

The initiative group of drug users

The Republic of Belarus

Submission for WGAD study on arbitrary detention relating to drug policies with respect to Belarus

(In reference to HRC resolution 42/22 requesting a study on arbitrary detention relating to drug policies)

1. Please provide information concerning the number of people held in pre-trial detention as well as the number of those who are imprisoned pursuant to a conviction for drug-related offences. Please indicate what percentage of the total pre-trial detention population are being held for drug-related offences. Please identify the percentage of the total prison population who have been convicted and imprisoned for drug-related offences. For those convicted of drug-related offences, what percentage of this group have been imprisoned for acquisition, use or possession of drugs for personal use? How many people convicted of drug use belong to disadvantaged groups (e.g. women, pregnant women, children and youth, indigenous people, sex workers, lesbian, gay, bisexual, transgender (LGBT) persons, homeless people, people with HIV/AIDS, persons with disabilities, ethnic minorities, migrant communities)?

According to the Supreme Court's statistics¹ for 2019, counts in the Republic of Belarus have convicted 2,284 for drug crimes (articles 327-332 of the Criminal code). This is a decrease by 6.9%, compared to 2018.

Overall, 2,284 persons convicted for drug crimes in 2019 represents 5.9% of the total number of persons convicted for all crimes in Belarus in 2019 .

The majority (95.9%) of 2,284 persons were convicted under article 328 of the Criminal code..

Under part 1 of the article 328 of the Criminal code (possession for personal use)

The number of persons convicted under part 1 of the article 328 of the Criminal code in 2019 amounted to 70.8 % of those convicted under article 328. Of this number, the majority - 892 persons (57.5%) were sentenced to restriction of liberty, 354 persons (22.8%) were imprisoned (in 2018 – 922 persons (55.9%) and 430 persons (26.1%), respectively).

The number of persons convicted under part 1 of the article 328 with a suspended sentence and conditional sentencing in 2019 was 19.1% or 296 persons (in 2018 – 17.3% or 285 persons).

¹ Available online: <http://www.court.gov.by/ru/statistika/db6c73f128c9473e.html>

The number of minors convicted of drug possession fell from 32 to 23. Of these, 9 persons (39.1%) were given suspended sentences and suspended non-application of punishment, 10 minors (43.5%) were given restriction of freedom, 3 persons (13%) were given a custodial sentence, and 1 teenager was released from punishment on amnesty and other grounds.

The number of persons convicted under parts 2-5 of the article 328 (drug trafficking) of the Criminal code in 2019 amounted to 640 persons or 29.2% of the total number of persons convicted under article 328 of the Criminal code (in 2018 – 717 persons or 30.3 %).

Convicted:

- under part 2 of the article 328 of the Criminal code (drug trafficking in minor quantities (less than one gram for heroin, for instance)) – 124 persons (in 2018 – 139 persons);
- under part 3 of the article 328 of the Criminal code (drug trafficking in complicity or in the “large amounts” (one gram and above for heroin for instance)) - 455 persons (in 2018 - 487 persons);
- under part 4 of the article 328 of the Criminal code (drug trafficking by an organized criminal group) - 61 persons (in 2018 – 87 persons);
- under part 5 of the article 328 of the Criminal code (if drug trafficking resulted in death of a person who consumed drugs) - no convictions (in 2018 - 4 persons);

638 persons or 99.7% were sentenced to imprisonment under parts 2-5 of the article 328 of the Criminal code (in 2018 – 709 persons or 98.9%).

1 person was convicted for drug sales (under part 2 of the article 328 of the Criminal code) with a suspended sentence and 1 person was sentenced with a conditional sentencing.

The number of minors (age between 14 and 18) convicted of drug trafficking has decreased by 14.8% (from 61 in 2018 to 52 in 2019).

The number of minors convicted for illegal drug trafficking (for sale) increased by 11.5% in comparison with 2018 (29 in 2019 against 26 in 2018).

Under article 328 of the Criminal code, 1 minor was acquitted.

In 2014 as part of the response to new psychoactive substances appearing on the illicit drug market, such as synthetic cannabinoids, the age of criminal liability for drug trafficking (parts 2-5 of article 328 of the Criminal Code) has been reduced to 14 years.

