



THE BELARUSIAN
ASSOCIATION
OF JOURNALISTS

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MASS MEDIA IN BELARUS

E-NEWSLETTER

JANUARY-APRIL 2013



"I wouldn't like to sprinkle ashes upon my head, saying that we are lagging behind the 'fifth column' on the Web. It isn't so. All our media are represented here."

*Aleh Praliaskouski,
Minister of Information of Belarus*

"As the internet has become an increasingly important source of information, the Belarus authorities have used a variety of different means to control it. Keeping a tight rein on information remains at the core of their policy of self-preservation."

Index on Censorship



SITUATION IN THE BELARUSIAN MASS MEDIA FIELD IN JANUARY – APRIL 2013

ANALYTICAL REVIEW

Several positive events took place in the Belarusian media field at the beginning of 2013. Firstly, there should be mentioned termination of criminal proceedings in relation to a journalist Andrzej Paczobut, accused of casting aspersions on the President of Belarus, as well as refusal to file a suit against the executives of “Arche. Pachatak” magazine. Both conflicts were in the focus of attention of international community. In particular, they were mentioned in a report, prepared by the UN Special Rapporteur on Belarus M. Haraszi. Their solution can be regarded as an attempt of Belarusian official authorities to unblock relations with the EU after the post-election crisis since the end of 2010.

However, the positive steps weren't accompanied with system changes in the media field. Just on the contrary, the authorities implemented repressive measures in relation to journalists and media outlets.

Once again, the “BelSat” TV channel wasn't permitted to open its office in Belarus. The ‘Press Photo Belarus 2011’ photo album was found to be an extremist publication. Journalists were arbitrarily detained for carrying out their professional activity and sentenced to different terms of administrative arrest.

In general, the current situation in the Belarusian media field remains to be highly unfavorable for the FoE implementation, as far as the legislation and law enforcement practice is concerned.

There's continued economic discrimination of independent media in Belarus. The state monopolist press distributing enterprises “Belposhta” and “Belsayuzdruk”



refuse to cooperate with a number of independent socio-political publications and sell their copies by subscription and through a nationwide network of news-stalls.

Thus, more than 300 residents of Slonim district (Hrodna region) received a negative reply from the “Belposhta” National Unitary Enterprise to their collective request to return the non-state “Gazeta Slonimskaya” to the subscription catalogue in January 2013. The same monopolist enterprise refused to include the “Volnaye Hlybokaye” weekly (Hlybokaye, Vitsiebsk region) to the subscription catalogue for the 2nd half-year of 2013. Nearly 50% of independent socio-political media face similar problems in Belarus.

According to the BAJ calculations, no more than 30 printed periodical editions cover the socio-political thematic without the visible influence of executive authorities in Belarus. Nearly half of them have been ousted from the state-owned press distribution networks. There can't be found a single survived independent TV or radio channel in Belarus. To a certain extent, the function of independent broadcasters is implemented by the media outlets, broadcasting from abroad. However, their Belarusian reporters are persecuted for cooperation with foreign media without valid press credentials.

The abovementioned disgraceful governmental practices take place against the background of administrative preferences and direct budgetary support to the state-owned media. Nearly EUR 60 million got allocated to support the state-funded media in the Belarusian state budget 2013. The funds were distributed among the targeted media organizations without tenders and competitions.

In January 2013, the state-owned TV channels CTV (“Stalichnaye telebachannie” Close Corporation) and ANT (“Druhi natsyjanalny telekanal” Close Corporation) joined the National State TV and Radio Company in the list of media organizations, exempted from VAT and income tax.



MAIN EVENTS AND CONFLICTS IN THE MASS MEDIA FIELD

- **The Chamber of Representatives refused to discuss the current media legislation;**
- **There were terminated criminal proceedings against a Hrodna journalist Andrzej Paczobut, accused of casting aspersions on the President of Belarus;**
- **The plaintiff was refused to file a suit against the executives of “Arche. Pachatak” magazine;**
- **The “BelSat” satellite TV channel received another negative reply to their application for opening a correspondent’s office in Belarus;**
- **The “Press Photo Belarus 2011” photo album was acknowledged to be an extremist publication;**
- **The Web-sites of “Belaruski Partyzan” and “Vi-asna” Human Rights Center were hacked;**
- **There happened arbitrary detentions and arrests of journalists, who reported from the officially authorized rally, commemorating the Chernobyl disaster.**

THE CHAMBER OF REPRESENTATIVES REFUSED TO DISCUSS THE CURRENT MEDIA LEGISLATION

The Belarusian Association of Journalists received a negative reply from the Chamber of Representatives to its proposal to discuss the existing problems, connected with the media law application practice, and the ways of perfection of current media legislation on **February 19, 2013**.

The MPs from the Standing Commission on Human Rights, National Relations, and Mass Media considered **the change of Media Law to be unreasonable**, referring to the outcome of corresponding discussions with the Ministry of Information of Belarus.



