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

№ 02-13/591

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 UA BLR 5/2024 of 13 June 2024, has the honour to transmit herewith information of the Belarusian competent authorities.

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, 13 pages.

Geneva, 8 August 2024

**OFFICE OF THE UNITED NATIONS
HIGH COMISSIONER FOR HUMAN RIGHTS**

SPECIAL PROCEDURES BRANCH

GENEVA

017474

Translated from Russian

Information from the competent authorities of Belarus regarding the enquiry of 13 June 2024 (ref.: UA BLR 5/2024)

Pursuant to the Decree of the President of the Republic of Belarus on the procedure for pardoning convicted persons and exempting from criminal liability persons who have contributed to solving crimes and remedying their effects, convicted persons have the right to request a presidential pardon through the administration of a correctional institution.

Mr. Vyachaslau Mikhaylavich Areshka, Mr. Vasil Tskihanavich Berasnieu, Ms. Alena Piatrouna Hnauk, Ms. Volha Uladzimirovna Mayorava, Ms. Iryna Aliaksandrauna Melkher, Mr. Mikalai Viktaravich Statkevich and Mr. Aliaksandr Ilich Yarashuk have the right to independently submit a petition for pardon to the President of Belarus through the administration of the body enforcing the penalty.

Articles 90 and 91 of the Criminal Code provide for remission and commutation of sentences. In accordance with article 90 (3) (1) of the Criminal Code, a more favourable procedure for the application of remission of penalty has been introduced for persons who have reached the standard pensionable age. The above-mentioned persons may be released on parole when they have served not less than one third of the sentence imposed by the court for a less serious offence and not less than half or two thirds of the sentence imposed for serious and especially serious offences respectively.

The courts of general jurisdiction of Belarus have not received any submission regarding remission, commutation of the unserved portion of a sentence or release owing to serious illness from Mr. Areshka, Mr. Berasnieu, Ms. Hnauk, Ms. Mayorava, Ms. Melkher, Mr. Statkevich and Mr. Yarashuk.

Mr. G.A. Kastusev was released on 3 July 2024 for health reasons from Prison No. 1, a facility of the office of the Penalties Enforcement Department of the Ministry of Internal Affairs for Hrodna Province.

Amnesty is granted on the basis of the law in respect of an individually indeterminate group of people (Criminal Code, art. 95 (1)).

Thus, Act No. 19-Z of 2 July 2024 on amnesty on the occasion of the eightieth anniversary of the liberation of Belarus from German fascist invaders provides for remission of sentences and other criminal penalties or commutation of sentences.

In accordance with national legislation on countering extremism and terrorism, persons convicted of offences in this category whose sentences have entered into legal force are to be included by the competent authorities in the list of citizens involved in extremist and terrorist activities.

The inclusion of Mr. Areshka, Mr. Berasnieu, Ms. Hnauk, Ms. Mayorava, Ms. Melkher, Mr. Statkevich and Mr. Yarashuk in these lists in connection with their conviction for relevant extremist (including terrorist) offences and the entry into legal force of sentences against them is lawful and justified.

In accordance with the requirements of article 12 of Act No. 19-Z of 2 July 2024, the amnesty does not apply to these persons.

Information regarding a number of persons mentioned in the enquiry

Areshka, Vyachaslau Mikhaylavich, born on 18 January 1955, convicted by the criminal division of Minsk City Court under the following articles of the Criminal Code – 361 (3) (dissemination of materials containing public calls for action aimed at harming the national security of Belarus), 130 (3) (incitement of other social enmity and discord), 361-1 (3) (leadership of an extremist group) and 72 (2) – to 8 years' deprivation of liberty to be served in a strengthened regime correctional colony.

At present, he is serving his sentence in Correctional Colony No. 22, a facility of the Brest Province office of the Penalties Enforcement Department in the Ministry of Internal Affairs.

Mr. Areshka is under observation in the colony´s medical unit and receives medication in accordance with doctors' recommendations. At present, Mr. Areshka's health is satisfactory, he is on the waiting list for [redacted] operation in the national general hospital at remand centre No. 1 (SIZO-1), a facility of the office of the Penalties Enforcement Department of the Ministry of Internal Affairs for Minsk and Minsk Province.

