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# ANALYTICAL REPORT

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JULY – SEPTEMBER 2015

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This analytical report is the result of cooperation between Belarusian human rights organizations: RHRPA “Belarusian Helsinki Committee” (“BHC”), PA “Belarusian Association of Journalists” (BAJ), Assembly of Pro-Democratic NGOs of Belarus, Educational Institution “Legal Transformation Centre”, Human Rights Centre “Viasna”, and Educational Charitable Institution “Committee “Salidarnasc”.

The main purpose of this analytical report is to reflect the situation of main human rights in Belarus, and indicate socio-political and economic factors that influence its development.

The report covers the period July through September 2015.

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## CHAPTER 1. MAIN FACTORS INFLUENCING THE HUMAN RIGHTS SITUATION

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The human rights situation in Belarus during July through October 2015 was influenced directly and indirectly by the election campaign and the elections of the President of the Republic of Belarus. During this period, attention of international observers and foreign journalists was riveted to the situation in the country.

Against the background of the election campaign, Belarus-EU contacts continued. Aliaksandr Lukashenka took part in a sitting of the 70th session of the UN General Assembly in New-York. During his visit he held meetings with Ban Ki-moon, the Secretary-General of the United Nations, and the United Nations High Commissioner for Human Rights.

At the same time certain complications emerged in the Belarus-Russia relations, because of the military base which the Russian leadership decided to station in Belarus. The Belarusian side kept silent for a long time until the President stated before the elections, that no one had ever discussed such plans with him.

It also must be noted, that the elections were held against the background of the declining economic situation. For the first time it prevented the authorities from raising salaries and pensions before the elections, as it had been done during the previous presidential campaigns, and caused the change of accents in the election campaign of the incumbent president.

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Certain easing of human rights situation, which had started since the last half of the August and lasted up to the elections, must have been promoted with the combination of these internal and external facts.

The first important stage of this "thaw" was the discharge of six political prisoners, who had been previously sentenced to long terms of imprisonment. On August 22th Mikalai Statkevich, Mikalai Dziadok, Ihar Alinevich, Yauheni Vaskovich, Artsiom Prakapenka, and Yury Rubtsou were released.

In August and September a number of opposition politicians, including Mikalai Statkevich, held a number of unauthorized meetings. Law enforcement officials mitigated their traditionally tough treatment of such actions; they did not impede the holding of these actions and did not detain their organisers and participants. Reports of administrative offence were drawn up against the organizers of these actions; big fines

were imposed on them, which were disproportionate to the infringement of the procedure of holding of mass events. After the release of political prisoners administrative prosecution of independent journalists, who contributed to foreign mass media, practically ceased, though it had been enforced systematically up to that time.

However, now we can only talk about an evident decrease of the level of repressions: the changes are not of irreversible character. Systemic problems with implementation of fundamental rights and freedoms are still unsolved.

## CHAPTER 2. OBSERVANCE OF HUMAN RIGHTS IN BELARUS

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### FREEDOM OF SPEECH

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First half of the third quarter of 2015 was characterized with enhancement of pressure on the mass media by the authorities. This pressure has somewhat decreased since the end of August, which is probably connected with the elections of the President and intention of official Minsk to secure their positive appraisal by international community. But freedom expression situation is still unfavourable owing to the fact that information space of the country is totally controlled by the state.

During the period under review, situation with the distribution of non-state social and political editions declined. It was caused by regulatory requirement of state registration for distributors of mass media production, which came into force, and preserved discrimination of independent distributors by state distribution systems "Belposhta" and "Sayuzdruk".

Prosecution of freelance journalists for contribution to foreign mass media without accreditation, which intensified during first months of summer, has declined by September. A number of detentions of journalists on professional duty have been recorded.

#### **Problems with distribution of independent newspapers**

In late September the state-run enterprise "Belpochta" (which hold monopoly in the sphere of distribution of the mass media by subscription) refused to include *Barysauskiya Naviny* into the subscription catalogue. It referred to the fact that it is entitled, not obliged, to include editions into the catalogue. State-run unitary enterprise "Minskabsayuzdruk" refused to distribute this edition through its newsstands with the similar reasoning.

