

# MASS MEDIA

*in Belarus*

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BELARUSIAN ASSOCIATION OF JOURNALISTS  
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**“Taking into account the possibility of out-of-court settlement of problems and basing upon the principle of freedom of mass media, the Ministry of Information has withdrawn its claims on termination of “Nasha Niva” and “Narodnaya Vola” publishing from the Supreme Economic Court of Belarus.**

**However, the Ministry underscores that the ministerial claims against the editorials of these media outlets were grounded and placed in accordance with legal norms of Belarus’ Law “On Mass Media” in connection with repeated violations of its provisions...”**

*The Ministry of Information of Belarus*

[http://www.mininform.gov.by/rus/news/~year\\_\\_m17=2011~page\\_\\_m17=1~news\\_\\_m17=1002](http://www.mininform.gov.by/rus/news/~year__m17=2011~page__m17=1~news__m17=1002)

**“The media monitoring results testify to the increased pressure on mass media. Moreover, they confirm the assumption that the authorities repress only the active media outlets that offer resistance to them. Further developments show the efficiency of journalist solidarity actions and other tools for asserting their rights...”**

*Andrei Bastunets, Deputy Chairman, Belarusian Association of Journalists*

<http://baj.by/m-p-viewpub-tid-1-pid-11389.html>

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## DEVELOPMENT OF SITUATION IN BELARUSIAN MEDIA FIELD

*The situation in Belarusian media field turned to be critical in the first half of summer 2011. Two symbolic independent national periodical editions - “Narodnaya Vola” and “Nasha Niva” – appeared under the threat of closure.*

*A criminal trial against an independent journalist Andrei Paczobut (Hrodna) started within the period under review. The media worker was accused of defaming and offending the President of Belarus.*

*The law enforcement agents detained a lot of journalists, who covered the ‘silent protest actions’ in the country.*

*It became possible to interrupt the negative development of events, connected with freedom of expression, in the middle of summer 2011.*

### PROCEEDINGS AGAINST “NARODNAYA VOLA” AND “NASHA NIVA”

The Ministry of Information of Belarus filed a claim on termination of “Nasha Niva” and “Narodnaya Vola” publishing on **April 27, 2011**. The Supreme Economic Court rejected the editors’ appeals against the previously issued ministerial warnings, used as a reason for the claims. (According to article 51 of Belarusian Law “On Mass Media”, the media can be closed down on issuance of two official warnings, regardless the seriousness of reasons, within a year’s course.) Thus, the closure of “Nasha Niva” and “Narodnaya Vola” could become ‘a technical issue’. However, the proceedings caused broad response both in the country and abroad. Thus, a *bright flash-mob* was held at the opening of “Mass

Media in Belarus” exhibition, attended by the Minister of Information, the First Deputy Head of Presidential Administration, and other officials. The readers sent their letters with appeals to withdraw the claims on closing down the newspapers to the Ministry of Information of Belarus. Similar demands were contained in the letters of appeal, submitted by Belarusian and international journalist associations to the Ministry of Information and the Presidential Administration. Moreover, a call to terminate the proceedings on closing down the “Narodnaya Vola” and “Nasha Niva” newspapers was reflected in the EP Resolution of May 12, 2011 “On Situation with Mass Media in Belarus.”

Consequently, the Ministry of Information withdrew its claims on termination of “Nasha Niva” and “Narodnaya Vola” publishing on **July 12** and **July 13, 2011**.



However, the ministry initiated administrative proceedings against the “Narodnaya Vola” and “Nasha Niva” immediate afterwards. Finally, the periodicals were fined 14,000,000 Belarusian rubles (approx. EUR 2,000) each for breaking article 22.9, part 3 of Belarusian Code on Administrative Offences at **the end of July 2011**. (The article determines responsibility for receiving the repeated official warning within a year.) The Ministry had never applied the legal norm before.

## CRIMINAL PROCEEDINGS AGAINST ANDREI PACZOBUT

A defamation trial against a journalist Andrei Paczobut from Hrodna started on **June 14, 2011**. The media worker was charged with defaming and offending the President of Belarus (articles 367 and 368 of Belarus’ Criminal Code) in his critical articles, published in the Polish daily “Gazeta Wyborcza”, on the



“Belarusian Partisan” Web-pages as well as in his personal blog [paczobut.livejournal.com](http://paczobut.livejournal.com) in 2010-2011. A. Paczobut was kept in custody since April 2011. The court sessions were closed to public.

The judge of Leninski City District Court of Hrodna found the journalist guilty of casting aspersions on the President of Belarus and sentenced him to three years of imprisonment with deferment of punishment for two years on **July 5, 2011**. At the same time, the journalist was exonerated from the blame of defaming the head of state. He was released from custody in the courtroom.

The proceedings against A. Paczobut evoked a broad public response. A demand to release A. Paczobut was contained in the EP Resolution, mentioned above, as well as in numerous appeals of Belarusian and international organizations, including a letter, signed by 40 editors of Polish newspapers etc. Among other, A. Paczobut’s issue was discussed by Presidents of Poland and the United States during their recent meeting.



