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Possible "Disappearances" in Belarus

Amnesty International has expressed concern about the possible "disappearances" of prominent figures in Belarus' opposition. The organization considers a "disappearance" to have occurred whenever there are reasonable grounds to believe that a person has been apprehended by the authorities or their agents, and the authorities deny the victim is being held, thus concealing the victim's whereabouts and fate and thereby placing the victim outside the protection of the law. In May 1999 the former Minister of the Interior, Yury Zakharenko, apparently "disappeared" leaving behind his wife and two daughters, while in September the chairman of the unofficial electoral commission, Viktor Gonchar, and his companion, Anatoly Krasovsky, apparently "disappeared" leaving behind several family members. These possible "disappearances" occurred at key political moments and the Belarusian authorities have shown great reluctance to investigate the cases. Instead, they have accused Belarus' opposition of staging the "disappearances" for the purposes of seeking international attention or have stated that the individuals concerned have been sighted abroad.

It is important to note that the victims of human rights violations are not the only direct victims of state and non-state persecution, but that their families also are subjected to great emotional distress. The imprisonment of a family member in what are often cruel, inhuman and degrading conditions, their possible exposure to ill-treatment or torture, the uncertainty of their fate in cases where family members have "disappeared" are causes of great suffering and hardship. The families of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky have been forced to endure numerous pressures as a result of their possible "disappearances" and in some instances they themselves have received anonymous threats. Members of the opposition who have spoken out in support of the men and their families and have demanded thorough and impartial investigations into the possible "disappearances" have also been intimidated by the Belarusian authorities.

Background information

In 1999 Amnesty International has repeatedly expressed concern about the treatment of members of the opposition in Belarus. In this period opposition groups have staged a number of peaceful protests against President Lukashenka, questioning the legitimacy of his tenure in office. In 1996 President Lukashenka held a referendum which led to the dissolution of parliament. In a further referendum in November 1996 he secured a mandate to stay in office until 2001, despite an election being scheduled for 1999. Opposition groups and a significant part of the international community have argued that the referendum violated the constitution and therefore President Lukashenka's presidency expired in July 1999. Opposition groups have organized a series of peaceful demonstrations in protest against President Lukashenka, including unofficial presidential elections in May and a series of peaceful

demonstrations throughout the year. Both Yury Zakharenko and Viktor Gonchar were prominent opposition figures.

Yury Zakharenko

Amnesty International has expressed serious concern for the safety of opposition activist and former Minister of the Interior Yury Zakharenko, who failed to return home on the first day of the campaign of the unofficial presidential elections held in May. The organization fears that he may be held in incommunicado detention.

Yury Zakharenko is a senior figure in the opposition movement and was working closely with the former prime minister, Mikhail Chigir, in the unofficial presidential elections. He is married to Olga Zakharenko and the couple have 15-year-old and 23-year-old daughters, Julia and Elena Zakharenko. Yury Zakharenko's family have not heard from him since 7 May 1999, when he reportedly telephoned his daughter to say he was on his way home at about 8pm. His wife believes that he was arrested for his involvement in the unofficial presidential elections. In an interview on 10 May Olga Zakharenko reportedly stated: "During the last two weeks two cars would always follow him. Reliable people warned Zakharenko that someone wanted to kill him and he ought to be very careful. I also warned him. But he believed in the rule of law and he never agreed with absolute tyranny". She also reportedly added: "I don't hope for the best. I have no hope that he is alive. He has been murdered and his body will never be found. This is an act by that criminal Lukashenka who hired the killers and got rid of his uncompromising opponent, Zakharenko". Olga Zakharenko has reportedly also been subjected to intimidation. She has stated that she has received anonymous telephone calls threatening her and her two daughters and warning her to leave the country.

On 31 August his mother, Ulyana Zakharenko, appealed to President Lukashenka in an open letter entitled "Give My Son Back", in which she wrote: "Alyaksandr Grigorievich, you also have a mother and she also worries about her son. Although you are the President, first and foremost you are a son. You are shown every day on television. But what about me? I had a child but suddenly he was gone. If someone would tell me that Yura is alive and has not been murdered or tortured to death I would feel immediately relieved. I cannot sleep at night... and during the day I cannot find any peace".

