

## **WITHOUT TRACE: Uncovering the Fate of Belarus' "Disappeared"**

*"In the middle of the night, at 2 or 3am, I sometimes receive telephone calls. Mostly, they are abusive or silent. But I have to answer them in case it is Vita calling me, in case he needs me."*

Zinaida Gonchara, talking to Amnesty International in Minsk, 3 March 2000.

On the evening of 16 September 1999 prominent opposition leader Viktor Gonchar "disappeared" with his companion, Anatoly Krasovsky, after visiting a sauna in the Belarusian capital, Minsk. At the time of his "disappearance" Viktor Gonchar was the Deputy Speaker of the dissolved Belarusian parliament and a major political opponent of the Belarusian President, Alyaksandr Lukashenka. Earlier in the year, Amnesty International considered him to be a prisoner of conscience after he was sentenced to 10 days' imprisonment for his peaceful opposition activities (see AI Index: EUR 01/02/99). Since "disappearing" no trace has been found of the two men and their respective families have been left ignorant of their fate. The men's wives, Zinaida Gonchara and Irina Krasovskaya, have had to deal with the consequences of not knowing whether their husbands are dead or alive and who may have been responsible for their "disappearances". In the years since their husbands' "disappearances", Zinaida Gonchara and Irina Krasovskaya have repeatedly taken their cause to the embassies of foreign governments located in Minsk and to a range of international fora, such as the Organization for Security and Cooperation in Europe (OSCE), where they have spoken publicly about their families' plight. They have also co-authored numerous letters to the leaders of foreign countries, who they believed might be able to exert pressure on the Belarusian authorities and persuade them to undertake an independent, thorough and impartial investigation into the circumstances of their husbands' "disappearances".

Zinaida Gonchara and Irina Krasovskaya have not been alone when making these visits to foreign embassies and signing letters addressed to foreign statesmen. The wives of two other "disappeared" men have also actively sought the truth about the fate of their husbands, both of whom went missing in the period 1999-2000. On 7 May 1999 another leading member of Belarus' opposition and a former Minister of the Interior, Yury Zakharenko, "disappeared" on the eve of the country's unofficial presidential elections, leaving behind his wife, Olga Zakharenko, and their two children. After more than three years after his "disappearance" no progress has been made in determining his fate or whereabouts. On 7 July 2000 the Russian Public Television (*ORT*) cameraman, Dmitry Zavadsky, also went missing after driving to a Minsk airport to meet an *ORT* colleague. His wife, Svetlana Zavadskaya, and their 11-year-old young son await to learn his fate. Although two former state officials were later convicted of his abduction and murder, considerable concern remains regarding the alleged involvement of senior state officials in his and the other men's "disappearances" (see below).<sup>1</sup>

In the past six months alone, the four women have written to the US and Polish Presidents, George Bush and Alyaksandr Kvasnevsky, requesting them to petition the Russian President, Vladimir Putin, in forthcoming meetings to pressurize the Belarusian President

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<sup>1</sup> More detailed information about the circumstances surrounding these "disappearances" can be found in the Amnesty International report: *Belarus: Briefing for the UN Committee against Torture* (AI Index: EUR 49/002/2001).

Alyaksandr Lukashenka to allow an independent international body of inquiry to investigate the “disappearances”. On 4 June 2002 the women wrote to President Putin directly in anticipation of his 11 June meeting with the Belarusian president in St.Petersburg, Russia, during which he was believed to have raised the issue. In their letter they argued: “We believe that only an independent inquiry comprising international experts and a guarantee of access to all evidence will shed light on these cases.” The women appealed to President Putin for help in this respect. Earlier in the year, the four women had appealed to the Parliamentary Assembly of the Council of Europe (PACE), stating: “We are wholly convinced that the real reasons for the disappearances and murders of our relatives will only be uncovered if an independent investigation is carried out.” The women called on PACE to establish a commission comprising independent international experts for this purpose, as had been done in Ukraine to investigate the “disappearance” of journalist Georgiy Gongadze.<sup>2</sup>

Amnesty International is deeply concerned that all four “disappearances” were followed by an apparent unwillingness on the part of the Belarusian authorities to promptly, thoroughly and impartially investigate these grave human rights violations and by their nonchalance at the fate of the “disappeared” and the suffering of their families. Instead the authorities accused Belarus’ opposition of staging the “disappearances” for the purposes of seeking international attention and distributed information in the state-owned news media that the individuals concerned had been sighted abroad. The apparent failure of the Belarusian authorities to investigate the whereabouts of the missing men has drawn sustained international criticism from organizations as diverse as PACE, the Inter-Parliamentary Union (IPU), the United Nations (UN) Committee against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment (Committee against Torture) and the OSCE.

