

DECISION

On 3 August [212], Judge V.G. Zaitseva of Minsk City Court has reviewed T.A. Novikova's appeal against the decision of the judge in the matter of an administrative offence heard before Moskovskiy Rayon District Court, Minsk, on 18 July 2012, which imposed upon

Tatyana Anatolevna Novikova, d.o.b. 23 June 1968, resident at Gazeta Pravda Avenue, Minsk,

an administrative penalty in the form of administrative arrest for a period of 5 days, on the basis of Article 17.1 of the Code of the Republic of Belarus on Administrative Offences ('the CAO').

The court, having heard the explanation given by T.A. Novikova and her defence counsel, E.D. Maslov, in support of the appeal, –

HAS ESTABLISHED that:

T.A. Novikova was found guilty of using offensive language while in a public place – outside 8, Gazeta Pravda Avenue, Minsk – at 11:22 on 18 July 2012.

In her appeal, Novikova stated that the decision was unlawful and unfounded, since she had not used offensive language and in that the administrative process had involved violations of the law on procedure and enforcement and had violated her rights to a defence.

Having reviewed the case and considered the arguments in the appeal, I find that the appeal must be dismissed, for the following reasons.

The fact that T.A. Novikova was guilty of committing the administrative offence provided for by Article 17.[5] of the CAO is confirmed by a record of the administrative offence, an incident report from Officer Sushits of the Special Police Force of the Chief Directorate of Internal Affairs, and the explanatory evidence of a witness, G.G. Molosh.

The explanatory evidence of G.G. Molosh, witness, shows that, on 18 July 2012, he apprehended Novikova and Ozharovskiy, who were using offensive language, by the entrance to 8, Gazeta Pravda Avenue, Minsk.

Similar circumstances were also described by Officer Sushits of the Special Police Force of the Chief Directorate of Internal Affairs of Minsk City Executive Committee in his incident report.

The judge justifiably found that the entirety of the evidence gathered and introduced was sufficient to allow the circumstances in which Novikova committed this

administrative offence to be established; the judge set out these circumstances in the narrative part of the decision, and correctly determined that the actions concerned constituted disorderly conduct and fell under Article 17.1 of the CAO.

The court has examined Novikova's arguments that she did not commit the offence, and has justifiably dismissed them for lack of objective corroboration, since they are refuted by the entirety of the evidence introduced, in particular by the explanatory evidence of the witness G.G. Molosh and the incident report from Officer Sushits of the Special Police Force of the Chief Directorate of Internal Affairs of Minsk City Executive Committee, which the judge has no grounds to doubt.

The administrative penalty imposed by the judge, taking into account the nature of the administrative offence committed, the circumstances in which it was committed and the degree of guilt, as well as relevant information about the individual involved, was within the limits of the sanctions laid down by Article 17.1 of the CAO.

It has not been accepted that there were any significant violations of the law on procedure and enforcement, such as to entail the decision being set aside.

In these circumstances, there do not appear to be any grounds to alter or set aside the judge's decision.

On the grounds set out, pursuant to Article 12.9., subparagraph 1(1), of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences, -

HAS DECIDED:

The decision of the judge in Moskovskiy Rayon District Court, Minsk, of 18 July 2012 in regard to Tatyana Anatolevna Novikova is upheld, and her appeal is dismissed.

Judge, Minsk
City Court

[signature]

V.G. Zaitseva