While serving his sentence at Correctional Colony No. 22, Mr. Areshka sent 57 letters and received 56 letters and 1 telegram, and a parcel, a small package and a medical parcel.

The Supreme Court of Belarus reviewed the legality, validity and fairness of the Minsk City Court judgment of 5 January 2023, which had not yet become final, on appeal by Mr. Areshka's defence counsel.

The judgment of the Minsk City Court of 5 January 2023 was amended by an appellate ruling of the criminal division of the Supreme Court of 3 April 2023. At the same time, during the appellate review of the case, the classification of the acts committed by Mr. Areshka and the term of punishment were upheld and the defence counsel's appeal was dismissed.

Mr. Areshka's lawyer filed an appeal on the defendant's behalf with the President of the Supreme Court under the supervisory review procedure against the judgment of the Minsk City Court of 5 January 2023 and the appellate ruling of the criminal division of the Supreme Court of 3 April 2023.

The Supreme Court, in its decision of 6 March 2024, refused to forward the appeal for examination to a court of supervisory instance. There were no violations of the provisions of the law prescribed by the Code of Criminal Procedure that could lead to a review of the judgments in the case under the supervisory procedure.

Mr. Areshka may exercise the right to appeal the Supreme Court ruling and the judicial 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 mitigating and aggravating circumstances, 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 Mr. Areshka, the court took into account, along with the nature and degree of danger to the public of the offence committed, information on his personality, the motives and objectives behind the offence, his state of health and chronic health conditions, positive characteristics and his age.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Mr. Areshka 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 Mr. Areshka and other persons.

When the case against Mr. Areshka was heard in closed court, the court, in accordance with article 18 (2) and article 24 (5) of the Code, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Mr. Areshka's right to defence was upheld. During the trial, Mr. Areshka's interests were represented by a professional defence lawyer.

The court's findings that Mr. Areshka was guilty of offences under articles 361 (3), 130 (3) and 361-1 (3) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the judgment. The evidence collected

has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Mr. Areshka's right under the law of criminal procedure to a fair and public hearing by a competent, independent and impartial tribunal established by law and his right to have his case reviewed by a higher tribunal on appeal and under the supervisory review procedure were fully upheld. There were no violations of Mr. Areshka's rights guaranteed by the Code of Criminal Procedure, including his right to defence.

Berasnieu, Vasil Tskihanavich, born on 22 January 1950, convicted by the criminal division of Minsk City Court under the following articles of the Criminal Code – 361 (3) (dissemination of materials containing public calls for action aimed at harming the national security of Belarus), 130 (3) (incitement of other social enmity and discord), 361-1 (3) (leadership of an extremist group) and 72 (2) – to 9 years' deprivation of liberty to be served in a strengthened regime correctional colony.

At present, he is serving his sentence in Correctional Colony No. 15, a facility of the office of the Department for Mahiliou Province.

Mr. Berasnieu is subject to regular medical check-ups and has consulted [redacted] at the [redacted]. He is being treated in accordance with doctors' orders.

At present, his state of health does not require emergency care in health facilities. While serving his sentence at Correctional Colony No. 15, Mr. Berasnieu sent 41 letters, received 28 letters and had 26 telephone conversations, including 23 via video link.

The Supreme Court reviewed the legality, validity and fairness of the Minsk City Court judgment of 5 January 2023, which had not yet become final, on appeal by Mr. Berasnieu's defence counsel.

The judgment of the Minsk City Court of 5 January 2023 against Mr. Berasnieu was upheld by an appellate ruling of the criminal division of the Supreme Court of 3 April 2023 and the appeal by his defence counsel was dismissed.

Mr. Berasnieu may exercise the right to appeal the judicial decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

When sentencing Mr. Berasnieu, the court took into account, along with the nature and degree of danger to the public of the offence committed, information on his personality, the motives and objectives behind the offence, his state of health and chronic health conditions, positive characteristics and his age. The court also took into account Mr. Berasnieu's advanced age as a mitigating factor, in accordance with article 63 (1) (11) of the Criminal Code. The court was convinced that the goals of criminal liability could be achieved only by sentencing Mr. Berasnieu 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 Mr. Berasnieu and other persons.