Zinaida Gonchara, on the second anniversary of her husband’s “disappearance”, Minsk, 17 September 2001  
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Amnesty International 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. However, it is clear from the brief introduction of this report that the victims of “disappearances” are not only those who “disappeared” but their families and friends as well. Not knowing whether a family member is alive, the possibility that they may be imprisoned in what are often cruel, inhuman and degrading conditions and be exposed to ill-treatment and torture are causes of great

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<sup>2</sup> Independent journalist Georgiy Gongadze “disappeared” in Kyiv on 16 September 2000. Shortly afterwards, allegations arose incriminating President Leonid Kuchma in the “disappearance”. Similar to the case of the missing men in Belarus, the investigation into Georgiy Gongadze’s fate was repeatedly criticized for its lack of impartiality and thoroughness. On 27 September 2001 PACE in Recommendation 1538 (2001) called on the Ukrainian authorities to set up an independent commission of inquiry including international experts for the purpose of investigating the “disappearance”. For more information about the case of Georgiy Gongadze see *Ukraine before the United Nations Human Rights Committee* (AI Index: 50/001/2001).

suffering and hardship for family members. The effect on family members can amount to torture or ill-treatment. Amnesty International is certainly not alone in reaching this conclusion. UN and regional bodies and mechanisms such as the Human Rights Committee<sup>3</sup>, the Inter-American Court of Human Rights<sup>4</sup> and the European Court of Human Rights<sup>5</sup> have in the past determined that "disappearances" may constitute torture or other cruel, inhuman or degrading treatment of the families of the "disappeared".

This short report documents both the apparent failure of the Belarusian authorities to investigate the "disappearances" and a series of allegations which arose in the period from November 2000 onwards linking high-level state officials with the "disappearances" of the missing men. In the absence of any genuinely independent and impartial investigation into the circumstances surrounding the "disappearances" it has not been possible to confirm the veracity of the allegations. In the past two months alone both PACE and OSCE renewed their calls on the Belarusian authorities to establish independent investigations into the "disappearances", with the latter organization expressing concern about "... allegations that senior Belarusian officials apparently colluded in the murders of prominent opposition figures".<sup>6</sup> Amnesty International also believes that allegations relating to the "disappeared" men should be investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation.

## **A Catalogue of Failure**

The efforts of the Belarusian authorities to investigate the fate of all four missing men in the period 2000–2002 have been the subject of considerable criticism on the part of the international community, which has repeatedly expressed concern about the investigation's lack of progress. Criticism of the Belarusian authorities has been expressed in a range of regional and international governmental fora. Various other international bodies which defend and promote the rights of parliamentarians and journalists, such as the IPU and the Committee to Protect Journalists, have also commented on Belarus' seemingly fruitless investigation into the fate of the missing men.

## **The Parliamentary Assembly of the Council of Europe**

Since the forcible dissolution of the Belarusian parliament, the 13th Supreme Soviet, in November 1996 and the deterioration of the country's human rights record PACE has continued to monitor developments in the country and has sent delegations to the country for this purpose. In this connection, PACE has also made various recommendations. In January 2000 it adopted Recommendation 1441, *Situation in Belarus*, "... expressing its profound concern at the

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<sup>3</sup> *Elena Quinteros Almeida and Maria del Carmen Almeida de Quinteros v. Uruguay*, 21 July 1983, paragraph 14.

<sup>4</sup> *Blake v. Guatemala*, 24 January 1998, paragraph 116.

<sup>5</sup> *Kurt v. Turkey*, 25 May 1998, paragraph 134.

<sup>6</sup> Parliamentary Assembly of the OSCE, *Resolution on Belarus*, adopted 10 July 2002 – paragraphs 7 and 12.

disappearance of political opponents in Belarus” and urging the Belarusian authorities to “... clarify what has happened to the people who have disappeared and put an end to political persecution”.<sup>7</sup>

On 10-12 June 2002 the Ad Hoc Committee on Belarus of PACE visited Minsk. During the visit the Ad Hoc Committee met with the relatives of the “disappeared”. In a post-visit statement the Committee stated that it “... was disappointed by the lack of progress regarding the cases of politicians, who have disappeared as well as by the persisting doubts regarding the judicial proceedings in the case of Mr Zavadski’s disappearance. It considered that an independent commission should be set up by the Parliamentary Assembly in order to help clarify the circumstances of these disappearances.”<sup>8</sup> The head of the delegation, Wolfgang Behrendt, was quoted by the news agency *Reuters* as stating at a post-visit news conference: “We proposed to Interior Minister [Vladimir Naumov] that this group be set up but he was very reluctant. The reaction of [the Chief of the Presidential Administration Ural] Latypov was much more positive but the decision hangs on many circumstances.”<sup>9</sup> PACE is expected to discuss Belarus further during a plenary session at its part-session in September 2002, including the possibility of establishing an independent commission of inquiry, as recommended by the Ad Hoc Committee on Belarus.

