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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

LAW OF THE REPUBLIC OF BELARUS

ON THE PRESIDENT OF THE REPUBLIC OF BELARUS

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ON THE PRESIDENT OF THE REPUBLIC OF BELARUS

On the basis and with the purpose of implementation of the Constitution of the Republic of Belarus, the present Law shall regulate the legal status and the powers of the President of the Republic of Belarus, the guarantees and the order of their realization, cooperation of different branches of state power.

I. GENERAL PROVISIONS

Article 1. The President of the Republic of Belarus is Head of State and the Executive.

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The President of the Republic of Belarus is the Highest Official in the Republic and the representative of the State in respect to the international relations and within the State; the President shall administer a system of executive authorities and ensure their cooperation with other branches of state power.

Article 2. With the purpose of realization of the legislative authority in the sphere of economy, foreign policy, defence, national security, protection of public criter and other spheres of state control, the President of the Republic of Belarus shall enjoy the rights and bear the imposed responsibilities before the People of the Republic of Belarus within the framework and in the forms stipulated by the Constitution, the present Law, other laws of the Republic of Belarus and by the decisions of the republic referenda.

The President shall bear the responsibility before People of the Republic of Belarus for exercising his (her) duties.

Article 3. The President shall carry out his (her) activity for developing the Republic of Belarus as a democratic social legal state; for ensuring the conditions for free and worthy development of the individual; for economic development of the country; for raising the well-being of people of Belarus on the basis of principles of equality of social, national and other communities before law; for protection of rights and interests of the individual; for guaranteeing the equality before law for everyone.

Article 4. With the purpose of implementation of democracy in the Republic of Belarus on the basis of diversity of political institutions, ideologies and views, and for ensuring the civil accord, the President shall suspend his (her) membership in political and other public associations which pursue political goals for the entire term of his office, making public the relevant statement.

Article 5. A citizen of the Republic of Belarus of at least 35 years of age, who has the right to vote and who has lived in the Republic of Belarus for at least 10 years is eligible for President.

The President shall be elected directly by the people on the basis of overall, equal and direct electoral right under the secret ballot, in the order stipulated by the Law of the Republic of Belarus "On Election of the President of the Republic of Belarus".

Article 6. The President shall have no right to be the deputy of the Supreme Soviet, to hold other offices in state, public or other institutions and organizations, to engage in business activities, to receive any monetary remuneration (other than his salary), except for royalties for works of science, literature and art.

Article 7. The honour and dignity of the President shall be protected by the law. The personality of the President is inviolable and protected by the law.

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Prevention of the lawful activity of the President of the Republic of Belarus shall be inadmissible and prosecuted by the law.

II. TERM OF OFFICE OF THE PRESIDENT

Article 8. The term of office of the President shall be five years. No President can hold office for more than two terms.

Article 9. The powers of the President shall start from the moment of entering upon his (her) office and cease from the moment of taking the Oath by the newly elected President or in connection of the President's removal, resignation of the President, release from his (her) post before the expiration of the term of office, or in case of his (her) death.

Article 10. The President shall enter upon office after taking the following Oath:

"Assuming the office of the President of the Republic of Belarus, I solemnly swear to serve the People of the Republic of Belarus, to abide the Constitution and laws of the Republic of Belarus, to be conscientious in carrying out the supreme duties that have been placed on me".

The Oath shall be administered in a ceremony at a special session of the Supreme Soviet of the Republic of Belarus no later than two months from the day of the election of the President.

After reading the text of the Oath, the President shall sign the Act on taking the Oath which shall be passed to the Supreme Soviet of the Republic of Belarus for custody.

After signing the Act by the President, the Chairman of the Central Committee on Election and Holding the Republic Referenda shall present the certificate to the President. The national anthem of the Republic of Belarus shall be performed.

The ceremony of taking the Oath by the President shall be transmitted on the republic radio and television.

Members of the Constitutional Court of the Republic of Belarus, members of the Cabinet of Ministers of the Republic of Belarus, other officials, representatives of political parties, public associations, religious confessions of the Republic of Belarus, diplomats accredited in the Republic of Belarus, and representatives of foreign countries shall be invited for participation in the ceremony.

