

*Translated from Russian*

**Information from the competent authorities of Belarus regarding the enquiry of 23 October 2024 (ref.: UA BLR 7/2024)**

The principle of the rule of law is established in Belarus. The State and all its agencies and officials must act within the limits laid down by the Constitution of Belarus and the legislative acts adopted in accordance with it.

The Constitution enshrines the equality of all citizens before the law and the right to equal protection of their rights and legitimate interests. The restriction of individual rights and freedoms is permitted only in the cases provided for by law, in the interests of national security, public order and the protection of public morals, public health and the rights and freedoms of others.

Article 25 of the Constitution stipulates that no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment. The national legislation of Belarus contains no provisions that discriminate against women or on grounds of race, ethnicity, language, origin, property or social status, place of residence, attitude to religion, beliefs or membership of voluntary associations.

The persons referred to in the special procedures' joint enquiry – D.A. Afanasyeva, N.N. Kukishava, V.A. Kulsha, O.V. Mayorava, M.S. Mitkevich, P.S. Sharenda-Panasiuk and [REDACTED] – are currently serving prison sentences for the crimes of which they were convicted in judgments of the Belarusian courts that have become final.

By a judgment of Lenin District Court in Minsk of 5 April 2022, D.A. Afanasyeva was found guilty of active participation in group actions that constituted gross breaches of the peace and were accompanied by flagrant disobedience of the lawful orders of representatives of the authorities and caused disruption to transport, with no evidence of the commission of a more serious offence, i.e. of committing the offence specified in article 342 (1) of the Criminal Code, for which she was sentenced to imprisonment for a term of 2 years, 6 months, to be served in an ordinary regime correctional colony.

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

Minsk City Court reviewed the legality, validity and fairness of the Lenin District Court judgment of 5 April 2022, which had not yet become final, on appeal by Ms. Afanasyeva.

In a ruling on appeal of 21 June 2022, the criminal division of Minsk City Court upheld the Lenin District Court judgment of 5 April 2022 against Ms. Afanasyeva and dismissed her appeal.

The Lenin District Court judgment of 5 April 2022 against Ms. Afanasyeva became final on 21 June 2022.

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

Under article 405 (1) of the Code of Criminal Procedure, 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 victims and civil claimants and/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 courts and Minsk City Court that have become final

may be lodged with the presidiums of the provincial courts and Minsk City Court (Code of Criminal Procedure, art. 408 (1) (1)).

Ms. Afanasyeva may exercise her right to bring a cassational appeal against the various court decisions before the presidium of Minsk City Court but has not done so to date.

By a judgment of Orsha District and Municipal Court of 17 August 2022, N.N. Kukishava was found guilty of publicly insulting the President of Belarus, an offence under article 368 (1) of the Criminal Code, for which she was sentenced to 2 years' imprisonment, to be served in an ordinary regime correctional colony.

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

Viciebsk Provincial Court reviewed the legality, validity and fairness of the Orsha District and Municipal Court judgment of 17 August 2022, which had not yet become final, on appeal by Ms. Kukishava.

In a ruling on appeal of 1 November 2022, the criminal division of Viciebsk Provincial Court upheld the Orsha District and Municipal Court judgment of 17 August 2022 against Ms. Kukishava and dismissed her appeal.

The Orsha District and Municipal Court judgment of 17 August 2022 against Ms. Kukishava became final on 1 November 2022.

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

Ms. Kukishava may exercise her right to bring a cassational appeal against the various court decisions before the presidium of Viciebsk Provincial Court but has not done so to date.

Ms. Kukishava, who was born on 19 May 1978, was detained in a temporary holding facility operated by the Central Internal Affairs Department of the Minsk City Executive Committee from 30 September 2021 to 10 October 2021 on suspicion of incitement to racial, ethnic, religious or other social enmity or discord, an offence under article 130 (3) of the Criminal Code.

The detention of Ms. Kukishava in the temporary holding facility fully complied with the requirements of the Detention Procedures and Conditions Act (Act No. 215-Z of 16 June 2003).

Upon admission to the temporary holding facility, Ms. Kukishava was informed of her rights and duties, the detention regime, the daily routine and the procedure for filing petitions, proposals, applications and complaints.

While detained in the temporary holding facility, Ms. Kukishava was provided with an individual sleeping place and a place for storing personal belongings and hygiene products, bedding and linen, toiletries and personal hygiene products, crockery and cutlery.

