

ORDER

of refusal to initiate a case

On July 16, 2020, Valyantsina Kulik, Judge of the Supreme Court of the Republic of Belarus, having considered a complaint filed and signed on behalf of Viktor Babaryka by his representative Maksim Znak against the decision of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda,

established the following:

Maksim Znak, an authorized representative of Viktor Babaryka, filed a complaint against the decision No. 92 of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda of July 14, 2020 on the refusal to register Viktor Babaryka as a presidential candidate. The complaint contains a request to revoke the decision of the Central Commission and make it incumbent upon the Commission to register Viktor Babaryka as a presidential candidate.

In accordance with part 1 of article 341 of the Code of Civil Procedure of the Republic of Belarus, a person who does not agree with the decision of the Commission may file a complaint with the court in the cases and in the manner prescribed by law.

Under part 5 of article 68-1 of the Electoral Code of the Republic of Belarus, the decision of the Central Commission on the refusal to register as a presidential candidate may be appealed to the Supreme Court of the Republic of Belarus by the presidential candidate within three days of the date on which the decision is taken.

Thus, the right to appeal to a court the refusal to register as a presidential candidate is granted by law only to a person who is nominated as a presidential candidate.

Viktor Babaryka who has an intention to become a presidential candidate, did not appeal against the decision No. 92 of the Central Commission of July 14, 2020 and did not sign the complaint filed to the Supreme Court.

Since the electoral legislation doesn't stipulate signing of such a complaint by an authorized representative of a person nominated as a presidential candidate, initiation of a case should be refused.

Guided by part 1 of article 341, part 2 of article 400 of the Code of Civil Procedure of the Republic of Belarus and part 5 of article 68-1 of the Electoral Code of the Republic of Belarus,

it was decided

to reject initiating a civil case on the basis of a complaint filed and signed on behalf of Viktor Babaryka by his representative Maskim Znak.

The order enters into legal force immediately, and may not be appealed or challenged.

Judge of the Supreme Court

Of the Republic of Belarus Valyantsina Kulik