

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting December 2 – 22, 2013

In 2013 BAJ registered nine warnings to journalists from the prosecutor's office; most of them were related to work for foreign mass media without accreditation. And this is not the full number, since not all our colleagues tell about their warnings, fearing not to worsen the situation. Also, BAJ counted 45 cases of detentions of journalists and BAJ members in connection with their work. Four cases ended up with administrative arrests.

On December 2 the presidential edict No 531 **“On some issues of informatization”** stipulated that the president's assistant – head of the chief ideological department, at present **Usevalad Yancheuski**, will carry out several functions in the sphere of informatization, including coordination of TV and online mass media. He will have to ensure that state agencies follow the common state policy in the sphere of informatization, information and communications technologies, telecommunications and high technologies.

In particular, the person will coordinate, within his competences, activities of TV and online media; will agree on legal acts related to the sphere of informatization, information and communication technologies, telecommunications and high technologies, and also investment projects in the spheres, lying within his competences, implemented by state agencies and organizations.

On December 3 the independent journalist **Ales' Dzianisau** was officially **warned** by the **Hrodna region prosecutor's office** for his contribution to **foreign mass media without accreditation** (art.35, point 4 of the Media Law). The grounds for the warning was the journalist's coverage of a celebration held at the end of October on the Remembrance Day in honor of insurgents of the 1863 uprising in **Svislach** town. The document was signed by the prosecutor, deputy head of the regional prosecutor's office **Valery Paviadayka**. The prosecutor showed a photo of Dzianisau standing with a video camera, and then demonstrated a screenshot from a video report about the same event by *Belsat*. According to law, a repeated violation can be punished by a fine of 20 to 50 base amounts.

On December 4 the Hrodna region prosecutor's office also issued a **warning** to **Ales' Kirkevich**, BAJ member. The deputy head of the regional prosecutor's office **Valery Paviadayka** said the journalist violated article 22.9, part 2 of the Administrative Code (illegal producing and distribution of mass media). Ales' Kirkevich refused to give any explanations to the prosecutor and did not sign any documents.

On December 4 the Mahilou regional court **upheld the appeal of the low-circulation newspaper *Volny Horad*** against the decision of the Krychau district court. The judges' panel overturned the decision of the district court and closed the case because it was beyond the district court's jurisdiction: disputes on defending business reputation between legal entities were to be resolved not in **court of law**, but in **economic court** (*note – since January 2014 the system of economic courts and courts of law has been unified, under the reform initiated by A.Lukashenko in autumn 2013*).

We remind that the newspaper Volny Horad was sued by Cherykau PMK No280 building company. The newspaper wrote that some employees of the company worked without proper employment contracts. The company's management denied the information and accused the newspaper of discrediting the company's managers and undermining its business reputation.

On December 5 in **Brest** journalists were forced to leave the concert of the Ukrainian band *Okean Elzy* although they **had been accredited** by the Brest Regional Philharmonic Hall, co-organizer of the event. The Minsk partner firm (a concert agency "Big Show Promotion") insisted that mass media representatives had to leave the concert hall and the building of the Ice Palace. Security guards escorted them out to the streets.

The journalists say that the reason for such treatment was critical coverage before the concert: according to the local press, two organizers sold too many tickets, that's why people who bought tickets online risked to have no place at the concert. Finally, all people were able to attend, but the organizers "were offended" by the press.

On December 5 Mahilou region court upheld the decision of **Babruisk** court in the administrative case of the **blogger Aleh Zhalnou**. He was found guilty of disobeying police's demands.

We remind that the blogger had an incident with the traffic police on September 4: he called the police to register unlawful parking, but instead the police drew up a protocol against the blogger, claiming he was standing in the way of a service vehicle and disobeyed to some lawful demands of the police. Then the blogger, together with his son, was detained; the police used force and treated them impolitely. Later on the blogger was subject to pressure: his flat was searched, a laptop and information carriers were confiscated; he was made to undergo a psychiatric test. Judge Natallia Charapukha fined him for 20 base amounts.

The appeal procedure lasted no more than 10 minutes. Judge Ryhor Kachalau dismissed all motions of the blogger.

December 5, the **Supreme Court of Belarus** turned down the appeal of **Milana Kharytonava**, a photojournalist from Brest and BAJ member, against the decision of **Brest court** in her case for defense of **honor, dignity and business reputation**.

We remind that Milana Kharytonava lodged the lawsuit against Uladzimir Minevich, a journalist from a local state-run newspaper, for that he wrote a comment regarding her that she deemed insulting. In particular, he called Milana a “piggy”, and her friends – “ungifted foolish young people”.

The linguistic examination concluded that the journalist had his freedom of expression and found no insult in the comments. The court of first instance stated the journalist was not guilty, and the Brest regional court upheld the decision on appeal.

The Supreme Court (deputy chairperson **Andrei Zabara**) **replied** that the appeal should be dismissed because “the phrases under consideration cannot be verified because they express only a personal assessment of specific events by the defendant”, and “proofs of the defendant’s insults regarding the plaintiff are absent from the case materials”.

On December 8 websites of the Belarusian, Ukrainian and other services of the **Radio Liberty** were down through a DDoS attack. The attack did not black out the websites completely, but rather slowed down the work of the radio. Cyber-attacks on the RL/RFE had occurred from time to time **since November 14**.