All cells in temporary holding facilities operated by the Central Internal Affairs Department of the Minsk City Executive Committee are equipped with a table and benches according to the capacity of the cell, a toilet area, a washbasin and hot and cold running water, bedside tables, a plug-in radio, a rubbish bin and ventilation equipment.

The staff of the Department's temporary holding facilities include medical personnel who, together with the facilities' officials, make rounds of the cells twice daily in order to identify sick persons among the detainees.

While detained in the temporary holding facility, Ms. Kukishava did not complain about her state of health or the detention procedures and conditions.

By a judgment of Zavodski District Court in Minsk of 4 June 2021, V.A. Kulsha was found guilty of: organizing group actions that constituted gross breaches of the peace and were accompanied by flagrant disobedience of the lawful orders of representatives of the authorities and caused disruption to transport, enterprises, institutions and organizations, with no evidence of the commission of a more serious offence, i.e. of committing the offence specified in article 342 (1) of the Criminal Code, for which she was sentenced to imprisonment for a term of 2 years, 6 months; and training and otherwise preparing persons to take part in group actions that constituted gross breaches of the peace, with no evidence of the commission of a more serious offence, i.e. of committing the offence specified in article 342 (2) of the Criminal Code, for which she was sentenced to 1 year's imprisonment.

In accordance with article 72 (1) of the Criminal Code, on consecutive offences not constituting multiple offences, the milder penalty was subsumed within the harsher one and Ms. Kulsha was given a final sentence of imprisonment for a term of 2 years, 6 months, to be served in an ordinary regime correctional colony.

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

Minsk City Court reviewed the legality, validity and fairness of the Zavodski District Court judgment of 4 June 2021, which had not yet become final, on appeal by Ms. Kulsha and her defence counsel.

In a ruling on appeal of 31 August 2021, the criminal division of Minsk City Court upheld the categorization of the acts committed by Ms. Kulsha and the sentence imposed on her and dismissed her appeal.

The Zavodski District Court judgment of 4 June 2021 against Ms. Kulsha became final on 31 August 2021.

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

Ms. Kulsha may exercise her right to bring a cassational appeal against the various court decisions before Minsk City Court but has not done so to date.

On 14 June 2022, by a judgment of Zheleznodorozhny District Court in Homiel, Ms. Kulsha was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences, an offence under article 411 (1) of the Criminal Code (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences), for which she was sentenced to 1 year's imprisonment.

By way of the partial addition of the unserved portion of the sentence imposed in the Zavodski District Court judgment of 4 June 2021, in accordance with article 73 (1) and (4) of the Criminal Code on aggregate sentences, Ms. Kulsha was given a final sentence of imprisonment for a term of 1 year, 5 months, to be served in an ordinary regime correctional colony.

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

Homiel Provincial Court reviewed the legality, validity and fairness of the Zheleznodorozhny District Court judgment of 14 June 2022, which had not yet become final, on appeal by Ms. Kulsha and her defence counsel.

In a ruling on appeal of 10 August 2022, the criminal division of Homiel Provincial Court upheld the categorization of the acts committed by Ms. Kulsha and the sentence imposed on her and dismissed her appeal and that of her defence counsel.

The Zheleznodorozhny District Court judgment of 14 June 2022 against Ms. Kulsha became final on 10 August 2022.

The procedure for the review of judgments, rulings and decisions that have become final (supervisory review) was defined in chapter 42 of the Code of Criminal Procedure, in the version that was in force prior to the amendment of the Code pursuant to Act No. 199-Z of 20 July 2022 amending the Code of Criminal Procedure.

Under article 408 (1) of the Code of Criminal Procedure, in the version that was in force prior to the Code's amendment pursuant to Act No. 199-Z, convicted persons, acquitted persons, their counsel and legal representatives, the representative of a deceased accused person, and victims, civil claimants and civil defendants and their representatives had the right to file an appeal on the grounds specified in article 389 of the Code of Criminal Procedure

Protests against judgments of a district court and against rulings on appeal of the criminal division of a provincial court may be lodged under the supervisory review procedure by the President of the Supreme Court of Belarus, the deputy presidents of the Supreme Court, the Procurator General of Belarus, the deputies of the Procurator General, the presidents of the provincial courts and Minsk City Court, and procurators of provinces and of the city of Minsk within the limits of their competence (Code of Criminal Procedure, art. 404 (2), in the version that was in force prior to the amendment of the Code pursuant to Act No. 199-Z).

