



Inter-Parliamentary Union

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Belarus

Decision adopted unanimously by the IPU Governing Council at its 209th session (Nusa Dua, 24 March 2022)



Mr. Anatoly Lebedko, the then leader of the United Civil Party, is pictured as he talks to the media in Minsk on 6 July 2005. AFP PHOTO/VIKTOR DRACHEV/AFP

BLR-07 – Anatoly Lebedko

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Arbitrary invalidation of the election of a parliamentarian
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Impunity
- ✓ Other violations: right to take part in the conduct of public affairs
- ✓ Other violations: right to work

Case BLR-07

Belarus: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

Qualified complainant(s): Section I (1)(a) of the Committee Procedure (Annex I)

Submission of complaints: August 1998; resubmission March 2021

Recent IPU decision: March 2021

Recent IPU mission: November 1999

Recent Committee hearing: Hearing with a member of the Belarusian delegation to the 144th IPU Assembly (March 2022)

Recent follow-up:

- Communication from the authorities: Letter from the Deputy Chair of the Committee on National Security, House of Representatives (July 2021)
- Communication from the complainant: March 2022
- Communication to the authorities: Letter to the Chair of the House of Representatives (March 2022)
- Communication to the complainant: March 2022

A. Summary of the case

Mr. Anatoly Lebedko was elected to the 12th Supreme Soviet of Belarus in 1990, and later re-elected to the 13th Supreme Soviet in 1995 for a period of five years. He is a senior member and former leader of the United Civil Party, which has been in opposition to the President, Mr. Aleksandr Lukashenko, since 1996. Together with other parliamentarians who opposed the President, he was the target of multiple alleged human rights violations that were the subject of a collective complaint to the IPU Committee on the Human Rights of Parliamentarians in 1998. However, although the IPU Committee had stated that the arbitrary actions against Mr. Lebedko and others had come in response to their parliamentary work, and had expressed its concern in that regard, the examination of the case was subsequently closed in the absence of the information required to proceed any further. On 20 March 2021, the Committee decided to reopen the case in the light of new information directly related to his parliamentary activity as member of the 13th Supreme Soviet that was submitted in a new complaint.

Mr. Anatoly Lebedko became a vocal critic of President Lukashenko following two historical votes that took place in 1995 and 1996. Both referendums weakened the powers of parliament, consolidated the sweeping powers of the President and, by amending the Constitution, rolled back the democratic reforms that had taken place in the first five years since the independence of Belarus. The complainant alleges that, in the power struggle that ensued, a new House of Representatives was appointed by the President, consisting exclusively of people loyal to him.

According to the complainant, all the members of parliament who did not agree to submit to the President were blacklisted and subjected to continuous harassment. The complainant asserts that, as a direct result of being blacklisted, Mr. Lebedko has suffered repeated human rights violations since 1996. These include multiple threats received in 1996 after his articles were published in the independent press, severe beatings by masked assailants in his home and several other beatings in the following years. The criminal investigations that were opened as a result remained fruitless. The complainant reports that, between 1997 and 2000, Mr. Lebedko faced multiple court proceedings that violated his right to a fair trial, and that he was arbitrarily arrested several times and held in prison conditions that, according to the complainant, met the threshold of the definition of torture under international law. In addition, Mr. Lebedko allegedly faced a tacit ban on employment in both the public and private sectors, allegedly enforced by the Committee for State Security (KGB), as well as a ban on registering as a candidate for public office. The complainant asserts that these alleged violations should be seen as reprisals for Mr. Lebedko's vocal international parliamentary activity, including speeches he gave on the floor of the United States Congress and at the OSCE Parliamentary Assembly in 1999.

According to the complainant, after the end of his mandate in 2000, Mr. Lebedko continued to play an active role in the country's public life, including by organizing protests against the disappearance of his colleague, Mr. Victor Gonchar, and against reported voter fraud in the 2004 and 2010 elections, which allegedly led to multiple instances of arbitrary arrest and detention, torture, unfair trials and other violations. The complainant reports that, during the eruption of mass demonstrations for free and fair elections following the contested results of the presidential elections in August 2020, Mr. Lebedko was abducted, placed in a KGB pretrial detention facility, and later released without ever being charged. According to the complainant, Mr. Lebedko left Belarus in late 2021, as he had reason to believe that he would face imprisonment if he remained there any longer. Since then, he has been appointed as coordinator of the Commission for Constitutional Reform by Ms. Svetlana Tikhanovskaya, who declared herself as the President-elect of Belarus in the disputed 2020 presidential elections.

