



# INTER-PARLIAMENTARY UNION

CHEMIN DU POMMIER 5  
1218 LE GRAND-SACONNEX / GENEVA (SWITZERLAND)

TELEPHONE + 41 22 - 919 41 50 - FAX + 41 22 - 919 41 60 - E-MAIL [postbox@mail.ipu.org](mailto:postbox@mail.ipu.org)

## **CASE No. BLS/05 - VICTOR GONCHAR - BELARUS**

### ***Resolution adopted unanimously by the IPU Governing Council at its 186<sup>th</sup> session (Bangkok, 1<sup>st</sup> April 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared together with his friend, Anatoly Krasovsky, on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/186/12(b)-R.1), and to the resolution adopted at its 185<sup>th</sup> session (October 2009),

*Taking into account* the letters dated 6 January and 24 March 2010 signed by the Chairmen of the Standing Committees on National Security and International Affairs and on Relations with the Commonwealth of Independent States, respectively, and *noting* that the letters provide no new information, on the investigation, which is regularly being extended,

*Recalling* the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then police chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;
- The Belarusian authorities have consistently stressed that despite extensive investigative work and despite examination of all possible leads, no tangible results have been obtained; however, the case has not been closed and the investigation is being regularly extended; a new investigator, Mr. Y.V. Varavko, was appointed but reportedly refused to meet Mr. Gonchar's wife as there "was no reason to meet",

*Considering* that, in their letter of 6 January 2010, the chairmen stated that, according to the law in force, information on operational and investigative action on ongoing cases may not be disclosed until the end of the investigation and that the wives of Mr. Gonchar and Mr. Krasovsky had been questioned about the disappearance of their husbands and subsequently summoned again for further questioning, but they did not go to the Prosecutor's office in Minsk as they were abroad,

*Noting* in this respect the following:

- Article 198 of the Code of Criminal Procedure prohibits the disclosure of data about preliminary investigations or inquiries; such data can only be disclosed with the permission of the investigator or the person responsible for the inquiry, only to the extent they consider appropriate, and only if such disclosure does not contradict the interest of

the preliminary investigation and does not infringe the legal rights and interests of the persons involved in legal procedures; according to the sources, Article 50, paragraph 14, of the Code of Criminal Procedure stipulates that the injured parties are entitled to receive from the investigative body notification of decisions which affect their rights and interests; that, however, the investigator is entitled to instruct defence counsels and victims not to disclose information without his/her permission; according to the sources, this means that parties to a criminal case are entitled not only to participate in criminal prosecution (Article 128 of the Code of Criminal Procedure) but also to receive reliable information on the case if it affects their rights and legitimate interests;

- Mrs. Krasovksy, who is living abroad, has declared her readiness to appear before the prosecutor in the presence of her lawyer; however, the authorities have prohibited her lawyer from assisting her, arguing that he is not a member of the Belarus Bar Association;
- Mrs. Gonchar, who is living in Belarus, and her counsel as well as Mrs. Krasovsky have repeatedly submitted petitions to the investigators of Minsk City Prosecutor's Office for the purpose of familiarizing themselves with the orders on the resumption and extension of the preliminary proceedings and other documents to which they are entitled; all the petitions were dismissed with the result that neither Mr. Gonchar's nor Mr. Krasovsky's family has received any official information on the progress of the investigation for more than 10 years; the families only keep themselves informed through statements made by State officials in the media;
- According to Article 83, part 1, paragraph 4, of the Code of Criminal Procedure, the statute of limitations is 15 years from the date of commission of the crime,

*Recalling* that, in an interview he gave on 10 June 2009 to the Russian Zavtra newspaper, President Lukashenko stated that the cases of Mr. Gonchar and Mr. Krasovsky "were murders for business reasons; they had to buy or sell something and failed to stick to their promises, so they were killed, as is usual in 'half-bandit' circles; traces of a murderer have recently been found in Germany"; *noting* in this respect the following: in response to a request by the leader of the Belarus United Civil Party, the German authorities replied that they were no traces of such persons in the country and that no request for extradition had been made by the Belarusian authorities; *considering*, moreover, that in an interview he gave to a Lithuanian television channel, President Lukashenko stated inter alia that he knew very well what was happening and said "You want to know at what level this process is? Please ask the Prosecutor General - he does this business in the country. The issue is under the control of the President; they regularly report to me what has recently been done, as on many other important issues, if it is politically motivated",

*Bearing in mind finally* that Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which is now pending before the Committee,

1. *Thanks* the Chairmen of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States for their letters;
2. *Is deeply concerned* that the right of the families of Mr. Gonchar and Mr. Krasovsky to be kept informed of the proceedings and procedural decisions is not respected, while senior State officials are entitled to make unfounded allegations about the investigation;
3. *Considers* that the secrecy surrounding the investigation into Mr. Gonchar's and Mr. Krasovsky's disappearance prompts fears that no investigation is being conducted and that the case will be closed upon the expiry of the statute of limitations;
4. *Affirms* that in such high-profile cases as this one, which President Lukashenko himself has described as politically motivated, it should be in the interest of the authorities to show that they are acting and doing their utmost to reveal the truth, as is their duty;
5. *Recalls* in this respect that the authorities have so far failed to refute convincingly the evidence produced in the Pourgourides report and have produced no documents showing that they indeed investigated the report's findings;

6. *Calls on* the parliament to use its oversight function to ensure that the investigative authorities are indeed complying with their duty and specifically that of keeping the families of both victims informed in accordance with the law;
7. *Requests* the Secretary General to convey this resolution to all parties concerned;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 123<sup>rd</sup> IPU Assembly (October 2010).