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Committee against Torture

Information received from Belarus on follow-up to the concluding observations on its fifth periodic report*

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Information from Belarus in accordance with paragraph 60 of the concluding observations of the Committee against Torture (CAT/C/BLR/CO/5)

Follow-up information relating to paragraph 8 of the concluding observations

1. The principles of criminal procedure in Belarus include the protection of citizens' rights and freedoms, security of the person and the right to a defence for suspects and accused persons.

2. Pursuant to article 10 (1) of the Code of Criminal Procedure, courts and prosecution authorities must uphold the rights and freedoms of participants in criminal proceedings, facilitating this under the conditions provided for by the Code, and take timely steps to meet the lawful requests of parties to criminal proceedings.

3. In accordance with article 11 (1) of the Code, no one may be arrested on suspicion of having committed a crime, remanded in custody or placed under house arrest as a preventive measure or placed in a health-care facility or inpatient forensic psychiatric clinic for expert assessment in the absence of the legal grounds or in violation of the procedures provided for by the Code.

4. Article 17 of the Code guarantees that suspects and accused persons have the right to a defence. They may exercise this right themselves or with the assistance of a defence lawyer. The prosecution authorities and the courts must inform suspects and accused persons of their rights, enable them to defend themselves using the legally established methods and means and protect their personal and property rights. In the cases provided for by law, the persons in charge of criminal proceedings are required to ensure the participation of the suspect's or accused person's lawyer. In the cases provided for by the Code of Criminal Procedure, legal assistance for suspects and accused persons is funded from the local government budget.

5. The Bar and Advocacy Act (Act No. 334-Z of 30 December 2011) provides for the right of a significant proportion of citizens to receive legal assistance funded by the bar associations.

6. Citizens who cannot afford to pay for legal assistance are entitled to apply to the local bar association for legal assistance paid for by that association. After examination of the application, the board of the local bar association may decide to fully or partially waive the fees for legal assistance.

7. Under the circumstances provided for in article 45 (1) of the Code of Criminal Procedure on compulsory participation of the defence lawyer in criminal proceedings, if no counsel is retained by the suspect or accused person, his or her legal representatives, other persons acting on their behalf or representatives of a deceased suspect or accused person, the prosecution authority and the court must ensure that a defence lawyer participates in the criminal proceedings. In these cases, the local bar association requires the decision of the agency or person conducting the initial inquiry, the investigator, procurator or judge or the court ruling on participation of defence counsel (Code of Criminal Procedure, art. 45).

8. To uphold citizens' rights, the local bar associations organize a daily 24-hour roster of duty lawyers to provide legal assistance to detained persons.

9. Pursuant to article 41 of the Code of Criminal Procedure, the prosecution authority must enable the suspect to exercise his or her right to a defence using all legal ways and means. Suspects have the right to know what they are suspected of; to receive a copy of the decision to initiate criminal proceedings against them or declare them a suspect; to receive written information about their rights and a copy of the arrest record or preventive measures order promptly upon arrest or the issuance of a decision to apply preventive measures; to notify their family members or close relatives of their place of detention through the prosecution authority; if arrested or remanded in custody as a preventive measure, to receive legal advice from a lawyer paid for from the local government budget before the first interrogation as a suspect; to engage one or more lawyers immediately upon being informed by the prosecution authority of the initiation of criminal proceedings against them, of being declared as a suspect, of being arrested or of the decision to apply preventive measures; to

waive the right to counsel and defend themselves; to terminate the lawyer-client relationship; and to communicate with their lawyer without hindrance, in private and in confidence, with no restriction on the number or duration of interviews.