TERMINATION OF CRIMINAL PROCEEDINGS AGAINST ANDRZEJ PACZOBUT

The Legal Investigation Committee Department for Hrodna region terminated criminal proceedings against a Hrodna journalist Andrzej Paczobut, a correspondent of “Gazeta Wyborcza” daily (Poland), due to the absence of corpus delicti, on **March 15, 2013**. The proceedings had been initiated on the charges of “repeating libel in relation to the President of Belarus” (article 367, part 2 of Belarus Criminal Code).

A. Paczobut was accused of “casting aspersions on the head of state” in a number of his Web-publications. He was detained and taken into custody on June 21, 2012. A police search was conducted in his private apartment. The journalist was released from jail on signing a recognizance not to leave the place of his residence on June 30, 2012. A. Paczobut had been sentenced to three years of prison for the same reason earlier. However, the penalty was delayed for two years then. It meant that any new court verdict on similar charges could lead to three years of real imprisonment on the previous case.

Hailing the termination of criminal proceedings against A. Paczobut, ‘Reporters without Borders’ noted that he was still convicted on similar charges and waiting for the deferred penalty. Therefore, they called upon the Belarusian governmental authorities “to overturn Paczobut’s earlier conviction, which was clearly political, abandon any other judicial proceeding pending against him and allow him to travel abroad.”

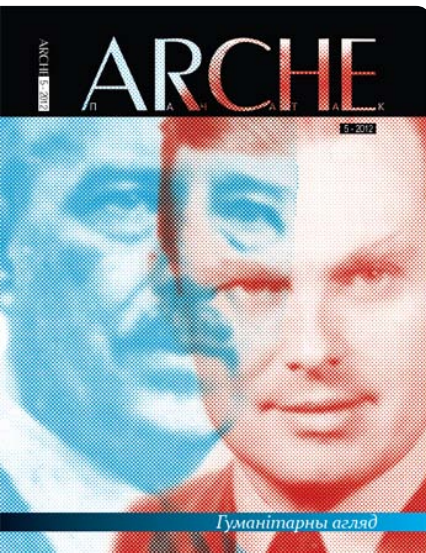
“Articles 367, 368, 369 and 369.1 of the criminal code (on defaming and insulting an official, the president and discrediting the republic) and other articles restricting freedom of information must be repealed. Dropping charges against



one of the journalists who is under pressure is not enough,” Reporters without Borders said.

According to the RSF statistics, “at least nine people, including three journalists, have received suspended jail sentences or forced labour sentences for defaming and insulting President Lukashenka in the past 10 years”.

THE CLAIM ON FILING A CRIMINAL CASE AGAINST THE “ARCHE. PACHATAK” MAGAZINE EXECUTIVES DENIED



As reported on **March 22, 2013**, criminal proceedings against the “Arche.Pachatak” magazine executives hadn’t been started, following the editorial check. Consequently, the blocked account of ‘Arche’ editorial was released.

Despite the fact, it was for the fourth time that the Ministry of Information of Belarus refused to re-register the ‘Arche.Pachatak’ magazine on **April 24, 2013**. Just as before, the refusal was grounded on far-fetched reasons. (It is worth mentioning that the lack of official registration can lead to the closure of the media outlet.)

It is not the first time that the “Arche. Pachatak” magazine faces danger to its existence. Thus, the court supported a claim, submitted by the KGB Department for Brest region, and considered some “Arche.Pachatak” articles to be extremist publications in 2008. However, the court of appeal cancelled the initial court decision. Consequently, the KGB Department withdrew its claim. (It is worth mentioning that the Belarusian governmental authorities were making attempts to mend fences with the EU at the end of 2008 and at the beginning of 2009.)

The ‘Arche. Pachatak’ magazine faced new problems in the fall of 2012. The financial and fiscal authorities started a large-scale check of editorial activity. The ‘Arche. Pachatak’ bank account was blocked. The Editor-in-chief Valery Bulhaku was forced to flee Belarus, facing the potential threat

of criminal prosecution. Trying to save the magazine, the 'Arche. Pachatak' founders took a decision to change the editorial leadership that created the need to re-register the magazine. The fiscal authorities announced the absence of criminal charges against Valery Bulhakau and the magazine in April 2013. However, the magazine founders have been trying to pass the obligatory re-registration procedure for three months already, all in vain.

THE "BELSAT" SATELLITE TV CHANNEL RECEIVED ANOTHER REFUSAL TO OPEN A CORRESPONDENT'S OFFICE IN BELARUS



On **March 26, 2013**, the Ministry of Foreign Affairs of Belarus informed the official representative of 'BelSat' Satellite TV Channel in Belarus Mikhal Yanchuk about the refusal to register the 'BelSat' correspondent's office in Belarus.

As before, the governmental officials referred to violation of legislation by the Belarusian journalists, cooperating with the TV broadcaster without the ministerial press credentials.