### **The Organization for Security and Cooperation in Europe**

The various organs of the OSCE have publicly echoed many of the same concerns expressed by PACE, most commonly on the anniversaries the men “disappeared”. Shortly after the second anniversary of Viktor Gonchar’s and Anatoly Krasovsky’s “disappearances”, on 21 September 2001 the Office for Democratic Institutions and Human Rights called for an independent investigation into “disappearances” in Ukraine and Belarus. ODIHR’s Director Gerard Stoudmann stated: “I strongly appeal to the governments of Belarus and Ukraine to allow for an independent investigation of these unsolved cases ... It is unacceptable that after so many months we still don’t know anything about who was behind the murder of Mr. Gongadze and what happened to those who disappeared in Belarus.”<sup>10</sup>

More recently, on 20-23 May 2002 the OSCE Parliamentary Assembly Working Group on Belarus visited Belarus. It stated in a post-visit press release on 24 May 2002 that it was “... disappointed to learn that there appears to be no discernible progress in the cases of the disappeared opposition politicians and journalist”.<sup>11</sup> In an earlier visit, on 3-5 February 2002, the same delegation had urged the appropriate Belarusian authorities “... to reinvigorate the investigations into the cases of disappeared opposition politicians”.<sup>12</sup>

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<sup>7</sup> Doc. 1441 (2000) *Situation in Belarus*, adopted 26 January 2000 – paragraphs 4 and 14 (ii).

<sup>8</sup> PACE press release, *Assembly delegation assesses political situation in Belarus*, 310a (2002), 12 June 2002.

<sup>9</sup> *Reuters*, 12 June 2002.

<sup>10</sup> OSCE Press Release, *OSCE human rights office calls for independent investigation of unsolved disappearances and murders in Belarus and Ukraine*, 24 September 2001.

<sup>11</sup> OSCE Press Release, *OSCE Parliamentary Working Group on Belarus visits Minsk*, 24 May 2002.

<sup>12</sup> OSCE Press Release, *OSCE Parliamentary Working Group on Belarus visits Minsk*, 5 February 2002.

In early July 2002 the OSCE Representative on Freedom of the Media, Freimut Duve, expressed "... dismay that, after two years, many questions about the missing journalist [Dmitry Zavadsky] have gone unanswered". He was quoted in an official OSCE press release as stating: "Although earlier this year, a Minsk District Court convicted two former agents of a Ministry of Interior special forces unit of kidnapping Dmitri Zavadski, he has not been found and there are few credible details about the abduction." He appealed to the Belarusian authorities "... to permit an independent inquiry to conclusively identify all responsible parties involved in the disappearance of Dmitri Zavadski".<sup>13</sup> The Parliamentary Assembly of the OSCE subsequently adopted a resolution on Belarus during its 11<sup>th</sup> Annual Session in Berlin on 10 July 2002. Among its numerous concerns was the issue of "disappearances". It stated that it was "[d]isturbed about allegations that senior Belarusian officials apparently colluded in the murders of prominent opposition figures" and urged Belarus to "... mount a full and transparent investigation into the death or disappearance of opposition leaders".<sup>14</sup>

Protestors marking the third anniversary of Yury Zakharenko's "disappearance", Minsk, 8 May 2002  
© IREX/ProMedia.

## **United Nations**

In addition to the European intergovernmental bodies, concern has also been expressed about the "disappearances" by the bodies of the United Nations, namely the UN Committee against Torture and the UN Working Group on Enforced or Involuntary Disappearances. In November 2001 the UN Committee against Torture examined Belarus' third periodic report describing the measures it had taken to implement its obligations under the UN Convention against Torture. In its Conclusions and Recommendations the Committee expressed concern at: "[t]he numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment, committed by officials of the State party or with their acquiescence, particularly affecting political opponents of the Government and peaceful demonstrators, and including disappearances, beatings and other actions in breach of the Convention".<sup>15</sup> As a result of the failure of the Belarusian authorities to promptly and impartially investigate allegations of torture and ill-treatment, including "disappearances", the Committee recommended that urgent and effective steps be taken to establish a fully independent complaints mechanism "...to ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities and the prosecution and punishment, as appropriate, of the alleged perpetrators".<sup>16</sup>

The UN Working Group on Enforced or Involuntary Disappearances also transmitted the cases of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky to the Belarusian

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<sup>13</sup> OSCE Press Release, *Freimut Duve: What Happened to Dmitri Zavadski?*, 8 July 2002.

<sup>14</sup> Parliamentary Assembly of the OSCE, *Resolution on Belarus*, adopted 10 July 2002 – paragraphs 7 and 12.

<sup>15</sup> UN Doc. A/56/44, 20 November 2000 – paragraph 45c.

<sup>16</sup> *ibid* – paragraph 46b.

authorities. According to information it received from the authorities, the Minsk Public Prosecutor's Office opened an investigation into the "disappearances" of the missing men in order to determine their whereabouts.<sup>17</sup> The authorities stated in their response to the Working Group that "... no evidence had been found of the involvement by the Belarusian secret service in the disappearances of Mr. Gonchar, Mr. Krasovsky, or the third individual, Mr. Zakharenko, nor does the Prosecutor's Office or the Ministry of Internal Affairs yet have any evidence suggesting that the missing men were the victims of a crime".<sup>18</sup> In its 2002 report the Working Group reported that the authorities had informed it that their investigations had so far failed to shed light on the circumstances of the "disappearances" or the current whereabouts of the missing men. The Working Group therefore concluded that it was "... unable to report on the fate and whereabouts of the persons concerned".<sup>19</sup>

