

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting March 10 –23, 2014

Before the elections to local Councils of deputies, online anonyms and hackers got active, especially in the regions. In the reporting period, the monitoring service of BAJ registered many different cases of interference into professional journalistic work, many of them with similar tactics.

On March 10 the district court of Horki (Mahoilu region) started hearing a **lawsuit** filed by Tamara Kaltunova, head of the local unit of the Belarusian Disabled People's Society, against the local independent newspaper *UzHorak*. The plaintiff thinks that the newspaper published an article with **defamatory content**, in her view, provided by *BelaPAN* news agency about a court hearing from 2013. The plaintiff demands 50 million rubles compensation from the editorial office (approx. 3600 euro). Initially the defendant of the case was the chief editor of *Uzhorak* **Halina Budnaya** and the private unitary enterprise *Uzhorak*, publisher of the newspaper. However, the court found that the chief editor cannot be a defendant in the case according to law, instead *BelaPAN* agency was defined as a defendant. The next hearing was scheduled for March 23.

In 2013 a *BelaPAN* correspondent was covering a lawsuit between Tamara Kaltunova and members of the organization whom she also had accused in defamation.

On March 10 Sviatlana Shurpakova, the editor of *Dniaprouskaya Prauda* in Dubrouna (Vitebsk region) district newspaper, **refused to publish agitation materials** of the local candidate to deputies **Aliaksei Haurutsikau**. The editor claimed the materials contained hidden calls for changing the constitutional order and the authorities.

The editor refused to provide any written answer. The candidate left a notice of complaint in the editorial office, and also complained to the local electoral commission. "My program was aired on the regional radio on February 28, and caused no objections either from the editors or from the electoral commission.

The secretary of the Central Electoral Committee **Mikalay Lazavik** sees no violation in this case: he says TV and newspapers are not obliged to provide space and airtime for candidates at local elections.

The deputy chair of BAJ Andrei Bastunets says that all possibilities of agitation have been restricted to a minimum. Only airtime on the radio and meetings with candidates are guaranteed by law.

On March 12 the Board of BAJ adopted a **statement on the rise of violence against journalists in the Crimea**. BAJ called on all people and organizations involved in the conflict to put an end to the violence and to ensure normal conditions for journalists work. The statement was sent to the Supreme Council and the Council of Ministers of the Autonomous Republic of the Crimea.

"The Belarusian Association of Journalists claim that a situation when journalists are prevented from performing professional duties is inadmissible.

Those who use violence against journalists demonstrate their genuine intentions – to stop information undesirable for certain political circles.

We underline that hot spots are visited not by "adventurers", but also by professional reporters whose work is to provide people with the fullest picture of events."

On March 12 BAJ member **Anatol Hatoushyts** was **detained** on a **railway station in Homel** when he was talking to passengers coming from Ukraine. When a police officer came up and demanded the journalist's documents, he demonstrated *BelaPAN* agency's accreditation. The officer, however, demanded his passport and declared that the railway station was a strategic object where audio, photo and video recordings were banned, and a permit from the head of the station was required. Anatol

Hatouchyts was taken to the police room for documents verification. He was set free 10 minutes later without any administrative records.

On March 12, Maryna Malchanava, a journalist from *Bobruyski Courier*, was **summoned to the police department** of the Babruysk City Executive Committee.

The journalist was questioned and informed that she could be held liable according to article 23.34 of the Administrative Code “Violating the procedure of organizing or holding mass events”. On March 6 Maryna Malchanava was **covering an antimilitarist picket** held in Babruysk by local activists. The journalist underlined that she was performing her professional duties and had all rights to attend the event. In the end, the police officer Siarhei Rudzko issued her a summons to appear on March 17 – to draw up an administrative report. When the journalist appeared on March 17, the officer said he was busy and postponed the process. The journalist was informed she would be summoned when necessary.

On March 13 at noon anonyms **tried to hack** the website **charter97.org**, and then several hours’ DDoS attack followed. The website was not harmed.