The total number of prisoners in Belarus under article 328 of the Criminal code over the past five years have recently exceeded 18,000 people. These are mainly young people aged 14 to 35 years, serving sentences of 5 to 20 years, often without the right to early release.

There is no open source statistics on those convicted of drug use who belong to disadvantaged groups (e.g. women, pregnant women, children and youth, indigenous people, sex workers, lesbian, gay, bisexual, transgender (LGBT) persons, homeless people, people with HIV/AIDS, persons with disabilities, ethnic minorities, migrant communities).

2. Does your State consider the acquisition, use or possession of drugs for personal use a minor offence within the meaning of this term as set out in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (article 3, para. 4 (c)? If so, what percentage of people arrested for the acquisition, use or possession for personal use of drugs are diverted out of the Criminal justice system, and what alternative measures, if any, are such people subjected to?

The acquisition, use or possession of drugs for personal use in any amount is a crime punishable with up to five years imprisonment according to part one of article 328 of the Criminal Code of Belarus.

Article 328. Illicit traffic in narcotic drugs, psychotropic substances, their precursors and analogues.

Part 1. Illegal manufacture, processing, acquisition, storage, transportation or transfer of narcotic drugs (not for sale), psychotropic substances or their precursors or analogues is punishable by restriction of liberty for a term of up to five years or imprisonment for a term of two to five years.

A note to article 328 of the Criminal code of the Republic of Belarus providing for grounds for exemption from criminal liability. It applies to persons who purchased drugs for their own use, as well as those who had the purpose of selling them. To be released from liability on the basis of this note one must meet 2 requirements (both of them):

- voluntary surrender of drugs. The condition is met only if the person had the opportunity to continue to commit acts related to drug trafficking (store, sell, and so on) and law enforcement agencies did not request their surrender.
- active assistance in detecting (suppressing) crimes related to drug trafficking, exposing the persons who carried it out, as well as detecting property obtained by criminal actions.

There is also so called "Home based correctional labor", or restriction of freedom without sending to an open-type correctional institution. This type of punishment appeared in our country several years ago. The court uses it for less serious crimes and those that are not of great public danger, including article 328 part 1.

When imposing a sentence under article 328 of the Criminal code of the Republic of Belarus, the court must examine information about the identity of the accused, characteristics, lifestyle, subsequent behavior, official employment, permanent residence, previous convictions for similar or other crimes. This is especially important for people who have committed drug trafficking not for sale.

Also, every year Belarus there are amnesties for prisoners, including for drug crimes.

3. Has your State decriminalized the acquisition, use or possession of illegal drugs for personal use? If so, to what drugs does this apply and what are the amounts considered to be for personal use? What is the legislative or judicial basis for such decriminalization? If decriminalization has not taken place, what penalties apply to the acquisition, use or possession of illegal drugs for personal use?

Belarus does not decriminalize any drugs. Possession of drugs in any amount is a crime punishable with either the limitation of freedom for up to five years or imprisonment within a range from two to five years.

Moreover police may categorize as drug trafficking simple possession based on the amount of drugs in possession.

4. What types of circumstances have led to unlawful and arbitrary arrest of people in your State for drug-related offences? What structures/institutions are in place so that people who are arrested for a drug-related offence can make a complaint about unlawful and arbitrary arrest and detention, or the threat thereof?

There are no specialized service organizations in Belarus that provide assistance to those arrested for drug-related offences. The activities of the local police are supervised by higher-level police structures and the Prosecutor's Office. Unlawful actions of the police can be appealed in court. Judicial decisions are appealed in higher judicial authorities. A person arrested for a crime is offered free legal assistance. There is also a possibility to use services of a personal defender. Some lawyers specialize in drug-related Criminal cases. Also, experts from non-commercial public organizations provide consultations.

Drug policy in Belarus is handled by an interdepartmental Council established under the Council of Ministers. The drug policy was coordinated by the Ministry of Internal Affairs and, accordingly, the main way to combat the negative consequences of uncontrolled trafficking of psychoactive substances was chosen by the law enforcement. It based on the rhetoric of the "war against drugs" and the most severe punishment for illegal trafficking of psychoactive substances.

Example:

Letter from prisoner K., who was sentenced in may 2016 under part 4 of the article 328 of the Criminal code to 17 years in prison. There he talks about violations of the law during the investigation and trial.

