

*Translated from Russian*

**Information concerning** [REDACTED]

On 5 September 2022, by a judgment of Minsk Provincial Court, [REDACTED] was found guilty of conspiracy to seize state power by unconstitutional means, an offence under article 357 (1) of the Criminal Code, and sentenced to 10 years' deprivation of liberty, to be served in a correctional colony with a strengthened regime.

The procedure for appealing a court judgment that has not yet become final is set out in articles 370–375 of the Code of Criminal Procedure.

The Supreme Court reviewed the legality, validity and fairness of the Minsk Provincial Court judgment of 5 September 2022, which had not yet become final, on appeal by [REDACTED] and his lawyer.

On 29 November 2022, the judgment of 5 September 2022 was upheld on appeal by the Supreme Court, and the appeals of [REDACTED] and his lawyer were dismissed.

The Minsk Provincial Court judgment of 5 September 2022 in relation to [REDACTED] became final on 29 November 2022.

The supervisory procedure for the review of judgments that have become final is regulated by chapter 42-1 of the Code of Criminal Procedure.

Under article 417-10 (1) of the Code, convicted persons, acquitted persons, their defence counsel and legal representatives, the representative of a deceased accused person, the defence counsel and legal representative of a person on whom compulsory safety or medical treatment measures have been imposed, and the victims and the civil claimants or their representatives have the right to appeal under the supervisory review procedure against a court judgment, ruling or decision that has become final.

Appeals or protests against judgments, rulings and decisions of the provincial and Minsk city courts that have been subject to review on appeal to the Supreme Court are lodged with the Presidium of the Supreme Court (Code, art. 417-9 (4) (2)).

██████████ could exercise his right to appeal against the court decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

In accordance with article 62 (1) of the Criminal Code, when imposing a penalty, the court proceeds from the principle of individualized punishment, taking into account the nature and degree of danger to the public of the offence committed, the motives and objectives behind it, the personality of the perpetrator, the nature of the harm and amount of the damage caused, the income obtained by criminal means, the circumstances mitigating and aggravating liability, and the opinion of the victim in the case of private prosecutions; these factors constitute the basis for the penalty selected in the judgment.

Punishment in the form of deprivation of liberty may be imposed only if the goals of criminal liability cannot be achieved through the imposition of a milder penalty provided for in the relevant article of the special part of the Criminal Code (Code, art. 62 (2)).

When sentencing ██████████, the court took into account – along with the nature and degree of danger to the public of the offence committed – information on the personality of ██████████, the motives and objectives behind the offence, the nature of the harm caused and the state of health of ██████████.

The court was convinced that the goals of criminal liability could be achieved by sentencing ██████████ to deprivation of liberty, which would contribute to the reform of the perpetrator, as well as to the prevention of new acts posing a danger to the public, by both ██████████ and other persons.

In accordance with article 113 (11) of the Penalties Enforcement Code, a convicted person has the right to appeal against a decision by an official to impose a penalty – to a higher-level official, a procurator or a court. Where there are grounds to do so, the penalty may be set aside or replaced by the official who imposed it, or by a higher-level official authorized for that purpose, or set aside by a procurator or a court. An appeal to a court against a decision by an official to impose a penalty must be lodged in conformity with the procedure set out in the Code of Civil Procedure.

Under article 358-2 of the Code, an appeal by a person sentenced to a fixed term of deprivation of liberty against the penalty imposed on him or her may be lodged with a court within one month, counting from the date on which the person became aware of a violation of his or her rights or, if the penalty imposed has been appealed to a higher-level official, from the date on which the appeal was rejected or the date on which the one-month period following the lodging of the appeal with the higher-level official expired.

Such appeals are considered by the court in the place where the appellant is located (Code, art. 358-1).

The courts of general jurisdiction in Belarus have not, however, received an appeal from ██████████ against the decisions by officials to impose penalties on him.

In accordance with article 69 (1) of the Penalties Enforcement Code, depending on the behaviour and attitude to work of persons sentenced to deprivation of liberty, changes may be made to the type of correctional institution in which they are held and the custodial regime.

Persons sentenced to deprivation of liberty who maliciously violate the established procedure for serving their sentences may be transferred from a correctional colony for persons serving a sentence of deprivation of liberty for the first time or a correctional colony for persons who have previously served a sentence of deprivation of liberty to a prison, for a period not exceeding three years, with the remainder of the sentence to be served in the correctional colony under the custodial regime specified in the court sentence (Code, art. 69 (5) (3)).

Changes to the type of correctional institution and the custodial regime are made by the courts upon application by the administration of the institution concerned (Code, art. 69 (6)).

██████████ was serving a sentence of deprivation of liberty in correctional colony No. 22, a facility of the Brest Province office of the Penalties Enforcement Department in the Ministry of Internal Affairs of Belarus.

By a decision of Ivatsevichy District Court of 15 January 2024, upon application by the administration of correctional colony No. 22, [REDACTED], having systematically and maliciously violated the established procedure for serving a sentence of deprivation of liberty, was transferred from the colony to a prison, for a period of 3 years, to continue serving his sentence.

The Ivatsevichy District Court decision of 15 January 2024 in relation to [REDACTED] became final on 15 January 2024.

The cassational procedure for the review of court decisions that have become final is regulated by chapter 42 of the Code of Criminal Procedure.

Under article 405 (1) of the Code, convicted persons, acquitted persons, their defence counsel and legal representatives, the representative of a deceased accused person, the defence counsel and legal representative of a person on whom compulsory safety or medical treatment measures have been imposed, and the victims and the civil claimants or their representatives have the right to appeal under the cassational review procedure against a court judgment, ruling or decision that has become final.

Appeals or protests against judgments, rulings and decisions of the district and municipal courts and rulings on appeal of the provincial and Minsk city courts that have become final may be lodged with the presidiums of the provincial and Minsk city courts (Code, art. 408 (1) (1)).

[REDACTED] could exercise his right to appeal against the court decision to the Presidium of Brest Provincial Court under the cassational review procedure but has not done so to date.

In accordance with the requirements of the Instruction on medical care for persons held in penal institutions of the Ministry of Internal Affairs, approved by decision No. 202/39 of the Ministry of Internal Affairs and the Ministry of Health of 28 July 2003, medical wings, hospitals and other medical units must be set up in penal institutions to provide medical care to the inmates.

The provision of medical care is organized on the basis of the State minimum social standards in the field of health care as established in legislation.

If it is not possible to provide emergency or planned medical care (primarily, specialized care – oncological, cardiological or other) in a penal institution, the necessary therapeutic and diagnostic measures must be carried out by the appropriate health-care organizations.

Medical care, including the supply of medicines as prescribed by a doctor, is provided free of charge to inmates.

A study of the medical card of convict ██████████ showed that he was repeatedly examined and treated in the national general hospital for inmates at pretrial detention centre No. 1, a facility of the Minsk City and Minsk Province office of the Penalties Enforcement Department in the Ministry of Internal Affairs of Belarus, from 2 to 15 July 2021, 22 November 2021 to 24 December 2021 and 27 April 2023 to 29 May 2023, and examined at the N.N. Aleksandrov National Theoretical and Practical Centre for Oncology and Nuclear Medicine.

He was diagnosed with ██████████ ██████████. Given the low oncological risk, an active surveillance approach was suggested.

The state of health of convict ██████████ is currently satisfactory; he does not need emergency or urgent inpatient care. He is scheduled for a routine check-up at the national hospital in May of this year.

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