Ms. Kulsha's supervisory appeal against the Zheleznodorozhny District Court judgment of 14 June 2022 and the ruling on appeal of the criminal division of Homiel Provincial Court of 10 August 2022 was considered by Homiel Provincial Court and dismissed on 29 December 2022, of which she was duly notified.

In addition, Ms. Kulsha's supervisory appeal against the various court decisions was considered by a deputy president of the Supreme Court and was dismissed. A communication was sent on 15 June 2023 to Remand Centre No. 3, a facility of the Homiel Province office of the Penal Correction Department of the Ministry of Internal Affairs of Belarus, to inform her thereof in writing.

Since 27 July 2023, the procedure for the supervisory appeal of a sentence that has become final has been defined in chapter 42-1 of the Code of Criminal Procedure.

Thus, under article 417-10 (1) of the Code of Criminal Procedure, 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 victims and civil claimants and/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 district and municipal courts, rulings on appeal of the provincial courts and Minsk City Court and decisions of the presidiums of the provincial courts and Minsk City Court may be lodged with the criminal division of the Supreme Court (Code of Criminal Procedure, art. 417-9 (3)).

Ms. Kulsha may exercise her right to bring a supervisory appeal against the various court decisions before the Supreme Court but has not done so to date.

On 7 April 2023, by a judgment of Rechytsa District Court, Ms. Kulsha was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences, an offence under article 411 (1) of the Criminal Code (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences), for which she was sentenced to 1 year's imprisonment.

By way of the partial addition of the unserved portion of the sentence imposed in the Zheleznodorozhny District Court judgment of 14 June 2022, in accordance with article 73 (1) and (4) of the Criminal Code on aggregate sentences, Ms. Kulsha was given a final sentence of imprisonment for a term of 1 year, 5 months, to be served in an ordinary regime correctional colony.

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

Homiel Provincial Court reviewed the legality, validity and fairness of the Rechytsa District Court judgment of 7 April 2023, which had not yet become final, on appeal by Ms. Kulsha and her defence counsel.

In a ruling on appeal of 14 June 2023, the criminal division of Homiel Provincial Court upheld the Rechytsa District Court judgment of 7 April 2023 against Ms. Kulsha and dismissed her appeal and that of her defence counsel.

The Rechytsa District Court judgment of 7 April 2023 against Ms. Kulsha became final on 14 June 2023.

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

Ms. Kulsha may exercise her right to bring a cassational appeal against the various court decisions before the Homiel Provincial Court but has not done so to date.

On 28 October 2024, by a judgment of Rechytsa District Court, Ms. Kulsha was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences.

Ms. Kulsha's actions were found to constitute dangerous recidivism under article 43 (2) (1) of the Criminal Code.

On the basis of article 411 (1) of the Criminal Code, Ms. Kulsha was sentenced to imprisonment for a term of 1 year, in accordance with the requirements of article 65 (2) of the Criminal Code.

By way of the partial addition of the unserved portion of the sentence imposed in the Rechytsa District Court judgment of 7 April 2023, in accordance with article 73 (1) and (4) of the Criminal Code on aggregate sentences, Ms. Kulsha was given a final sentence of imprisonment for a term of 1 year, 5 days, to be served in an ordinary regime correctional colony.

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

The Rechytsa District Court judgment of 28 October 2024 against Ms. Kulsha has not yet become final, as her appeal is currently being considered in Homiel Provincial Court. The review of the criminal case in connection with the defendant's appeal against the Rechytsa District Court judgment of 28 October 2024 is scheduled for 18 December 2024.

O.V. Mayorava was convicted and sentenced by Zheleznodorozhny District Court in Homiel, under articles 43 (1), 411 (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences) and 73 (1) and (6) of the Criminal Code, receiving a prison term of 16 years, 6 months, to be served in an ordinary regime correctional colony. She had previously been convicted under articles 285 (2), 14 (1), 357 (2) (attempt to seize 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 Homiel Province office of the Penal Correction Department.

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 healthcare and there is no indication for hospitalization.

While serving her sentence in Correctional Colony No. 24, Ms. Mayorava has sent one letter; she has received no letters, parcels, postal wrappers or small packages.