A spokesperson for the Ministry of Internal Affairs is reported to have said in May that Yury Zakharenko was not being held in Minsk, and that his whereabouts were unknown. In the light of the apparent unwillingness of the Belarusian authorities to investigate his possible "disappearance" members of the opposition set up their own commission to ascertain what had happened to Yury Zakharenko and to pressure the authorities to conduct a thorough and impartial investigation. The head of the commission, Oleg Volchek, reportedly stated at a press conference on 10 August, at which Olga and Elena Zakharenko were present, that there was evidence that he had been detained on Zhykovsky Street in Minsk and forced into a car. The authorities have been reluctant to investigate the case further.

After founding the commission to look into Yury Zakharenko's possible "disappearance" Oleg Volchek became an object of state attention. He was arrested and ill-treated by police officers during a peaceful march in Minsk on 21 July, during which at least 50 other people were arrested by police officers. Amnesty International learned that he was allegedly beaten unconscious at a police station and detained until the next day. Although he made a number of complaints to the authorities about his ill-treatment, the authorities reportedly failed to investigate his allegations. He was subsequently charged under Article 201 (1) of the Belarusian Criminal Code for '*aggravated hooliganism*' and faced a possible prison sentence of up to one year, but when his case came to trial in late November a court in Minsk rejected the charges against him.

Amnesty International has called on the Belarusian authorities to initiate a thorough and impartial investigation into the possible "disappearance" of Yury Zakharenko. If he is in police custody the organization has urged that he be protected from any form of ill-treatment. The organization has also urged that he be given immediate access to his family and to legal representation

as enshrined in international human rights standards¹ and that any criminal charges against him are made public.

Viktor Gonchar and Anatoly Krasovsky

Amnesty International has expressed serious concern for the safety of prominent opposition leader Viktor Gonchar and his companion Anatoly Krasovsky, who failed to return home on 16 September 1999. Amnesty International fears that they may be in incommunicado detention where they would be at risk of torture, ill-treatment or "disappearance".

The two men had visited a sauna on Fabrichanaya Street in Minsk on the evening of 16 September and are believed to have attempted to leave in Anatoly Krasovsky's car at approximately 10.30pm. There are reports that traces of blood and broken pieces of Anatoly Krasovsky's car were found on the ground near the sauna, from where the men may have been forcibly abducted. The Belarusian police visited the location the following day, but it is not known whether they have been able to confirm whether the blood belonged to either of the two men. Since they went missing there has been no reliable information about the whereabouts of the men. Amnesty International learned that on 19 September, three days after the men's possible "disappearance", Viktor Gonchar was due to give a key report to members of the former parliament on the political situation in the country. Viktor Gonchar was reportedly also due to meet the new American ambassador to Belarus in the days following his possible "disappearance".

Viktor Gonchar was chairman of the electoral commission before President Lukashenka dissolved parliament after the controversial referendum of November 1996 and he had a leading role organizing the unofficial presidential elections of May 1999. His companion, Anatoly Krasovsky, is reported to run a business. Both men are married and Viktor Gonchar has a 17-year-old son and Anatoly Krasovsky 16-year-old and 21-year-old daughters. After their possible "disappearances" Viktor Gonchar's wife, Zinaida Gonchar, reportedly contacted the police and the KGB to find out if he had been arrested but she was unable to get any information. It was also reported that after the two men's whereabouts became unknown Zinaida Gonchar and Anatoly Krasovsky's wife, Irina Krasovsky, visited a number of foreign embassies in Minsk in search of support. In her efforts to find her husband Zinaida Gonchar has issued a number of open letters to the international community, among whom the spate of possible "disappearances" of prominent opposition figures has caused a significant amount of concern. In a letter to the Organization for Security and Co-operation in Europe (OSCE) in early October Zinaida Gonchar reportedly stated: "Belarusian special services had been openly shadowing Gonchar 24 hours a day since the start of the year, law enforcement bodies cannot but know his whereabouts", and added: "Because it was they who organized Gonchar's kidnapping, they do not need to search for him".