10. Accused persons have equivalent rights, as set forth in article 42 of the Code of Criminal Procedure.

11. In accordance with article 47 of the Code of Criminal Procedure, accused persons and suspects may waive counsel at any stage in criminal proceedings. The agency conducting the criminal proceedings only accepts such a waiver of counsel if it is declared by the suspect or accused person on his or her own initiative and voluntarily and, if the person is detained or remanded in custody as a preventive measure, in the presence of a lawyer with whom an agreement has been concluded or who has been appointed through the local bar association. No waiver of counsel will be accepted if it is related to a lack of funds to pay for legal assistance or other circumstances indicating that the waiver is involuntary or when participation of counsel is compulsory, which includes cases in which the suspect or accused person is a minor; does not speak the language in which the criminal proceedings are being conducted or is illiterate; is unable to independently exercise his or her right to a defence owing to physical or mental disabilities; is suspected or accused of having committed an especially serious offence; has interests that conflict with those of another suspect or accused person who is represented by counsel; or has applied to conclude a pretrial settlement.

12. If suspects or accused persons waive their right to counsel, this does not affect their subsequent right to have a defence lawyer take part in the criminal proceedings.

13. Article 110 of the Code of Criminal Procedure establishes that, once an arrested person has been handed over to the prosecution authority, the official who made the actual arrest must promptly draw up a record indicating the grounds, location and time (including the hour and minutes) of the actual arrest, the findings of the body search and the time the record was written. The record is shown to the detainee, who, at the same time, is informed of the rights provided for in article 41 of the Code, including the right of access to a lawyer and the right to be questioned in the presence of defence counsel; this is then noted in the record. The agency conducting the initial inquiry or the investigator is required to inform the procurator of the arrest, in writing, within 24 hours of the detention decision being issued.

14. The detention may be challenged in accordance with articles 138 to 143 of the Code of Criminal Procedure, with the head of the investigation unit, the procurator and in court.

15. Pursuant to article 15 of the Detention Procedures and Conditions Act, when persons are transferred to a place of detention or are injured while held in detention, they undergo a medical examination by the health-care personnel of the place of detention, in accordance with the rules established by national law. The results of the medical examination are recorded in the established manner and communicated to the person held in detention and his or her lawyer or legal representative. The medical examination may be conducted by the personnel of public health-care facilities if the director of the place of detention or the agency conducting the criminal proceedings so decides or at the request of the person held in detention or his or her lawyer or legal representative. If such an examination is refused, an appeal may be lodged with the procurator or in court.

16. By Council of Ministers Decision No. 383 of 29 June 2020, on health care for foreign nationals and stateless persons detained for violations of the law and the operation of temporary detention centres for foreign nationals and stateless persons, regulations were approved on the following subjects:

- Health care for foreign nationals and stateless persons detained for violations of the law on the legal status of foreign nationals and stateless persons in Belarus
- The operation of temporary detention centres for foreign nationals and stateless persons. The Decision also contains a list of medical services provided free of charge to foreign nationals and stateless persons detained for violations of the law on the legal status of foreign nationals and stateless persons in Belarus.

17. The Decision was developed with consideration of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (revised text,

adopted by a General Assembly resolution on 17 December 2015), including as regards rules 24 to 35 on health-care services.

18. In accordance with paragraphs 4 to 11 of the regulations on health care, the subdivisions of temporary holding facilities of the local internal affairs agencies, temporary detention centres for foreign nationals and detention centres for offenders of the internal affairs agencies, the military medical services of the border service with specially equipped facilities, temporary holding facilities and temporary detention centres for foreign nationals (henceforth, the medical services) which are required to provide health care to detainees:

- Provide health care directly to detainees in line with their treatment and diagnostic capabilities in the form of emergency or elective outpatient care on the basis of clinical protocols
- Where necessary, refer detainees to public health-care facilities in the event of a sudden onset of an illness or condition or a worsening of chronic illness to receive emergency health care
- Ensure the implementation of preventive public health measures in places of detention
- Fulfil other obligations provided for by law

19. Public health-care organizations provide detainees referred by the medical services with primary and specialized health care, both emergency and elective, in inpatient and outpatient settings.

20. Health care is provided according to the procedures established by law, based on clinical protocols and in line with the treatment and diagnostic capabilities of the public health-care facilities.