“The attack was performed through resources of a Russian main provider. We see a direct connection between the attack and our active coverage of the events in Ukraine and the Russian aggression against our southern neighbor,” said the editorial office of the website.

On March 14 Maryna Malchanava, journalist from Bobruyski Courier, received a **threat e-mail** from an Ivan Ivanou. The journalist thinks it is pressure on her because of her work. We remind that earlier some people in Babruysk also received threat and insult letters as if on behalf of Maryna Malchanava. The journalist said that the e-mail address did not belong to her.

On March 14 two **articles** authored by Ales’ Lianeuski appeared on the regional **website Svobodny Farmat**. The articles **discredited and insulted** local civil and political activists. Also, all materials starting from September 9, 2013 were removed.

The journalists who had worked for the website say that nothing has been published on the website since February 10, when a new project milkmag.by was launched. Former editors suppose that the website was **cracked**.

Also, the local journalist **Aliaksandr Burakou** said that somebody was sending **provocative letters** on his behalf to many people from a false e-mail address. On March 19 Aliaksandr Burakou, being a co-owner of the domain name formats.by, **filed a complaint** to the police department specializing IT crimes of the Mahilou Regional Executive Committee asking to investigate the incidents and find those responsible.

On March 16 TV journalists **Natallia Valakida** and **Ales Silich** were **detained** when they were covering an **electoral picket** held by the United Civil Party at 11 pm, March 16, near the Kamarouski market in Minsk. Participants of the picket were detained, too, in all about 10 people. The UCP claimed the picket was allowed by the executive authorities.

In the police department, the journalists’ data were copied, but no other records were made. The journalists were set free between 2.00 and 2.30 pm.

Also, **Henadz Veratsinski**, BAJ member, was taking photos at the picket. The policemen first interfered with the view, and then just grabbed the camera and deleted all the pictures.

March 17, the Babruysk district court **fined blogger Aleh Zhalnou** for 45 basic amounts for a video showing his visit to the head of the local police.

On January 30, 2014 Aleh Zhalnou (Oleg Zhelnov, Ru) came to a meeting with Aliaksandr Vasilyeu, head of the police department of the Babruysk City Executive Committee.

The duty officer demanded to leave all personal belongings, so the blogger took out his cell phone, a video camera, a netbook to leave it at the cloakroom.

However, later on, a video appeared on the blogger’s YouTube channel showing the meeting between the blogger and the police officer. The video does not show faces, only voices are heard.

So, the blogger was held accountable under article 23.4 of the Administrative Code – “disobeying legal demands of an official representative in performance of duties”. That is to say, he did not leave all devices at the entrance, as the duty officer had demanded.

The trial lasted in three open hearings, with testimonies of the police officers involved.

According to the police officers, the decree of the Home Affairs Ministry № 185 (labelled “for official use only”), with an annexed instruction, stipulate that police officers can demand that visiting citizens should not carry on them any audio or video recording devices, including cell phones.

Aleh Zhalnou argued that the Constitution of Belarus ensures the citizens’ rights to gather, store and disseminate information that is not state or commercial secret. A meeting with an official representative cannot be a secret or “restricted”. Since the Ministry’s decree is not registered in the Register of state acts, it is not a legal document and is not obligatory for citizens. Besides, the blogger argued that a Ruling by the Council of Ministers demands that all legal acts related to citizens must be open for public access.

In spite of all the arguments, Judge Natallia Shegeda decided to fine the blogger for 45 basic amounts (which is 5.850.000, or 425 euro). The blogger is going to appeal the decision.

On March 18 Aliaksandr Haniseuski, missing since December 28, was found in a pond near Mikashevichy town.

A passer-by noticed the body in a small artificial pond of 4 per 20 meters.

An investigative officer Mikalai Shved tells details of the case: “There are no signs of death by violence, the preliminary cause of death is **drowning**. The results of forensic examination will appear within a month. The deceased had keys to his flat and five thousand rubles (half a dollar).”