Early in September "Belsayuzdruk" refused to distribute *Novy Chas*, referring to the fact that "[it is] impossible at present time due to technical reasons."

Such answers had been previously given by leading enterprises, which occupy a dominant position at the market, to editorial boards of *Hazeta Slonimskaya*, *Intex-press*, and *Intex-press plus* (Baranavichy), *SNplus*. *Svadodnyya Naviny Plus*.

The situation is aggravated for the reason that, since July 2015, distributors of printed and broadcasting media (except for editorial boards which distribute their own editions) are entitled to undertake their activities only when being registered by the Ministry of Information. So long as the majority of independent editions, thrown out of the state-run systems of distribution by subscription and by retail, had been selling a large number of their copies through mercantile businesses and entrepreneurs, they faced reduction in the

number of retail outlets for their production. Not every distributor of newspapers agreed to apply to the Ministry of Information for an additional registration.

### **Prosecution of freelance journalists**

In July and August 7 journalists were brought to administrative responsibility for contribution to foreign mass media without accreditation. They were fined for 25 to 50 base values (approximately 250 to 500 euro).

On July 9th the PA "Belarusian Association of Journalists" filed appeals to the Supreme Court, the Ministry of Internal Affairs, General Public Prosecutor's Office, and the Committee for State Security, in which it drew their attention to unlawfulness and groundlessness of prosecution of journalists under the terms of the article 22.9 of the Code of Administrative Offence for unlawful production and distribution of mass media production. But these state bodies have evaded direct responses and evaluation of the situation.

In early August, during the press conference with journalists of independent mass media, the President Aliaksandr Lukashenka, when answering the question about persecution of freelance journalists, promised to examine the situation. No new actions have been initiated against them since that time, but previously brought actions were completed with freelance journalists being brought to administrative responsibility.

### **Detention of journalists**

A number of detentions of journalists were recorded in July-September.

Thus, on July 16th journalists Kastus Zhulouski and Natallia Kryvashei were detained in Rechytsa district of Homel region. They were shooting a news piece about an outbreak of an unknown disease of swine.

On July 29 they were again detained by the Gomel Central District Department of Internal Affairs, by which a picket should have been held by local citizens. The journalists were going to cover it.

On September 7 Katsiaryna Andreyeva, a freelance reporter of *Narodnaya Volia*, was detained in Minsk. She was covering a picket of the "deceived shareholders" (citizens who invested their money into a shared construction, but did not get the housing) by the Palace of the Independence.

In every case, the journalists were released in 3 hours since the moment of the detention without any reports being drawn up.

It should be noted, that the number of short-term detentions of journalists in 2015 reduced in comparison with other years (11 detentions in 9 months to 29 during the last year).

## FREEDOM OF ASSEMBLY

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Juridical instances do not satisfy numerous complaints of public activists and human rights activists against refusals of local bodies of power to permit pickets, for formal or farfetched reasons.

On July 28 Mikalai Lusta was detained by the Central Election Committee, where he was holding a solitary picket with a poster reading "Why should we elect? Better crown! No to elections!" In three days he was fined for 4.5 billion roubles under the p.1 of the article 23.34 of the Code of the Administrative Offence (for infringement of the procedure of organisation or holding of a mass event).

Department of Ideological Work of the Minsk City Executive Committee refused to issue a touring certificate for a show of a well-known Belarusian performer Dzmitry Vaitsiushkevich, which was scheduled for July 22th. The decision was grounded on the conclusion that the activity of the singer violated the law. It is not known, which infringements were imputed to Dzmitry Vaitsiushkevich, as the document provides a link to the article of the enactment, which stipulates a broad spectrum of infringements, including propaganda of war or extremist activity<sup>1</sup>.

Since early August there has been a tendency to certain easing of the human rights situation in the country.

At least in Minsk a number of unauthorized meetings of citizens were held on August through September; they were organised by a number of opposition activists.