21. Detainees are transferred to another public health-care facility based on the findings of a case conference of the team in the public health-care facility where the care is being provided, with the agreement of the administration of the health-care facility to which the detainee will be transferred and the management of the place of detention.

22. The medical services are supplied with the medicines and medical products required to provide health care, including emergency care, to detainees.

23. Detainees are provided with medicines as prescribed by qualified doctors in the manner established by law.

24. Health-care services are provided to detainees both free of charge and paid for by the detainees themselves, legal entities and other sources not prohibited by law.

25. When detainees, including pregnant women, are placed in detention, the medical service performs an examination to assess their state of health and put in place the necessary health care.

26. When minors are placed in detention, they must undergo a medical examination within 24 hours of their arrival.

27. If detainees are injured during their stay in a place of detention, the medical service performs a medical examination in accordance with the law within 24 hours to assess their state of health and put in place the necessary health-care provision.

28. In accordance with article 25 of the Detention Procedures and Conditions Act, persons remanded in custody have the right to communicate with their lawyers and receive visits from close relatives and family members in accordance with national law and in the specially designated areas of the places of detention.

29. Persons remanded in custody may communicate with their lawyers in private and in confidence, with no restriction on the number or duration of interviews.

30. Persons remanded in custody may receive two-hour visits from close relatives and family members, subject to authorization by the agency conducting the criminal proceedings.

31. Persons remanded in custody may receive visits from other persons in accordance with national law.

32. Administrative detention is regulated by the Code of Administrative Procedure and Enforcement.

33. In accordance with articles 8.1 and 8.2 of the Code, the administrative detention of a person is an enforcement measure for administrative proceedings and consists in the short-term restriction of liberty for the person in respect of whom the administrative proceedings have been initiated, the transfer of that person to a location determined by the agency conducting the administrative proceedings and his or her detention in that location.

34. When a person is taken into administrative detention, an administrative detention record is drawn up. At the same time, the detainee is informed of his or her right to retain a lawyer.

35. At the request of the detainee, information about his or her location may be provided within three hours to adult members of his or her family, close relatives, defence counsel, his or her employer and the administration of an educational establishment in which he is she is enrolled. The parents or persons in loco parentis must be informed of the detention of a minor.

36. The detention procedures and conditions for administrative detainees are regulated by the rules on detention of a natural person in respect of whom administration detention is applied, approved by the Council of Ministers.

37. In accordance with chapter 2 of these rules, detainees are taken into the place of detention based on a personal administrative detention record or the decision of a competent authority to deport a foreign national or stateless person.

38. Detainees taken into a place of detention must be informed of their rights and obligations, the detention rules and regulations and the procedure for submitting requests, suggestions, statements and complaints.

39. No one may be accepted by the place of detention if the documents on which the detention is based contravene the requirements of the Code of Administrative Procedure and Enforcement or if the person is found by the medical staff of the place of detention or of a public health-care facility to require inpatient care.

40. The legislative provisions in force in Belarus thus mean that any administrative arrest or placement in a place of detention and subsequent detention of persons subject to administrative detention are not possible without the completion of an administrative detention record and stipulate that detainees' lawyers and relatives must be informed of their arrest and detention in locations determined by the agency conducting the administrative proceedings.

41. Pursuant to article 8.1 of the Code of Administrative Procedure and Enforcement, administrative detention is permitted for the purpose of preventing administrative offences, establishing the identity of a person in respect of whom administrative proceedings are ongoing, ensuring prompt and accurate examination of the case and enforcing decisions regarding administrative offences.

42. In accordance with articles 4.1, 4.5, 7.2 and 12.11 of the Code, administrative detention, other procedural acts and decisions on the imposition of administrative penalties may be challenged with the procurator or in court by the person in respect of whom the administrative proceedings are being conducted or his or her representatives and lawyer.

