

DECISION

18 July 2012

Minsk

Judge V.A. Yesman of Central Rayon District Court, Minsk, sitting in open court with E.V. Korneeva as Clerk, having heard the administrative case submitted by the District Police Inspector for the Central Rayon Directorate of Internal Affairs of the City of Minsk against **Mikhail Nikolaevich Matskevich**, d.o.b. 18 December 1989, ID No: 3181289V015RV3, born in Stolbtsy, Minsk Oblast, a graduate working as an environmental expert at the Legal Information Centre (a public institution) and residing at 47A, Mitskevich Street, Stolbtsy, Minsk [Rayon], for a violation of Article 17.1 of the Code of the Republic of Belarus on Administrative Offences,

HAS ESTABLISHED that:

At 12:00 on 18 July 2012, at 38, Novovilenskaya Street in the City of Minsk, M.N. Matskevich was using coarse, offensive language, shouting loudly and gesticulating; he failed to respond to repeated warnings, and thus he committed a violation of public order and a breach of the peace.

In court, M.N. Matskevich denied that he had committed the stated offence and explained that he had not been engaged in disorderly conduct, since he was not using offensive language or gesticulating in the stated place. He asserted that he had been unlawfully apprehended by police officers.

Witnesses testified that M.N. Matskevich had committed this administrative offence.

A.S. Litvinko, witness, explained to the court that, at about 12:00 on 18 July 2012, at 38, Novovilenskaya Street in the City of Minsk, M.N. Matskevich was shouting loudly, using offensive language, gesticulating and accosting passers-by; he failed to respond to their repeated warnings to stop acting illegally, and thus he was committing a violation of public order and a breach of the peace, which led to his being apprehended.

B.M. Zhokun, witness, gave similar testimony before the court, in which he specifically stated that M.N. Matskevich had used coarse, offensive language and behaved aggressively, which led to his being apprehended.

A.A. Kozlyuk, witness, testified in M.N. Matskevich's favour.

The fact that M.N. Matskevich committed this administrative offence is confirmed by a record of the administrative offence from 18 July 2012, an incident report and a record of interviews from the police officers (A.S. Litvinko and B.M. Zhokun), a record of administrative detention from 18 July 2012 and a record of a body search.

The court is not convinced by M.N. Matskevich's arguments that he was not engaging in disorderly conduct in that he was not swearing or using offensive language in a public place; the court considers that his aim is to escape the consequences of his actions under administrative law, since his arguments are refuted not only by the testimony of the witnesses, A.S. Litvinko and B.M. Zhokun, which shows that M.N. Matskevich was using coarse, offensive language in a public place, but also by the written documents in the case (listed above in their entirety), about which the court harbours no doubts.

The court is satisfied that there are no extenuating or aggravating circumstances relating to the charge.

On the grounds set out, being satisfied that M.N. Matskevich's actions contain all the elements of an administrative offence as provided for by Article 17.1 of the Code of the Republic of Belarus on Administrative Offences, and taking into account the nature of the offence committed and the identity of the person who committed the administrative offence, the court considers it necessary to impose upon him a penalty under administrative law in the form of detention in custody; so, pursuant to Article 17.1 of the Code of the Republic of Belarus on Administrative Offences and Articles 11.9 and 11.10 of the Procedural Executive Code of the Republic of Belarus on Administrative Offences, the court

HAS DECIDED:

To subject **Mikhail Nikolaevich Matskevich** to a penalty under administrative law, in the form of 3 (three) days' detention in custody.

This period of administrative arrest is to be calculated from 12:00 on 18 July 2012.

An appeal may be made against this Decision or a notice of the Prosecutor's opposition may be filed to Minsk City Court, via Central Rayon District Court, within 5 (five) days.

Judge: signature. *[signed]*

This is a true and faithful copy.

[Round seal:]

Judge:

Central Rayon District Court, Minsk