Article 11. The President may be removed from office by the resolution of the Supreme Soviet adopted by the majority of at least two-thirds of the elected deputies of the Supreme Soviet:

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- in case of violating the Constitution: on the grounds of the judgment of the Constitutional Court;

- in case of committing a crime: on the grounds of the conclusion of the ad hoc commission of the Supreme Soviet.

The motion to remove the President from office may be made by at least 70 deputies of the Supreme Soviet, submitted correspondingly to the Constitutional Court or to the Supreme Soviet.

The motion to remove President from office shall be subject for consideration by the Constitutional Court or by the ad hoc commission of the Supreme Soviet, depending on the circumstances that served the grounds for consideration of the motion on removal of the President. The motion shall be considered within the period set by the Supreme Soviet.

The President may not exercise his (her) duties from the moment the Constitutional Court brings its judgment on whether the President violated the Constitution, or similarly from the moment the ad hoc commission brings its conclusion on whether the President committed a crime, until a decision is taken by the Supreme Soviet on whether the President is to be removed from his (her) office or may return to the duties of the President. During this period the powers of the President shall be carried out by the Chairman of the Supreme Soviet.

In case of the President's removal in connection with the commission by him (her) of a crime, the court of trial shall be the Supreme Court.

The decision on distrust to the President shall be considered to be adopted by the Referendum provided that: - more than half the citizens of the Republic of Belarus, from among those who are included on the register of electors, have recorded votes, and

- as a result of the Referendum, the decision was adopted by more than half of the citizens, who took part in the Referendum. The President may not exercise his (her) duties from the moment the official results of the Referendum are made public by the Central Committee on Election and Holding the Republic Referenda.

Article 12. The President may be released from office before the expiration of the term by the resolution of the Supreme Soviet adopted by the majority of at least two-thirds of the elected deputies of the Supreme Soviet, if the President is unable to fulfill his (her) duties due to his (her) state of health, and if there is an appropriate resolution of an ad hoc medical commission which shall be established by the Supreme Soviet.

If the President is not able to fulfill his (her) duties due to the state of health during six months in succession, it is considered to be the grounds for establishing the ad hoc medical commission of the Supreme Soviet for examining the President's state of health with the further discussion of the issue on releasing of the President from office before the expiration of the term. The President's refusal from the medical examination shall be the grounds to release him (her) from office before the expiration of the state of health.

The President (or on his assignment the Prime-Minister) should, in ten days, inform the Supreme Soviet that the President may not exercise his (her) duties because of the state of health in case of:

- medical treatment abroad;

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- medical treatment at a hospital of the Republic of Belarus.

If the President does not perform the above duty, the relevant medical institution of the Republic of Belarus shall provide information on the President's state of health. In case of the President's illness during more than ten days, there shall be issued an official medical bulletin on the state of his (her) health which will be published daily in mass media.

From the moment the information that the President may not fulfill his (her) duties because of the state of health was provided, on the decision of the Supreme Soviet, his (her) powers shall be transferred to the Chairman of the Supreme Soviet. The President shall enter upon his (her) duties from the moment of providing information to the Supreme Soviet on his (her) recovery.

Article 13. The President may, at any time, tender his (her) resignation. The resignation of the President shall be accepted by the Supreme Soviet.

Article 14. The Presidency falls vacant in case of:

- resignation of the President;

- removal of the President;

- release of the President from his (her) office before the expiration of the term;

- death of the President.

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If the Presidency falls vacant, his (her) powers - until the President-elect takes his (her) Oath - shall be carried out by the Chairman of the Supreme Soviet.

III. POWERS OF THE PRESIDENT OF THE REPUBLIC OF BELARUS

Article 15. The President shall carry out the functions of Head of State and the Executive within the framework of the Constitution of the Republic of Belarus, the present Law, other laws of the Republic of Belarus and shall bear the responsibilities for the rightness and fullness of their implementation before the People of the Republic of Belarus, within the sphere of state activity attributed to his (her) competence.

Article 16. Within the limits of the granted powers and in the forms stipulated by the legislation, the President shall be obliged to take measures to protect the sovereignty, national security and territorial integrity of the Republic of Belarus, to assure political and economic stability, respect of civil rights and freedoms.