In accordance with article 72 (3) and (6) of the Criminal Code, on multiple offences, Ms. Mayorava was given a partially cumulative sentence of 20 years' imprisonment, 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 had 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 a ruling on appeal of 31 March 2023, the criminal division of the Supreme Court upheld the Hrodna Provincial Court judgment of 17 October 2022 against Ms. Mayorava and dismissed her appeal.

Ms. Mayorava may exercise her right to bring a supervisory appeal against the various court decisions before the Supreme Court but has not done so to date.

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

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

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

Ms. Mayorava may exercise her right to bring a cassational appeal against the various court decisions before the presidium of 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 of the offence committed by Ms. Mayorava, information on her personality.

The court was convinced that the goals of criminal liability could be achieved only by sentencing Ms. Mayorava to imprisonment, 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 articles 18 (2) and 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. 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.

By a judgment of Minsk City Court of 20 May 2021, M.S. Mitkevich was found guilty of committing the offence specified in article 130 (1) of the Criminal Code (intentional actions aimed at inciting other social enmity or discord on the grounds of other social affiliation), for which she was sentenced to 3 years' imprisonment, to be served in an ordinary regime correctional colony.

The procedure for appealing against a court judgment that has not 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 City Court judgment of 20 May 2021, which had not yet become final, on appeal by Ms. Mitkevich and her defence counsel.

In a ruling on appeal of 6 August 2021, the criminal division of the Supreme Court upheld the categorization of the acts committed by Ms. Mitkevich and the sentence imposed on her and dismissed her appeal and that of her defence counsel.

The Minsk City Court judgment of 20 May 2021 against Ms. Mitkevich became final on 6 August 2021.

The procedure for the review of judgments, rulings and decisions that have become final (supervisory review) was defined in chapter 42 of the Code of Criminal Procedure, in the version that was in force prior to the amendment of the Code pursuant to Act No. 199-Z of 20 July 2022 amending the Code of Criminal Procedure.

The lawyer representing Ms. Mitkevich brought a supervisory appeal before the Supreme Court against the Minsk City Court judgment of 20 May 2021 and the ruling on appeal of the criminal division of the Supreme Court of 6 August 2021, which was considered by the First Deputy President of the Supreme Court and was dismissed; notification thereof was given on 6 June 2022.

Since 27 July 2023, the procedure for the supervisory appeal of a sentence that has become final has been defined in chapter 42-1 of the Code of Criminal Procedure.

Ms. Mitkevich may exercise her right to bring a supervisory appeal against the various court decisions before the Supreme Court but has not done so to date.

By a judgment of Maskowski District Court in Brest of 9 June 2021, P.S. Sharenda-Panasiuk was found guilty of: publicly insulting a representative of the authorities in connection with the performance of his or her official duties, an offence under article 369 of the Criminal Code, for which she was sentenced to restriction of liberty for 1 year without being sent to an open-type correctional institution; inflicting violence on an employee of the internal affairs agencies in order to obstruct his or her lawful activities, an offence under article 364 of the Criminal Code, for which she was sentenced to imprisonment for a term of 1 year, 6 months; and publicly insulting the President of Belarus, an offence under article 368 (1) of the Criminal Code, for which she was sentenced to 1 year's imprisonment.

In accordance with article 72 (2) of the Criminal Code on multiple offences, Ms. Sharenda-Panasiuk was given a partially cumulative final sentence of 2 years' imprisonment, to be served in an ordinary regime correctional colony.

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

Brest Provincial Court reviewed the legality, validity and fairness of the Maskowski District Court judgment of 9 June 2021, which had not yet become final, on appeal by Ms. Sharenda-Panasiuk's defence counsel.

In a ruling on appeal of 27 July 2021, Brest Provincial Court amended the Maskowski District Court judgment of 9 June 2021. The court struck out from the judgment the instructions stating that the serving of Ms. Sharenda-Panasiuk's sentence should be counted from 9 June 2021 and that the period during which she had been held in remand custody between 6 January and 8 June 2021 should be credited as time served, with each day of remand custody being equivalent to one day in prison.

The judicial division of Brest Provincial Court determined that the serving of the sentence should be counted from 27 July 2021 and that, in accordance with article 75 (1) (2) of the Criminal Code, the period of remand custody between 6 January 2021 and 26 July 2021 should be credited as time served at the rate of one and a half days in prison for every day in remand custody.