43. As part of government efforts in Belarus to improve and humanize administrative procedure, a new Code of Administrative Procedure and Enforcement has been drafted; all the provisions safeguarding the rights of persons held in administrative detention have been maintained and amendments have been made to introduce more humane approaches to the application of coercive administrative measures.

44. For example, the draft Code includes a prohibition on the detention for longer than three hours of minors, pregnant women, persons with category I and II disabilities, women and single men with young dependent children and other vulnerable groups.

45. Procurators continuously verify that the detention of citizens is legal and well-founded and monitor the detention conditions in places of deprivation of liberty, as provided for in the following Orders of the Procurator General: No. 38 of 21 November 2017 on the

organization of procuratorial oversight of the implementation of legislation on administrative offences and administrative procedure and enforcement; No. 8 of 2 March 2017 on the organization of procuratorial oversight of the implementation of laws at the stage of pretrial investigation; and No. 26 of 13 June 2008 on the organization of procuratorial oversight of compliance with the law in the enforcement of sentences, other penal measures and coercive measures.

46. In Belarus, there is a mechanism for public oversight of the rights of prisoners, including minor prisoners. This oversight is carried out by public monitoring commissions.

47. Public monitoring is intended to identify any violations of prisoners' rights and problems related to the serving of their sentences.

48. The public monitoring commissions for penal correction institutions, established under the Ministry of Justice (National Public Monitoring Commission) and the central departments of justice of the provincial and Minsk executive committees (local public monitoring commissions) are fully independent. The State authorities merely facilitate their activities organizationally (by providing meeting rooms and transport).

49. The members of these commissions represent 51 voluntary associations. Public monitoring commissions make their own decisions, including about which penal correction institutions to visit and when, and what conclusions and recommendations to issue.

50. In 2019, members of the country's public monitoring commissions conducted visits to 17 institutions of the penal correction system. During visits to such institutions, attention is paid to the conditions of detention and the medical care, recreational and learning activities, and moral, cultural, social, occupational and physical education and guidance provided for prisoners.

51. No staff from the administration of the institution are present during the interviews with prisoners. Members of the commissions are entitled to visit any premises of penal correction institutions. Each visit to a penal correction institution is accompanied by an optional survey of a proportion of the prisoners. The survey is anonymous. The administration of the facility does not participate in the process.

52. In their visits to penal correction institutions, the National Public Monitoring Commission and other public monitoring commissions have not identified any incidents of torture or other cruel, inhuman or degrading treatment or punishment of prisoners. No complaints from the prisoners were received.

Follow-up information relating to paragraph 16 of the concluding observations

53. When statements or reports of a criminal offence are received, decisions are made in accordance with the procedure set out in the Code of Criminal Procedure.

54. Chapter 16 of the Code regulates the procedure for complaints and challenges regarding the actions and decisions of the agency conducting the criminal proceedings.

55. For example, in accordance with articles 138 and 139 of the Code, the parties to the criminal proceedings and other persons and legal entities whose interests are affected by the procedural actions and decisions taken may complain about the actions and decisions of the agency or official conducting the initial inquiry and the investigator to the procurator responsible for oversight of compliance with the law during the pretrial investigation. Complaints about the actions and decisions of the investigator may also be lodged with the head of the investigative unit. The actions and decisions of the procurator and head of the investigative unit may subsequently be challenged through a complaint to a higher-ranking procurator or head of the investigative unit, as applicable.

56. Complaints from persons detained on suspicion of having committed an offence or remanded in custody as a preventive measure are submitted through the administration of the place of pretrial detention, which transmits the complaint to the agency conducting the criminal proceedings within 24 hours (Code of Criminal procedure, art. 139 (3)). In addition, complaints addressed to the agency conducting the criminal proceedings are not censored, in accordance with paragraph 101 of the internal regulations of temporary holding facilities of the local internal affairs agencies, which were approved by Ministry of Internal Affairs

Decision No. 315 of 30 November 2016, and paragraph 111 of the internal regulations of the remand centres of the Ministry of Internal Affairs penal correction system, approved by Ministry of Internal Affairs Decision No. 3 of 13 January 2004.