## DETENTIONS OF JOURNALISTS, REPORTING FROM SILENT PROTEST ACTIONS

The silent protest actions in the summer 2011 were accompanied by reinforcement of pressure on journalists and media outlets. Representatives of law enforcement agencies prevented media workers from performing their professional duties. The reporters were detained and penalized on administrative charges. No less than 95 journalists were detained during the ‘silent protest actions’ in all Belarusian regions.

The law enforcement agents used force against media workers. In a number of cases, they battered the detained journalists and damaged their professional equipment. 22 journalists stood trials. 13 of them were sentenced to different terms of administrative arrest. Others were fined.





The police acted especially cruelly on **July 3** and **July 6, 2011**. 20 and 28 journalists were detained respectively on these days.

The journalistic community took all possible measures in order to terminate the wave of violence in relation to the media representatives. Thus, the Belarusian Association of Journalists addressed the Minister of Interior Anatol Kulashou on **June 22, 2011** with a demand to carry out an internal investigation on the cases of violation of journalists' rights, find the guilty, and apologize to the aggrieved media workers.

Mahilou Branch of BAJ sent a letter of appeal on the score of detentions of Mahilou journalists to Mahilou Regional Executive Committee and Mahilou City Executive Committee on **July 5, 2011**.

The BAJ leadership asked for a meeting with the top executives from the Ministry of Interior on the same day. The meeting took place on **July 21, 2011**.

33 journalists undersigned a collective letter of appeal against violations of journalists' rights. It was sent to the Prosecutor General's Office and the Ministry of Internal Affairs on **July 13, 2011**.

Consequently, the Prosecutor General admitted violations of journalists' rights and called upon the police to abide by the media law and observe the law on police authorities.

Finally, the wave of violence in relation to journalists decreased.

## CRIMINAL PROSECUTION FOR EXPRESSION OF OPINIONS

As reported in **June 2011**, criminal proceedings were initiated against a popular Belarusian blogger **Yauhien Lipkovich** on article 370 of Belarusian Criminal Code ("Violation of State Symbols"). The criminal prosecution was reasoned by publication of illustrations, created with the use of photomontage, in his personal LJ blog [lipkovich.livejournal.com](http://lipkovich.livejournal.com). The police conducted a search at the blogger's private apartment on **July 28, 2011**. Consequently, the blogger's PC was seized.

As reported at the end of **August 2011**, criminal proceedings against **Natallia Radzina**, "Charter'97" Editor, on article 293 of Belarusian Criminal Code ("Mass riots") were terminated. A corresponding resolution was issued on



**August 23, 2011.** It's worth mentioning that N. Radzina was released from the pre-trial investigative isolation ward in March 2011. She was forced to sign a cognizance not to leave the place of her permanent residence at that. The journalist managed to flee Belarus at the end of March 2011.

The exiled journalist treated skeptically the news about termination of criminal proceedings against her. She doesn't exclude the possibility of facing new criminal proceedings on the other article of Belarusian Criminal Code, actively used in relation to other participants of mass protest actions on December 19, 2010, i.e. article 342 of Belarusian Criminal Code "Arrangement and preparation of actions that outrage the public order or active participation in such actions."

Other journalists and BAJ members, sentenced to different terms of imprisonment after the Presidential Election 2010, continue to serve their terms. Among other, the list of prosecuted colleagues includes the imprisoned **Dzmitry Bandarenka**, who undergone a serious operation in August 2011, as well as **Pavel Seviarynets**, serving his sentence in a corrective labor colony.

On **August 31, 2011**, the Belarusian Association of Journalists addressed to the Presidential Administration with an appeal to discharge the imprisoned journalists and release them from custody. The Association regarded the prosecution of colleagues as a restriction of freedom of speech, guaranteed by articles 33 and 34 of Constitution of Belarus. Moreover, BAJ paid attention to the fact that further imprisonment of BAJ member Dzmitry Bandarenka may have an extremely negatively effect on his health.

## EVENTS / RATING LISTS

The Atlantic Council Freedom Award was presented to BAJ during the Global Forum in Wroclaw (Poland) on **June 10, 2011**.

Apart from the Belarusian Association of Journalists, the Freedom Awards were presented to the "Viasna" Human Rights Center, and "Free Theatre". The organizations received the award "on behalf of Belarusian people for its struggle for democracy."

Apart from three Belarusian organizations, the Atlantic Council Freedom Awards have been presented to a US senator, John McCain, the Minister of Foreign Affairs of Poland Radoslaw Sikorski, the Prime-Minister of Moldova Vladimir Filat as well as the legendary Polish journalists Adam Mikhnik and Helena Luczywa from "Gazeta Wyborcza". A separate award on behalf of Egyptian youth was presented to a blogger from this country Ezra Abdel Fattah.



A solemn ceremony of presenting the *Gerd Bucerius* Prize, established by the German ZEIT Foundation, and Norwegian *Fri Ort* award took place in the Nobel Institute (Oslo, Norway) on

**June 15, 2011.** The list of laureates-2010 included a Belarusian journalist **Maryna Koktysh**, “Narodnaya Vola” Deputy Editor-in-chief.

A traditional cultural and sport festival of Belarusian journalists **“BAJynki - 2011”** took place near Minsk on August 26-27, 2011. The festival agenda included a master-class session on journalist activities under extreme conditions, conducted by reporters at BBC Russian Service.