Nevertheless, the practice of refusing permission to hold mass events remained intact. Local executive bodies of power refused permission to hold them even in the places they had previously assigned for this purpose in their own decisions. Such situation was recorded in Biaroza, Vitsebsk, Baranavichy, and other cities.

During the month members of electoral teams in support of nomination of presidential contenders actively held pickets to collect signatures of citizens. Owing to the fact that these events were held as a part of the election campaign, these pickets were held without permits, issued by the local bodies of power, in places which had not been banned by decisions of these bodies.

However, though protest pickets held by those opposition politicians who did not take part in the elections, were not stopped by the authorities, they entailed imposition of fines by courts for holding unauthorised mass events.

Thus, a series of pickets was held in Minsk by the United Civil Party and the electoral team in support of nomination of Anatol Liabedzka as a presidential contender; at these

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<sup>1</sup> <http://spring96.org/ru/news/78954>

pickets demands were advanced for the release of political prisoners<sup>2</sup> and in support of freelance journalists and freedom of speech<sup>3</sup>.

On August 21st an action of solidarity with Maxim Pekarsky and Vadzim Zharomski, who had been arrested, was held by the Pre-Trial Detention Centre №1 in Minsk. About 20 persons took part in the action<sup>4</sup>.

On the same day, the last day of collection of signatures in support of nomination of Tatsiana Karatkevich as a presidential contender, activists of the Belarusian Popular Front and the civil campaign "Tell the Truth" held a picket "National Flag Avenue – 2015"<sup>5</sup> in Minsk. About 40 persons, who held white-red-white banners in their hands, tried to spread along the Peramozhtsau avenue from the Svabody square. Plainclothes police officers prevented them from doing this. No detentions of participants of the picket were carried out by the police officers.

The fact of bringing to administrative responsibility of Siarhei Mikalayenka, the pastor of the Lord's Church "Tranfiguration", for holding an unauthorised religious meeting, was recorded.<sup>6</sup>

Local bodies of power refused permission to hold peaceful meetings: Mikashevichy City Executive Committee banned the picket against the shutdown of the local school №3, which was to be held by parents of pupils of this school<sup>7</sup>; Salihorsk District Executive Committee banned the picket against the urban densification, which was to be held in the central square<sup>8</sup>.

Courts of first instance refused complaints filed by public activists and human rights activists against groundless refuses to hold peaceful meetings and pickets. Higher court instances agreed with such decisions: cassation complaint against the decision of the Bereza district court to render lawful the groundless decision to hold a peaceful mass meeting was not satisfied.

On September 7th, 2015 politician Mikalai Statkevich issued a public statement about the intention to hold a picket on September 10th, and an appeal to join the picket "For fair and free elections", which was to be held by the entrance of the Central Department Store in Minsk on September 10th, at 18.00. On September 8th, 2015 Mikalai Statkevich was summoned to the Main Department of Internal Affairs of the Minsk City Executive Committee, where he was warned about the inadmissibility of holding of an unauthorised picket. On September 10th, during the picket, a report was drawn up against him on the administrative offence under the article 23.34 of the Code of Administrative Offence (for infringement of the procedure of organisation or holding of a mass event). On September

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<sup>2</sup> <http://spring96.org/be/news/78970>

<sup>3</sup> <http://spring96.org/ru/news/79315>

<sup>4</sup> <http://spring96.org/be/news/79404>

<sup>5</sup> <http://spring96.org/be/news/79412>

<sup>6</sup> <http://spring96.org/ru/news/79625>

<sup>7</sup> <http://spring96.org/ru/news/80054>

<sup>8</sup> <http://spring96.org/ru/news/80069>



10th Mikalai Statkevich made public statements calling upon voters not to come to polling stations on the Election Day, October 11th, 2015, along with Uladzimir Niakliaeu and Anatol Liabedzka<sup>9</sup>. The latter were also brought to administrative responsibility: they were fined.