The remainder of the Maskowski District Court judgment of 9 June 2021 against Ms. Sharenda-Panasiuk was upheld, and the appeal by her defence counsel was dismissed.

The Maskowski District Court judgment of 9 June 2021 against Ms. Sharenda-Panasiuk became final on 27 July 2021.

On 7 April 2022, by a judgment of Zheleznodorozhny District Court in Homiel, Ms. Sharenda-Panasiuk was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences, an offence under article 411 (1) of the Criminal Code (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences), for which she was sentenced to 1 year's imprisonment.

By way of the partial addition of the unserved portion of the sentence imposed in the Maskowski District Court judgment of 9 June 2021, in accordance with article 73 of the Criminal Code on aggregate sentences, Ms. Sharenda-Panasiuk was given a final sentence of imprisonment for a term of 1 year, 5 months, to be served in an ordinary regime correctional colony.

Homiel Provincial Court reviewed the legality, validity and fairness of the Zheleznodorozhny District Court judgment of 7 April 2022, which had not yet become final, on appeal by Ms. Sharenda-Panasiuk's defence counsel.

In a ruling on appeal of 8 June 2022, Homiel Provincial Court upheld the Zheleznodorozhny District Court judgment of 7 April 2022 against Ms. Sharenda-Panasiuk and dismissed her defence counsel's appeal.

On 9 October 2023, by a judgment of Rechytsa District Court, Ms. Sharenda-Panasiuk was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences, an offence under article 411 (1) of the Criminal Code (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences), for which she was sentenced to 1 year's imprisonment.

By way of the partial addition of the unserved portion of the sentence imposed in the Zheleznodorozhny District Court judgment of 7 April 2022, in accordance with article 73 of the

Criminal Code on aggregate sentences, Ms. Sharenda-Panasiuk was given a final sentence of imprisonment for a term of 1 year, 2 days, to be served in an ordinary regime correctional colony.

Homiel Provincial Court reviewed the legality, validity and fairness of the Rechytsa District Court judgment of 9 October 2023, which had not yet become final, on appeal by Ms. Sharenda-Panasiuk's defence counsel.

In a ruling on appeal of 15 December 2023, Homiel Provincial Court upheld the Rechytsa District Court judgment of 9 October 2023 against Ms. Sharenda-Panasiuk and dismissed her defence counsel's appeal.

On 15 October 2024, by a judgment of Rechytsa District Court, Ms. Sharenda-Panasiuk was found guilty of persistent failure to obey the lawful orders of the administration of a correctional institution enforcing prison sentences by a person serving a sentence in such an institution, where such person has been subjected within the past year to a disciplinary penalty in the form of transfer to a special cell for breaching the regulations on the serving of sentences, an offence under article 411 (1) of the Criminal Code (persistent failure to obey the orders of the administration of a correctional institution enforcing prison sentences), for which she was sentenced to 1 year's imprisonment.

By way of the partial addition of the unserved portion of the sentence imposed in the Rechytsa District Court judgment of 9 October 2023, in accordance with article 73 (1) of the Criminal Code on aggregate sentences, Ms. Sharenda-Panasiuk was given a final sentence of imprisonment for a term of 1 year, 1 day, to be served in an ordinary regime correctional colony.

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

Under article 370 (1) of the Code of Criminal Procedure, the accused person, his or her defence counsel or legal representative, the representative of a deceased accused person, and the victim, civil claimant and/or their representatives have the right to appeal against a judgment of a court of first instance that has not yet become final.

In addition, under article 370 (2) of the Code of Criminal Procedure, the procurator who participated in the trial of the criminal case as public prosecutor has the right to challenge the judgment on appeal. The Procurator General of Belarus, procurators of provinces, the city of Minsk, districts, city districts and cities, and inter-district and transport procurators of equivalent rank and their deputies have the right, within the limits of their competence, to challenge a judgment irrespective of whether they participated in the trial of a criminal case. If there are grounds provided for in the Code of Criminal Procedure, procurators are obliged to challenge on appeal every sentence handed down in violation of criminal or criminal procedure law.

