, http://belapan.com/archive/2011/09/15/en_496355.

[5] "Prominent opposition figures call for boycott of parliamentary elections," Naviny.by, – http://naviny.by/rubrics/english/2011/03/21/ic_news_259_363650/print/.

[6] For a list of arrests, see the online archive of administrative detentions maintained by the Human Rights Center "Viasna": <http://spring96.org/persecution/?DateFrom=2012-01-01&DateTo=2012-12-31&Page=0> (in Belarusian).

[7] "Makey dissolves Public Advisory Council," Naviny.by, 23 September 2011, http://naviny.by/rubrics/english/2011/09/23/ic_articles_259_175213/.

[8] "Лукашэнка паабяцаў вызваліць у пачатку кастрычніка ўсіх палітзняволеных," [Lukashenko promised to release all political prisoners in early October], 2 September 2011, http://belapan.com/archive/2011/09/02/eu_eu_494004_494015/.

[9] Belarusian Association of Journalists (BAJ), "Ситуация с распространением печатных СМИ – 2011" [The situation with the spread of print mass media in 2011], 25 April 2011, <http://baj.by/be/node/10196>.

[10] BAJ, Mass Media in Belarus: Post-election Situation in Belarusian Media Field: January-March 2011, BAJ E-newsletter #1(21) 2011, http://baj.by/sites/default/files/monitoring_pdf/01212011MassMediainBelarusEN.pdf.

[11] "Lukashenko orders shutdown of alarmist mass media," *Belarusian Telegraph Agency (BELTA)*, 27 May 2011, <http://news.belta.by/en/news/president?id=633670>.

[12] BAJ, *Mass Media in Belarus. Violations of Journalists' and Mass Media Rights in 2011. Brief Annual Review*, http://baj.by/sites/default/files/monitoring_pdf/05252011MassMediainBelarusEN.pdf.

[13] BAJ, Mass Media Week in Belarus, November 21-December 4, 2011, http://baj.by/sites/default/files/monitoring_pdf/21-11_04-12.pdf.

[14] Mikhail Doroshevich, "Internet in Belarus, November 2011," e-Belarus.org, 4 January 2012, <http://www.e-belarus.org/news/201201041.html>.

[15] See Viasna online archive.

[16] "Mihalevich: prisoners were tortured," Belsat.eu, 28 February 2011, <http://belsat.eu/en/wiadomosci/a,1726,mihalevich-prisoners-were-tortured.html>.

[17] "Belarusian Protesters Detained After Latest Weekly Protest," *Radio Free Europe/Radio Liberty*, 21 July 2011, http://www.rferl.org/content/belarus_protesters_detained/24271799.html.

[18] See Pikulik, "Belarus as a rentier-state"; and Balmaceda, Belarus Energy Strategies under Lukashenka.

[19] "Белоруссия готова продать Белтрансгаз за 2,5 млрд долларов Газпрому" [Belarus is prepared to sell Beltransgaz to Gazprom for 2.5 billion dollars], *NEWSru.com*, 23 June 2011, <http://www.newsru.com/finance/23jun2011/beltransgaz.html>.

[20] Gazprom Press Release, "Россия и Белоруссия определили новые условия поставки и транспортировки газа. Белтрансгаз переходит к Газпрому" [Russia and Belarus have identified new terms for supply and transportation of gas. Beltransgaz transferred to Gazprom], 25 November 2011, <http://www.gazprom.ru/press/news/2011/november/article124284/>.

[21] "Лукашенко: продажа «Белтрансгаза» — очень выгодная сделка для нашего народа" [Lukashenka: sale of Beltransgaz a very profitable deal for our nation], *Naviny.by*, 23 December 2011, http://naviny.by/rubrics/economic/2011/12/23/ic_news_113_383413/.

[22] "Lukashenko says Beltransgaz sale to Gazprom 'very profitable'," *RIANovosti*, 23 December 2011 <http://en.rian.ru/world/20111223/170444388.html>.

[23] "Чыноўнікі зарваліся: За чатыры месяцы 2011 года фінансавы ўзровень карупцыі ў Беларусі вырас на 70%" [Officials have gone too far: In the four months of 2011 financial corruption in Belarus increased by 70%], *Nasha Niva*, 6 June 2011, <http://nn.by/?c=ar&i=55317>.

[24] "Уровень коррупции в Беларуси не представляет серьезной угрозы для государства – Василевич," [Level of Corruption in Belarus is not a Serious Threat to the State – Vasilevich] , *News.21.by*, 23 March 2011, <http://news.21.by/society/2011/03/23/274442.html>.

[25] The World Bank Group, *Doing Business 2012* (Washington, DC: The World Bank Group, 2012), <http://www.doingbusiness.org/data/exploreeconomies/belarus/>.