On September 16th in Minsk, Anatol Liabedzka, the chairman of the United Civil Party, and other public activists held a picket "16 years without Hanchar and Krasouski" dedicated to the 16th anniversary of the violent disappearance of Viktor Hanchar and Anatoli Krasouski<sup>10</sup>. Anatol Liabedzka was giving an interview, when he was joined by 8 men who were holding wooden boards with an inscription "we remember" and information about the disappearance of Krasouski, Hanchar, Zavadski, and Zakharanka. During the statement, in fact, paralyzing it, the only police officer who was in the uniform approached Anatol Liabedzka and drew up a report under the article 23.34 of the Code of Administrative Offence (for infringement of the procedure of organisation or holding of a mass event), not explaining him his rights and obligations.

A report was also drawn up against Mikalai Kazlou, who was taking participation in the picket, on the administrative offence under the article 22.34 of the Code of Administrative Offence, and the Court of the Central district of Minsk fined Anatol Liabedzka and Mikalai Kazlou on September 30th, 2015.

The mass event of the opposition, devoted to the discussion of the results of Aliaksandr Lukashenka's activity, which was held in Minsk on September 23d, also resulted in reports on administrative offence drawn up against Mikalai Statkevich, Uladzimir Niakliaeu, and Anatol Liabedzka.<sup>11</sup>

## FREEDOM OF ASSOCIATIONS AND THE SITUATION OF THE NON- GOVERNMENTAL ORGANIZATIONS IN BELARUS

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On August 31st, 2015 the Decree №5 of the President of the Republic of Belarus "On Foreign Gratuitous Aid", which approved the Regulations on the procedure of receipt, accounting, registration, utilisation of foreign gratuitous aid, control over its receipt and proper use, as well as registration of humanitarian programmes. This regulatory legal act is of great importance for Belarusian non-governmental organisations, which receive donations from abroad. It replaced the Decree №24 of 2003 and, though it has some insignificant positive amendments, on the whole, it does not change the system of registration and utilisation of foreign gratuitous aid and does not contribute to the development and financial stability of the civil society.

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<sup>9</sup> <http://spring96.org/ru/news/79837>

<sup>10</sup> <http://spring96.org/ru/news/79971>

<sup>11</sup> <http://spring96.org/ru/news/80254>

The system of registration of foreign aid, which is stipulated by the decree, does not comply with international commitments of the Republic of Belarus and international standards of freedom of associations, for example, Guiding Principles of Freedom of Association of the OSCE, according to which the free access to the resources, including foreign and international ones, is an integral part of the freedom of associations.

The decree preserves the necessity to register the foreign aid preliminarily in the Department of Humanitarian Activity of the Office of the President. The limited list of goals, for which foreign gratuitous aid can be received under the general procedure, has been preserved. The legal act provides a number of new goals, including assistance to development of the arts, holding of cultural events, protection of the environment, ensuring the execution of punishments, crime prevention and promotion of the law-abiding way of life, reinforcement of material and technical resources of state institutions, repair (reconstruction) of social facilities. At the same time, as before, this list does not include educational activity, human rights, healthy lifestyle promotion, gender equality, animal protection. Foreign gratuitous aid can be received for goals, not specified in the list, only under the decision of the Office of the President of the Republic of Belarus (if the aid exceeds 500 base values, its receipt should be approved by the president).

Citizens of Belarus, who permanently reside outside of Belarus, are also attributed to the providers of foreign aid. The new decree no longer contains the regulation which stipulated that the decree should not be applied to foreign citizens to which, according to the regulations of international treaties which are in effect for the Republic of Belarus, rights in the field of civil relations, equal to those of citizens of the Republic of Belarus were given. Thus the aid provided by citizens and legal entities of the Russian Federation, according to the new legislation, is attributed to the foreign gratuitous aid (such approach was selectively practiced formerly). Now the list of recipient of foreign gratuitous aid includes also foreign citizens and stateless persons, who permanently reside in Belarus.

