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Protests in Belarus - EU imposes Fresh Sanctions on the Belarusian Regime and Follows the UK, US and Canada in Imposing Sanctions on Lukashenko

European Union, United Kingdom | November 17 2020

On 6 November 2020, amid the continuing protests in Belarus against the Belarusian government following an election in August which has been widely regarded as fraudulent, the EU has imposed fresh sanctions on Belarusian President Alexandr Lukashenko and 14 other officials over the ongoing violent repression and intimidation of peaceful demonstrators and the opposition.

These sanctions follow the imposition of a first round of EU sanctions targeting 40 individuals on 2 October 2020.[1] In addition to the EU, several counties concurrently issued sanctions on Belarussian governmental individuals. The UK has imposed sanctions targeting 8 individuals, including Lukashenko on 29 September 2020 and the US has also imposed sanctions targeting 8 individuals on 2 October 2020.[2] In addition, Canada has imposed sanctions targeting 11 individuals on 29 September 2020, adding another 31 individuals on 15 October 2020 and another 13 individuals on 6 November 2020, thereby aligning the EU and Canadian sanction regimes. All sanctions in place to date designate individuals only.

What is happening in Belarus?

Belarus held Presidential elections on 9 August 2020. President Lukashenko has been in power for 26 years, and the election was accompanied by widespread fears that it would be tampered with, particularly as no independent observers were invited. When polling closed, exit polls suggested that Lukashenko had won with about 80% of the vote. The same results were published the next day and confirmed by the Belarusian authorities. However, the opposition maintains that its leader, Ms Tikhanovskaya, had won 60 – 70% of the vote, based on results that the opposition maintains had been properly counted.

Since then hundreds of thousands of Belarusians have been protesting every weekend and the protests continue. The Belarusian regime has met the protestors with violent repression, with widespread reports of police brutality and large scale detention of protestors.

A report by the Organization for Security and Co-Operation in Europe, published on 5 November 2020, found that the election had not been "transparent, free or fair" and that human rights abuses "were found to be massive and systemic and proven beyond doubt".

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EU Sanctions on Belarus

The EU first imposed sanctions on 40 individuals identified as responsible for repression and intimidation against peaceful demonstrators, opposition members and journalists on 2 October 2020. The sanctions, which included asset freezes and travel bans, targeted members of the Belarusian regime, its armed forces, its electoral commission and the state security committee, but notably did not target Lukashenko.

In view of the continuing gravity of the situation in Belarus, due to the ongoing repression of peaceful protestors and the opposition, the EU has on 6 November 2020 added 15 individuals, to also be sanctioned with asset freezes and travel bans. Importantly, the EU has now added Lukashenko and his son Victor who is the country's National Security Adviser.

UK Sanctions on Belarus

Following the UK's exit of the EU earlier this year, and with the transition period coming to an end on 31 December 2020, the UK has been gearing up to implement its own sanction regime. On 6 July 2020, the UK passed the Global Human Rights Regulations 2020, under the Sanctions and Money Laundering Act 2018, enabling it to impose sanctions on individuals and entities involved in serious human rights abuses and violations.

When the situation in Belarus deteriorated in September 2020, and amid Lukashenko's ongoing refusal to engage in dialogue with the opposition, on 29 September 2020, the UK imposed travel bans and asset freezes on 8 members of the Belarusian regime, including its president Lukashenko and his son. Interestingly, the UK seems to have coordinated its sanctions with Canada which imposed similar sanctions at the same time as the UK. Contrary to Canada or the EU, the UK has thus far only imposed one round of sanctions and not expanded its regime beyond the 8 individuals sanctioned in September.

Canadian Sanctions

Canada has imposed sanctions on Belarusian individuals connected to the suppression of peaceful protestors and alleged human rights abuses in relation to the same in three rounds. Its first round of sanctions was in coordination with the UK and targeted overlapping individuals, notably both the UK and Canada targeted both Lukashenko and his son Viktor on 29 September 2020, the first sanctions imposed by the international community on them following the August 2020 elections.

