

Decision
of the Central Commission of the Republic of Belarus on Elections and Holding
Republican Referendum

July 14, 2020 No.92

on denial of registration of V.D. Babaryka
as candidate for the President of the
Republic of Belarus

Having verified whether the procedure for nominating Viktor Babaryka as a candidate for the President of the Republic of Belarus (hereinafter referred to as “candidate for President”) has been followed in accordance with the requirements to the Electoral Code of the Republic of Belarus (hereinafter referred to as “the Electoral Code”) and having reviewed the documents required for the registration of the candidate, the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda has found the following.

Documents required to register V.D. Babaryka as a candidate for President, including the Declaration of Income and Property (hereinafter referred to as “the Declaration”), have been submitted to the Central Commission.

In accordance with Section 2, Article 68¹, Paragraph 2 of the Electoral Code, a candidate for President can be denied registration if the Declaration contains inaccurate information, and if the inaccuracies are material. According to paragraph 16 of the Decision No.85 of the Central Commission of June 4, 2020, “On clarification of applicability of provisions of the Electoral Code of the Republic of Belarus on the procedure of declaring income and property during the elections of the President of the Republic of Belarus in 2020”, reporting a lower than actual annual income in the Declaration, if the difference is more than 20 percent of the total annual income, as well as failure to provide information on immovable property that the candidate solely owns or has a share in, shall be considered material.

Inspection results provided to the Central Commission by the National Cadastral Agency, the Securities Department of the Ministry of Finance of the Republic of Belarus, and of the Ministry of Taxes and Dues of the Republic of Belarus for the Lahoyk District indicate that, as of the date of submission of the Declaration, the information provided by V.D. Babaryka in the Declaration detailing his income for the year 2019 and properties owned by him, matches the information available to the bodies listed above.

However, the State Control Committee of the Republic of Belarus has uncovered evidence confirming that the Declaration contains inaccurate information provided by V.D. Babaryka regarding his income and property owned by him, as well

as the use of assistance from a foreign organization during his run to be nominated as a presidential candidate.

As follows from the information provided by the State Control Committee, V.D. Babaryka has failed to report in the Declaration a number of material assets and immovable properties owned and used by him, as well as income from the activities of a number of Belarusian commercial entities he manages (OOO “Privatleasing”, “Sistemy Obrabotki Informatsiyi”, “Pravovoy Dialog”).

The State Control Committee has obtained information from competent authorities of the Republic of Cyprus confirming that V.D. Babaryka was one of the owners of “Business Renovation Investments”. Subsequently, “Business Renovation Investments” was replaced by a Latvian organization called SIA “Latvijas Investīciju Aģentūra “Austrumu Tilts” (renamed “ALDI Projects”, AS), and later – AS “MBC Investment”, while the end beneficiaries of the scheme remained the same throughout. The aforementioned OOO “Privatleasing”, “Sistemy Obrabotki Informatsiyi” and “Pravovoy Dialog” were transferring their dividends to these Latvian companies.

V.D. Babaryka also owned foreign offshore companies Kingbrook Ltd, Northwestern trade limited and Greenbell Limited (British Virgin Islands), the accounts of which were used to accumulate, via a chain of intermediary companies, funds received as dividends from the activities of OOO “Privatleasing”, “Sistemy Obrabotki Informatsiyi” and “Pravovoy Dialog”. V.D. Babaryka personally used these offshore company accounts to pay for the purchase of immovable properties abroad.

In 2009, V.D. Babaryka used funds of “Greenbell Limited”, an offshore company owned by him, to purchase two apartments in the Republic of Turkey (apartments 70 and 72, Iassos Modern, 119/17 Kizilkaya, Milas District, Mugla Province).

It follows from the information disclosed by the State Control Committee that from 2016 to 2017, “Theodosios Demosthenous”, a foreign company, transferred funds to the account of “Northwestern trade limited” owned by V.D. Babaryka, as rent payment for apartments he owned in the Republic of Cyprus (Agio 6, Ypatiou, apartment 201, Elysium Gates complex Peyia).

The State Control Committee also uncovered that in 2019, V.D. Babaryka obtained at least \$450,000 that has not been accounted for in the Declaration. Moreover, there is evidence that the information on 3 individual amounts of income reported by V.D. Babaryka in the Declaration does not correspond to his actual income.

In addition to that, the State Control Committee has reliable evidence confirming that V.D. Babaryka has benefitted from foreign financial aid provided in the interests of nominating him as a candidate for President. For instance, employees of OAO “Belgazprombank”, 99.6 percent of whose authorized capital is owned by its Russian founders (49.8 percent by PAO “Gazprom” and 49.8 percent by “Gazprombank”, respectively), used the technical means of the bank to encourage people to join the initiative group, to post materials online, to prepare talking points

for speeches and interviews, and to run personal errands for V.D. Babaryka related to organization of his election campaign. It can thus be concluded that, in the process of nominating V.D. Babaryka as candidate for President, he violated a provision of Section 9 of Article 48 of the Electoral Code of the Republic of Belarus, which states that in the course of preparation and organization of elections, any direct or indirect financial contributions and other material assistance organizations founded by foreign organizations (or of which foreign organizations are members) is expressly prohibited. If these requirements for nomination are not complied with, than, in accordance with Section 10 of Article 48 of the Electoral Code, the candidate shall be denied registration.

When making this decision, the Central Commission also takes into account the fact that the purpose of the Electoral Code provision stating that a candidate must fully declare all their income and property in order to exercise the right to be elected President is to protect the rights and legitimate interests of voters who should be informed about all assets possessed by a candidate, in line with the principle of election transparency.

Having considered the foregoing and in accordance with Articles 33, 48 and 681 of the Electoral Code of the Republic of Belarus, the Central Commission DECIDES:

1. To deny V.D. Babaryka registration as a candidate for the President of the Republic of Belarus.

2. The Decision may be appealed in the Supreme Court of the Republic of Belarus within three days of its adoption.

Chair of the Commission

L.M. Yermoshina

Secretary of the Commission

E.N. Dmukhaila