



# INTER-PARLIAMENTARY UNION

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

### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 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 Mr. Anatoly Krasovsky on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

Recalling the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Mr. Anatoly Krasovsky, after they had been forcibly abducted, 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;
- According to the results of the initial investigation by the Belarusian authorities, Mr. Gonchar and Mr. Krasovsky were forcibly abducted by an organized armed body and taken away by cars to an undisclosed location; the blood traces discovered at the crime scene proved to be the blood of Mr. Gonchar; witnesses of the abduction were found; in November 2000, after mass media reported the alleged implication of senior State officials, the Prosecutor General, the KGB Chairman and his Deputy as well as officials involved in the investigation were removed and Mr. Sheyman,<sup>1</sup> the main suspect at the time in this case, was appointed Prosecutor General; according to the source, as of that time the investigation slowed down and two volumes disappeared from the investigation file;
- 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,

*Recalling* that, according to the sources, the preliminary investigation is extended automatically without any investigation and that this may continue until the expiry of the statute of limitations, which is 15 years as of the commission of the crime; *considering* in this respect that, according to a letter of 18 June 2010 from the Chairmen of the Standing Committees on National Security and on International Affairs and Relations with Commonwealth of Independent States (CIS), respectively, the

hypothesis of no investigation taking place is far-fetched and unsubstantiated as "the authorities of the Republic of Belarus are interested in a full and objective investigation, the establishment of all the circumstances of the disappearance of Mr. Gonchar and Mr. Krasovsky, and the holding to account of the persons involved in it",

*Considering* that, according to the sources, the families of the victims, apart from receiving formal responses, have not been kept informed of the investigation throughout the 11 years it has been under way, and *noting* in this regard Article 50 (14) of the Criminal Procedure Code, which stipulates that the injured parties are entitled to receive copies of decisions passed which affect their rights; *considering* that while the sources have provided evidence that the current investigator in this case, Mr. Varavko, has rejected Mrs. Gonchar's application to be provided with copies of the resolutions concerning the extension of the preliminary investigation, the Chairmen of the two Committees in question were informed that no petitions had been received from her,

*Recalling* further that, on several occasions, most recently in their letter of 18 June 2010, the parliamentary authorities have stated that details on current investigative steps and on their results cannot be disclosed before the conclusion of the investigation; *noting* in this respect Article 198 of the Criminal Procedure Code, according to which data of a preliminary investigation may be disclosed if this is not in breach of the rights and lawful interests of those taking part in the proceedings,

*Noting* that, in their letter of 18 June 2010, the two Chairmen state that the House of Representatives of the National Assembly is not entitled to issue any appraisal of the steps taken by the State bodies, including the Prosecutor's Office and officials or of the methods followed in conducting the criminal investigation, since this does not lie within its purview,

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 consistent cooperation;
2. *Notes* with appreciation their statement that the authorities are fully committed to establishing the truth in this case and to doing their utmost to this end; *considers* nevertheless that, unless it is accompanied by deeds, that pledge remains a mere statement;
3. *Can only reiterate* that the secrecy in which the investigation into the abduction and subsequent disappearance of Mr. Gonchar and Mr. Krasovsky has so far been shrouded can only prompt suspicion that indeed no real effort is being made to establish the truth; *affirms once again* that it should be in the interest of the authorities themselves to show to the general public, or at the very least to the families of the victims, that they are doing their utmost to reveal the truth in this high-profile case, and *notes* that the necessary legal basis for this exists;
4. *Remains 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 as their petitions to be informed of and receive copies of decisions clearly affecting their interests are being rejected; *calls on* the parliamentary authorities to make every effort to ensure that the authorities comply with this fundamental right of the families;
5. *Points out once again* that the authorities have so far failed to refute convincingly the evidence produced in the Pourgourides report, which partly relies on the results of the initial investigation at the national level, and that they have produced no documents showing that they indeed investigated the report's findings;
6. *Notes* in this respect with great interest that, in the framework of the Universal Periodic Review (UPR) before the United Nations Human Rights Council, Belarus committed itself to examining a recommendation to the effect that it would implement the recommendations of the Parliamentary Assembly of the Council of Europe on disappeared persons in Belarus and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

7. *Acknowledges* that parliament cannot issue an appraisal of the investigative steps or of the methods followed by the investigators but affirms that parliament's oversight function clearly allows it to ask questions about the investigation and to make sure that an investigation is indeed taking place;
8. *Requests* the Secretary General to convey this resolution to all parties concerned;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).