57. Article 140 of the Code of Criminal Procedure prohibits any official whose actions are the subject of a complaint or who approved a decision that is the subject of a complaint from considering the complaint. The official considering the complaint must comprehensively verify the conclusions it contains, request all additional evidence and explanations required and take prompt action within the scope of his or her powers to restore the violated rights and legitimate interests of the parties to criminal proceedings and other persons indicated in article 138 of the Code of Criminal Procedure. Any person harmed by the wrongful actions or decisions being complained about will be informed of his or her right to reparation or redress and of the procedure for exercising this right, set out in chapter 48 of the Code of Criminal Procedure.

58. Thus, the procedure established in the Code of Criminal Procedure for challenging the actions and decisions of the agency conducting the criminal proceedings ensures protection of the rights and legitimate interests of persons arrested on suspicion of having committed an offence or remanded in custody.

59. Pursuant to article 1 of Act No. 403-Z of 13 July 2012 on the Investigative Committee of the Republic of Belarus, the Investigative Committee reports to the President of Belarus.

60. The Code of Criminal Procedure sets out the procedure to be followed by agencies conducting criminal proceedings, which is harmonized and compulsory for all agencies and officials conducting criminal proceedings and for other parties to criminal proceedings, and lays out the rights and obligations of parties to criminal proceedings (Code of Criminal Procedure, art. 1 (1)).

61. In accordance with article 172 (1) of the Code of Criminal Procedure, the prosecution authority must receive, record and consider statements or reports of any criminal offence committed or being prepared.

62. When a complaint or report of an offence is received or the elements of a crime are discovered directly, one of the decisions provided for in article 174 (1) of the Code is taken.

63. The aims of criminal procedure are: to protect the individual, his or her rights and freedoms and the interests of society and the State through the prompt and thorough investigation of criminal offences and of the socially dangerous acts of persons lacking criminal capacity and to detect and prosecute the perpetrators; and to ensure that the law is applied correctly so that anyone who commits an offence receives a just punishment and no innocent people are prosecuted and convicted (Code of Criminal Procedure, art. 7 (1)).

64. In accordance with paragraph 51 of the regulations on service in the Investigative Committee of Belarus, approved by Presidential Decree No. 518 of 10 November 2011, an official who becomes a suspect or accused person in a criminal case may be suspended from duties. Suspension of the official is imposed and lifted in accordance with the procedure set out in the Code of Criminal Procedure, and specifically its article 131.

65. Pursuant to article 4 (1), fourth to sixth subparagraphs, of the Procurator's Office Act (Act No. 220-Z of 8 May 2007), the procuratorial authorities oversee: the application of the law during the initial inquiry, preliminary investigation and pretrial proceedings; the legal compliance of judicial decisions and compliance with the law in their implementation; and compliance with the law in the enforcement of sentences, other penal measures and coercive measures.

66. The procuratorial authorities consider all complaints by citizens, including those mentioned in the concluding observations, in accordance with legal requirements. No additional information about them is available at the present time.

67. The Criminal Code contains provisions criminalizing both torture itself (art. 128) and other acts related to the overstepping of authority or powers involving the use of violence (arts. 426 (3) and 455 (2) and (3)).

68. Statistics in the ordinary courts of Belarus are produced on the basis of six-monthly and annual figures. Data are aggregated on the numbers of persons prosecuted under each article of the Criminal Code with the penal sanctions imposed and the sex, age and occupation of the person convicted.

69. No one was prosecuted under article 128 of the Criminal Code (Crimes against humanity, including torture and acts of brutality committed on the basis of the racial, national or ethnic origin, political opinions or religious beliefs of the civilian population) in 2018 or the first half of 2020.