"On 16.06.2015, I was detained by the police on suspicion of illegal drug trafficking. A few hours later, my girlfriend (now my wife) was detained. I was told that if I didn't sign the protocol "with testimony", they would put me in jail together with my girlfriend. They also threatened to put my brother and parents in jail. In addition, there were threats to life and health. I was not a legal expert, I agreed and signed the protocol. Six months later, I was charged not with part 3, but with part 4 of the article 328 of the Criminal code."

"In December 2015, the trial began (6 months, about 40 sessions). All the witnesses were not questioned, they said that it was not possible to bring them from the pre-trial detention facility (...)"

"My lawyer did not actually protect me: during the trial, she constantly rummaged in her purse, was scrolling through her phone or almost slept on the table."

"The Prosecutor, reading out the case materials, mumbled and no one could understand what he was saying. In short, it was not a trial, but a cheap performance."

"May 2016 Arguments. The Prosecutor asked for 19 years, the court gave me 17. However, there was no definite proof of my guilt. The entire charge was based on the testimony of a person (the "organizer") who claimed that I worked for him, and a small correspondence between me and him was attached."

"After the verdict was announced, I was allowed to read the minutes of the court session. Everything was grossly distorted, including my answers to questions. I ask the court to make a copy of the minutes. I was refused and offered to rewrite manually (about 180 sheets). For two months, I was taken by a paddy wagon to the court to rewrite the minutes of the court session. I used dozens of pens and several notebooks. But they didn't let me finish it, they put me in a punishment cell, and they took away all my things, including my notebooks. They offered to renounce the recordings, but I didn't agree. I wrote several complaints, and then they extended the period when I could read the minutes. But they stopped taking me to the court."

"There were obvious falsifications of evidence in the minutes and case materials. It was claimed that I voluntarily handed over a "drug storage" to the police on June 17, or 18. However, at this time I was already detained (on the night of June 16-17)."

5. Does your State differentiate in its criminal procedures for persons alleged to have committed drug-related offences compared to those who have been arrested for other types of criminal offences? For example, are persons arrested for drug-related offences held in custody longer than persons arrested for other offences before being charged or before being brought before a judge to determine the legality of their arrest? Are persons charged with drug-related offences automatically held in pre-trial detention until trial? Is legal aid available for persons charged with drug-related offences in similar circumstances to which it would be available for other Criminal offences? Does your State allow persons convicted of drug-related offences to be considered for suspended sentence, sentence reduction, parole, release on compassionate grounds, pardon or amnesty that are available to those who are convicted of other crimes? Are legal presumptions used so that persons found with amounts of drugs above specified thresholds, or in possession of keys to a building or vehicle where drugs are found, are presumed to have committed an offence?

There is no formal differentiation in criminal procedure with respect to drug crimes compared to other offences. However, crimes of drug trafficking fall under the categories of serious and extra serious offences. For this reason people arrested for drug trafficking are often held in pre-trial detention. This includes cases of sharing drugs between peers, such as the case below.

According to Irina Zhuravleva, her son was sentenced to eight years in a penal colony under article 328 of the Criminal code of the Republic of Belarus.

"My son Maxim is 24 years old, he is the only son. On February 22, 2017, my son's cousin Alexey came to visit us at about eleven o'clock. The son said that he would take his cousin to the bus stop. Usually he calls to say he will be late. But he didn't call that day. At five o'clock in the morning I received a call from the police. My son said that he was detained for drugs together with Alexey, but assured that everything will be fine, as Alexey had already been released. The next day I went to the police department. They told me that my son was detained under part 1 of the article 328, and since he is an adult, they will not provide any more information. Later, I was contacted by a lawyer (provided to Maxim by the state). In the first testimony, Alexey said that Maxim gave him a prohibited substance. Because of this word "gave", the part 3 will be applied to my son. They checked Maxim's phone, laptop, and all means of communication by which he could order something for himself. There is nothing anywhere: no correspondence, no communication. It turns out that according to his cousin, "he gave me a bag", Maxim was convicted as a real drug lord.."