Amnesty International has also received copies of several letters which Zinaida Gonchar addressed to the head of the Belarusian KGB, Vladimir Matzkevich. In one letter dated 18 September she wrote: "You must understand, that the abduction of Gonchar is a political crime, which has caused indignation throughout the world. Therefore, as the legitimate president of the KGB, approved by the Supreme Soviet, you have the obligation to undertake all necessary measures to find my husband and find the organizers and perpetrators of this crime. Otherwise the leadership of the KGB and you personally will shoulder the same responsibility as the organizers of the crime".

Opposition spokespersons in Belarus have complained that the authorities have failed to investigate the possible "disappearances" of the two men. The deputy head of the presidential administration, Ivan Pashkevich, reportedly stated shortly after the men's possible "disappearances"

¹Principles 7 and 8 of the Basic Principles on the Role of Lawyers and Principle 17 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

that Viktor Gonchar had deliberately gone missing to attract attention to the sessions of the dissolved parliament, the former 13th Supreme Soviet. In a television interview on 23 September the leader of the police investigation team investigating the case, Valyantsin Patapovich, appeared to give little credibility to the claim that the possible "disappearances" had been politically motivated, stressing that either the men had fallen victim to robbers, absented themselves voluntarily or somehow fallen victim to an organized crime group in connection with Anatoly Krasovsky's business affairs. On 25 September the state-owned newspaper, *Belarusskaya Niva*, circulated a story that Viktor Gonchar had been seen in Lithuania on 19 September in conversation with the exiled speaker of the dissolved parliament, Seymon Sharetsky. The story, which was widely reported in the state-controlled media, was condemned by Belarus' opposition as pure fabrication on the part of the Belarusian authorities. Over a month later, on 30 October, President Lukashenka also reportedly commented on the men's possible "disappearances" during a meeting with Adrian Severin, the head of the OSCE Parliamentary Assembly's working group on Belarus, stating that Yury Zakharenko was in Ukraine and Viktor Gonchar was in Russia. The opposition rejected the statement saying that there was no evidence that the missing men were abroad.

Viktor Gonchar has a long history of peacefully opposing President Lukashenka and is a former Amnesty International prisoner of conscience. At the beginning of March 1999 he was sentenced by a Minsk court to 10 days' imprisonment for organizing an unsanctioned meeting in a café with other members of the electoral commission. While in prison he reportedly suffered a heart attack. Amnesty International adopted him as a prisoner of conscience and expressed serious concern about his health and the failure of the prison authorities to provide him with appropriate medical care. He was officially charged under Article 190 of the Criminal Code of the Republic of Belarus, "*Wilful self-conferment of an official title or authority*", which carries a maximum penalty of two years' imprisonment or correctional labour. At a press conference of the electoral commission on 19 May 1999 Viktor Gonchar confirmed that the charges against him still stood.

Amnesty International's recommendations:

- Amnesty International is calling for an immediate and impartial investigation into the possible "disappearances" of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky and for the results to be made public. If they are in police custody, the organization is calling for their whereabouts to be immediately made known to their families and that they be given legal representation;
- Amnesty International is calling on the Belarusian authorities to make public any criminal charges against them and, if they are in detention, that they be released immediately unless charged with a recognizably criminal offence;
- Amnesty International is urging that Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky be protected from any form of torture or ill-treatment;
- Amnesty International is calling on the authorities to ensure that the families of the three men are protected against all forms of intimidation and are not subjected to any form of torture and ill-treatment.
- Amnesty International is calling on the authorities to ensure that Oleg Volchek, the head of the independent commission demanding a thorough and impartial investigation into the possible "disappearances", is not subjected to any form of intimidation for his opposition activities.