When the case against Mr. Berasnieu was heard in closed court, the court, in accordance with article 18 (2) and article 24 (5) of the Code, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Mr. Berasnieu's right to defence was upheld. During the trial, Mr. Berasnieu's interests were represented by a professional defence lawyer.

The court's findings that Mr. Berasnieu was guilty of offences under articles 361 (3), 130 (3) and 361-1 (1) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the judgment. The evidence collected has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Mr. Berasnieu's right under the law of criminal procedure to a fair and public hearing by a competent, independent and impartial tribunal established by law and his right to have his case reviewed by a higher tribunal on appeal were fully upheld. There were no violations of Mr. Berasnieu's rights guaranteed by the Code of Criminal Procedure, including his right to defence.

Hnauk, Alena Piatrouna, born on 16 March 1957, was convicted by Zheleznodorozhny District Court in Homiel under articles 43 (1), 411 (persistent failure to obey the demands of the administration of a correctional institution enforcing prison sentences) and 73 (1) and (6) of the Criminal Code to deprivation of liberty of 2 years, 11 months, with the sentence to be served in a ordinary regime correctional colony. She had been previously convicted under articles 342 (1) (participating in group activities in flagrant breach of the peace), 368 (1), 367 (1) and 369-1 of the Criminal Code.

At present, she is serving her sentence in Correctional Colony No. 24, a facility of the office of the Department for Homiel Province.

Ms. Hnauk was examined by doctors of the medical unit, and a medical evaluation was carried out. From 27 February 2024 to 7 March 2024, Ms. Hnauk received inpatient treatment in the medical unit of Correctional Colony No. 24. Her state of health is satisfactory, and she does not require emergency health care.

While serving her sentence in Correctional Colony No. 24, Ms. Hnauk sent 15 letters and received 25 letters and 2 small packages.

The Brest Provincial Court reviewed the legality, validity and fairness of the judgment of the Moscow District Court of Brest of 7 May 2021, which had not yet become final, on appeal by Ms. Hnauk.

In an appellate ruling of 9 July 2021, the criminal division of Brest Provincial Court upheld the judgment of the Moscow District Court of Brest of 7 May 2021 against Ms. Hnauk and dismissed her appeal.

Ms. Hnauk's lawyer filed an appeal on the defendant's behalf with the Brest Provincial Court under the supervisory review procedure against the judgment of the Moscow District Court of Brest of 7 May 2021 and the appellate ruling of the Brest Provincial Court of 9 July 2021. The appeal was considered and dismissed and the convicted person's lawyer was duly notified of the decision on 10 August 2022.

The Brest Provincial Court reviewed the legality, validity and fairness of the judgment of the Lenin District Court of Brest of 3 September 2021, which had not yet become final, on appeal by Ms. Hnauk.

In an appellate ruling of 2 November 2021, the criminal division of Brest Provincial Court upheld the judgment of the Lenin District Court of Brest of 3 September 2021 against Ms. Hnauk and dismissed her appeal.

The judgment of the Lenin District Court of Brest of 3 September 2021 against Ms. Hnauk became final on 2 November 2021.

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

Ms. Hnauk may exercise the right to bring a cassational appeal against judicial decisions before the presidium of the Brest Provincial Court but has not done so to date.

In accordance with article 72 (2) and (6) of the Criminal Code on aggregate sentences, Ms. Hnauk was given a partially cumulative and full additional sentence of 3 years' imprisonment and a fine of 100 base units, which at the time of sentencing amounted to 3,200 Belarusian roubles.

Under article 73 (1) of the Criminal Code on aggregate sentences, in addition to the unserved part of the sentence handed down by the Lenin District Court of Brest of 3 September 2021, Ms. Hnauk was given a final sentence of 3 years, 6 months, of deprivation of liberty to be served in an ordinary regime correctional colony and a fine of 100 base units, which at the time of sentencing amounted to 3,200 Belarusian roubles.