6. *Have there been cases of torture or other cruel, inhuman or degrading treatment or punishment for persons arrested and detained on drug-related offences, with the objective, for example, to elicit a confession or to learn information about other alleged Criminal actors or networks? Have there been cases where opioid substitution therapy has been withheld from drug dependent detainees in order to elicit a confession, or obtain information concerning other alleged Criminal or networks? What procedures exist to prevent torture and other forms of ill treatment of people detained for drug-related offences, and to bring to justice those responsible when it does occur? What monitoring measures are in place to ensure that torture or other cruel, inhuman or degrading treatment or punishment does not take place? What avenues do detainees have for making a formal complaint to an independent authority if such practices occur?*

There is no access to OST in pre-trial detention. There is also a limited access to other medications, such as antiretroviral treatment for people living with HIV in pre-trial detention centers. Law enforcement offices often misuse the withdrawal syndrome to obtain confessions from people who use drugs in police custody. Detainees may also experience violence inflicted by prison guards or detention facilities staff members.

Example: Igor Ptichkin died in pre-trial detention center (SIZO No 1) on 4 August 2016. The initial cause of death was established as heart failure. Later a coroner established the cause of death as an acute psychiatric disorder due to the use of synthetic cannabinoids (spice). However a doctor Alexander Krilov during the police interview told that Igor was tied up to a bed for more than 20 hours. Igor's relatives also informed that Igor was beaten before his death, there was blood on his shoes and urine on his clothes. It looked like Igor could not more, eat, or go to toilet for the whole day because he was tied up to a bed.

7. *Does your State operate compulsory drug treatment centres? If so, what is the legislative basis for such deprivation of liberty? What procedures exist to ensure procedural guarantees are respected prior to confinement in such centres, including whether the detainee has the right to be represented by legal counsel and the right to appeal the decision on compulsory treatment. Is*

there a medical evaluation of the person's drug dependency prior to confinement? Is treatment in such centres individualized (as opposed to en masse treatment), evidence-based and in conformity with generally accepted medical practices for drug treatment as articulated by World Health Organization (WHO). Is a person detained in such a facility for a specific amount of time, or indefinitely until treatment has been determined to be successful? Can a person, or by way of his or her legal representative, or a family member, file a petition either with an administrative or criminal court for a hearing on his or her release while detained?

According to the Law of the Republic of Belarus of 04.01.2010 No. 104-3 "On the procedure and conditions for sending citizens to occupational therapy rehabilitation centers and conditions of stay there", citizens with chronic alcoholism, drug addiction or substance abuse who have been brought to administrative responsibility three or more times during the year for committing administrative offenses while intoxicated or in a state caused by the consumption of narcotic drugs, psychotropic substances, their analogues, toxic or other intoxicating substances can be sent to occupational therapy rehabilitation centers.

In general, in activities of occupational therapy rehabilitation centers there is a significant imbalance between the number of those recognized as being in need by the court and those actually sent there. Thus, in 2018, 7351 persons were sent to occupational therapy rehabilitation centers (7257 persons in 2017), and the number of persons recognized as needing to be sent to the occupational therapy rehabilitation centers is much higher (18127 persons in 2018 and 15996 persons in 2017). Detailed statistics of sending to occupational therapy rehabilitation centers are closed and not provided on request.

Another method of compulsory treatment is the article 107 of the Criminal code of Belarus; detailed statistics are also not available, but we have data on the total number of people who were convicted under it from 2014 to 2018:

2014	2015	2016	2017	2018
6586	5212	9404	5730	8625

The total number of persons convicted under article 107 of Belarus' Criminal code has increased by 30.9% in five years. On average, every year about 4.1% of the total number of dispensary patients are sent to compulsory isolation of patients with alcoholism and drug addiction under article 107.

According to the article 47 of the law, persons held in occupational therapy rehabilitation centers are required to work. Refusal of employment or independent termination of work entails the imposition of disciplinary measures: placement in a disciplinary room for up to 10 days. The fact of having several disciplinary measures entails, by court decision, an increase in the period of stay in the occupational therapy rehabilitation center up to 6 months.

However, article 14 of the Constitution of the Republic of Belarus establishes work as a right, not as a duty. Thus, the compulsory employment of citizens, provided for by this law, is in complete contradiction with the Constitution, since it is applied outside the framework of the execution of a court sentence in connection with a committed crime.