Article 17. The President shall enjoy the exclusive powers:

1) to appoint and dismiss, with consent of the Supreme Soviet, the Prime-Minister, his Deputies, Ministers of Foreign Affairs, Finance, Defence, Interior Affairs; the Chairman of the Committee on State Security; to accept the resignations of the officials mentioned in this paragraph.

In case of disagreement of the Supreme Soviet with the President's appointments, the President may appoint to this positions the acting officials, for the period not exceeding three months.

The President may not nominate twice the candidature rejected before by the Supreme Soviet of the relevant convocation, or similarly appoint twice the acting officials to the said positions;

2) to appoint and dismiss other members of the Cabinet of Ministers and to accept their resignations;

3) to introduce to the Supreme Soviet the nominations for the position of the Chairman of the Constitutional Court, Chairman of the Supreme Court, Chairman of the Higher Economic Court, Chairman of the Board of the National Bank. The President may not nominate twice the candidature rejected before by the Supreme Soviet;

4) to appoint the Chairmen of the executive committees of regions and of the city of Minsk with the following approval of the nominees by the resolution of the relevant Soviet. The deputies of the relevant Soviet shall obtain information on the candidature nominated to the position of the chairman of the executive committee at least five days prior to the day of consideration of the issue on approval of the candidature at the session of the Soviet of Deputies;

5) to approve the programme of the activity of the Cabinet of Ministers;

6) to appoint the judges of the Republic of Belarus, other than those whose election falls within the jurisdiction of the Supreme Soviet;

7) to solve issues on granting citizenship of the Republic of Belarus, its termination, as well as granting of asylum;

8) in compliance with the law, to reward with state awards, confer ranks and titles;

9) to grant pardons to convicted offenders;

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10) to appoint and recall diplomatic representatives of the Republic of Belarus in foreign States and in international organizations;

11) to accept the credentials and letters of recall of the accredited diplomatic representatives of foreign States;

12) in the event of the natural calamity, catastrophe, as well as disorder involving violence or the threat of violence on the part of a group of individuals or organizations, which endanger human life and health or jeopardize the territorial integrity and existence of the State, to declare a state of emergency on the territory of the Republic of Belarus or in selected localities thereof, with the subsequent submission of the decision, no later than within three days, for the approval of the Supreme Soviét of the Republic of Belarus. The legal status of the state of emergency on the territory or on separate parts of the Republic of Belarus is stipulated by the law;

13) to postpone a strike or suspend it for a period not to exceed two months. The President may take a decision to postpone or suspend a strike in case of the natural calamity, large-scale accidents and disasters, mass disorders, when the strike may reinforce the negative results of the said circumstances, as well as in other cases envisaged by the law;

14) to sign the laws of the Republic of Belarus, within a ten days' period, starting the day the President receives the law adopted by the Supreme Soviet. If the law is not returned to the Supreme Soviet for renewed discussion and voting within the envisaged term, the law is regarded as signed;

15) in conformity with the law, to introduce, on the territory of the Republic of Belarus, in case of a military threat or invasion, martial law; to proclaim general or partial mobilization, informing the Supreme Soviet on the grounds of the taken decision within a period not to exceed 24 hours.

Article 18. The President shall have the right to:

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1) administer the system of executive authorities subordinate to the President: Cabinet of Ministers, ministries, state committees and other administrative bodies of the Republic of Belarus dependent on him.

2) establish and cancel ministries, state committees and other central bodies of administration of the Republic of Belarus;

3) appoint the heads of the ministries, state committees, other central bodies of administration of the Republic of Belarus established by the President, unless otherwise is stipulated by the Constitution; appoint the heads of the services designated to ensure the President's activity and service;

4) with the appropriate substantiation, make motions to the Supreme Soviet on discharging the Chairman of the Constitutional Court, Chairman of the Supreme Court, Chairman of the Higher Economic Court, Chairman of the Board of the National Bank;

5) proceeding from the national interests and the interests of citizenry having residence on the relevant territory, carry out control on conformity of the resolutions and the activity of the bodies of power, dependent on him, to the legislation of the Republic of Belarus in the following forms:

- cancel the Acts of the Executive authorities, dependent on the President;

- cancel the resolutions of local executive and economic bodies that are not in conformity to the legislation;