Positive changes introduced by the new decree should include the exclusion of anonymous donations received inside of Belarus from the notion of foreign gratuitous aid; the new definition of foreign gratuitous aid includes only anonymous donations made from abroad. Thus the imperfect legal regulation, which wasn't working in practice, but turned the activity of charity organisations, as well as other organisations which used money collected through missionary boxes, into punishable activity. At the same time it remains unclear how it will be determined, that an anonymous donor was a foreign one.

Current legislation does not stipulate the minimal amount of foreign aid which can be received by the legal entity without registration. The new decree contains the stipulation that foreign gratuitous aid is not liable to registration if it was received in form of goods (property) which were to be used in industrial and economic activity of the legal entity, and its amount did not exceed 500 base values at the date of its receipt. Thus the new decree, in spite of suggestions made by civil society organisations, stipulates the minimal amount of foreign gratuitous aid which does not need to be registered, only in respect of goods (property), but not money; at the same time Belarusian legislation does not contain a definition of "industrial and economic activity".

Criminal responsibility for the violation of the procedure of utilisation of humanitarian aid, which is criticised by the civil society, also remains in effect.

The necessity for individuals to register foreign gratuitous aid, which they received, has been abolished, except for application for its exemption from income tax for individuals.

Besides the listed key regulations, the new decree contains a number of amendments which are important to nonprofit organisations which receive foreign gratuitous aid.

On August 14th the Ministry of Justice refused the registration of the Party BHD (Belarusian Christian Democracy). It is the fifth refusal to register this political party. The list of grounds includes non-submission of a number of documents, requested by the Ministry, concerning the constituent congress of the party and inaccuracies in personal data of some of the founders (incorrect places of employment or registration, absence of home and work telephone numbers). Four persons stated as the founders of the party, according to the ministry, informed it in written form or by telephone, that they had not taken part in the constituent activities of the BHD and had not nominated any delegates to the congress. Two persons informed that they had not signed the document, and one more founder was mentioned in the list for two times. Small technical inaccuracies, which, according to representatives of the BHD, cannot cast doubt on registration of a political party, were also stated as a ground for the refuse. Even except the persons listed by the registering body, the list of founders of the BHD includes more than 1000 men, this number of founders being needed to obtain state registration of the party. According to the organizing committee of the party, in many regions pressure was exerted on founders of the party in order to force them to renounce their participation in foundation of the party. Since 2000 Belarusian authorities have not registered any political party in spite of more than 20 attempts to create new parties. On September 14th the organizing committee for foundation of the Party BHD submitted a complaint to the Supreme Court against the refusal to register it.

On August 12th the Supreme Court of Belarus considered a complaint of initiators of foundation of the Youth Public Association "Modern View" against the refusal to register the organisation. The Ministry of Justice refused to register this organisation for the second time. This decision was also made on the ground of technical inaccuracies: home telephone numbers of two founders were not stated in the list of founders, and a mistake was made in the name of the street where one of the founders lived. Nevertheless the Supreme Court dismissed the complaint and recognized the refusal to register the organisation as justified. In so doing, the Supreme Court offered an argument as the grounds for the dismissal, that the list of founders was invalid, because a misprint was in the address of one of the fifty founders, and home telephone numbers of three more founders were not stated. The court did not take into account the argument that the registering body had to give the founders time to eliminate these technical defects.

## ADMINISTRATION OF JUSTICE

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On August 3d the Supreme Court published statistic data on the activity of courts during the first half of 2015<sup>12</sup>. January through June, the courts awarded a sentence after consideration of 20 620 criminal cases. 21 187 persons were convicted, 53 persons were acquitted. The percentage of acquittals, already extremely low, reduced even more to 0.26% (as compared with 0.4% last year).

30% of the convicted (6 437 persons) were sentenced to imprisonment, 16% were arrested (3 440 persons), and 19% (4 121 persons) were sentenced to restriction of liberty; 1 717 of the latter were sent to open type institutions (8%). Thus, 65% of the awarded sentences entailed the high degree of isolation of the convicts; this rate is for 14% more than last year.