In addition, the forced labor or occupational therapy rehabilitation center prisoners is paid differently. Those of the prisoners who have working professions can earn up to 400-500 rubles working in the occupational therapy rehabilitation center or outside of it. Unexpectedly, citizens who are deprived of parental rights in relation to minor children and are obliged to pay for their maintenance are in a privileged position: they are employed in those jobs where the salary allows them to reimburse the state for the maintenance of their children. The rest of the occupational therapy rehabilitation center prisoners either do not work or work for a symbolic fee.

At the same time, the cost of food, clothing and shoes, and utilities consumed during the period of the citizen's stay in the occupational therapy rehabilitation centers is deducted from the salary and income similar to it of citizens until it is fully repaid.

In practice, this means that persons held in the occupational therapy rehabilitation centers do not have the right to leave it voluntarily, are obliged to comply with internal regulations, and are subject to control and supervision.

In relation to isolated persons, personal and personal belongings searches are used. They are not allowed to keep personal documents, money (or other prohibited items).

Article 16 of the law provides for the use of physical force and special means by occupational therapy rehabilitation center officers and internal troops against isolated persons in accordance with the legislative acts of the Republic of Belarus.

8. Do private drug treatment centres exist in your State? What steps does your State take to ensure that treatment in such facilities is voluntary and not a result of coercion? How is the informed consent for treatment obtained? How regularly do independent inspections of private drug treatment facilities take place to ensure that practices that constitute torture or other cruel, inhuman or degrading treatment or punishment do not occur? Do inspections of such facilities include a determination whether treatment is individualized (as opposed to treatment en masse), evidence-based and in conformity with generally accepted medical practices for drug treatment as elaborated by WHO? What guarantees exist that a person who has either voluntarily sought treatment or who has been coercively confined in a private drug treatment centre can freely leave if he or she so wishes? Can such persons make a complaint to inspectors who monitor such facilities or a competent authority if a person who is seeking to leave a private drug treatment centre is prevented from doing so? Are there any criminal or other penalties for failure to complete the treatment?

There are three private rehabilitation centers in Belarus. Patients can file complaints against such centers if they experience human rights violations. Patients can leave such centers when they wish. There are also several religious rehabilitation centers.

9. Do drug courts which seek to use treatment as an alternative to imprisonment exist in your State? Please describe their operations, including applicable procedural guarantees for the accused. Does the accused have to plead guilty to the drug-related offence prior to being diverted into treatment? Are only accused persons who are drug dependent on opioids diverted for treatment, or are people who use other drugs that do not cause drug dependence diverted?

Can treatment exist for a period that is longer than the period of imprisonment provided for in the offence for which the accused has been charged? Does the accused still have to serve a period of imprisonment if the treatment is not successful? What constitutes successful treatment and does the person in treatment have the right to a hearing before an independent authority and to be represented by legal counsel and present expert medical testimony on the evolution of his or her treatment?

According to the Criminal code a court may impose a suspended sentence or a conditional sentence on an accused of a non-serious crime, punishable with less than five years imprisonment. In doing so a court may impose additional conditions, such as to undergo treatment.

10. Does your State have specialized criminal courts for people accused of drug-related offences that do not have as their focus diversion for drug treatment, but rather operate as specialized criminal courts and normally sentence those charged to prison after conviction? What differences exist between specialized criminal drug courts and regular criminal courts? What is the legislative justification for having specialized criminal courts for drug-related offences? Please describe how such specialized courts conform to the procedural guarantees for detention and fair trial under international norms.

In the Republic of Belarus, there is no specialized criminal courts for persons accused of crimes related to drugs. Information is missing.

11. Does your State use military courts to try people for drug-related offences? Please describe how such military courts conform to the procedural guarantees for detention and fair trial under international norms. Are military personnel involved in law enforcement operations against individuals or groups suspected of drug-related crimes? If so, are these regular military forces or the military police? Have they received training in human rights standards for law enforcement and the use of force? How is coordination undertaken with civilian law enforcement?

In the Republic of Belarus, there is no state military courts to judge people for drug-related offences. Information is missing.

12. Does your State have legislation that provides for administrative detention for people who use drugs who are considered a danger to themselves or others? If so, can you please describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony, and a right of appeal? Can other legislation such as that aimed at individuals with psycho-social disabilities be used in relation to those who use drugs and are considered a danger to themselves or others? If so, can you describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony, and a right of appeal?