"Belsat" has been broadcasting TV programs to Belarus from the territory of Poland since 2007. The core of its programs is made of materials, produced by Belarusian journalists for Belarusians. The TV channel has been trying unsuccessfully to receive a permit for opening a correspondent's office in Belarus since 2008. The journalists, contributing to BelSat, are regularly persecuted by the Belarusian official authorities for breaking the law that bans the professional activity of foreign media workers, including Belarusian nationals, without valid press credentials.

THE "PRESS PHOTO BELARUS 2011" PHOTO ALBUM FOUND TO BE AN EXTREMIST PUBLICATION



Ashmiany District Court (Hrodna region) acknowledged the "Press Photo Belarus 2011" photo album to be an extremist publication and ordered to destroy the seized copies on **April 18, 2013**. Thus, the court

supported the corresponding claim, submitted by the KGB Department for Hrodna region.

Photo journalists Yuliya Darashkevich, Aliaksandr Vasiukovich, and Vadzim Zamirouski took part in the litigation as the persons concerned and appealed against the court verdict. (The Belarusian customs officers had seized 41 copies of the photo album from them at the Belarus-Lithuania border crossing in November 2012.) The higher court will consider the case in June 2013.

The “Press Photo Belarus 2011” photo album was published, in order to present the outcome of the Belarusian press photo contest, conducted annually since 2010. The contest jury includes famous photographers from different countries of the world. The photo album was printed in 2012. The publication was sold trouble-free at book-stores in Belarus. The journalist contest winners’ photos from the album were published without problems in different Belarusian periodical editions and appeared in the news sections of various news agencies.

THE WEB-SITES OF “BELARUSKI PARTYSAN” AND “VIASNA” HUMAN RIGHTS CENTER GOT HACKED

The unknown trespassers hacked Web-sites of “Belaruski Partyzan” and “Viasna” Human Rights Centre on **April 25, 2013**. It is worth mentioning that both Web-resources can be found on the Belarusian governmental ‘ban list’ of Web-sites with access denied from the state organizations and structures, educational establishments, and cultural institutions.

The violators published information with threats to some independent on-line resources and their authors on the main page of “Belaruski Partyzan” and totally distorted the sense of some publications on ‘Viasna’ NGO Web-pages. The Web-resources resumed their normal work after a short period of time.



ARBITRARY DETENTIONS AND ARRESTS OF REPORTERS AT THE OFFICIALLY AUTHORIZED RALLY, COMMEMORATING THE CHERNOBYL DISASTER

Six journalists were detained by police, while carrying out their professional duties at the annual “Charnobylski Shlakh” rally, commemorating the victims of Chernobyl disaster, traditionally arranged by the Belarusian democratic forces on April 26th.

TV journalists Anastasiya Yaumien and Aliaksandr Barazhenka were detained by police in the town of As-travets (Hrodna region). The media workers reported on a visit of civil and political activists to the Belarusian nuclear station construction site.

The members of “Nasha Niva” video-crew Aksana Rudovich and Iryna Arakhouskaya were detained in the public transport, following their attempt to record the rude detention of some of ‘Charnobylski Shliakh’ participants.

The journalists were released in both cases, mentioned above, following the check of the filmed materials.

The ‘Radio Racyja’ journalists Henadzi Barbarych and Aliaksandr Yarashevich were sentenced to three days of administrative arrest, following their arbitrary detention at ‘Charnobylski Shliakh’. They were allegedly accused of disobedience to the police. Since the reporters were detained on Friday in the evening and spent two days in the detention center before the sitting of the court, both of them were released from custody shortly after the court verdict announcement on April 29, 2013.



RATING LISTS, INDEXES, REPORTS

On **January 4, 2013**, the Index on Censorship international organization published its analytical report "[Belarus: Pulling the Plug](#)", dedicated to the methods of control over the national Web-space, applied by the Belarusian official authorities as well as dwelling upon the cases of FoE restrictions on the Web in Belarus.

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ON CENSORSHIP

"Firstly, it is done by applying a repressive legal framework, including draconian laws such as criminal libel, legal prosecution and the misapplication of the administrative code. Secondly, free speech is restricted by the use of new techniques, such as online surveillance, website blocking and filtering, and cyber-attacks against independent websites and content manipulation", the press release says.

**REPORTERS
WITHOUT BORDERS**
FOR PRESS FREEDOM

As reported on **January 30, 2013**, Belarus was placed on the 157th position among 179 countries of the world in the [annual Press Freedom Index](#), traditionally prepared and published by the Reporters without Borders. The list summarized the situation with freedom of speech all around the world in the year of 2012.

Belarus was localized between Azerbaijan and Egypt on the list. Taking into consideration the whole post-Soviet space, the country was followed by Kazakhstan, Uzbekistan, and Turkmenistan only.

It is worth mentioning that Belarus used to hold the 168th position on the previous year's list, subject to mass post-election repressions in 2011.



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