The Rechytsa District Court judgment of 15 October 2024 against Ms. Sharenda-Panasiuk has not become final, as Homiel Provincial Court is currently considering the appeals filed by Ms. Sharenda-Panasiuk and her defence counsel against the judgment, as well as the challenge on appeal of the Rechytsa District procurator. The review of the criminal case in connection with the challenge on appeal of the Rechytsa District procurator and the appeals filed by the accused, Ms. Sharenda-Panasiuk, and her defence counsel is scheduled for 13 December 2024.

By a judgment of Zheleznodorozhny District court in Homiel of 5 April 2023, [REDACTED] was found guilty of: libelling the President of Belarus in information posted on the Internet in which he was accused of committing a serious or especially serious crime, an offence under article 367 (2) of the Criminal Code, for which she was sentenced to 2 years' imprisonment; and organizing group actions that constituted gross breaches of the peace and were accompanied by flagrant disobedience of the lawful orders of representatives of the authorities, with no evidence of

the commission of a more serious offence, an offence under article 342 (1) of the Criminal Code, for which she was sentenced to 2 years' imprisonment.

In accordance with article 72 (2) of the Criminal Code on multiple offences, Ms. [REDACTED] was given a partially cumulative final sentence of imprisonment for a term of 2 years, 6 months, to be served in an ordinary regime correctional colony.

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

Homiel Provincial Court reviewed the legality, validity and fairness of the Zheleznodorozhny District Court judgment of 5 April 2023, which had not yet become final, on appeal by Ms. [REDACTED] and her defence counsel.

In a ruling on appeal of 9 June 2023, the criminal division of Homiel Provincial Court upheld the Zheleznodorozhny District Court judgment of 5 April 2023 against Ms. [REDACTED] and dismissed her appeal and that of her defence counsel.

The Zheleznodorozhny District Court judgment of 5 April 2023 against Ms. [REDACTED] became final on 9 June 2023.

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

Ms. [REDACTED] may exercise her right to bring a cassational appeal against the various court decisions before the presidium of Homiel Provincial Court but has not done so to date.

In accordance with article 112 (1) of the Code of Criminal Procedure, penalties may be imposed on convicted prisoners for violating the established procedure for serving their sentences, including reprimand, deprivation of the right to receive a regular parcel or delivery, deprivation of a regular long or short visit and, in the case of convicted prisoners held in correctional colonies or prisons, placement in a disciplinary unit – with or without release for work or study – for up to 15 days.

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.

The procedure for appealing to a court against a decision of an official to impose a penalty is governed by section VII of the Code of Civil Procedure.

Under article 358-2 of the Code of Civil Procedure, an appeal against a decision of an official to impose a penalty on a person sentenced to a fixed term of imprisonment may be lodged with a court within one month, counting from the date on which the convicted 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 of Civil Procedure, art. 358-1).

No complaints have been filed with courts of general jurisdiction in Belarus by Ms. Afanasyeva, Ms. Kukishava, Ms. Kulsha, Ms. Mayorava, Ms. Mitkevich, Ms. Sharenda-Panasiuk or Ms. [REDACTED] against decisions by officials to impose penalties on them as persons sentenced to imprisonment for a fixed term.

The internal affairs agencies of Belarus fight crime, protect public order and ensure public safety in accordance with the tasks entrusted to them in the Internal Affairs Agencies Act (Act No. 263-Z of 17 July 2007) and other legislative acts.

Their main tasks include preventing, detecting and suppressing crimes and administrative offences, carrying out initial inquiries in criminal cases, conducting administrative proceedings, and organizing the enforcement and serving of sentences and other criminal penalties and administrative sanctions, within their terms of reference (art. 2).

At the same time, the procedure for the operation of places of detention and the maintenance of the detention regime is strictly regulated by legislation.

One of the main duties of the internal affairs agencies is the holding of persons in custody, as well as their protection and transportation under escort (art. 22). The internal affairs agencies are authorized by law to detain and hold suspects and accused persons in places of detention and to place them in other premises designated for holding persons and operated by units of the internal affairs agencies (art. 24).

The holding of persons in custody is carried out on the basis of the principles of legality, humanism, equality of all citizens before the law and respect for human dignity, in accordance with the Constitution, the universally recognized principles and standards of international law and the international treaties of Belarus.

Under article 8 of the Penalties Enforcement Code, the State guarantees the protection of the rights, freedoms and legitimate interests of convicted persons, ensures compliance with the conditions established by law for the imposition of sentences and other criminal penalties on convicted persons, upholds guarantees of social justice for such persons and provides them with social, legal and other forms of protection. In the enforcement of sentences and other criminal penalties, convicted persons are guaranteed the same rights and freedoms as other citizens of Belarus, subject to the restrictions established by criminal, penalties enforcement and other legislation.