### **Other international bodies**

The Inter-Parliamentary Union (IPU) has also repeatedly expressed concern about the investigation into the "disappearance" of Viktor Gonchar. Since adopting a special procedure in 1976, the IPU may intercede on behalf of parliamentarians, who it believes have been subjected to arbitrary actions, such as state harassment, arbitrary arrest and detention, unfair trial and violation of parliamentary immunity. Shortly after his whereabouts became unknown, the IPU stated at its 165th session in Berlin on 16 October 1999 that it was "... alarmed at the disappearance of Mr. Victor Gonchar and his friend". Shortly afterwards, in November the same year, a delegation of the IPU's Committee on the Human Rights of Parliamentarians undertook a fact-finding visit to Belarus, which included meetings with members of the dissolved 13th Supreme Soviet who were deemed to have suffered arbitrary state actions, and the family members of Viktor Gonchar. In May 2000 the IPU published the report of its 1999 visit, stating: "With regard to the case of Mr Gonchar, the delegation, noting with concern that the investigation has hitherto proved fruitless, insists on the state's duty to make every effort to shed light on Mr Gonchar's fate."<sup>20</sup>

One year later this situation had not changed, prompting the organization to state that it was "... deeply concerned that, two years after Mr. Gonchar's disappearance, the investigations have still been unavailing". The organization urged "... the authorities promptly to fulfil their duty to ascertain Mr. Gonchar's fate".<sup>21</sup> The IPU also stated: "Parliament cannot remain indifferent to the disappearance of a Member of Parliament, albeit one belonging to a previous Parliament, and calls upon it to avail itself of its oversight responsibility in relation to the investigation."<sup>22</sup> Most recently, in March 2002, at the IPU's 170th session in Marrakesh, Morocco, the Council of the IPU stated that it "[r]emains deeply concerned that, more than two

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<sup>17</sup> UN Doc. E/CN.4/2001/68, 18 December 2000 – paragraph 107.

<sup>18</sup> *ibid* – paragraph 108.

<sup>19</sup> UN Doc. E/CN.4/2002/79, 18 January 2002 – paragraph 53.

<sup>20</sup> IPU – Report of the Committee's Delegation on its Mission to Belarus, 19 – 24 November 1999, (CL/166/16(c)) – page 21.

<sup>21</sup> Resolution adopted by the Council of the Inter-Parliamentary Union at its 169<sup>th</sup> session, Ouagadougou, Burkina-Faso, 14 September 2001.

<sup>22</sup> *ibid* – paragraph 3.

years after Mr. Gonchar's disappearance, the investigations have led nowhere". It stated that it believed that the establishment of a special investigative committee would contribute considerably to the task of determining the fate of the missing parliamentarian.<sup>23</sup>

The Committee to Protect Journalists (CPJ) also expressed concern about the investigation and subsequent trial of the two men accused of Dmitry Zavadsky's "disappearance". On 2 April 2002 the US-based non-governmental organization stated: "Although two former members of the elite Almaz special forces unit were recently convicted of kidnapping Zavadsky, local sources view them as scapegoats. CPJ is disturbed that state prosecutors failed to investigate allegations that high-level government figures were involved in Zavadsky's disappearance." Echoing appeals from the family members of the missing men, the CPJ called for an independent international investigation to be set up into the "disappearance" of Dmitry Zavadsky. It called on the Belarusian authorities "... in cooperation with the Zavadsky family and their lawyers, to invite a panel of international and regional human rights experts to conduct an independent investigation of this case with full access to all relevant evidence".<sup>24</sup>

### **Emerging allegations of official collusion in 2000-2002**

The repeated appeals by the international community, referred to above, however, appear to have gone unheard by the Belarusian authorities. Human rights groups within Belarus and the families of the "disappeared" remain wholly dissatisfied with the efforts of the authorities so far to determine the whereabouts of the "disappeared" men. Conversely, they have argued that the emergence of information in 2000-2002 supposedly incriminating high-ranking officials in the "disappearances" completely discredited the claimed attempts of the authorities to seek the real truth behind the "disappearances". The Belarusian authorities dismissed these allegations as baseless provocation and attempts by the opposition to tarnish the incumbent administration's reputation, particularly in the run-up to the September 2001 presidential elections. The thrust of the allegations was that senior state officials operated a so-called 'death squad' made up of current and former elite police officers, which eliminated opposition figures. Information purporting to support such claims began to emerge from November 2000 onwards. The allegations culminated in the trial behind closed doors of four men, beginning in October 2001, accused, among other things, of Dmitry Zavadsky's "disappearance", resulting in their conviction in March 2002. Despite the trial's outcome, the two lawyers representing the Zavadsky family who took part in the closed proceedings suspected higher state involvement in the "disappearance" of Dmitry Zavadsky. In particular, they expressed concern that a number of important questions relating to the case remained unanswered. What follows is an overview of some of the main allegations linking high-ranking state officials with the "disappearances" of the missing men.

In late November 2000 the heads of Belarus' Prosecutor's Office and Committee for State Security (KGB) were unexpectedly dismissed. While a presidential spokesman explained that this personnel reshuffle was partially a result of President Lukashenka's "dissatisfaction that

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<sup>23</sup> Resolution adopted by the Council of the Inter-Parliamentary Union at its 170<sup>th</sup> session, Marrakesh, Morocco, 23 March 2002.