6) suspend the effect of the resolutions of the local Soviets of Deputies in cases, when the decisions are inconsistent with the law. In case of suspension of the effect of the resolutions of the local Soviets of Deputies on the said reason, the President shall be obliged to address the higher Soviet of Deputies within a three days' period. Within 15 days, the higher Soviet of Deputies shall either cancel or resume the effect of the resolution of the local Soviet of Deputies;

7) on his (her) own initiative, inform the Supreme Soviet on the implementation of home and foreign policy of the Republic of Belarus;

8) participate in the activities of the Supreme Soviet and its bodies, take the floor at any time so as to make a speech or convey a message in accordance with the Rules of Procedure of the Supreme Soviet;

9) address messages to the People of the Republic of Belarus and to the Supreme Soviet. The President's appeal to the People of the Republic of Belarus shall be published in mass media, transmitted on radio and television. The President shall determine the form of the written appeal to the Supreme Soviet. The President's written appeal shall be subject to consideration within ten days, unless other period is determined in the appeal of the President;

10) represent the Republic of Belarus in relation with other States and international organizations;

11) conduct negotiations and sign international treaties. The conclusion of international treaties which contradict to the Constitution of the Republic of Belarus shall be inadmissible;

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12) carry out other powers entrusted to the President by the Constitution and by the laws of the Republic of Belarus.

Article 19. The President shall have the right to return a law to the Supreme Soviet, within a ten days' period, starting the day he receives the law adopted by the Supreme Soviet, with his objections for renewed discussion and voting.

If the Supreme Soviet upholds the decision it earlier adopted - in relation to the law submitted by the President to the Supreme Soviet for the repeat discussion and voting, - by the majority of no less than two-thirds of the elected deputies, the President is obliged to sign the law within a three days' period; if the law is not returned within this term, the law is regarded as signed.

The texts of the laws, signed by the President, shall be kept at the Supreme Soviet.

Article 20. The President shall be obliged to:

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1) present, annually, when the republic budget is discussed by the Supreme Soviet, the report on economic, political and social state of the Republic; on protection of human rights and freedoms in the Republic of Belarus;

2) on the proposal of the Supreme Soviet, inform the Supreme Soviet on the realization of home and foreign policy of the Republic of Belarus. The date and content of the information provided by the President shall be set by the Supreme Soviet;

3) inform, annually, the Supreme Soviet on the programme of activity of the Cabinet of Ministers, within a month period, starting from the day of the adoption of the state budget of the Republic of Belarus.

Article 21. In accordance with the international treaties and agreements, the Republic of Belarus takes part in, the Constitution and laws of the Republic of Belarus, the President shall implement measures for protection of interests of the citizens of the Republic of Belarus outside the country, as well as the Byelorussians residing in other States.

Article 22. The President shall have the right of the initiative in the Supreme Soviet of the Republic of Belarus. The President may pass projects of laws and resolutions to the Supreme Soviet; propose the motions on the necessity of elaboration and adoption of the laws, on addenda and amendments to the law; bring forward the amendments to the proposed draft laws. The draft laws and the motions submitted by the President to the Supreme Soviet as the initiative, shall

be subject to obligatory consideration in accordance with the Rules of Procedure of the Supreme Soviet.

The President shall be entitled to address the Supreme Soviet with the proposal on the necessity of interpreting the Constitution or the laws of the Republic of Belarus.

Article 23. The President shall have the right to bring forward a motion to the Supreme Soviet on holding the nationwide referendum. The President's motion shall be subject to consideration by the Supreme Soviet no later than within 30 days after its moving.

Article 24. The President shall head the Security Council of the Republic of Belarus.

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The Security Council of the Republic of Belarus is the higher collective coordinating-and-political body which is established for implementation of the military policy of the republic in the sphere of security, strategy, principles of military development, for ensuring of the guaranteed protection of sovereignty, defence potential of the republic, its economic status, rights and freedoms of citizenry. Under the state of emergency, the Security Council shall carry out, on the resolution of the Supreme Soviet, the functions of the state power and administration to ensure the necessary measures for stabilization of the situation or to repel aggression; shall carry out other functions on the territory of the republic in accordance with the law.

The powers and composition of the Security Council are stipulated by the law.

