

DECISION

28 February 2018

Brest

Judge D.V. Shurin of Leninskiy Rayon District Court, Brest, with defence counsel P.E. Olesik present, having reviewed in open court the case of **Sergey Sergeyevich Petrukhin**, d.o.b. 10.05.1971, citizen of the Republic of Belarus, unemployed, registered and residing at Flat 19, 22 Naganov Street, Brest, in regard to an administrative offence

HAS ESTABLISHED that:

at approximately 2 p.m. on 17 February 2018, S.S. Petrukhin, being at Flat 19, 22 Naganov Street, Brest, publicly announced, in real time on the Internet, via YouTube, that a picket would be held at 12 noon on 25 February 2018 in Lenin Square, Brest, in order to protest against the construction of a battery plant, and did so before receiving the relevant permission from Brest City Council Executive Committee: this was in violation of the procedure for organizing mass gathering events laid down by the second paragraph of Article 8 of Law No. 114-3 of the Republic of Belarus of 30 December 1997 on Mass Gathering Events in the Republic of Belarus. This was an offence repeated within the course of one year after imposition of an administrative penalty for the same offence.

In court, S.S. Petrukhin denied committing the offence, explaining that on 17 February 2018 he and A.A. Kabanov, at a place which he declined to name, stated, while streaming on the Internet via their YouTube channel 'The People's Reporter', that if construction of the plant concerned was not halted, he and A.A. Kabanov would go to Lenin Square to express their demands for an end to construction of the plant. He argues that he did not call on other people to go to the square, but informed them that he personally would go to the square to protest.

Having heard S.S. Petrukhin's submissions, and the explanatory evidence of the witnesses, A.A. Kabanov, A.A. Demenchuk and F.I. Petrusevich, and having examined the written materials in the case file, the court finds that S.S. Petrukhin is guilty of violating the established procedure for organizing a picket, where such an act does not constitute a crime but is committed by the organizer of a mass gathering event, and has repeated this act within the course of one year after imposition of an administrative penalty for the same violation; that is, he has committed an offence under Article 23.34(3) of the Code of the Republic of Belarus on Administrative Offences; therefore, taking into account

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information identifying him, the court, pursuant to Article 11.10 and Article 11.11 of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences,

HAS DECIDED:

to subject **Sergey Sergeyevich Petrukhin** to a penalty under administrative law, on the basis of Article 23.34(3) of the Code of the Republic of Belarus on Administrative Offences, in the form of a fine to be paid to the State in the sum of 1,225 roubles (50 basic units).

An appeal may be made against this Decision (or a notice of the Prosecutor's opposition filed) to Brest Oblast Regional Court, via Leninskiy Rayon District Court, Brest, within 10 days of the Decision being handed down; alternatively, where an application is made for a statement of reasons for the Decision, the applicant concerned may appeal against the Decision within 10 days of receiving a copy of the statement of reasons.

Judge

[signed]

D.V. Shurin

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DECISION

28 February 2018

Brest

Judge A.A. Semenchuk of Leninskiy Rayon District Court, Brest, with defence counsel P.E. Olesik present, having reviewed in open court the case of Aleksandr Aleksandrovich Kabanov, d.o.b. 30.07.1971, citizen of the Republic of Belarus, unemployed, registered and residing at Building 2 in the village of Zubachi, Berezovski Rayon, Brest Oblast, in regard to an administrative offence

HAS ESTABLISHED that:

at approximately 2 p.m. on 17 February 2018, A.A. Kabanov, being at Flat 19, 22 Naganov Street, Brest, publicly announced, in real time on the Internet, via YouTube, that a picket would be held at 12 noon on 25 February 2018 in Lenin Square, Brest, in order to protest against the construction of a battery plant, and did so before receiving the relevant permission from Brest City Council Executive Committee: this was in violation of the procedure for organizing mass gathering events laid down by the second paragraph of Article 8 of Law No. 114-3 of the Republic of Belarus of 30 December 1997 on Mass Gathering Events in the Republic of Belarus. This was an offence repeated within the course of one year after imposition of an administrative penalty for the same offence.

In court, A.A. Kabanov denied committing the offence, explaining that on 17 February 2018 he, being at S.S. Petrukhin's place of residence, stated, while streaming on the Internet via YouTube, that if construction of the plant concerned was not halted, he would go to Lenin Square to express his demands for an end to construction of the plant. He did not call on people to go to the square. He thought construction of the plant would be put on hold and so he would not need to go to the square.

Having heard A.A. Kabanov's submissions, and the evidence of the witness, S.S. Petrukhin, and having examined the written materials in the case file, the court finds that A.A. Kabanov is guilty of violating the established procedure for organizing a picket, where such an act does not constitute a crime but is committed by the organizer of a mass gathering event, and has repeated this act within the course of one year after imposition of an administrative penalty for the same violation; that is, he has committed an offence under Article 23.34(3) of the Code of the Republic of Belarus on Administrative Offences; therefore, taking into account information identifying him, the court, pursuant to Article 11.10 and Article 11.11 of the Procedure and Enforcement Code of the Republic of Belarus on Administrative Offences,

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HAS DECIDED:

to subject Aleksandr Aleksandrovich Kabanov to a penalty under administrative law, on the basis of Article 23.34(3) of the Code of the Republic of Belarus on Administrative Offences, in the form of a fine to be paid to the State in the sum of 1,225 roubles (50 basic units).

An appeal may be made against this Decision (or a notice of the Prosecutor's opposition filed) to Brest Oblast Regional Court, via Leninskiy Rayon District Court, Brest, within 10 days of the Decision being handed down; alternatively, where an application is made for a statement of reasons for the Decision, the applicant concerned may appeal against the Decision within 10 days of receiving a copy of the statement of reasons.

Judge *[signed]*

A.A. Semenchuk

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