The rights and duties of convicted persons, as well as the restrictions thereon, are determined on the basis of the procedure and conditions for the enforcement and serving of sentences and other criminal penalties.

Under article 10 (2) of the Penalties Enforcement Code, convicted persons have the right to be treated courteously by the staff of bodies and institutions enforcing sentences and other criminal penalties. They must not be subjected to torture or cruel, inhuman or degrading treatment. Coercive measures may be used on them only as prescribed by law.

Procuratorial supervision of compliance with the law by bodies and institutions of the penal correction system has been established; such supervision is carried out by the Procurator General and the procurators reporting to him or her in accordance with the legislative acts of Belarus.

Whenever a complaint is received from a convicted person or detainee regarding conditions of detention or other issues, checks are carried out in accordance with Belarusian legislation and appropriate response measures are taken.

The activities of bodies and institutions enforcing sentences and other criminal penalties are monitored by government agencies and voluntary associations in accordance with relevant legislation and within the limits of their competence.

Persons serving sentences in correctional institutions are provided with appropriate living conditions that comply with health and hygiene regulations. Inmates have individual sleeping places and bedding. They are provided with clothing and underwear according to the season, footwear and personal hygiene products. Standards with respect to the provision of such articles and standards of

nutrition and personal hygiene are established by the Council of Ministers of Belarus in coordination with the President.

Women convicts are issued with personal hygiene products upon their written request in accordance with the standards established in Council of Ministers Decision No. 169 of 25 March 2021. According to the Internal Regulations of Correctional Institutions, approved by Ministry of Internal Affairs Decision No. 174 of 20 October 2000, inmates may purchase foodstuffs and necessities allowed for sale, including hygienic bags and toilet paper, on a cashless basis.

In addition, in accordance with penalties enforcement legislation, inmates may have sent to them certain articles and items, which they are allowed to have with them, including toilet paper and hygienic bags; a list is set out in the Internal Regulations of Correctional Institutions.

Persons in custody are provided by the administration of the place of detention with seasonal clothing and personal hygiene products and other material items, if necessary, according to the standards and under the procedure stipulated in internal regulations (Detention Procedures and Conditions Act, art. 16). At least once a week, detainees are given the opportunity to shower for at least 15 minutes. Bed linen is changed once a week after detainees have showered. Those who require it are issued with a change of underwear upon written request.

Under paragraph 369 of the Internal Regulations of Correctional Institutions, detainees may wash in a bathhouse at least once every seven days and change their bedding and linen at the same time. If necessary, in case of severe skin soiling or for medical reasons, daily showering is allowed, for which purpose blocks are equipped with bidets, foot baths and shower cabinets.

Institutions of the penal correction system are built in accordance with modern requirements, taking into account the latest advances in construction and the organization of the supervision and security systems. All premises, equipment and furniture are kept clean. Ventilation is carried out daily. Wet cleaning of the premises is done with labelled equipment. Floors and sanitary appliances in toilet areas are washed with hot water using detergents and disinfectant solutions. General cleaning of all premises is carried out monthly.

Toilets in the production area of Correctional Colony No. 4, operated by the Homiel Province office of the Penal Correction Department, are kept clean, the equipment is in good condition and the windows, doors, walls and ceilings have no defects or damage. The toilets have washbasins, rubbish bins, toilet brushes, solid bar soap and toilet bowls with seats. Cleaning supplies, detergents and disinfectants are stored in separate cupboards.

The provision of medical care and the implementation of disease control measures in correctional institutions are organized and conducted in accordance with healthcare legislation.

The procedure for the provision of medical care and the implementation of disease control measures in correctional institutions is established by the Ministry of Internal Affairs in conjunction with the Ministry of Health. Medical care and medicines are provided to convicted persons free of charge, except in the cases provided for in healthcare legislation (Penalties Enforcement Code, art. 96).

The medical services provided to convicted persons in correctional institutions encompass a set of disease control, therapeutic, diagnostic, rehabilitation, general health and other measures aimed at affording prisoners accessible care and maintaining and improving their health. Medical units and hospitals are organized to provide medical care to convicts.