The composition of the Security Council shall be approved by the President. According to their positions, the Chairman of the Supreme Soviet, Prime-Minister, Ministers of Foreign Affairs, Finance, Defence, Interior Affairs, Chairman of the Committee of State Security, Chairman of the Board of the National Bank, General Procurator of the Republic of Belarus shall be the members of the Security Council.

The Security Council shall carry out its activity in accordance with the basic areas of home and foreign policy and military doctrine of the Republic of Belarus, which are set forth by the Supreme Soviet.

Article 25. The President is the Commander-in-Chief of the Armed Forces of the Republic of Belarus and shall bear the responsibility before the People of the Republic of Belarus for ensuring the reliable defence of State, carrying out the international agreements on defence, implementation of the military policy and military doctrine of the Republic of Belarus. The President shall appoint the higher military staff of the Armed Forces of the Republic of Belarus.

The President shall be entitled to issue an order to launch military operations without declaring war in case of:

- deliberate invasion into the air space of the Republic of Belarus;

- sudden invasion of the armed forces on the territory of the Republic of Belarus;

- sudden air attack on the Republic of Belarus.

In case of launching military operations without declaring war, the President shall be obliged, within three days, to inform the Supreme Soviet about it.

The powers of the President as a Commander-in-Chief of the Republic of Belarus in peace-time are stipulated by the laws of the Republic of Belarus.

Article 26. Within the limits of his powers, the President shall be entitled to inquire any information, pass the texts for publication in mass media.

The President shall be given the time to appear on television or give a talk on the radio with respect to issues of home and foreign policy of the State.

Under urgency, the President shall be given the time, not envisaged in the radio and television programmes.

Article 27. The President may not have the right to dissolve or suspend the activity of the Supreme Soviet, as well as of other lawfully elected bodies of state power.

The President shall have the right to bring forward motions on convocation of the extraordinary session of the Supreme Soviet on the grounds and in order stipulated by the law.

Article 28. The President shall have the right to appeal to the Constitutional Court:

- to be provided an opinion on the conformity of laws, international treaties and other international obligations of the Republic of Belarus to the international legal acts ratified by the Republic of Belarus;

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- to be provided an opinion on the conformity of the legal acts of intergovernmental formations, the Republic of Belarus is a part of, the resolutions of the Cabinet of Ministers, as well as the acts of the Supreme Court, the Higher Economic Court, the General Procurator, any state body of normative nature to the Constitution, laws and international legal acts ratified by the Republic of Belarus.

Article 29. The President shall have no right to delegate his (her) powers, as a Head of State, to any bodies or officials.

The President shall ensure the efficient activity of the legislative authorities. In cases envisaged by the law, the President shall have the right to take for consideration the issues, which are under the competence of the legislative authorities. Article 30. Within the limits of his power, on the basis and with the purpose of implementation of the Constitution of the Republic of Belarus, the laws of the Republic of Belarus and the resolutions of the Supreme Soviet, the President shall issue the decrees and instructions and control their execution.

The President's decrees and instructions may not contradict the Constitution, laws and international legal acts ratified by the Republic of Belarus, resolutions of the Supreme Soviet; the President's decrees and resolutions may not either amend or alter them.

In the lack of rules of law necessary for carrying out the executive power in any sphere of the relations, the President shall exercise the right of the initiative.

The President's decrees and instructions, issued within the limits of his (her) powers, shall be obligatory for implementation on the whole territory of the Republic of Belarus.

The decrees and instructions of the President shall be published and brought to general notice by other means than those envisaged by the law.

The decrees and instructions of the President shall be put into force from the day of their publication, unless other date is envisaged in them.

The decrees and instructions of the President shall be registered; they shall be attached the appropriate ordinal number.

The President's decrees and instructions, recognized inconsistent with the Constitution, laws and international legal acts ratified by the Republic of Belarus, as well as international treaties and other international obligations of the Republic of Belarus which contradict the Constitution, are not valid.

IV. ORGANIZATION AND ENSURING OF THE ACTIVITY OF THE PRESIDENT

Article 31. By President, the Cabinet of Ministers shall be set up to carry out the executive powers in all spheres of the state administration.