<sup>24</sup> CPJ press release, *Belarus: CPJ calls for international inquiry into cameraman's disappearance*, 2 April 2002.

many important [investigation] cases have dragged on for too long without justification"<sup>25</sup>, the opposition maintained that the dismissed personnel came too close to discovering what had happened to the missing men. President Lukashenka dismissed the Chairman of the KGB, Vladimir Matskevich, and the Prosecutor General, Oleg Bozhelko, on 27 November 2000. The latter's replacement was Viktor Sheiman, previously Head of the Presidential Administration, and reportedly a close associate of President Lukashenka.

A young protestor holding a picture of the missing Anatoly Krasovsky, Minsk, 4 September 2001 © IREX/ProMedia.

The dismissals occurred shortly after an anonymous letter appeared in Belarus' small independent news media on 20 November 2000, alleged to have been written by a former KGB officer. According to this information, several men had been arrested by the KGB on suspicion of having murdered Dmitry Zavadsky who had also later confessed to having murdered the missing opposition figures. The men were reportedly present and past serving members of elite police units.

The head of *Russian Public Television's* special projects, Pavel Sheremet, whom Dmitry Zavadsky had gone to meet at Minsk's international airport on the day he "disappeared", also pursued the trail of his missing colleague in the period 2000-2002. On 8 November 2000 *Russian Public Television* broadcasted the documentary, *The Wild Hunt*, which was produced by Pavel Sheremet. The documentary cast considerable doubt on the Belarusian authorities' investigation into the whereabouts of Dmitry Zavadsky and the other missing men. On 19 January 2001 Pavel Sheremet stated in an interview with the Belarusian human rights initiative, *Charter-97*, that his own investigations had led him to believe that the dismissals of Prosecutor General Oleg Bozhelko and KGB Chairman Vladimir Matskevich had been motivated by the arrest and subsequent questioning in November 2000 of a senior officer the Ministry of the Interior's Combined Rapid Reaction Force in connection with the "disappearances". Oleg Bozhelko was reported to have questioned the officer in question in custody and been informed of the existence of a group of men charged with the task of eliminating people. The group of men reportedly included two former officers of the *Almaz* special police unit, Valery Ignatovich and Maksim Malik, who were convicted of the abduction and murder of Dmitry Zavadsky in March 2002. Pavel Sheremet stated that the officer of the Combined Rapid Reaction Force had been arrested but was released by a senior state official after Oleg Bozhelko had been dismissed as Prosecutor General.

These allegations later appeared to be bolstered by statements made in June 2001 by two investigators involved in the inquiry into the fate of the missing men. In mid-June 2001 two officials of the Prosecutor General's Office, Dmitry Petrushkevich and Oleg Sluchek, fled to the USA, where they obtained political asylum. Shortly before fleeing Belarus they repeated the allegations to the independent Belarusian news media, referred to above, that officials in President Lukashenka's immediate circle of appointees had employed an elite group of men,

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<sup>25</sup>*RFE/RL Newsline* 4/228 27 November 2000.

directly under their command, which had eliminated a number of Belarus' opposition. Dmitry Petrushkevich and Oleg Sluchek alleged that the group was headed by the officer of the Combined Rapid Reaction Force, referred to above, and included Valery Ignatovich and Maksim Malik. The investigators reportedly stated that they had in their possession an official report that confirmed that Prosecutor General Oleg Bozhelko had personally questioned the officer of the Combined Rapid Reaction Force while in custody.

Prosecutor General Oleg Bozhelko was also said to have learned of the alleged whereabouts of the buried bodies of the missing men. The bodies of the missing men were reportedly buried outside Minsk in a tract of forest, which also includes Minsk's Northern Cemetery, covering an area of around two hectares.<sup>26</sup> The size of the area reportedly prompted Oleg Bozhelko to contact his Russian counterpart, Prosecutor General Vladimir Ustinov, in a letter dated 21 November 2000, requesting the use of special equipment and experienced personnel with the capacity to locate the buried bodies of the missing men. However, a senior state official was alleged to have subsequently cancelled Oleg Bozhelko's request to the Russian Prosecutor General in a letter dated 27 November 2000, the same day Oleg Bozhelko and Vladimir Matskevich were dismissed.

In the course of 2001 further allegations arose concerning the role of leading state officials in the "disappearances". The presidential candidate and leader of the Belarusian Federation of Trade Unions, Viktor Goncharik, distributed a report at a press conference in mid-July 2001. The author of the hand-written document was said to be the Chief of General Criminal Police Directorate of the Ministry of Internal Affairs, Nikolai Lopatik, and addressed to Minister of the Interior Vladimir Naumov. The report, dated 21 November 2000, alleged that a high-ranking state official in the Presidential Administration ordered a senior official in the Ministry of the Interior to give the officer of the Combined Rapid Reaction Force, referred to above, access to a gun used to execute death row prisoners at the SIZO No.1 prison in Minsk, where the country's death penalty sentences are carried out. The gun was then said to have been subsequently used to execute the missing men. According to the document, the gun was returned after being used on each occasion. The use of the gun and the allocated ammunition were reportedly recorded in a log-book located in the prison.