The provision of medical care is organized on the basis of the State minimum social standards in the field of healthcare as established in legislation. If it is not possible to provide emergency or planned medical care (primarily, specialized care – oncological, cardiological, phthisiological or other) in correctional institutions, the necessary therapeutic and diagnostic measures must be carried out by the appropriate healthcare organizations. Medical care, including the supply of medicines as prescribed by a doctor, is provided free of charge to inmates.

The scope of therapeutic and diagnostic measures for inmates is determined by clinical protocols for the diagnosis and treatment of diseases, approved by the Ministry of Health.

The medical care, including gynaecological care, provided in Correctional Colony No. 4 is sufficient. In cases of algomenorrhoea (note: painful menstruation), analgesics and antispasmodics are prescribed if necessary.

Medicines are available in sufficient quantities in Correctional Colony No. 4 and are purchased in accordance with the official national list of medicines, approved by Ministry of Health Decision No. 91 of 15 May 2024. Medical care is provided in Prison No. 8 bearing in mind the available human resources and the technical capabilities of the institution. If necessary, patients have consultations with subspecialists of local State healthcare organizations.

In accordance with the relevant legislation, medicines are not handed over to inmates but are taken in the presence of a medical worker. The issue of handing over drugs to patients is determined on an individual basis and in line with the doctor's prescription. Where necessary, patients under treatment in the medical unit of a correctional institution may receive medical parcels from relatives, as determined by the head of the medical unit. Before a prisoner is placed in a disciplinary unit or special cell, a medical examination must be carried out and the doctor must give his or her opinion in writing as to the possibility of detention in the above-mentioned premises. Inmates with chronic diseases who are in satisfactory condition continue to receive medicines taken on a regular basis while in in a disciplinary unit or special cell.

Women convicts held in correctional institutions are under dynamic monitoring by the medical staff of the facilities and undergo clinical, laboratory and instrumental examination by them in a timely manner (if necessary, specialist doctors from State healthcare organizations are involved). Treatment with medications is given according to the doctor's recommendations.

Women convicts are provided with material items in accordance with Council of Ministers Decision No. 632 of 28 April 2010 establishing standards for the provision of material items to convicts serving sentences in correctional institutions and short-stay prisons.

In accordance with penalties enforcement legislation, convicts are granted the right to purchase foodstuffs and basic necessities on a cashless basis; to have visits; to receive parcels, deliveries, postal wrappers, small packages and money transfers; to conduct correspondence and make telephone calls; and to send parcels, postal wrappers, small packages and money transfers to close relatives.

However, where convicts are being punished by placement in a disciplinary unit (for systematic breaches of the regulations on the serving of sentences), they are prohibited from receiving long or short visits, having telephone conversations, purchasing foodstuffs or basic necessities, receiving parcels, deliveries, postal wrappers or small packages, and sending or receiving letters (Penalties Enforcement Code, art. 114).

Belarusian legislation does not provide for persons remanded in custody to have telephone conversations.

According to article 13 of the Penalties Enforcement Code, proposals, applications and complaints by persons sentenced to imprisonment addressed to the bodies exercising State oversight over and supervising the activities of the institutions enforcing those sentences are not subject to censorship and must be forwarded to the addressee within 24 hours (except at weekends and on public holidays and other holidays established and declared to be non-working days under the procedure stipulated by law).

Bodies and officials to whom proposals, applications and complaints by prisoners are sent must consider them within the time limits established by law and communicate decisions thereon to the prisoners through the administrations of the institutions enforcing their sentences.

The procuratorial authorities regularly carry out inspections in correctional institutions. No violations of the rights and legitimate interests of the above-mentioned persons have been detected during the inspections.

Since 2022, no complaints have been filed with the procuratorial authorities by Ms. Afanasyeva, Ms. Kukishava, Ms. Kulsha, Ms. Mayorava, Ms. Mitkevich, Ms. Sharenda-Panasiuk or Ms. [REDACTED]

On instructions from the Office of the Procurator General, in 2024 the procurator's office for Homiel Province carried out inspections of compliance with the law with respect to the serving of prison sentences by the convicts Ms. Mayorava and Ms. Sharenda-Panasiuk.

Based on the results of the inspections, no violations of penalties enforcement legislation were found.

The claims of allegedly widespread violations involving the conditions of detention of prisoners and persons serving criminal sentences, are thus unfounded.

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