The Brest Provincial Court reviewed the legality, validity and fairness of the judgment of the Pruzhany District Court of 17 June 2022, which had not yet become final, on appeal by Ms. Hnauk and her lawyer.

In an appellate ruling of 9 August 2022, the criminal division of Brest Provincial Court upheld the judgment of the Pruzhany District Court of 17 June 2022 against Ms. Hnauk and dismissed the appeal by Ms. Hnauk and her defence counsel.

Ms. Hnauk may exercise the right to bring a cassational appeal against the court rulings before the presidium of the Brest Provincial Court but has not done so to date.

Under article 73 (1) and (6) of the Criminal Code on aggregate sentences, by way of the partial addition of the unserved part of the sentence and the full addition of the unserved part of the additional sentence imposed by the Pruzhany District Court of 17 June 2022, Ms. Hnauk was given a final sentence of 2 years, 11 months, of deprivation of liberty, to be served in an ordinary regime correctional colony and a fine of 100 base units, which at the time of sentencing amounted to 3,200 Belarusian roubles.

The Homiel Provincial Court reviewed the legality, validity and fairness of the judgment of the Zheleznodorozhny District Court in Homiel of 28 April 2023, which had not yet become final, on appeal by Ms. Hnauk and her lawyer.

In an appellate ruling of 7 July 2023, the criminal division of Homiel Provincial Court upheld the judgment of the Zheleznodorozhny District Court in Homiel of 28 April 2023 against Ms. Hnauk and dismissed the appeal by Ms. Hnauk and her defence counsel.

The presidium of the Homiel Provincial Court reviewed the legality of the sentence of the Zheleznodorozhny District Court of 28 April 2023, which entered into legal force, and the ruling of the criminal division of the Homiel Provincial Court of 7 July 2023 on the cassational appeal brought by Ms. Hnauk.

By the decision of the presidium of the Homiel Provincial Court of 11 September 2023, Ms. Hnauk's cassational appeal against the final sentence of the Zheleznodorozhny District Court of 28 April 2023 and the appellate ruling of the criminal division of the Homiel Provincial Court of 7 July 2023 were dismissed.

Ms. Hnauk may exercise the right to appeal the judicial decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

When sentencing Ms. Hnauk, the court took into account, along with the nature and degree of danger to the public of the offence committed, information on her personality.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Ms. Hnauk 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 Ms. Hnauk and other persons.

When the case against Ms. Hnauk was heard in open court, the court, in accordance with article 18 (2) and article 24 (5) of the Code of Criminal Procedure, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Ms. Hnauk's right to defence was upheld. Ms. Hnauk's interests during the court proceedings were looked after by professional defence lawyers.

The court's findings that Ms. Hnauk was guilty of offences under articles 342 (1), 368 (1), 367 (1), 369-1 and 411 (1) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the judgment. The evidence collected has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Ms. Hnauk's right of under the law of criminal procedure to a fair and public hearing by a competent, independent and impartial tribunal established by law and her right to have her case reviewed by a higher tribunal in appellate, cassational and supervisory review proceedings were fully upheld. There were no violations of Ms. Hnauk's rights guaranteed by the Code of Criminal Procedure, including her right to defence.

Mayorava, Volha Uladzimirovna, born on 22 August 1966, was convicted by Zheleznodorozhny District Court in Homiel under articles 43 (1), 411 (persistent failure to obey the demands of the administration of a correctional institution enforcing prison sentences) and 73 (1) and (6) of the Criminal Code to deprivation of liberty of 16 years, 6 months, with the sentence to be served in a ordinary regime correctional colony. She had been previously convicted under articles 285 (2), 14 (1), 357 (2) (attempt at seizing State power by unconstitutional means), 130 (3), 361 (3) (dissemination of materials

containing public calls for action aimed at harming the national security of Belarus) and 295 (4) of the Criminal Code.

At present, she is serving her sentence in Correctional Colony No. 24, a facility of the office of the Department for Homiel Province.

Ms. Mayorava was examined by doctors of the medical unit of Correctional Colony No. 24, and a medical evaluation was carried out. Her state of health is satisfactory, she does not require emergency health care, and there is no indication for hospitalization.