According to information given to Amnesty International by a lawyer representing one of the families of the four missing men, the head of SIZO No.1, Oleg Alkayev, was interviewed by the Prosecutor General's Office on 24 November 2000, three days before Oleg Bozhelko's dismissal. Information concerning the use of the gun and the allocated ammunition was also reportedly handed over to the investigators the same day. Oleg Alkayev reportedly confirmed the use of the gun in an interview on Russian television on 5 September 2001. However, Amnesty International is informed that, after Prosecutor General Oleg Bozhelko was dismissed on 27 November 2000, the Prosecutor General's Office did not pursue this line of inquiry. Moreover, none of the evidence, referred to above, was reportedly made available for consideration by the Prosecutor General's Office during the subsequent trial of the men accused of abducting and murdering Dmitry Zavadsky. After their dismissal, Oleg Bozhelko left Belarus for Russia, while Oleg Alkayev reportedly left the country for a Western European country. The

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<sup>26</sup> The equivalent of approximately 20,000 square metres.

alleged author of the hand-written document, Nikolai Lopatik, reportedly went on extended sick-leave shortly after Oleg Bozhelko's dismissal.

The Belarusian government was dismissive of the series of allegations. It argued that the allegations were an attempt by Belarus' opposition to discredit President Lukashenka and his government, particularly in the light of presidential elections in September 2001. In mid-June 2001 Yury Sivakov, the then Deputy Head of the Presidential Administration, rejected the allegations made by the two investigators of the Prosecutor General's Office, Dmitry Petrushkevich and Oleg Sluchek. On 14 June 2001 he was quoted in the Belarusian state-owned newspaper, *Sovetskaya Belorussiya*, as stating: "... the only truth in the prosecutors' revelation is the positions of the officials mentioned in the publication. Everything else is a lie".<sup>27</sup> Similarly, Yury Sivakov rejected the authenticity of the document produced by the presidential candidate, Viktor Goncharik, which linked senior state officials to the "disappearances" in the country. In an interview in *Belorusskaya Delovaya Gazeta* on 24 July 2001 the former Minister of the Interior stated that the document was fabricated: "From the point of view of its contents - I know Lopatik [Chief of General Criminal Police Directorate of the Ministry of Internal Affairs] too well. A professional would never write such a report - there are no arguments or facts there ... A teacher would not give a positive mark for such a document even to a second-year student at the police or investigation department."<sup>28</sup> He also rejected the 'death penalty gun' theory, stating: "... Don't we have enough weapons at the Ministry of Internal Affairs, including those confiscated? Don't we have different types of weapons which could be used and thrown away without exposing them, in special purpose forces?" The Prosecutor General's office also vociferously rejected Goncharik's claims. Aleksey Taranov, an assistant to the Prosecutor General, was quoted by *Radio Free Europe/Radio Liberty* on 18 July 2001 as saying: "These are pre-election provocations which are aimed at compromising the current president of Belarus, and before the elections Belarus will see more than one similar action."<sup>29</sup>

In the absence of an independent, thorough and impartial investigation into the "disappearances" as well as the allegations, referred to above, concern and controversy will continue to centre around the fate of the missing men. It is therefore essential that a body of inquiry is established with the necessary powers and resources to promptly, impartially and effectively investigate the four "disappearances" in Belarus. Without the establishment of such a body of inquiry, accusations and counter-accusations will continue to be exchanged and no progress will be made in determining the fate of the "disappeared" men and bringing those responsible for the "disappearances" to justice. A clear example of this is the *in camera* trial of the men accused of Dmitry Zavadsky's "disappearance".

In late October 2001 four men were brought to trial accused of committing seven murders, two abductions and five military assaults, including the "disappearance" of Dmitry Zavadsky. Two of the men, Valery Ignatovich and Maksim Malik, were former members of the *Almaz* special police unit, while a third, Aleksey Guz, was a former student of the Police Academy. The fourth man, Sergei Savushkin, was reported to be a convicted criminal.

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<sup>27</sup> BBC 14 June 2001.

<sup>28</sup> BBC 31 July 2001.

<sup>29</sup> RFE/RL 18 July 2001.

Several months before the trial began the Public Prosecutor's Office set out the case of the prosecution to the public. The head of the investigation, Ivan Branchel, confirmed the names of the four men at a press conference in Minsk on 11 May 2001. He stated that the "disappearance" of Dmitry Zavadsky was a revenge killing and provided the following account of events. In his professional capacity Dmitry Zavadsky had visited Chechnya on several occasions and reported on events in the conflict. During a visit in December 1999 he learned that former members of the elite *Almaz* police group had been detained in Chechnya on suspicion of training Chechens to fight against Russian government forces. Dmitry Zavadsky subsequently mentioned the fact that former *Almaz* officers had been detained in Chechnya in an interview with the independent Belarusian newspaper, *Belorusskaya Delovaya Gazeta* in early 2001.<sup>30</sup> The prosecution argued that Valery Ignatovich was a leading member of a far-right nationalist group and had organized Dmitry Zavadsky's "disappearance" as retribution for revealing the part he played during the Chechnya conflict. During the press conference Ivan Branchel also reportedly confirmed that the senior officer of the Combined Rapid Reaction Force had been arrested during the preliminary investigation but declined to give any further information.

