

HVIDERUSLAND (883)

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Til: HostC.Borgergade(MMHC)
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Emne: Belarusian criminal law

To: Danish Refugee Council, Ms. Mette Marie Honore
From: UNHCR Minsk, Christian Mahr
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In response to your question, I just had the applicable articles from the Belarusian Code of Criminal Procedure translated:

Art. 245: Participation of the defendant in court examination.
-Examination of a case in sitting of first instance court takes place with the participation of the defendant, whose appearance in court is obligatory. Examination of a case in the absence of the defendant is permitted only in case when the defendant is out of the boundaries of the USSR and evading appearance in court.

Art. 246: Consequences of a defendant's non-appearance.
-In case of a defendant's non-appearance, the court case must be postponed, with the exception of the conditions stipulated in Art. 245 of this Code. The Court (Judge) is entitled to subject the non-appearing defendant to arrest as well as to choose or change the injunction.

In order to get more information on the actual practices of the courts, you may want to refer to the US State Department's Belarus Country Report. Their home page can be found at:
http://www.state.gov/www/issues/human_rights/1996_hrp_report/belarus

I hope this information helps. Please feel free to contact me if you have any further questions.

Best regards,