

DECISION

On 18 July 2012, Judge Tatyana Yaroslavovna Motyl of Moskovskiy Rayon District Court, Minsk, with A.L. Tsvirko as Clerk, having reviewed in open court in Moskovskiy Rayon District Court, Minsk, the matter of an administrative offence provided for by Article 17.1 of the Code of the Republic of Belarus on Administrative Offences ('the CAO') in regard to:

Andrey Vyacheslavovich Ozharovskiy, d.o.b. 1 December 1965, native of Moscow, resident in Moscow, Russian Federation,

a graduate working as a physics teacher at the 1st General Secondary School (a municipal educational institution) in Zagoryanskiy, Moscow Oblast, married, citizen of the Russian Federation,

HAS ESTABLISHED that:

at 11:20 on 18 July 2012, A.V. Ozharovskiy was using offensive language while in a public place – near Entrance No 2 to 8, Gazeta Pravda Avenue, Minsk – and thus was deliberately committing a violation of public order, showing obvious disrespect for society.

In court, A.V. Ozharovskiy denied committing **this offence** and told the court that he met T.A. Novikova near 8, Gazeta Pravda Avenue, Minsk, at about 11:20 on 18 July 2012 and set off to go with her to the Russian Embassy to hand in a petition addressed to the Prime Minister of the Russian Federation. He did not use any offensive language while talking with T.A. Novikova.

However, A.V. Ozharovskiy's guilt was established in court and fully confirmed by the evidence of G.N. Molosh and V.A. Sushchits, witnesses, as well as by written evidence.

Witness G.N. Molosh explained in court that, on 18 July 2012, he and V.A. Sushchits were on duty, maintaining public order in Moskovskiy Rayon, Minsk; while on patrol, he noticed people who were previously unknown to him (he later found out that they were A.V. Ozharovskiy and T.A. Novikova) using offensive language loudly in the street; they failed to respond to repeated warnings and continued to use offensive language, which led to their being apprehended and taken to the Moskovskiy Rayon Directorate of Internal Affairs, Minsk, for investigation.

Witness V.A. Sushchits gave similar evidence in court, including a description of the circumstances of the illegal acts committed by A.V. Ozharovskiy.

A.V. Ozharovskiy's guilt is also confirmed by written evidence:

a record of an administrative offence from 18 July 2012 (No 0403863), relating to A.V. Ozharovskiy, which reflects the above circumstances of the offence;

an incident report by the group commander of the 6th Section, 2nd Company, of the Special Police Force of the Chief Directorate of Internal Affairs of **Minsk City Executive Committee**, V.A. Sushchits, of 18 July 2012, from which the court is satisfied that an offence was committed and that the circumstances described were those in which it was committed;

a record of the administrative detention of A.V. Ozharovskiy from 18 July 2012, which shows that A.V. Ozharovskiy was apprehended at 11:20 on 18 July 2012 near 8, Gazeta Pravda Avenue, Minsk;

a notification of 18 July 2012 to the Chief Consular Directorate of the Ministry of Foreign

Affairs of the Republic of Belarus, concerning the detention of A.V. Ozharovskiy;

a memorandum of 18 July 2012 from the Head of the Citizenship and Migration Department of the Moskovskiy Rayon Directorate of Internal Affairs, Minsk, informing the Consular Department of the Russian Embassy to the Republic of Belarus of the detention of a Russian citizen, A.V. Ozharovskiy.

The evidence introduced was obtained in accordance with the requirements of the law and from sources provided for by law. The court has found no grounds for doubt about their reliability and no grounds on which the witnesses G.N. Molosh and V.A. Sushchits would falsely incriminate A.V. Ozharovskiy.

Thus, sufficient evidence has been gathered in this case to **find** that A.V. Ozharovskiy committed an administrative offence provided for by Article 17.1 of the CAO, namely, use of offensive language in a public place.

The court finds A.V. Ozharovskiy's arguments that he was not using offensive language unreliable, since they are refuted by the settled, consistent **witness evidence** of G.N. Molosh and V.A. Sushchits and by documentary evidence.

The court finds the evidence of T.A. Novikova, witness, that A.V. Ozharovskiy was not using offensive language near 8, Gazeta Pravda Avenue, Minsk at about 11:20 on 18 July 2012 unreliable, since it is refuted by the settled, consistent witness evidence of G.N. Molosh and V.A. Sushchits and by documentary evidence.

The fact that A.V. Ozharovskiy has a dependent minor child is an extenuating circumstance under administrative law.

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

In light of the above evidence that A.V. Ozharovskiy is guilty of an administrative offence as provided for by Article 17.1 of the CAO and taking into account the nature of the offence committed, the identity of the person charged with the administrative offence, the degree of guilt and the extenuating circumstances, the judge considers it expedient, in the case of A.V. Ozharovskiy, to apply a penalty under administrative law in the form of administrative arrest.

Pursuant to Articles 11.10-11.11 of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences, the court

HAS DECIDED:

To subject Andrey Vyacheslavovich Ozharovskiy to a penalty under administrative law, on the basis of Article 17.1 of the CAO, in the form of 10 days' administrative arrest.

This period of administrative arrest is to be calculated from 11:20 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 Moskovskiy Rayon District Court, Minsk, within 5 days of its delivery.

Judge

signature

[Round seal:]

Moskovskiy Rayon District Court, Minsk

This is a true and faithful copy

Belarus

Judge