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# Belarus

***Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158th session (Geneva, 8 February 2019)***

Victor Gonchar © Courtesy photo / Mr. Gonchar's family

## BLS/05 - Victor Gonchar

### Alleged human rights violations:

- ✓ Enforced disappearance
- ✓ Impunity

### A. Summary of the case

Mr. Victor Gonchar disappeared in September 1999, together with his companion, Mr. Anatoly Krasovsky. Mr. Gonchar was the Deputy Speaker of the 13th Supreme Soviet and a major political opponent of the President of Belarus, Aleksandr Lukashenko. He was the third prominent opposition figure in Belarus to have "disappeared" since April 1999. Mr. Gonchar was expected to play a leading role in the talks organized by the Organization for Security and Co-operation in Europe (OSCE) between the opposition and President Lukashenko. At the time of his disappearance, he was due to chair an extended parliamentary session which could have set in motion the process to impeach the President.

Allegations have been made attributing his "disappearance" to State-run death squads known as SOBR (special police unit) on the personal order of the former Minister of the Interior and of the Secretary General of the Belarusian Security Council. Official investigations have remained unavailing. Key officials suspected of involvement were never questioned and were subsequently promoted.

**Case BLS/05**

**Belarus:** Parliament affiliated to the IPU

**Victims:** One male opposition member of parliament

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

**Submission of complaint:** August 1998

**Recent IPU decision:** April 2015

**IPU mission:** November 1999

**Recent Committee hearings:** - - -

**Recent follow-up**

- Communication from the authorities: Letters from the Chairman of the Committee on National Security of the House of Representatives (July 2012 and January 2013);
- Communication from the complainant: January 2019;
- Communication addressed to the authorities: Letter addressed to the Chairman of the House of Representatives (December 2018);
- Communication addressed to the complainant: January 2019.

A report on disappearances in Belarus issued in February 2004 by the Parliamentary Assembly of the Council of Europe (PACE) concluded that no proper investigation had been conducted, and that senior State officials may be implicated in the disappearances of several opposition figures, including Mr. Gonchar. The authorities objected to the report's conclusions.

In March 2012, the United Nations Human Rights Committee also concluded, in the case of the enforced disappearance of Mr. Anatoly Krasovsky, that Belarus had violated its obligations to investigate properly and take appropriate remedial action. It requested Belarus to provide the victims with an effective remedy, including a thorough and diligent investigation of the disappearance and prosecution and punishment of the perpetrators. No implementation measures have been taken by the authorities.

No information from the Parliament of Belarus or from the judicial authorities has been forthcoming since January 2012. Meetings with the leader of the Belarus delegation to the 132nd IPU Assembly (Hanoi, March-April 2015) and between the IPU President and the Speaker of the House of Representatives (September 2015) have been inconclusive, as the authorities have continued to affirm that the investigation was ongoing and confidential and that they did not need assistance. They have failed to provide any other information or to respond to the Committee's request of March 2013 to conduct a visit to Belarus.

The families and their counsels have never been granted access to the investigation files despite numerous petitions. Their requests—and those of the opposition United Civil Party—for the investigation of State officials and of other leaders have remained unanswered. They had, among others, asked for the Prosecutor General to take into account, and investigate, documentaries and video testimonies aired on TV pointing to the involvement of the same top officials, in particular in the documentary "Krestny Batka" (The Nation's Godfather) aired by the Russian channel NTV in the summer of 2010 and the important video testimony (allegedly dating from 2003 and aired in September 2018) of Mr. Viktor Zabolotsky, a Belarusian citizen who claimed to have been near the crime scene at the time of Mr. Gonchar's disappearance. The complainant indicated that the families had been informed on 6 December 2018 by the investigative authorities that the investigation had been suspended as they had failed to identify the perpetrator, but that they would reopen it, should they identify a suspect.

The United Nations Human Rights Council has repeatedly expressed deep concern at the continuing violations of human rights in Belarus, which it found were 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 enforced disappearances of political opponents and the lack of participation of opposition political parties in Parliament.

## B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* the complete and persistent impunity that prevails in the case, almost 20 years after the disappearance of Mr. Gonchar and Mr. Krasovsky;

2. *Regrets deeply* the lack of cooperation from the Belarusian authorities and their failure to accept a visit of the Committee to Belarus;

3. *Points out* that the authorities have put forward no information to sustain their assertion that a genuine investigation into the disappearance was conducted over the past 20 years; *considers* that this gives serious weight to the allegations related to the complicity of high level state officials in the disappearance of Mr. Gonchar and Mr. Krasovsky and to the direct responsibility of the Belarusian authorities for their disappearance in reprisal for their political stance;

4. *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 the life of 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—even more so when leading figures of the Parliament and the opposition are targeted in the context of a broader pattern of repression, as in the present case; *points out* that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity; *stresses* the

legitimate right of the relatives of the victims to know about the fate of the “disappeared” persons and the circumstances of the enforced disappearance;

5. *Reaffirms its view* that the Parliament of Belarus continues to have a direct responsibility to ensure that every effort is made by all relevant authorities to investigate thoroughly and diligently the many leads and concerns that have emerged and to identify and punish those responsible for the enforced disappearance of one of its members;

6. *Urges* the Parliament of Belarus to urgently renew dialogue with the IPU in relation to the present case; *reiterates its wish* to conduct a visit to Belarus to obtain first-hand information on the investigation and any prospects for progress in the case; and *wishes* to receive information on the present status of the case following the suspension of the investigation in December 2018;

7. *Calls* on all IPU Member Parliaments to take concrete actions in support of the urgent resolution of this case in a manner consistent with democratic and human rights values; and *hopes* to be able to rely on the assistance of all relevant regional and international organizations to this effect;

8. *Requests* the Secretary General to convey this decision to the relevant authorities and to any third party likely to be in a position to supply relevant information, as well as to continue seeking the authorities’ agreement for a visit;

9. *Decides* to continue examining the case.