



**MISSION PERMANENTE
DE LA REPUBLIQUE DU
BELARUS AUPRES DE
L'OFFICE DES NATIONS UNIES
ET DES AUTRES
ORGANISATIONS
INTERNATIONALES A GENEVE**

No 02-13/568

The Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and, with reference to the letter of the special procedures AL BLR 4/2024 of 6 June 2024, has the honour to transmit herewith the factual information of the Belarusian competent authorities.

As follows from the information provided the decision to bring [REDACTED] to administrative liability was taken by the judicial authorities in accordance with the national legislation and in compliance with the procedural guarantees. The allegations put forward by the authors of communication are unfounded and mislead the HRC special procedures.

The Permanent Mission of the Republic of Belarus avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Encl.: as stated, 4 pages.

Geneva, 30 July 2024



**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
SPECIAL PROCEDURES BRANCH
GENEVA**

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Translated from Russian

Information regarding [REDACTED]

AL BLR 4/2024

[REDACTED] served a sentence of administrative detention (*arest*) in the temporary holding facility of the municipal international affairs office of Baranovichi from 9 to 27 November 2023 for an offence under article 19.11 (2) (Distribution, manufacture, storage and transport of content with calls for extremist activities or advocating such activities) of the Code of Administrative Offences and, from March 13 to 27 March 2024, for an offence under article 24.3 of the Code (Failure to comply with a lawful order or demand of an official in the exercise of his or her duties).

On 12 March 2024, in the course of the investigation of a criminal case on evidence of an offence under article 361-1 (1) of the Criminal Code, during a search of his place of residence, Mr. [REDACTED] who was at home in the apartment, refused to open the front door and did not respond at all to repeated and what were clear to him to be lawful demands of the Ministry of Internal Affairs officers to provide access to the place of the search (the apartment).

Having been warned that the police officers had an order to search his place of residence and that, if he obstructed the investigation, he would be held administratively liable for disobeying the lawful request of an official in the performance of his duties, Mr. [REDACTED] did not stop his unlawful activity. In this regard, the front door of the apartment was opened by damaging the locks, after which Mr. [REDACTED] was detained by officers of the riot squad (OMON) of the Department of Internal Affairs for the Brest Province Executive Committee and administrative proceedings were initiated against him under article 24.3 (Failure to comply with a lawful order or demand of an official in the exercise of his or her duties) of the Code of Administrative Offences.

On 13 March 2024, the court of the district and city of Baranovichi imposed an administrative penalty on Mr. [REDACTED] of 15 days of administrative detention.

The conditions of detention of Mr. [REDACTED] met the requirements set out in the internal regulations of places of administrative detention approved by the Ministry of Internal Affairs Decision No. 313 of 20 October 2015.

Upon admission to the temporary holding facility, in accordance with paragraph 14 of the regulations, he underwent a full body search by a person of the same sex.

Due to complaints about his state of health, an ambulance crew was called for Mr. [REDACTED] at 10.40 a.m. on 17 November 2023. According to the medical officer's report, he was hospitalized at the Baranovichi neuropsychiatric clinic, where he was treated from 17 to 20 November 2023.

Because of his hospitalization and circumstances preventing the enforcement of the court decision, on the basis of paragraph 91 of the internal regulations of places of administrative detention and article 16.7 (1) of the Code of Administrative Procedure and Enforcement, the court issued an order to postpone the enforcement of the sentence of administrative detention until Mr. [REDACTED] recovered. In this regard, the period when the offender was under medical treatment, from 17 to 20 November 2023, was not included in the period of serving the sentence of administrative detention.

Mr. [REDACTED] was not deprived of the opportunity to file complaints with the authorized State bodies.

According to the records of communications from persons under administrative detention held in temporary holding facilities in 2023 and 2024, Mr. [REDACTED] filed four appeals (on 15 November 2023, 20 November 2023 and 15 March 2024 (two appeals)) with the court against the decisions in the administrative offence cases.