A tendency is registered towards the reduction of the part of cases on disorderly conduct and consumption of alcohol beverages in public places in the total number of cases on administrative offences, which were considered by the courts (since the beginning of 2014, heads of the internal affairs bodies have been entitled to pass a resolution on such cases, upon approval of the person). From 150 963 of court orders issued by district (city) courts during the first half of 2015, the part of such cases is 14% and 13% respectively. In 2013 the part of such cases was 30% and 29% respectively, in the first half of 2014 it was 20% and 19% respectively; in the end of last year it was 17% in both cases.

In 17% of the cases, the courts sentenced to administrative detention for administrative offence; in 81% of the cases they imposed a fine, these numbers roughly corresponding to the statistic data of last year.

The practice continued of informing the public about the consideration of the most notorious cases. At the same time, attention was devoted to economic cases and consideration of disputes over intellectual property. For example, in early August the Supreme Court explained the grounds for dismissal of complaint filed by the Minsk Sparkling Wines Factory in the case on the protection of the trademark "Soviet Sparkling Wine"<sup>13</sup>. In July information was also published about activity of the Judicial Board on the Cases of Intellectual Property in the first half of 2015. As compared with the same period of the last year, the number of cases in charge of the Board has remained the same – 68 cases. Almost two thirds of them have been disputes over intellectual property or neighbouring rights; the rest have been disputes over proprietary rights.<sup>14</sup>

Notification of parties to the proceedings, especially administrative ones, about the time and venue of the proceedings through text messages, has become recently widespread. Such approach has received criticism, because such messages are often received the day before the session, and there is always risk to overlook them. The

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<sup>12</sup> [http://court.by/justice/press\\_office/d89fcd4e29ca3d1c.html](http://court.by/justice/press_office/d89fcd4e29ca3d1c.html)

<sup>13</sup> [http://court.by/justice/press\\_office/a0ef7053a30cb19b.html](http://court.by/justice/press_office/a0ef7053a30cb19b.html)

<sup>14</sup> [http://court.by/justice/press\\_office/e6eecd4bb2e0ed90.html](http://court.by/justice/press_office/e6eecd4bb2e0ed90.html)

Supreme Court assessed this way of notification and considered it to be appropriate if the text message complies with the content of the subpoena, and the fact of its sending and delivery was recorded. Apart from the fact that such practice complies with regulatory legal acts of the Republic of Belarus, it is also used in neighbouring countries, including Kazakhstan, Russia, Lithuania, and Ukraine.<sup>15</sup>

At the same time the PA "Belarusian Association of Journalists" have drawn attention to the fact that text messaging about court sessions, which is used in Russia, has an important distinction: such way of notification is allowed only with a prior consent of the party; it is sent to the number which he himself has provided; and it is sent within the time limit which will allow him to get prepared to the proceedings. No such guaranties are stipulated by the Belarusian legislation.<sup>16</sup>

In August the educational institution "Legal Transformation Centre", the Human Rights Centre "Viasna", and the voluntary organisation "Belarus Watch" with the participation of the HRPA "Belarusian Helsinki Committee" published a monitoring report on the openness and publicity of court sessions in Minsk<sup>17</sup>. The report was based on the analysis of 148 court sessions in 7 district courts, held July 1st through 30th, 2014.

The authors of the document noted the lack of heterogeneity in observance of the principle of openness and publicity of court sessions. The implementation of instructions, contained in the decision №11 of the Plenum of the Supreme Court on the right of persons who are present at open court session, to record it, by means of sound recording as well, varies from court to court. Implementation of this right is often impeded; for example, courts of Piershmaiski and Partyzanski districts forbade carrying on the sound recording in one thirds of cases.

