

MINISTRY OF INFORMATION OF THE REPUBLIC OF BELARUS

DECISION No 16  
DISCONTINUING THE CASE OF AN ADMINISTRATIVE  
OFFENCE

3 November 2009

Minsk

I, Igor Nikolaevich Laptенок, Deputy Minister of Information, pursuant to Article 3.30, subparagraph (1)54, of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences, having reviewed documents concerning the distribution of materials entitled “Critique of the Statement on the potential environmental impact of a Belarusian NPP (Preliminary EIA Report on a Belarusian NPP)”, have established that the staff of the Department of Internal Affairs of the Ostrovets District Executive Committee have proved that, on 9 October 2009, the above-mentioned materials were distributed in the town of Ostrovets, in the Ostrovets Cinema and Concert Hall, by Mr Andrey Vyacheslavovich Ozharovskiy, d.o.b. 1 December 1965, residing at [address redacted], Moscow, Russian Federation.

Having studied the administrative case, I have decided that Mr A.V. Ozharovskiy’s actions did not constitute an administrative offence as provided for by Article 22.9(2) of the Special Part of the Code of the Republic of Belarus on Administrative Offences.

Article 22.9(2) of the Special Part of the Code of the Republic of Belarus on Administrative Offences provides for prosecution for an administrative offence where periodical printed matter is being distributed without any publication data.

Under Article 1 of the Media Act (Law of the Republic of Belarus on Mass Information Media), a printed mass information medium is defined as a newspaper, magazine, bulletin, other publication with a permanent title, with a sequential number and with continuous page numbering, which is published at least once every six months. In the course of checks carried out at the Ostrovets Cinema and Concert Hall, certain leaflets were confiscated; investigation has revealed that these cannot be regarded as periodical printed matter.

The confiscated materials were not produced within the definition of a printed mass information medium.

On the grounds set out above, pursuant to Articles 10.26 and 10.27 of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences,

**I HAVE DECIDED:**

1. On the basis of Article 9.6, subparagraph (1)2, of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences, to discontinue the case in which A.V. Ozharovskiy was charged with an administrative offence.

2. By returning the copies of materials entitled “Critique of the Statement on the potential environmental impact of a Belarusian NPP (Preliminary EIA Report on a Belarusian NPP)”, to resolve the question of whether or not the available physical evidence confiscated during investigation of the administrative case is printed matter.

3. To make it clear to A.V. Ozharovskiy that an appeal may be made (or a notice of opposition filed) against this decision within ten days of receipt of a copy of the Decision.

Deputy Minister

*[signature]*

I.N. Laptенок