70. Under article 426 (3) of the Criminal Code (Intentional commission of acts by officials that clearly exceed the rights and authority conferred on them in their duty, accompanied by violence and cruel or degrading treatment of the victim, or the use of weapons or special restraining devices), 35 persons were convicted in 2018, 44 in 2019 and 14 in the first half of 2020.

71. Under article 455 (2) and (3) of the Criminal Code (Exceeding of power or authority, accompanied by violence or the use of weapons; the same actions committed during wartime or in a combat situation or resulting in serious consequences), persons with the status of military personnel are prosecuted for actions categorized as offences against the rules and regulations of military service. Under this article, 26 persons were convicted in 2018, 22 in 2019 and 3 in the first half of 2020.

Follow-up information relating to paragraph 47 of the concluding observations

72. Articles 193 ff. of the Criminal Code provide for criminal responsibility for organizing or leading a voluntary association or religious organization, including one not officially registered, that infringes on the person, rights or obligations of citizens.

73. Pursuant to Act No. 171-Z of 9 January 2019, article 193-1 (Illegal organization of a voluntary association, religious organization or foundation or participation in their activities) has been deleted from the Criminal Code.

74. At the same time as the deletion of the relevant offence from the Criminal Code, a corresponding offence was added to the Code of Administrative Offences.

75. Article 23.88 of the latter Code provides that it is an offence to organize or participate in the activities of a political party or other voluntary association or a religious organization or foundation that is the subject of a final decision by an authorized State body to disband it or suspend its activities, or to organize or participate in the activities of a political party or other voluntary association or a religious organization or foundation that has not been registered with the State under the established procedure. The penalty for this offence is a fine of up to 50 base units.

76. Article 23.88 does not apply to the organization of or participation in the activities of a political party or other voluntary association or a religious organization or foundation that is the subject of a final decision to suspend its activities, if such organization or participation is intended to eliminate the violations that were the grounds for the suspension, or to the organization of or participation in the activities of a political party or other voluntary association or a religious organization or foundation for the purpose of registering it with the State under the established procedure.

77. The term “human rights defender” does not appear in the legislation of Belarus. Persons who characterize their activities as defending human rights or as journalism have the same rights to protection and support from the State as other citizens of Belarus. If such activities are in breach of the law (in that they constitute an administrative or criminal offence), these persons will be held liable in accordance with the law on an equal basis with other citizens. They may be arrested under the provisions of the Code of Administrative Procedure and Enforcement or the Code of Criminal Procedure only if they have committed a specific administrative or criminal offence. There are no grounds for the arrest and administrative or criminal prosecution of such persons other than the provisions of the Code of Administrative Procedure and Enforcement and the Code of Criminal Procedure.

78. The criminal liability of journalists and human rights defenders, as of other citizens, is based on the principles of legality, equality before the law, legal certainty, personal guilt, justice and humanity. For example, under article 3 (3) of the Criminal Code, persons who commit offences are equal before the law and bear criminal liability regardless of their sex, race, ethnicity, language, origin, economic situation, official capacity, place of residence, attitude to religion, beliefs and membership of voluntary associations or other circumstances.

79. No one has been prosecuted under article 193-1 of the Criminal Code since 2010.

80. Between 2015 and September 2020, two offences under article 193 (2) were recorded (one each in 2016 and 2017). Only one of these criminal investigations resulted in a guilty verdict. In the second case, proceedings were terminated on the basis of article 29 (1) (2) of the Code of Criminal Procedure (the acts did not constitute a criminal offence). No journalists or human rights defenders were convicted under article 193 (2) of the Criminal Code.

81. The criminal case against Mikhail Zhamchuzhny was heard by Viciebsk Provincial Court on 10 July 2015.

82. Mr. Zhamchuzhny was convicted under articles 16 (5), 375 (1), 376 (1), 376 (2), 14 (1), 431 (1), 14 (1) and 431 (2) of the Criminal Code for incitement to the deliberate disclosure of other information constituting an official secret by a person with access to that information in the absence of elements of the offences provided for by articles 226-1, 254, 255, 356 and 358 of the Code; the illegal acquisition with intent to sell and sale of special covert surveillance equipment and repetition of the same acts; and attempted bribery and repeated attempted bribery.