In two further rounds of sanctions, imposed on 15 October 2020 and 6 November 2020, Canada and the EU's sanction regimes are now aligned and target the same 55 individuals.

US Sanctions

The US has designated 8 individuals to the OFAC's List of Specially Designated Nationals (“SDN List”) on 2 October 2020, targeting ministers, members of the armed forces and the electoral commission for undermining democracy in relation to the 9 August 2020 election. Unlike the UK, the United States also imposed sanctions on senior election officials. The United States had previously designed Lukashenko and his son, Viktor, in 2006, following the original issuance of Executive Order 13405 promulgated based on the “fundamentally undemocratic” elections that previously took place in Belarus. The October 2020 designations mark the first time that the US has added individuals to the SDN List pursuant to the Belarus sanctions regime since 2011. The United States Department of the Treasury emphasized that the most recent imposition of sanctions were a coordinated effort among the EU, US, UK, and Canada.

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Comparing the Different Sanctions Regimes

As set out in the table below, each of the four sanctions regimes only targets individuals, and the EU and Canada have now designated the same 55 individuals under the most expansive regimes. All individuals sanctioned by the UK and the US are also sanctioned by the EU and Canada.

Whilst Canada and the UK initially collaborated in their designation of Lukashenko, Canada now appears to have stepped up its collaboration with the EU in aligning their sanctions. Given the uncertainties surrounding Brexit, and with the UK increasingly establishing an independent sanctions policy whilst the EU is considering proposals for a global human rights sanctions regime, it remains to be seen whether the UK will impose further sanctions to align itself with the EU.[3]

In any event, the diverging sanction regimes serve as a reminder that companies and financial institutions increasingly need to take account of the UK as an independent source of sanctions and ensure compliance with all applicable regimes. For many international companies and financial institutions, this will likely mean compliance with all four regimes. In addition, it remains to be seen whether the coming change in government in the US will lead to greater collaboration with the EU, the UK or both.

List of Belarussian Individuals Sanctioned Following the August 2020 Election

No.

Name and Title[4]

Canada[5]

EU[6]

UK

US[7]

1.

Atabekau, Deputy Commander of the Internal Troops

✓

✓

✓

✓

2.

Balaba, Head of Special Purpose Police Detachment for Minsk City Executive Committee

✓

✓

✓

✓

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3.

Barsukou, Deputy Minister of the Ministry of Internal Affairs; Major-General of Militia

✓

✓

✓

✓

4.

Dmukhayla, Secretary of the Central Electoral Commission

✓

✓

✓

5.

Ipatau, Deputy Chairman of the Central Electoral Commission

✓

✓

6.

Karaeu, Minister of Internal Affairs, Major-General of Militia

✓

✓

✓

✓

7.

Kubrakou, Head of Main Internal Affairs Directorate of the Minks City Executive Committee

✓

✓

✓

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8.

Nazaranka, Deputy Minister of the Ministry of Internal Affairs; Commander of Internal Troops

✓

✓

✓

✓

9.

Sergeenko, Chief of Staff of the Presidential Administration

✓**

✓*

✓

10.

Viktor Lukashenko, National Security Adviser to the President; member of the Security Council

✓

✓*

✓

✓^

11.

Alexandr Lukashenko, President of the Republic of Belarus

✓

✓*

✓

✓^

12.

Tertel, Chairman of State Security Committee; former Chairman of State Control Committee

✓**

✓*

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13.

Melnik, head of Main Directorate of Law and Order Protection and Prevention at the Ministry of Internal Affairs

✓**

✓*

14.

Noskevich, Chairman at the Investigative Committee

✓**

✓*

15.

Volkov, Former First Deputy Chairman of the Investigative Committee; Chairman of the State Committee for Forensic Expertise

✓**

✓*

16.

Azemsha, Deputy Chairman of the Investigative Committee

✓**

✓*

17.

