

(Translated from Russian)

Information in response to the request by the Working Group on Arbitrary Detention, the Special Rapporteur on minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

On 16 May 2019, the Department of the Investigative Committee for Mahilioŭ Province opened a criminal case to investigate the murder of police lieutenant [REDACTED], an officer of the road patrol service under the unit of the State Motor Vehicle Inspectorate of the Lyeninski district internal affairs office in the city of Mahilioŭ.

On 16 and 17 May 2019, internal affairs officers questioned 132 members of the Roma community as part of the checks that they carried out during the investigation of the criminal case. Administrative proceedings were initiated against 52 of these persons, which involved placing them in administrative detention for a period of up to 36 hours.

As part of the activities carried out in conjunction with the pretrial investigation, no members of the Roma community were detained, no homes or other lawful possessions were inspected or searched, and no other criminal procedural actions were taken.

In May 2019, the Office of the Procurator General of the Republic of Belarus organized and carried out an investigation into these events. To this end, a working group was established from among the procuratorial staff of the Office of the Procurator General and the procurator's office for Mahilioŭ Province. The procurator for Mahilioŭ Province was appointed as its chair.

It was established that the reason and justification for the checks was the need to verify the authenticity of the information available at the time regarding the involvement of a group of persons in the murder of an on-duty internal affairs officer on 16 May 2019.

As part of the checks carried out, the internal affairs officers initiated administrative proceedings against a number of members of the Roma community, which involved placing these persons in administrative detention for up to 36 hours. In accordance with administrative procedure and enforcement law, the use of administrative detention does not require procuratorial authorization. These persons neither submitted complaints of violations of their rights and freedoms regarding the manner in which the internal affairs officers conducted the administrative proceedings, including the administrative detention, nor did they request a lawyer. Their place of residence was not searched.

No physical force or special means were used against this group and it was not established that they were subjected to threats or intimidation. The internal affairs officers were not guided in their actions by racial prejudice.

The working group came to these conclusions after studying the available records and interviewing internal affairs officers and members of the Roma diaspora in the city of Mahilioŭ.

However, it was established during the investigation that, when conducting administrative proceedings against the persons in question, the internal affairs officers had committed a number of violations of procedure (a violation of the procedure for filling in procedural documents and non-compliance with the requirements of the Code of Administrative Procedure and Enforcement regarding the content of the record of an administrative offence).

Consequently, the Office of the Procurator General ordered the Minister of Internal Affairs of the Republic of Belarus to ensure that officers of the Department of Internal Affairs of the Mahilioŭ Province Executive Committee desist from unlawful activity when conducting administrative proceedings and requested that steps should immediately be taken to restore legality, prevent a recurrence of such violations and hold the guilty officials accountable. As a result of the order issued by the Office of the Procurator General, financial penalties were



imposed on eight officers of the Department of Internal Affairs of the Mahilioŭ Province Executive Committee.

The Minister of Internal Affairs instructed a commission consisting of members of its Central Internal Security Administration and the Central Law Enforcement and Prevention Administration to carry out an internal investigation into the violations mentioned in the order.

On the basis of the results of the internal investigation, 20 officials of the relevant units of the internal affairs offices in the city of Mahilioŭ, including senior leaders in the Lyeninski and Aktsyabrski district internal affairs offices, were subjected to various disciplinary measures.

On 13 August 2019, in order to improve practical skills in terms of compliance with the administrative procedure legislation and the rules governing the maintenance of registration records, a training session was held for directors and officers of the internal affairs departments in the city of Mahilioŭ.