While serving her sentence in Correctional Colony No. 24, Ms. Mayorava sent one letter and received no letters, parcels, packages or small packets.

In accordance with article 72 (3) and (6) of the Criminal Code on aggregate sentences, Ms. Mayorava was given a partially cumulative sentence of 20 years' deprivation of liberty, to be served in an ordinary regime correctional colony, and a fine of 800 base units, which at the time of sentencing amounted to 25,600 Belarusian roubles.

The Supreme Court reviewed the legality, validity and fairness of the Hrodna Provincial Court judgment of 17 October 2022, which had not yet become final, on appeal by Ms Mayorava.

In an appellate ruling of 31 March 2023, the criminal division of Supreme Court upheld the Hrodna Provincial Court judgment of 17 October 2022 against Ms. Mayorava and dismissed her appeal.

The Supreme Court notes that Ms. Mayorava may exercise the right to appeal the judicial decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

Under article 73 (1) and (6) of the Criminal Code on aggregate sentences, by way of the partial addition of the unserved part of the sentence and the additional sentence imposed by the Hrodna Provincial Court judgment of 17 October 2022, Ms. Mayorava was given a final sentence of 16 years, 6 months, of deprivation of liberty, to be served in an ordinary regime correctional colony and a fine of 25,572.07 Belarusian roubles.

The Homiel Provincial Court reviewed the legality, validity and fairness of the judgment of the Zheleznodorozhny District Court of Homiel of 6 March 2024, which had not yet become final, on appeal by Ms. Mayorava.

In an appellate ruling of 29 May 2024, the criminal division of Homiel Provincial Court upheld the judgment of the Zheleznodorozhny District Court of Homiel of 6 March 2024 against Ms. Mayorava and dismissed her appeal.

The Supreme Court notes that Ms. Mayorava may exercise the right to bring a cassational appeal against judicial decisions before the presidium of the Homiel Provincial Court but has not done so to date.

When sentencing Ms. Mayorava, the court took into account, along with the nature and degree of danger to the public and the motives and objectives behind the offence, information on her personality.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Ms. Mayorava 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 Ms. Mayorava and other persons.

During the judicial proceedings against Ms. Mayorava, the court, in accordance with article 18 (2) and article 24 (5) of the Code of Criminal Procedure, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Ms. Mayorava's right to defence was upheld. The Ms. Mayorava's interests were represented by professional defence lawyers during the court proceedings.

The court's findings that Ms. Mayorava was guilty of offences under articles 285 (2), 14 (1), 357 (2), 130 (3), 361 (3), 295 (4) and 411 (2) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the

judgment. The evidence collected has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Ms. Mayorava's right under the law of criminal procedure to a fair and public hearings by a competent, independent and impartial tribunal established by law and her right to have his case reviewed by a higher tribunal on appeal and by way of supervision were fully upheld. There were no violations of Ms. Mayorava's rights guaranteed by the Code of Criminal Procedure, including her right to defence.

Melkher, Iryna Aliaksandrauna, born on 20 August 1955, convicted by Hrodna Regional Court – under articles 285 (2), 14 (1), 357, 13 (1), 289 (3) (preparation to commit an act of terrorism), 342 (1) (participating in group activities in flagrant breach of the peace) and 72 (3) and (6), 74 (2), 46-1, and 75 (1) (2) of the Criminal Code – to 17 years' deprivation of liberty, with the sentence to be served in an ordinary regime correctional colony.

Ms. Melkher was repeatedly examined by doctors of the medical unit and is receiving appropriate care. She does not require consultations or medical care in a health facilities.

While serving her sentence, Ms. Melkher sent 96 pieces of correspondence and received 113 pieces of correspondence, 5 parcels, 12 small packages, including with medicines, and made 24 telephone calls.

The Supreme Court reviewed the legality, validity and fairness of the Hrodna Provincial Court judgment of 17 October 2022, which had not yet become final, on appeal by Ms Melkher.

In an appellate ruling of 31 March 2023, the criminal division of Supreme Court upheld the Hrodna Provincial Court judgment of 17 October 2022 against Ms. Melkher and dismissed her appeal.