There were no appeals to the prosecutor's office from Mr. [REDACTED] about the decisions on the cases concerning administrative offences under articles 19.11 and 24.3

of the Code of Administrative Offences, the actions and decisions of the body conducting the administrative proceedings or those related to serving the sentence of administrative detention.

The Brest Provincial Court reviewed the legality, validity and fairness of the decision of the court of the district and city of Baranovichi of 10 November 2023, which had not become final, on appeal from Mr. [REDACTED]

On 23 November 2023, the Brest Provincial Court upheld the decision of the court of the district and city of Baranovichi of 10 November 2023 and dismissed Mr. [REDACTED] appeal.

The decision of the court of the district and city of Baranovichi of 10 November 2023 against Mr. [REDACTED] became final on 23 November 2023.

Under article 13.12 (1) and (2) of the Code of Administrative Procedure and Enforcement, persons against whom a court decision in cases involving an administrative offence has become final may file an appeal against the decision with the Chair of a higher court.

In addition, in accordance with article 13.12 (1) of the Code, a decision that has become final in a case involving an administrative offence may be reconsidered pursuant to a protest lodged by a procurator.

An appeal (protest) against a court decision may be filed within six months from the date of entry into legal force of the decision on a case involving an administrative offence (Code, art. 13.12 (3)).

Mr. [REDACTED] appeal against the court decisions was considered by the Chair of Brest Provincial Court and dismissed on 23 February 2024.

In addition, Mr. [REDACTED] appealed to the Chair of the Supreme Court of Belarus, which was considered by the Deputy Chair and dismissed, and the appellant was notified of the decision by a letter dated 8 May 2024.

The content, which Mr. [REDACTED] stored for the purpose of distribution at his place of residence, was found to be extremist and was included in the national list of extremist materials by a decision of the court of Zheleznodorozhny District of Homiel of 27 January 2022. The relevant information was posted on the official website of the Ministry of Information and published in the mass media.

The Brest Provincial Court reviewed the legality, validity and fairness of the decision of the court of the district and city of Baranovichi of 13 March 2024, which had not become final, on appeal from Mr. [REDACTED]

On 22 March 2024, the Brest Provincial Court upheld the decision of the court of the district and city of Baranovichi of 13 March 2024 and dismissed Mr. [REDACTED] appeal.

The decision of the court of the district and city of Baranovichi of 13 March 2024 against Mr. [REDACTED] became final on 22 March 2024.

It should be noted that Mr. [REDACTED] could have exercised the right to bring an appeal against the court decisions within the period established by article 13.12 (3) of the Code of Administrative Procedure and Enforcement before the Chair of the Brest Provincial Court or the Chair of the Supreme Court of Belarus but did not do so.

Mr. [REDACTED] right to defence was upheld. During the trial, Mr. [REDACTED] interests were represented by a professional defence lawyer, A.A. Zhdanyuk.

A legal assessment of the compliance of the court of the district and city of Baranovichi with the above-mentioned provisions of national legislation was given by Brest Provincial Court during its consideration of the complaints against the decisions of the court of the district and city of Baranovichi of 10 November 2023 and 13 March 2024, which had not entered into legal force.

Thus, the Brest Provincial Court found that Mr. [REDACTED] who had stored for the purpose of distribution content included in the national list of extremist materials and failed to comply with a lawful order or request of an official of a State body (organization)

in the exercise of his duties assigned by a person not subordinate to him, was justifiably found guilty by the court of committing administrative offences under articles 19.11 (2) and 24.3 of the Code of Administrative Offences and was sentenced to administrative detention.

The Chair of the Brest Provincial Court and the Deputy Chair of the Supreme Court of Belarus found no grounds in the course of their reviews to quash or change the decisions of the court of the district and city of Baranovichi of 10 November 2023 and of the Brest Provincial Court of 23 November 2023, which have obtained the force of res judicata.