Human rights monitors in Belarus cast considerable doubt on the Prosecutor's Office's motive for the "disappearance". They believed that Dmitry Zavadsky's "disappearance" may have been related to his journalist activities, either in Chechnya linking Belarusian state officials with the export of arms and expertise to the Chechens, or in Belarus where he had reported on the deteriorating political situation in the country. Both Dmitry Zavadsky and Pavel Sheremet had previously fallen foul of the Belarusian authorities and were given suspended prison sentences in January 1998 for their journalist activities the previous year (see AI Index: EUR 01/02/98). Alternatively, some human rights monitors argued that Dmitry Zavadsky's "disappearance" may have been related to his former employment as a cameraman in the Presidential Administration.

The trial of the four men began at Minsk Regional Court on 24 October 2001. In contravention of international standards the trial was held behind closed doors.<sup>31</sup> The authorities argued that the veil of secrecy was necessary to protect the identities of the participants of the trial, particularly witnesses. In the run-up to the trial various bodies which defend and promote press freedom called for the trial to be open to the public. The Belarusian Association of Journalists repeated its appeal that the trial be open to journalists fearing that the public would be deprived of their right to know the truth about Dmitry Zavadsky's fate. On the opening day of the trial, Igor Aksenichik, the lawyer representing Dmitry Zavadsky's mother, Olga Zavadskaya, petitioned the court to allow the proceedings to be held in open session, arguing that other measures could be taken to protect the identities of the participants. While the petition was supported by the family of Dmitry Zavadsky, it was reportedly objected to not only by the accused and their lawyers but also the public prosecutor. On the opening day of the trial the missing journalist's mother, Olga Zavadskaya, stated: "It is a shame that the trial is closed. I fear

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<sup>30</sup> Dmitry Zavadsky did not specifically name Valery Ignatovich in the interview.

<sup>31</sup> *In camera* trials in Belarus are rare. Even the most controversial trials of President Lukashenka's high-profile political opponents have been held in open courts in recent years.

that the truth will never be known.” Further repeated requests for access to the proceedings from domestic human rights organizations were rejected.

Svetlana Zavadskaya talking to journalists, Minsk, 24 October 2001 © IREX/ProMedia.

Access to the trial at Minsk Regional Court was therefore restricted to a small number of people. Dmitry Zavadsky’s wife, Svetlana Zavadskaya, and mother, Olga Zavadskaya, and their respective lawyers, Sergei Tsurko and Igor Aksenchik, were only allowed to attend the trial on condition that they not disclose information about the trial proceedings. This same condition was reportedly stipulated to all other participants, including people giving evidence. Due to the closed nature of the trial only limited information is available about the proceedings. According to reports, the main piece of evidence incriminating the accused was a spade found in Valery Ignatovich’s car which allegedly had traces of Dmitry Zavadsky’s blood on it. In protest of his impending trial, 32-year-old Valery Ignatovich reportedly undertook a hunger strike before the trial, which was initially postponed due to his suspected ill health. It was also reported that during the course of the trial Valery Ignatovich protested against his trial by spending part of the duration of the proceedings lying down on the bench inside the court room’s security cage, in which he had been placed. During the trial he reportedly stated: “I am guilty of nothing. We did not kill anyone.” His co-accused, Maksim Malik, also reportedly stated: “All this is a farce, we are not guilty.”<sup>32</sup>

The former Prosecutor General Oleg Bozhelko also returned to Minsk from Moscow to attend the trial as a witness. According to various news reports, he denied that he had interrogated the officer of the Combined Rapid Reaction Force in detention and refused to answer numerous questions. The opposition explained his silence as resulting from pressure exerted upon him by the Belarusian authorities. Dmitry Zavadsky’s *ORT* colleague, Pavel Sheremet, also participated in the trial as a witness. He stated in an interview with *Belorusskaya Delovaya Gazeta* on 26 November 2001, after testifying during the trial, that he did not believe that Valery Ignatovich and the other accused men would have been able to organize the abduction of Dmitry Zavadsky without the involvement of senior state officials: “I still insist that Zavadsky’s kidnapping was ordered by the authorities.”<sup>33</sup>

Police officers removing Valery Ignatovich from Minsk Regional Court, 14 March 2002 © IREX/ProMedia.

On 14 March 2002 Minsk Regional Court convicted Valery Ignatovich and Maksim Malik of kidnapping and murdering Dmitry Zavadsky, even though his body was never recovered and the circumstances surrounding his presumed death were not explained. All four men were reportedly convicted of five other counts of murder. The other murder victims were people whom the group of men had allegedly killed while robbing them. While Valery Ignatovich

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<sup>32</sup> *BBC* 14 March 2002.

<sup>33</sup> International League for Human Rights, *Belarus Newslines*, Vol.4 No.48, November 2001.

and Maksim Malik were sentenced to life imprisonment, Sergei Savushkin and Aleksey Guz were sentenced to 12 and 25 years' imprisonment respectively. Towards the end of the trial the Public Prosecutor's Office had originally called for the death penalty to be imposed on all four accused men.