The Supreme Court notes that Ms. Melkher may exercise the right to appeal the judicial decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

When sentencing Ms. Melkher, the court took into account, along with the nature and degree of danger to the public and the motivation and objectives behind the offence committed, information on her personality.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Ms. Melkher 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 Ms. Melkher and other persons.

When the case against Ms. Melkher was heard in closed court, the court, in accordance with article 18 (2) and article 24 (5) of the Code, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Ms. Melkher's right to defence was upheld. Ms. Melkher's interests were represented by professional defence lawyers during the court proceedings.

The court's findings that Ms. Melkher was guilty of offences under articles 285 (2), 14 (1), 357 (2), 13 (1), 289 (3) and 342 (1) (as amended by Act No. 71-Z of 15 December 2005) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the judgment. The evidence collected has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Ms. Melkher's right under the law of criminal procedure to a fair and public hearings by a competent, independent and impartial tribunal established by law and his right to have her case reviewed by a higher tribunal on appeal were fully upheld. There were no violations of Ms. Melkher's rights guaranteed by the Code of Criminal Procedure, including her right to defence.

Yarashuk, Aliaksandr Ilich, born on 16 November 1951, convicted by the criminal division of Minsk City Court under the following articles of the Criminal Code – 342 (1), 361 (3) (dissemination of materials containing public calls for action aimed at harming the national security of Belarus), 72 (2) and 46-1 (1) – to 4 years' deprivation of liberty to be served in an ordinary regime correctional colony. For persistent violation of the established procedures for the serving of sentences, by the decision of the court of Shklow District Court of 7 September 2023, he was transferred from the correctional colony to prison for the remaining term of 2 years, 1 month and 24 days.

At present, he is serving his sentence in Prison No. 4, a facility of the office of the Department for Mahiliou Province.

Mr. Yarashuk is under the supervision of the medical unit of Prison No. 4 and is receiving the necessary treatment and vitamins, as prescribed by doctors.

While serving his sentence in Prison No. 4, Mr. Yarashuk sent 3 communications, received a parcel and two small packages with medicines, and made 6 telephone calls.

The Supreme Court reviewed the legality, validity and fairness of the Minsk City Court judgment of 26 December 2022, which had not yet become final, on appeal by Mr. Yarashuk and his defence counsel.

The judgment of the Minsk City Court of 26 December 2022 against Mr. Yarashuk was upheld by an appellate ruling of the criminal division of the Supreme Court of 24 March 2023 and the appeal by Mr. Yarashuk and his defence counsel was dismissed.

The Minsk City Court judgment of 26 December 2022 against Mr. Yarashuk came into legal force on 24 March 2023.

Mr. Yarashuk may exercise the right to appeal the judicial decisions to the Supreme Court under the supervisory review procedure but has not done so to date.

With regard to the punishment imposed on Mr. Yarashuk, the Supreme Court considers it possible to note the following.

When sentencing Mr. Yarashuk, the court took into account, along with the nature and degree of danger to the public of the offence committed, information on his personality, the motives and objectives behind the offence, his state of health, positive characteristics and his age.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Mr. Yarashuk 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 Mr. Yarashuk and other persons.

When the case against Mr. Yarashuk was heard in open court, the court, in accordance with article 18 (2) and article 24 (5) of the Code, provided the prosecution and the defence with the necessary conditions for exercising their rights and fulfilling their procedural obligations.

Mr. Yarashuk's right to defence was upheld. Mr. Yarashuk's interests were represented by a professional defence lawyer during the judicial proceedings.

The court's findings that Mr. Yarashuk was guilty of offences under articles 342 (1) and 361 (3) of the Criminal Code correspond to the factual circumstances of the case and are confirmed by the evidence cited in the judgment. The evidence collected has been comprehensively, fully and objectively verified in accordance with the provisions of article 105 of the Code of Criminal Procedure.

Thus, Mr. Yarashuk's right under the law of criminal procedure to a fair and public hearing by a competent, independent and impartial tribunal established by law and his right to have his case reviewed by a higher tribunal on appeal were fully upheld. There were no violations of Mr. Yarashuk's rights guaranteed by the Code of Criminal Procedure, including his right to defence.