Smal, Deputy Chairman of the Investigative Committee

✓**

✓*

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18.

Pauliuchenka, Head of Operational-Analytical Centre

✓**

✓*

19.

Buzouski, Deputy Minister of Information

✓**

✓*

20.

Eismant, Press Secretary of the President of Belarus

✓**

✓*

21.

Zubkou, ALFA Unit Commander

✓**

✓*

22.

Raukou, Former State Secretary of the Security Council

✓**

✓*

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23.

Miklashevich, Chairman of the Constitutional Court of the Republic of Belarus

✓**

✓*

✓^

24.

Kazakevich, First Deputy Minister of Ministry of Internal Affairs; Chief of the Criminal Militia, Colonel of Militia

✓*

✓

25.

Khomenko, Deputy Minister of Ministry of Internal Affairs; Major-general of Militia

✓*

✓

26.

Bykov, Commander of the Special Rapid Response Unit; Lieutenant Colonel

✓*

✓

27.

Shepeleu, head of Department for Safety and Security; Ministry of Internal Affairs

✓*

✓

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28.

Gamola, Head of Police Department in Moskovski District, Minsk

✓*

✓

29.

Aleshkevich, First Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk; Head of Criminal Police

✓*

✓

30.

Gaelnka, Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk; Head of Public Safety Police

✓*

✓

31.

Alexandr Vasliev, Head of Department of Internal Affairs of the Gomel/Homyel Oblast Executive Committee

✓*

✓

32.

Anatol Vasiliev, Deputy Head of the Department of Internal Affairs of Gomel/Homyel Oblast Executive Committee; Head of Public Safety Police

✓*

✓

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33.

Shuliakovski, First Deputy Head of Department of Internal Affairs of the Gomel/Homyel Oblast Executive Committee; Head of Criminal Police

✓*

✓

34.

Astreiko, Head of Department of Internal Affairs of brest Oblast Executive Committee; Major-General of Militia

✓*

✓

35.

Zhuravski, Head of Special Purpose Police Detachment in Vitebsk

✓*

✓

36.

Domarnatsky, Head of Special Purpose Police Detachment in Gomel/Homyel

✓*

✓

37.

Mikhovich, Head of Special Purpose Police Detachment in Brest; Lieutenant Colonel

✓*

✓

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38.

Matkin, Head of Penal Correction Department in the Ministry of Internal Affairs; Major-General of Militia

✓*

✓

39.

Sokolovski, Director of Akrestina detention centre, Minsk

✓*

✓

40.

Vakulchik, Former Chairman of the State Security Committee; State Secretary of the Security Council of Belarus

✓*

✓

41.

Terebov, First Deputy Chairman of the State Security Committee

✓*

✓

42.

Reutsky, Deputy Chairman of the State Security Committee

✓*

✓

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43.

Kalach, Deputy Chairman of the State Security Committee

✓*

✓

44.

Chernyshev, Deputy Chairman of State Security Committee

✓*

✓

45.

Konyuk, Former Prosecutor General of the Republic of Belarus

✓*

✓

46.

Yermoshina, Chairwoman of the Central Electoral Commission

✓

✓

✓^

47.

Gurzhy, Member of Central Electoral Commission

✓*

✓

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48.

Doroshenko, Member of the Central Electoral Commission

✓*

✓

49.

Kalinovskiy, Member of the Central Electoral Commission

✓*

✓

50.

Katsubo, Member of the Central Electoral Commission

✓*

✓

51.

Lasyakin, Member of the Central Electoral Commission

✓*

✓

52.

Plyshevskiy, Member of the Central Electoral Commission

✓*

✓

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53.

Rakhmanova, Member of the Central Electoral Commission

✓*

✓

54.

Slizhevski, Member of the Central Electoral Commission

✓*

✓

✓^

55.

Tselikovec, Member of the Central Electoral Commission

✓*

✓

Paul Hastings LLP - Tom Best, Nicola Bonucci, Gesa Bukowski and Talya Hutchison

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