

# BELARUS

- **BLR-07:** Anatoly Lebedko
- **BLR-05:** Victor Gonchar



Inter-Parliamentary Union

For democracy. For everyone.

# Belarus

*Decision adopted unanimously by the IPU Governing Council at its 209<sup>th</sup> 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 144<sup>th</sup> 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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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 144<sup>th</sup> 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 Offenses 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.



Inter-Parliamentary Union

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# Belarus

*Decision adopted unanimously by the IPU Governing Council at its 206<sup>th</sup> session  
(Extraordinary virtual session, 3 November 2020)*



BLR-05 – Victor Gonchar

## Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Impunity

### A. Summary of the case

Mr. Victor Gonchar disappeared in September 1999, along with Mr. Anatoly Krasovsky. Mr. Gonchar had been the Deputy Speaker of the 13<sup>th</sup> Supreme Soviet and a major political opponent of the President of Belarus, Mr. 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 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 rapid response 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

### Case BLR-05

**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 complaint:** August 1998

**Recent IPU decision(s):** February 2019

**Recent IPU mission(s):** November 1999

**Recent Committee hearing(s):** - - -

### Recent follow-up:

- Communications from the authorities:  
Letters from the Chairman of the Committee on National Security of the House of Representatives dated July 2012 and January 2013
- Interview with sources: July 2020
- Communication from the complainant: August 2020
- Communication addressed to the authorities: Letter addressed to the Chairman of the House of Representatives (October 2020)
- Communication addressed to the complainant: August 2020

proved unavailing. Key officials suspected of involvement were never questioned and were subsequently promoted.

A report on disappearances in Belarus issued in February 2004 by the Parliamentary Assembly of the Council of Europe 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 report mentioned numerous pieces of evidence pointing towards the involvement of the State in the disappearance, including evidence that a gun used for carrying out the death penalty against Mr. Gonchar was signed out by order of the Minister of the Interior on the date of Mr. Gonchar's disappearance. 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. 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 into 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 132<sup>nd</sup> 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 long-standing request to conduct a visit to Belarus.

The families and their lawyers 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 into state officials and other leaders have remained unanswered. They had, *inter alia*, 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 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. However, a prominent journalism investigation story based on the accounts of Mr. Yuri Garavsky, a new witness and self-confessed accomplice to the alleged murder of Mr. Gonchar, caused a sensation in the country when it came out in December 2019. According to an official letter provided by the complainant, the investigation into the disappearance of Mr. Gonchar was reopened on 24 December 2019, but was suspended once again in February 2020.

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. Most recently, the Council held an urgent debate on the situation in Belarus following the presidential elections of August 2020, and adopted a resolution condemning the reported use of violence and torture against thousands of protestors who had mobilized after the elections over allegations of massive voter fraud.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Expresses grave concern* over the complete and persistent impunity in this case, over 20 years after the disappearance of Mr. Victor Gonchar;

2. *Deeply regrets* the lack of cooperation from the Belarusian authorities and that the Belarusian Parliament chose not to meet virtually with the Committee on the Human Rights of Parliamentarians at its most recent session; *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;
3. *Notes with concern* that, during a hearing with the Committee at its most recent session, Mr. Yuri Garavsky provided detailed information on the circumstances surrounding the abduction and assassination of Mr. Gonchar and Mr. Anatoly Krasovsky, including the coordinates of the location where the bodies had allegedly been buried within the former base compound of Begoml, by direct order of the Belarusian authorities; *questions* why, despite abundant new evidence, the investigation had been allegedly suspended again in February 2020; *wishes* to receive official information on the current status of the investigation; and *requests* the parliamentary authorities to keep the IPU informed of any relevant developments in this regard;
4. *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 mounting information and indications that have emerged over the years pointing to the direct responsibility of the Belarusian authorities for the disappearance of Mr. Gonchar;
5. *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 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, the circumstances of their enforced disappearance and to receive adequate compensation;
6. *Reaffirms its view* that the Parliament of Belarus continues to have a direct responsibility for ensuring that every effort is made by all relevant authorities to investigate thoroughly and diligently the many leads and concerns that have emerged, to identify and punish those responsible for the enforced disappearance of one of its members and to do everything possible to ensure that such violations do not recur in the future; *urges* parliament to take decisive and effective measures to this end; and *wishes* to be informed of progress made in this regard;
7. *Deeply regrets* that the long-requested mission by the Committee to Belarus to obtain first-hand information on the investigation and any prospects for progress in this case has still not received official endorsement from the national authorities; *expresses the firm hope* that parliament and other relevant authorities will respond favourably to this request so that a Committee delegation can travel to Belarus as soon as the COVID-19 pandemic-related travel restrictions are lifted;
8. *Calls* on 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 urgent resolution of this case in a manner consistent with respect for democratic values and human rights; and *hopes* to be able to rely on the assistance of all relevant regional and international organizations;
9. *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 to a visit;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.