On December 9 the second hearing took place in the Supreme Court of Belarus in the case of the private company **Belsat +** against the private joint-stock company Polish TV (SA TVP) over the use of the **Belsat** name.

The lawyer of the Minsk Bar **Ihar Dziachkou** motioned **to adjourn the hearing** to a later date because he had been hired on **December 6** and received the translated documents (from Polish) only on that day’s morning. The plaintiff objected saying there was enough time to prepare, but the judges upheld the motion of the defendant and tabled the next hearing for **January 20**.

*We remind that the lawsuit against Belsat was lodged by a company specializing in satellite and cable TV equipment. The plaintiff claims that the satellite channel uses the **trade mark “Belsat”** illegally. The company does not claim for damages, but wants the satellite Astra to stop transmitting the Belsat TV. The first hearing was on November 11.*

On December 10 the regional state-run TV Hrodna Plus showed a **news episode** about the detention of an alleged rapist. After the episode of the detention, the news episode demonstrated a close-up of **Aliaxey Saley**, BAJ member, who has been several times prosecuted for professional activities, and against whom a **criminal case** had been started for allegedly producing and distributing pornography. The photo of the journalist also was signed with his name and surname, and the episode led to think that it was Aliaxey Saley who was detained as a rapist.

The journalist is **abroad** and does not get back to Belarus. Officially, he is wanted by the police. As it turned out the image was used as a cut-in: his portrait was hanging behind the head of the police who was giving the interview. The piece of news was prepared by

a journalist Halina Davydzik and a cameraman Siarhei Pecharytsa. Mother of Aliaxey Saley calls the use of her son's portrait in such episode as a "disgusting provocation".

On December 11 BAJ sent **an official letter** to the Information Ministry asking to provide updates about the current work over the project of **amending the Mass Media Law**, and if any draft law has been prepared, to make it public and open for discussion.

In the official letter to the Information Ministry, BAJ asks to include experts of BAJ and representatives of the online community into a public discussion of the amendments, and also to hold a broad public discussion on the topic.

BAJ also sent a letter to Usevalad Yancheuski, head of the ideological department of the President's Administration, asking to encourage publicity in developing the amendments to the media law.

On December 16 the **Investigative Committee of Belarus** answered to BAJ spokesperson Barys Haretski that it had held an inquiry into the fact of **detention of 10 journalists at the railway station in Minsk** and denied starting criminal proceedings, claiming that the police committed no violations.

The investigators questioned several police officers who performed the detention **on October 19**. Some of them said that they "received an order from senior officers to detain suspicious persons when the opposition politician **Pavel Seviarynets** was arriving in Minsk". According to officer Silvanovich, journalists were identified on the platform by their equipment. The journalists were detained so that "to prevent mass disorders". Having held the inquiry, the Investigative Committee concluded that the police actions contained no facts of interfering into journalistic professional activities.

The **state budget for 2014** was approved by Parliament in two hearings **on December 12 and 16**. The financial support allocated for **mass media in 2014** amounts to 676.1 billion rubles (or **52 million euro**). From the sum, 42 million euro goes to TV and radio, 1 million 178 thousand euro goes to running the presidential Internet portal "to gather, prepare and disseminate the state order for official information, and functioning of the new version of the official Internet portal of the President of the Republic of Belarus."

In 2013 state support to mass media amounted to 60 million euro, from which 46 million went to TV and radio, and 6 million euro went to print mass media.

In 2012 state mass media got 45.5 million euro, in 2011 – around 54 million euro.

On December 17 Hrodna region prosecutor's office issued a **warning** to a journalist, BAJ member **Andrei Mialeshka** for contribution to foreign mass media without accreditation.

The deputy head of the prosecutor's office **Valery Paviadayka** showed print-outs from the *Radio Racyja* website with photos of a remembrance action commemorating insurgents of 1863. The journalist was shown a photo where he was standing with a Dictaphone, and, according to the prosecutor, Mialeshka had prepared the report for

the *Radio Racyja*. So, he was warned according to article 22.9, part 2 of the Administrative Code – “illegal production and distribution of mass media”.

On December 19 an independent journalist **Alena Barel** said that she had been **denied employment** because of the KGB pressure. The journalist says she had been invited to work as a news editor on a soon to appear interactive portal about Belarus. On the third day of the probation period she was told she was on the KGB’s blacklist and could not keep working.

“I was told that somebody from the KGB had phoned and advised not to hire me,” says Alena. The editor of the portal Katsiaryna Nestser says the KGB had nothing to do with this choice. “We decided not to hire A.Barel because she has explicit political views that might interfere with her objective journalistic work,” said Katsiaryna Nestser. There were no documents for the probation period, so the journalist sees no prospects for legal action.

On December 20 Valery Kalinkovich, Chairperson of the Supreme Court, confirmed at a press conference that **audio recording cannot be banned by judges at open court hearings**. “Today the criminal and the civil procedure law have unambiguous provisions that at open hearings written and audio recordings are allowed without any limitations,” he said.

When journalists asked why rules what to do in court are dictated by the police, the Chairperson said: “**Journalists have all rights to access courtrooms** to report on open court hearings”.

We remind that in practice journalists often face with prohibitions to make audio recording. Also there are cases when journalists are not allowed to courtrooms for open hearings.