

(Translated from Russian)

Information provided in response to the enquiry by the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the situation of human rights defenders

The investigation department for Minsk, a unit of the Investigative Committee of the Republic of Belarus, was handling a criminal case brought under article 139 (1) of the Criminal Code in connection with the discovery of human body parts near the river Svislach, in Minsk, on 2 January 2020.

The investigation was following a lead regarding the murder of [REDACTED], who was last known to be staying at an apartment owned by O.K. Volchek at the address [REDACTED].

The investigative action was related neither to Mr. Volchek as an individual nor to his professional activity; it was focused exclusively on this residential unit.

In accordance with article 203 of the Code of Criminal Procedure, a search was carried out on the basis that there was sufficient information to indicate that, during the investigative action, evidence of a crime or other objects might be found, and circumstances of relevance to a criminal case might be clarified.

On 3 January 2020, on the basis of an order authorized by the deputy procurator for the city of Minsk, and with Mr. Volchek's consent, on-site searches were carried out at this address with the aim of finding evidence of a crime or other objects and clarifying other circumstances of relevance to the criminal case. The search was carried out in accordance with articles 192, 203 and 204 of the Code of Criminal Procedure, with Mr. Volchek's consent and in the presence of witnesses.

In addition, in the light of the overall body of evidence and the discovery of objects requiring investigation, on 3 January 2020, a further search of the apartment was carried out. In accordance with criminal procedure legislation, authorization to carry out the search was obtained from the procurator.

Prior to the searches, all the participants received an explanation of their rights and obligations, as certified by their signatures. After the searches, neither Mr. Volchek nor any of the other participants submitted any comments, additions or clarifications to the reports on these investigative actions, as evidenced, inter alia, by Mr. Volchek's signature.

The apartment mentioned above was not searched.

In accordance with the legislation in force, all the participants in the investigative action, including Mr. Volchek, were acquainted with the procedural documents on carrying out searches. On the same day, he was questioned as a witness in the criminal case.

During the pretrial investigation, the investigators from the investigation team took all the steps prescribed by law to ensure a thorough, full and objective investigation of the circumstances of the criminal case, the collection of evidence and the establishment of circumstances of relevance to the proper resolution of the case and the protection of the rights and legitimate interests of the parties concerned.

The investigators acted within the bounds of criminal procedure law, and their actions were not aimed at obstructing Mr. Volchek's human rights activities.

Mr. Volchek filed an application with the Office of the Procurator General in which he alleged that violations had been committed during the investigative actions. On 23 January 2020, the Office of the Procurator General sent him a reasoned reply, which Mr. Volchek did not further challenge.

As part of the criminal case under investigation, criminal proceedings have not been brought against Mr. Volchek for premeditated murder. The reasons for carrying out the searches are set out in the relevant order, which Mr. Volchek was acquainted with in accordance with the established procedure, as certified by his signature.



In accordance with criminal procedure law, the right to make copies of procedural documents is granted only to the accused, his or her counsel and the victim when they are acquainted with the criminal case file after the pretrial investigation, and Mr. Volchek's rights were therefore not violated.

The purposes of criminal procedure law are to protect the individual, his or her rights and freedoms and the interests of society and the State. Restrictions on the rights and freedoms of parties to criminal proceedings are permitted only on the grounds and in accordance with the procedure set out in the Code of Criminal Procedure, which ensures that human rights defenders are able to carry out their work in a safe and supportive environment.