The Cabinet of Ministers shall ensure the execution of the decrees and instructions of the President and shall carry out other obligations imposed on it. The Prime-Minister is obliged to inform the President on all important issues.

The President shall have the right to call, attend and preside at the meetings of the Cabinet of Ministers; to require a report on the activity of the Cabinet of Ministers and its members.

With the appropriate substantiation, the President may bring forward a motion to the Supreme Soviet on giving his (her) concern to release from their posts the Prime-Minister, his Deputies, Ministers of Foreign Affairs, Finance, Defence, Interior Affairs, Chairman of the Committee of State Security.

Upon the proposal of the Supreme Soviet, the President shall release the Prime-Minister and other members of the Cabinet of Ministers from their posts in

case they violate the Constitution and laws of the Republic of Belarus, or shall pass to the Supreme Soviet the justified rejection on release of the Prime-Minister and other members of the Cabinet of Ministers.

The Cabinet of Ministers shall abdicate the authorities before the newly elected President on the day following the day the President enters upon his (her) office.

Article 32. For direct ensuring of the President's activity, the Administration of the President shall be set up. The Administration of the President shall carry out the informational, organizational and technical activity and shall be the working agency of the President. The activity of the Administration of the President shall be carried out in accordance with the regulations and regular schedule approved by the President, within the limits of the budget of expenditure for these purposes approved by the Supreme Soviet in the state budget.

The President shall appoint the head of the Administration of the President.

The Administration of the President shall have no right to interfere with the activity of the Cabinet of Ministers and duplicate its functions.

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The material and technical securing of the activity of the Administration of the President shall be carried out by the Cabinet of Ministers solely at the expense of the republic budget. The expenses for the activity of the Administration of the President shall be envisaged in the republic budget in a separate paragraph.

The personnel of the Administration of the President, except for the persons carrying out the technical service, shall be attached to the category of civil public servants, shall be appointed to their positions with the concord of the President and shall abdicate their authorities before the newly elected President.

The President shall be entitled to establish the advisory bodies.

Article 33. Documents and materials available to the Administration of the President shall be subject to keeping.

Article 34. The official state residence of the President with the working and representation apartments shall be located in the capital of the Republic of Belarus.

The maintenance costs of the President's residence shall be envisaged by the Supreme Soviet in the state budget. The expenditures for financial securing of the officials and technical personnel, attached to the President, shall be set forth separately in the budget.

Article 35. The President shall have a round official seal with the inscription: "President of the Republic of Belarus", special letterheads with the State Emblem.

Article 36. The following state provision and service of the President shall be fixed:

1) salary in accordance with the legislation;

2) official living accommodation;

3) vehicles of special purpose;

4) security, assigned to special designation service;

5) expenses for domestic representation purposes;

6) expenses in connection with visits abroad;

7) special medical and sanatorium-and-resort service of the President and members of his (her) family;

8) state insurance;

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9) state summer cottage.

Article 37. The presents, presented to the President during the official visits abroad, as well as the presents presented to him by the representatives of foreign countries during their official visits to the Republic of Belarus, shall be considered the state property and shall be kept at the President's residence or at the republic museums; and the presents of special value shall be deposited at the National Bank of the Republic of Belarus.

Article 38. In case of expiration of the term of office, resignation of the President, release of the President from the post before the expiration of term of office the ex-President shall be:

1) granted a fixed pension in the amount of 75 per cent of the salary of the President of the Republic of Belarus;

2) provided a residential dwelling in any domicile, to his (her) discretion, with a 50 per cent discount on payment for rent and public utilities, with the additional living space of up to 20 square metres;

3) provided, together with the members of his (her) family, by a special sanatorium-and-resort service;

4) entitled to use an official car;

5) provided a state summer cottage;

6) provided security.

The perpetuation of memory of the President of the Republic of Belarus and his (her) funerals shall be carried out at the expense of State.

Other terms of provision, service and security of the President of the Republic of Belarus, additional rights and guarantees of their implementation shall be set forth by the resolution of the Supreme Soviet of the Republic of Belarus.

V. FINAL PROVISIONS

Article 39. Put into force the Law of the Republic of Belarus "On the President of the Republic of Belarus" from the day of its publication.

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President of the Republic of Belarus

A.LUKASHENKO

21 February 1995, Minsk

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