Not applicable for Belarus

13. Does your State provide for the involuntary detention of pregnant women who use drugs in circumstances where such drug use has been deemed to constitute a danger to the foetus, and where voluntary attempts by health professional to work with the pregnant woman have failed? Please describe the legislative basis and applicable procedural guarantees in case of such an involuntary detention.

Not applicable to Belarus

14. Does your State provide drug treatment to people in custodial or pre-trial detention, or who have been imprisoned following a conviction? Do these drug treatment services include harm reduction services? Please describe what types of drug treatment and harm reduction services are available to detainees and imprisoned people. Please also indicate if such services are available to those in administrative detention such as undocumented migrants or those subject to a deportation order. If no such services are available, does this result in forced confessions or people not being able to participate in their defence?

In closed penal institutions, there are no harm reduction services, substitution therapy, access to "equal" consultants, while the efforts of associations are under strict control and censorship, even if such associations receive permission to visit the institution.

Assistance is possible after a person is released from prison.

15. Are juveniles (those under the age of 18) subject to arrest, detention and imprisonment for drug-related crimes? For crimes relating to the acquisition, use or possession for personal use of drugs? If so, are they detained or imprisoned in facilities for children in conflict with the law who are under 18, or are they detained or imprisoned in facilities for adults? Can such juveniles be subjected to compulsory drug treatment or treatment with the consent of their families/legal guardians?

Yes. Moreover, from 2014 the legal age for criminal liability for crimes of drug trafficking was lowered to 14. Many young people went to prison for simply sharing marijuana or synthetic cannabis with their peers. Some teenagers commit low level trafficking trying to earn quick money. They are punished severely.

Example: According to mother of Emil Ostrovko, 17 years old man:

"My son was seventeen years old at the time of his arrest. He wanted to earn enough money to give his girlfriend flowers and take her on a date. Children are caught on job ads, and the employer asks for passports to employ them. Emil was caught on the street with nothing. Police officers approached him, handcuffed him on the city bus, and took away his phone. They took him outside, shoved him, and pushed around. They said they knew he was buying something illegal. And they said that if he had told them everything now, they would let him go home – otherwise, they would call his mother, and there would be problems. The son was searched without me as a legal representative or a lawyer, although, in theory, the law enforcers did not

even have the right to detain the son without his mother. An hour later, Emil told them that he had some marijuana and a smoking device somewhere. He said that he smokes himself. They went to the address and then they called me and searched the house. But by this time Emil had already told them everything. They found 0.13 grams of marijuana, a smoking device, seized computers and a phone.

In court, witnesses are confused, as well as their testimony. The police report says that my son left a stash of one color, the witness says it was of a different color. Six months later, it turns out that the stash that my son had allegedly left was not even proven. Where they found this stash of 0.86 grams is unclear. They have found ordinary passers-by in the forest, who served as witnesses. My son was detained on the basis of the first part, but they turned the things in such a manner so that the case was reclassified to the fourth part. The fourth part is about an organized Criminal group. And my minor son gets ten years' prison sentence.

My son actually cut his hands before the trial. He was brought from the hospital with bandaged hands. And no one provided him with a psychologist or a psychiatrist. No one asked about his health – the session went on. And when asked why my child was in the hospital, the first answer was that my son had a graze on his left wrist. And the second answer I received from the colony was that my son indeed had two stripes of cuts. While the Ministry of internal affairs replied that my son was taken to narcologist and psychiatry because he had a temperature of 37.7.

I contacted the school about why police officers came to them. The school did not give me any answers – only some formal replies that did not provide an answer. I asked for a log with the records of those who came to the school that day – I wanted to find out if they came from the ministry of internal affairs. They don't have such records. It turns out that law enforcement officers can come to school whenever they want, even without registering. In the children's colony, the rules are very strict. Emil went to the adult colony and said that at least there was some free time.

In the children's colony, even the plan for the delivery of rubber is larger than in the adult one. Emil works in the industrial zone, rips the rubber - he takes out the threads of cord from the tires. His plan is to collect a kilo a day. If you don't fulfill the plan, you get a foul. In the children's colony, he ran through garbage cans, tore the rubber off old shoes to catch up with the plan.

