

(translated from Russian)

Information from the competent authorities of Belarus regarding the detention and detention conditions of Ms. Loika and Mr. Tseliapun

Between September and November 2022, by decisions of Mazyr District Court and Frunze District Court, Minsk, Mr. Tseliapun and Ms. Loika were found guilty of administrative offences under articles 19.11 and 19.1, respectively, of the Administrative Liability Code. The penalty of administrative detention was imposed on these persons for the aforementioned offences.

Mr. Tseliapun and Ms. Loika did not appeal to the procuratorial authorities against these judicial decisions, whose legality was thus not reviewed or examined.

Pursuant to article 13.12 of the Code of Administrative Procedure and Enforcement, appeals or protests against enforceable decisions in cases of administrative offences may be lodged up to six months after the day on which the decision becomes enforceable.

As the deadline for appeal or protest against the decisions in the administrative offence cases against Mr. Tseliapun and Ms. Loika has not yet expired, they necessarily have the opportunity to appeal to the procuratorial authorities against the judicial decisions concerning them.

Respect for the rights of defence of Ms. Loika and Mr. Tseliapun and their detention conditions in the detention centre for offenders and temporary holding facilities

In the course of the investigation conducted by the Minsk procurators' office, it was established that Ms. Loika had been detained on more than one occasion in the Minsk City Executive Committee Central Internal Affairs Department detention centre for offenders in order to serve sentences of administrative detention imposed by the courts in cases concerning administrative offences under article 19.1 of the Administrative Liability Code:

1. By an order of Frunze District Court in Minsk, she was detained in the centre from 7 September 2022 to 21 September 2022. The case was heard in the presence of a lawyer, [REDACTED]. Ms. Loika appealed against the decision to Minsk City Court. Minsk City Court refused to extend the missed deadline for appeal.

2. By an order of Frunze District Court in Minsk dated 22 September 2022, she was detained in the centre from 22 September 2022 to 6 October 2022. When this case was being heard in court, Ms. Loika filed a motion to admit [REDACTED] as her defence lawyer. However, although [REDACTED] was informed of the time and place of the court hearing, she did not attend. Accordingly, Ms. Loika stated that she would defend herself and did not require the services of a defence lawyer (recorded in the court transcript). Ms. Loika appealed against the decision to Minsk City Court, which dismissed the appeal.

3. By an order of Pervomai District Court in Minsk dated 31 October 2022, she was detained in the centre from 31 October 2022 to 12 November 2022. The case was heard in the presence of a lawyer, [REDACTED]. Ms. Loika's lawyer appealed against the decision to Minsk City Court, which dismissed the appeal.

4. By an order of Pervomai District Court in Minsk dated 14 November 2022, she was detained in the centre from 14 November 2022 to 27 November 2022. The case was heard in the presence of a lawyer, [REDACTED]. Ms. Loika's lawyer appealed against the decision to Minsk City Court, which dismissed the appeal.

5. By an order of Pervomai District Court in Minsk dated 29 November 2022, she was detained in the centre from 29 November 2022 to 12 December 2022. The case was heard in the presence of a lawyer, [REDACTED]. Upon admission to the centre, Ms. Loika was informed of the procedure for submitting requests, suggestions, statements and complaints, for which purpose persons in administrative detention are provided, upon their request, with paper and writing materials.

During her administrative detention, Ms. Loika did not submit any complaints or statements

to the centre's administration.

Reports that, on 11 November 2022, Ms. Loika was held for eight hours in the centre's inner yard with no outerwear were not corroborated by the investigation.

According to the logbook of requests for medical treatment from administrative detainees in the detention centre for offenders, Ms. Loika addressed medical staff on multiple occasions during her detention, complaining of toothaches, headaches, chills and heartburn. Ms. Loika was provided with the necessary medicines after examination by the medical staff.

In line with measures to prevent deterioration of the coronavirus disease (COVID-19) situation, temporary restrictions on the receipt of parcels by citizens detained in the detention centre for offenders have been in place since August 2022.

During the period of Ms. Loika's detention in the centre, she was not sent any medicines or other items through the centre's administration. However, the centre's medical unit is fully equipped to provide care to the inmates.

Since 14 December 2022, Ms. Loika has been detained in the temporary holding facility of Minsk City Executive Committee Central Internal Affairs Department on suspicion of having committed a criminal offence under article 342 (1) of the Criminal Code.¹ In addition, a criminal case against Ms. Loika under article 130 (1) of the Code was initiated on 21 December 2022.² Following a decision to remand Ms. Loika in custody as a preventive measure, on 30 December 2022 she was transferred to remand centre No. 1 of the Minsk and Minsk Province Office of the Penal Enforcement Department of the Ministry of Internal Affairs.

Mr. Tseliapun was detained in the temporary holding facility of the Mazyr District Internal Affairs Office from 3 September 2022 to 1 October 2022, for committing offences under article 19.11 (2) of the Administrative Liability Code.

The procurators' offices of Minsk and Mazyr District conduct monthly inspections in temporary holding facilities to monitor compliance with the legislation setting out the detention procedures and conditions for persons in administrative detention.

No violations of Ms. Loika's or Mr. Tseliapun's rights, including their rights of defence, were identified during these inspections.

In the period since September 2022, the Office of the Procurator General has not received any complaint from Ms. Loika concerning violations of detention procedures and conditions in the temporary holding facility.

Mr. Tseliapun complained to the procurators' offices for Mazyr District and Homiel Province about inadequate conditions in the temporary holding facility.

The investigation of these complaints did not reveal any violations of the laws and regulations governing the operations of temporary holding facilities, of which the complainant was informed in due time.

In view of the above, the statements of a number of Human Rights Council special procedure mandate holders regarding the allegedly arbitrary detention of Mr. Tseliapun and Ms. Loika and the inadequate conditions of their detention could not be confirmed objectively.

¹ Organization of or active participation in group actions that constitute gross breaches of the peace that are accompanied by flagrant disobedience of the lawful orders of the authorities or that disrupt the operation of traffic, companies, institutions or organizations, where there is no evidence of a more serious offence

² Intentional acts aimed at inciting racial, ethnic, religious or other social hatred or enmity based on racial, ethnic, religious, linguistic or other social affiliation