The overall trial and final conviction of the accused men was regarded with incredulity on the part of Belarus' opposition, not least because of it taking place hidden from public view. Olga Zavadskaya's lawyer, Igor Aksenchik, contacted Amnesty International in May 2002 echoing many of the concerns referred to above. He stated: "In the course of court examination of the criminal case there was evidence of the participation of high-ranking officials in the disappearances without trace of people in the Republic of Belarus." As a result of publicly naming the state officials in an interview with journalists outside Minsk's Regional Court in February 2002, the Prosecutor General's Office initiated criminal proceedings against Igor Aksenchik under Article 188 (2) of the Belarusian Criminal Code on grounds of defamation, a charge which potentially carries up to two years' imprisonment. He was also reportedly expelled from the state-controlled Collegium of Advocates in March 2002, preventing him practising his profession.<sup>34</sup> The lawyer representing Svetlana Zavadskaya, Sergei Tsurko, expressed doubt about the guilt of the accused men. During an oral pleading he reportedly stated: "Their guilt is not clear. Absolutely every fact raises doubts. These doubts are based not only on violations [of the Criminal Code of Practice], but also on quite contradictory and confusing testimonies both during investigation and in court ... It seems to me, the main question for Svetlana Zavadskaya – what happened to her husband, the father of her son, where is he now? – is still left unclear. I think that the court did not manage to find an answer to this question. I cannot accept the prosecution story, it is not convincing enough with the facts we have."

The trial of the men accused of abducting and murdering Dmitry Zavadsky appeared to raise more questions than give answers. The decision to hold the trial behind closed doors away from public scrutiny and to force participants not to disclose the trial's proceedings to other parties was particularly surprising due to the absence of any convincing rationale to do so. This was especially true since very few trials have been held *in camera* in Belarus in recent years. Concern has been expressed about the failure of the investigation and subsequent trial to address many of the allegations which arose in the period 2000-2001, particularly those raised by investigators Dmitry Petrushkevich and Oleg Sluchek that named high-ranking state officials were involved in Dmitry Zavadsky's and the other men's "disappearances". Similarly, questions surrounding the reasons for the detention and subsequent release of the officer of the Ministry of the Interior's Combined Rapid Reaction Force during the pre-trial investigation also remain unanswered. Additional concern has been expressed about the trial's failure to ascertain the fate of Dmitry Zavadsky. This failure is especially disturbing in view of the decision of the authorities to reportedly discount information that his – and possibly the other "disappeared" men's bodies – may have been buried on land to the north of Minsk. Moreover, there were not reported to have been any attempts by the authorities to search the area in question after the dismissal of the former Prosecutor General, Oleg Bozhelko, in late November 2000.

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<sup>34</sup> For more information about the restrictions placed on lawyers in Belarus see the Amnesty International report, *In the Spotlight of the State: Human Rights Defenders in Belarus* (AI Index: EUR 49/005/2001), pp.34-38.

In view of the trial's overall perceived shortcomings the Zavadsky family's lawyers and the lawyers of the convicted men subsequently appealed to the Belarusian Supreme Court on 25 March 2002. They called for further investigation into the incident and the fate of the missing journalist. However, on 16 July 2002 the Supreme Court rejected the appeal and upheld the ruling of Minsk Regional Court of 12 March 2002 during a closed session.

## **Conclusions**

If doubt and controversy surrounded the closed trial of the men alleged to have organized the "disappearance" of Dmitry Zavadsky, it remains equally disturbing that no apparent progress has been made in determining those responsible for the "disappearances" of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky. Repeated allegations, although unexamined by an independent, impartial body and thus unproven, that state officials may have ordered the "disappearances" and later suppressed emerging evidence to protect themselves and their colleagues from potential prosecution are, nevertheless, cause for concern. Such allegations are particularly disturbing in view of repeated international concern that the Belarusian authorities have failed to make any substantive progress in investigating the fate and whereabouts of the missing men.

"Disappearances" are violations of international human rights. They are also acts of extreme cruelty affecting both the "disappeared" individuals and their families and friends. Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 1992, states: "Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights." Article 2 of the same Declaration states that such acts of "disappearance" "constitute a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life". Article 13 of the Declaration also calls for investigations to be carried out "as long as the fate of the victim of enforced disappearance remains unclarified".

In view of Article 13 of the Declaration and the repeated appeals of the international community the Belarusian authorities should ensure that the "disappearances" of Yury Zakharenko, Viktor Gonchar, Anatoly Krasovsky and Dmitry Zavadsky are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. During the investigation officials suspected of responsibility for "disappearances" should be suspended from active service and relatives of the four "disappeared" men should have access to information relevant to the investigation and should be entitled to present evidence. In the light of the intimidation of the lawyer representing Olga Zavadskaya, Igor Aksenichik, the Belarusian authorities should also ensure that complainants, witnesses, lawyers and others involved in the investigation are protected from intimidation and reprisals. Finally, Amnesty International believes that the

investigation should not be curtailed until the fates of the missing men are officially clarified and those responsible for the "disappearances" of the missing men are brought to justice.