In the children's colony, there are still the same convicts, only they are headmen. They can take things from others – they even took the sausage. Sometimes they beat the children with wooden sticks. There are three such headmen for a squad of eighty men. When my child came to the children's colony, he was given a 40 shoe size instead of 42. I went to see him on a date – his legs were like an old grandmother's, the side bones had popped out. My hands feel like they have psoriasis. It turned out that they were carrying snow with their bare hands. The children ate during four minutes until we started a riot. In four minutes, they must have time to eat food – and stand near the entrance so that the other squad will go to eat. Their shoes are demi-season and they wear them both in winter and summer. In winter, the feet are cold, and in summer they are sweltering.

Free time in the children's colony is only an hour a day. Children should divide it into drinking tea, reading, and writing to their parents. There is only one kettle for the whole squad. You have to get in line to get boiling water.

My child suffers from bronchial asthma – he always needs to have an inhaler with him. In the colony, this can be kept by a nurse, and in case of an attack, Emil will have to run to her, stand in line, write a statement and demand medicine. Everything there requires a lot of papers, a lot of demands and a fighting spirit not to retreat."

Lawyers and human rights defenders of the 'Nash Dom' initiative have compiled an expert opinion on violations of the rights of imprisoned teenagers.

Claim 1. Detention with violations of the Criminal procedure code of the Republic of Belarus, unjustified use of a preventive detention measure.

What does it mean? The teenagers were taken into custody on the same day they were detained – only because of the severity of the article they were facing trial for. There is article 123 in the Criminal procedure code that allows for the release of detainees under adult supervision – but this possibility has not even been discussed with young people. Teenagers were brutally detained, handcuffed - according to the law, all of these strict measures are necessary only in extreme cases. Detentions of minors are not included in the list (unless they relate to the item "other cases determined by the President"). A personal search of the teenagers was conducted without a legal representative, and the mothers were only told about the detention the next day – although according to the rules, they should have been informed immediately.

Claim 2. The principle of increased legal protection of minors in Criminal proceedings is not implemented. The investigation did not fully find out additional information about the personality, living and upbringing conditions. The reasons for the commission of a crime by a minor are not taken into account when imposing a sentence.

What does it mean? Immediately after the arrest, the teenagers agreed to actively cooperate with the investigation. They voluntarily told what product they had on hand and provided passwords for their smartphones. The investigation found a number of reasons that contributed to the commission of crimes – for example, financial problems of the family, the living conditions of the guys, teenage problems. But they were not considered as extenuating circumstances.

Claim 3. The investigation could not prove the existence of a stable, controlled organized group, nor could it establish the names and identities of other members of this group.

What does it mean? All the materials of the case indicate that the teenagers are members of organized groups run by "unidentified persons". Who were these people – the investigation was not interested to find out. In addition, the investigation did not establish how the teenagers perceived their role in what was happening: whether they understood that they were committing a crime as members of groups.

According to the Criminal cases of both guys, they were involved in Criminal activity by deception. Even under this condition, the investigation was not interested in "employers". According to the law, the court can recognize as a mitigating circumstance the fact that minors were influenced by adults. And under Beijing rule 17, restrictions on the personal liberty of the juvenile should be imposed only after careful consideration. And they should be limited to the possible minimum. But none of this happened.

Claim 4. The rights of the juvenile in custody have been violated. First of all, the right to receive secondary education.

What does it mean? The teenager was still an eleventh-grade pupil at the time of his arrest. And he had asthma. But because of his incarceration, he was unable to pass the exams for the eleventh grade. The Ministry of education responded to complaints from his family that the law does not provide for such "features" in the pre-trial detention center. And it assured that this problem is now being solved – there is a draft of amendments to the law. It is not known when this will happen. In custody, Emil tried to commit suicide – he was given only emergency medical care. There was no psychological help. Under the Beijing rule 13, while in custody, juveniles should receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical. And be helped in the field of education, too.

18. Are there any new or emerging trends in drug-related detention and drug policies that could be addressed by this study?

The government presents the drug policy of the Republic of Belarus as a positive example for the whole world. Punitive methods work, statistics tell us. We believe that the voiced opinion of international experts about the methods of punitive drug policy will be another step for decriminalization and support of drug users in the country.