83. The legality and validity of the verdict pronounced against the person in question was reviewed in cassation proceedings by the Supreme Court. No violations of the law that would result in the setting aside of the sentence were identified.

84. In August 2016 and March 2019, Mr. Zhamchuzhny lodged complaints under the supervisory procedure with the Supreme Court against the Viciebsk Provincial Court ruling of 10 July 2015, as amended by the court of appeal. These complaints were considered and rejected, of which Mr. Zhamchuzhny was informed in writing.

85. Mr. Zhamchuzhny was prosecuted for the offences he had committed and punished in accordance with the criminal law of Belarus.

86. The case was heard in full compliance with all trial rules and the guilt of the convicted person is substantiated by sufficient evidence, examined by the court.

87. The sentence pronounced is fair, proportional and in line with the aims of criminal liability.

88. No facts have come to light that would indicate that the investigation was biased and partial or that the accusation was fabricated.

89. Mr. Zhamchuzhny’s conviction by the court does not constitute politically motivated prosecution or persecution for political opinions.

90. On 25 October 2019, Minsk City Court found Dzmitry Paliyenka guilty of deliberate acts seriously undermining public order and reflecting blatant contempt for society, accompanied by violence committed with another object used as a weapon in order to inflict bodily injuries, in the absence of elements of a more serious offence. He was sentenced to three years’ restriction of liberty without custody in an open prison, on the basis of article 339 (3) of the Criminal Code.

91. Following application by the court of article 8 of Act No. 230-Z of 19 July 2019 on Amnesty for the Seventy-fifth Anniversary of the Liberation of Belarus from the German Fascist Invaders, Mr. Paliyenka was partially released from the restriction of his liberty for one year.

92. The court replaced remand in custody as the preventive measure applied in respect of Mr. Paliyenka with travel restrictions and good behaviour bonds. Mr. Paliyenka was released from custody in the courtroom on 25 October 2019.

93. In accordance with article 107 of the Criminal Code, Mr. Paliyenka was ordered to undergo compulsory outpatient observation and treatment for chronic alcoholism.

94. The legality and validity of the ruling of Minsk City Court of 25 October 2019, which had not yet become final, was reviewed by the Supreme Court following an appeal by the accused.

95. In an appellate ruling of 14 February 2020, the criminal division of the Supreme Court upheld the verdict against Mr. Paliyenka and rejected his appeal.

96. The ruling of Minsk City Court of 25 October 2019 against Mr. Paliyenka became final on 14 February 2020.

97. Mr. Paliyenka's guilt of the offences for which he was convicted is proved by the case file materials.

98. The court examined the facts of the case comprehensively, fully and impartially. The evidence gathered was weighed up appropriately.

99. The procedure for reviewing final judgments, rulings or orders (the supervisory procedure) is set out in articles 404 to 417 of the Code of Criminal Procedure. Pursuant to article 408 (1) of the Code of Criminal Procedure, convicted and acquitted persons, their defence counsel and legal representatives, the representatives of deceased accused persons, victims, civil claimants and plaintiffs and their representatives are entitled to appeal.

100. In accordance with article 404 (2) (1) and (1^1) of the Code of Criminal Procedure, challenges under the supervisory procedure may be brought by the President of the Supreme Court and the Procurator General against judgments, rulings and orders of any court in Belarus except for the decisions of the Plenum of the Supreme Court and by Vice-Presidents of the Supreme Court and deputy Procurators General against judgments, rulings and orders of any court in Belarus except for the decisions of the Presidium and the Plenum of the Supreme Court.

101. Mr. Paliyenka did not lodge any supervisory appeal with the Supreme Court against the judicial rulings handed down.

102. Mr. Paliyenka's conviction by the court does not constitute politically motivated prosecution or persecution for political opinions.