According to the results of the monitoring, recommendations on quality application of the decision №11 of December 20th 2013 of the Plenum of the Supreme Court "On ensuring of publicity by administration of justice and on dissemination of information on the activity of courts", were developed for the Supreme Court, Minsk City Court, district courts of Minsk, and bodies of internal affairs. In particular, the organisers of the monitoring recommended that the Supreme Court should increase control over the implementation of the decision №11, regulate the right to record court session (by means of sound recording as well), and ensure such procedure of holding sessions in courts of general jurisdiction, which would make it possible for all comers to be present at the proceedings.<sup>18</sup>

During the period under review two theoretical and practical seminars were conducted by the Standing Committee of the House of Representatives for Legislation and the Standing Committee of the Council of the Republic for Legislation and State

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<sup>15</sup> [http://court.by/justice/press\\_office/eb6336d0bf66e88f.html](http://court.by/justice/press_office/eb6336d0bf66e88f.html)

<sup>16</sup> <http://spring96.org/be/news/78361>

<sup>17</sup> <http://belhelcom.org/node/19778>

<sup>18</sup> [http://belhelcom.org/sites/default/files/bhc\\_courts-2014\\_report\\_v5.pdf](http://belhelcom.org/sites/default/files/bhc_courts-2014_report_v5.pdf)

Administration. Representatives of the RHRPA "Belarusian Helsinki Committee" took part in this seminars and submitted proposals on improvement of legislation and its application.

On July 24th Aleh Hulak, the chairman of the RHRPA "Belarusian Helsinki Committee", raised a question about some legal collisions, during the seminar "On necessity and ways of improvement of legislation on administrative offence". The Code of Administrative Offences of the Republic of Belarus is the only law on administrative offence, which is in effect in the Republic of Belarus. Thus all regulations which stipulate administrative responsibility are subject to inclusion into the Code of Administrative Offence<sup>19</sup>. Thereby a proposal was submitted to include into the General part of the Code the regulation of the article 86 of the Criminal Code stipulating the substitution of a criminal punishment for an administrative one, which has not been yet reproduced there. The similar problem is with Decrees issued by the President of the Republic of Belarus, which stipulate administrative responsibility: they are often applied without being included into the Code of Administrative Offence over a long period of time; it contradicts the part 2 of the article №1 of the Code.

The representative of the RHRPA "Belarusian Helsinki Committee" also noted, that administrative fines which exceed minimal limits, prescribed for commission of a crime, obliterate distinctions between administrative and criminal punishments; immediate execution of administrative penalty in form of administrative detention contradicts the principle of presumption of innocence; the term of administrative detention (72 hours) seems to be unjustifiably long, it should be reduced to 24 hours.

In conclusion of the seminar, its participants recommended the Standing Committees to generalize the proposals and to take them into consideration during the lawmaking, as well as to examine a question concerning the preparation of the conception of development of the administrative tort legislation.

On September 29th the seminar was held "On problems of judicial system and legal proceedings in the Republic of Belarus" as a part of the draft law of the Republic of Belarus "On introducing alterations and additions to the laws of the Republic of Belarus on judicial system and legal proceedings". The RHRPA "Belarusian Helsinki Committee" came forth with a number of proposals concerning the draft of the Law which were aimed, in particular, at the enhancement of opportunities for organisations to file initiative applications to the Constitutional Court, ensuring of all-round use of the Belarusian language in legal proceedings, and elimination of certain deficiencies in the legislation.

It also should be noted that on September 24th the Supreme Court analyzed the practice of application of legislation, which regulates the rendering of international legal assistance in criminal cases, by the courts. No system errors has been detected in the work of courts, but the Plenum of the Supreme Court has noted a number of errors in his decision, which have still been made from time to time. Thereby the Plenum drew attention of courts to the specifics of rendering of international legal assistance in accordance with international treaties of the Republic of Belarus, and, according to the principle of

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<sup>19</sup> The Code of Administrative Offence of the Republic of Belarus, part 2 of the article 1.1

reciprocity, to observance of regulatory directions which regulate the court verification of lawfulness of extradition of a person, to limitations of proceedings against such a person, and to execution of a sentence of courts of foreign countries.<sup>20</sup>

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<sup>20</sup> [http://court.by/justice/press\\_office/f12d9ab20320f79a.html](http://court.by/justice/press_office/f12d9ab20320f79a.html)