

Ministry of Internal Affairs of the
Republic of Belarus
Chief Directorate of
Internal Affairs of Minsk
City Executive Committee
5, Dobromyslenskiy Lane
Minsk 220018

Tel. (017) 239 40 76, Fax 239 46 97

23 September 2012 No mg/18 K-3430
In reply to No K 3430 of 06.09.2012

T.A. Novikova
Flat 177, 8 Gazeta Pravda Avenue
Minsk 220116

Your complaint about the conditions in which persons subject to administrative arrest and administrative detention are held in custody at the Offenders Custody Centre of the Chief Directorate of Internal Affairs of Minsk City Executive Committee ('the Custody Centre') was forwarded by Minsk City Public Prosecution Service to the Chief Directorate of Internal Affairs of Minsk City Executive Committee and has been reviewed.

A check carried out has established that the official activities of the Custody Centre take a principled approach, based on current legislation, to the issues involved in supervising the work of officers and ensuring the legality of custody.

The Chief Directorate of Internal Affairs of Minsk City Executive Committee is constantly implementing measures to improve the conditions in which persons subject to administrative arrest and administrative detention are held at the Custody Centre.

A plan has recently been drawn up for rebuilding and modernizing the Custody Centre, to bring it into line with all the current technical and legislative requirements of the relevant technical regulations and standards.

The building and repair works have been planned for the second half of 2012.

It has not been established that the Custody Centre staff committed any violations of the law relating to holding persons in custody at this special-purpose institution.

You have the right to appeal against this decision to the Ministry of Internal Affairs of the Republic of Belarus.

Head of the Department of
Supervisory and Enforcement
Activities

[signed]

A.S. Kupchenya

To the Administration,
Investigative Committee of the Republic of
Belarus for the City of Minsk
7, Saperov Street, Minsk 220035

From Tatyana Anatolevna NOVIKOVA
Citizen of the Republic of Belarus
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Complaint

concerning the commission of acts which meet the criteria
for definition as acts punishable under criminal law

On 18 July 2012, I was apprehended near my home by people in plain clothes, under the pretence that I looked similar to a person who had been burgling local flats. I showed my ID document; however, these people, who were unknown to me, refused to provide any photographic surveillance image of the burglar and forced me into a car parked by the entrance to my block. They took me in this vehicle to the Department of Internal Affairs of the Moskovskiy Rayon Administration, Minsk, allegedly to establish my identity; there I was later charged with ‘disorderly conduct’.

At this Office, my L-thyroxine tablets, which I have to take every day because I am undergoing treatment for a cancerous condition of the thyroid, were confiscated from me. I had this medicine with me because I had not managed to take it that morning and was planning to do so by midday. Failure to take L-thyroxine can have serious consequences for the health of a patient with my condition – ranging from cardiac insufficiency to systemic metastasis. When I was unable to take this medicine because it had been confiscated, I felt noticeably more unwell: I told the police officers this, but there was no reaction.

Because I felt ill and did not have my prescribed medicine, I asked Police Lieutenant-Colonel Begunov to call an ambulance. However, despite my complaints and requests, the ambulance was called only in the evening of that day, when it was already getting dark – probably about 9 o’clock in the evening – after the court hearing where I was ordered to be detained in custody for five days, and also after I had been fingerprinted and photographed.

After I found out that I was to be detained in custody for five days, I informed the staff of the

Department of Internal Affairs of the Moskovskiy Rayon Administration who were in charge of me that I would also need other medicines on a daily basis. As well as L-thyroxine, I have to take daily doses of specific drugs to support heart function and liver function and to treat the sequelae of another cancer from which I suffer. One of these drugs – Tamoxifen – must be taken daily and without any break, to prevent the development of metastases.

The ambulance called to the Department of Internal Affairs of the Moskovskiy Rayon Administration did not have the vital medicines I needed. The emergency doctor asked the police officers who were in charge of me if they wanted me to be hospitalized. After the doctor and a police officer had spoken in private, the ambulance left. Then, in the evening, when it was already getting dark, my L-thyroxine was returned to me.

The police officers under the command of Police Lieutenant-Colonel Begunov also refused to allow me to use my mobile phone to call my relatives, who were staying outside the city at the time, to ask them to come and bring me the medicines I needed.

I spent my five-day detention in the Offenders Custody Centre of the Chief Directorate of Internal Affairs of Minsk City Executive Committee, located at 36, Okrestina Lane, Minsk ('the Custody Centre'). The conditions in which I was held in custody were exceedingly difficult. It was especially difficult for me, as a seriously ill person with no thyroid function – which enables the human organism to adapt to extreme conditions – to tolerate the conditions described above, even with L-thyroxine. By the second day of my time in the Custody Centre, I felt distressed, shivery and feverish; I had started to feel pain in my joints and bones, and to get cramp. I spent the first two nights without sleeping. The functional liver disorder resulting from my chemotherapy took a turn for the worse. On the second day, I could not eat; I informed the Custody Centre staff and the duty paramedic of this.

The paramedic offered me a painkiller, an antispasmodic and some cholagogues because, as she herself said, she did not have the necessary means to support my heart and liver functions nor any Tamoxifen – the medicine I need in order to prevent the development of metastases of the other cancer from which I suffer. The paramedic refused to call an ambulance – despite my requests – because there were supposedly insufficient grounds to hospitalize me. Yet I felt shivery and weak, and had night cramps: the paramedic recorded a reduced temperature of 35.5°. However, instead of taking appropriate steps, she said: "I'm going to put a stop to your little game – it won't hurt you". The Custody Centre staff did not accept my Tamoxifen (the medicine I need in order to prevent metastases of my cancer) the first time an attempt was made to bring it to me, and the duty officer gave it to me only on the third day, even though, as far as I can tell, it had already been in the building for up to 24 hours.

Thus, officials at the Department of Internal Affairs of the Moskovskiy Rayon Administration,

Minsk, prevented me from taking vital medicines, and the duty paramedic at the Custody Centre failed to provide me (her patient) with essential medical assistance. Under Article 76 of the Rules on internal regulation of special-purpose institutions of internal affairs authorities implementing a penalty under administrative law (administrative arrest), approved by Decision No 194 of the Ministry of Internal Affairs of 8 August 2007, if anyone who is subject to administrative arrest (administrative detention) complains of poor health or if there are discernible signs of illness, the duty officer must call an ambulance immediately. Any omission in such circumstances constitutes an act punishable under criminal law, covered by Article 161 of the Criminal Code of the Republic of Belarus.

On the grounds set out, pursuant to the Criminal Code of the Republic of Belarus and the Code of Criminal Procedure of the Republic of Belarus

I REQUEST:

1. that a criminal investigation be opened into officials of the Department of Internal Affairs of the Moskovskiy Rayon Administration, Minsk, for hindering me (a sick person) from taking vital medicines and into the duty paramedic at the Custody Centre for failing to provide essential medical assistance to a patient.

2. I wish to be informed of the decision taken.

Annexed:

1. Photocopy of a document: Extract (copy) from the medical records of Patient No 5990/2011.

2. Photocopy of a document: Appointment card for the National Medical Rehabilitation Hospital.

3. Photocopy of a document: Medical Certificate No 15282\10.

4. Photocopy of a document: Record No 3964 of subsidized medicines and surgical dressings dispensed.

5. Photocopy of a document: Record No 3905 of subsidized medicines and surgical dressings dispensed.

Tatyana NOVIKOVA

26 August 2012