The United Nations Human Rights Council has repeatedly expressed deep concern at the continuing violations of human rights in Belarus, which it found to be of a systemic and systematic nature, as well as at the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of torture and the lack of participation of opposition political parties in parliament.¹ In September 2020, the Human Rights Council held an urgent debate on the situation in Belarus following the 2020 elections and adopted a resolution condemning the reported use of violence, arbitrary arrests and torture against thousands of protestors. At the third Universal Periodic Review of Belarus, several countries recommended that Belarus amend its legislation to prevent new violations with an emphasis on articles of the Code on Administrative Offenses and the Criminal Code.²

¹ See United Nations Human Rights Council Resolution A/HRC/45/L.1 of 17 September 2020; Resolution A/HRC/RES/38/14 of 16 July 2018; Resolution A/HRC/32/L.10/Rev.1 of 28 June 2016; Resolution A/HRC/RES/29/17 of 22 July 2015; Resolution A/HRC/29/L.12 of 26 June 2015; and Resolution 26/25 of 27 June 2014.

² Report of the Working Group of the United Nations Human Rights Council on the Universal Periodic Review: Belarus (A/HRC/46/5) of 4 January 2021.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the member of the Belarusian delegation for the views provided during a hearing with the IPU Committee on the Human Rights of Parliamentarians during the 144th IPU Assembly; *hopes* that the authorities will engage in continuous and constructive dialogue with the Committee in the pursuit of a satisfactory settlement of the present case; *recalls* in this regard that the Committee's procedure is based on ongoing and constructive dialogue with the authorities, first and foremost the parliament of the country concerned;
2. *Notes with great concern* the complainant's allegation that, from 1996 until his exile from Belarus decades later, Mr. Lebedko has been subjected to continuous harassment for his activity as an opposition parliamentarian and has faced systematic human rights violations, which remain unpunished to this day; *recalls* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further serious human rights violations, and that attacks against members of parliament, when left unpunished, not only violate the fundamental rights of individual parliamentarians and of those who elected them, but also affect the integrity of parliament and its ability to fulfil its role as an institution; *stresses* the legitimate right of Mr. Lebedko to receive redress for the violations he has faced; *urges*, in this regard, the Belarusian parliament to use its powers effectively to ensure that the very serious allegations described above are fully and immediately investigated, followed by whatever steps to establish accountability that are warranted as a result; and *requests* the parliamentary authorities to provide information on any relevant developments in this regard and on any action taken by parliament to this end;
3. *Notes with regret* that no serious efforts seem to have been made by the authorities to reform the legislation that led to repeated arbitrary detentions, violations of the right to a fair trial and violations of the right to freedom of assembly of Mr. Lebedko, as was recommended by the Committee Mission Report after its visit to Belarus in November 1999 and several United Nations human rights bodies; *deplores* that the same legal and administrative provisions that gave rise to these alleged violations are reportedly leading to violations of the rights of thousands of Belarusian citizens 20 years after the IPU Mission, as established by several resolutions of the United Nations Human Rights Council; and *wishes* to receive the views of the parliamentary authorities in this regard;
4. *Affirms* that it is imperative that Belarusian legislation, including the Code on Administrative Offences and the Criminal Code, be reviewed in order to avoid the recurrence of such situations; *underscores* that the Belarusian Parliament has a particular responsibility to promote steps to this end, including so as to ensure that all of its members can speak out freely without fear; *calls on* the authorities to ensure that existing legislation is amended so as to comply with relevant international human rights standards;
5. *Urges* all IPU Member Parliaments, IPU permanent observers, parliamentary assemblies and human rights organizations active in the region to take concrete actions in support of the resolution of this case in a manner consistent with respect for democratic values, peace and human rights; and *hopes* to be able to rely on the assistance of all relevant regional and international organizations;
6. *Requests* the Secretary General to convey this decision to the Belarusian parliamentary authorities, the Prosecutor General, the complainant and any third party likely to be in a position to provide relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.