Mother of the deceased said they spoke last time on the phone on December 28 at 4 pm. She was leaving the town and he stayed with his paralyzed father. No other phone calls were registered; the previous rumor that he made phone calls when he left house were dismissed.

The pond is 4 – 5 km away from the Haniseuskis’ home. The journalist was not married; he visited his family quite rarely.

The local web resource *Media-Paliessie* draws attention to an analogical case that took place in the Luninets district five years ago. On December 14, 2009 a correspondent of *Inform-Progulka* 51-year old Yury Yurko went missing. He was at work doing a report, but did not come home in the evening. He was found two and a half months later, on March 28, 2010, after thaw, in a reclamation canal not far from Luninets. The journalist’s wife is convinced that her husband was drowned forcefully. The General prosecutor’s office refused to start a criminal case eight times.

On March 19 members of a **Committee of Solidarity with Ukraine** filed a **collective petition** to the General Prosecutor’s office in which demanded to **ban transmission of the Russian channel** Rossiya 1 (RTR) in Belarus.

The petition says that the initiative appeared because of the evening programs “Vesti” and “Voskresnyj vecher s Solovyovym” (Sunday evening with Solovyov). The commentators of the programs denied Belarus’s sovereignty, incited national hatred and called for changes of the constitutional order in Belarus.

Petitioners also asked to ban entry to Belarus for TV anchors Dmitri Kiselev and Vladimir Solovyov, their program guests Alexander Prokhonov, Vladimir Zhirinovskij, Anatol Wasserman and Alexander Dugin, and also to initiate criminal cases against them under article 130 of the Criminal Code.

On March 20 the journalist of the non-state newspaper *Brestskij Courier* **Ina Khomich** was **denied accreditation** at the polling station No75 in Brest.

She was first accredited as an election **observer**. She wanted to take a photo of the voting protocols, but was not allowed to do it. She then resorted to her journalist’s credentials and declared she would keep on being there as a journalist too. In reply, the commission’s secretary declared she could not be there in both qualities, as if it was against the law (although he was unable to name which article prohibited

that). Ina Khomich filed a complaint against the secretary to the chair of the commission, to the city electoral committee and to the city prosecutor's office.

On March 20 in Smarhon' the police **confiscated** 31 copies of the low-circulation bulletin *Smarhonski Grak* and drew up an administrative report against the distributor, local activist **Uadzimir Shulzhytski** according to part 2 of art. 22.9 of the Administrative Code – distributing a mass medium without having a contract for doing this with the editorial office. In the evening of the same day the police searched the activist's flat with the view of finding other copies of the bulletin (one copy was found). The activist was summoned to the police for March 25.

According to the Mass Media Law, outlets of circulation up to 299 copies do not require state registration – so there is no necessity to create a legal editorial office. So, there is no possibility to make whatsoever contracts with the editorial office, explained the lawyer of BAJ Andrei Bastunets. In his view, the police misinterpreted the law, and also violated the Code of Administrative Procedures because the outlet is not banned, so it can be produced, distributed, stored etc. so the police did not have the right to conduct searches.

On March 21 the editor of the regional website **dyjalog.info** Kastus' Mardzvintsau informed that their website had been **blocked** because of a virus. The last materials on the website before the blocking were about the electoral campaign, and also a scandalous massive poisoning in a colony in Orsha.

On March 22 the independent journalist in Brest **Yauhen Skrabets** was **summoned to the prosecutor's office for questioning**. The prosecutor's deputy Alena Paulava asked if he had been working for *Radio Racyja* and if he had an accreditation as a representative of the outlet in Belarus. She also asked if he had published any materials that could discredit Belarus's home and foreign policy. The journalist refused to answer the questions and to sign the questioning records.

On March 23 the photo correspondent of *BelaPAN* **Valiantsina Ziankova** was **not allowed to take photos** at the polling station No59 in Barysau district. The correspondent had accreditation of the *BelaPAN* news agency, but the chair of the electoral commission demanded an additional accreditation and banned photographing without it.

BAJ lawyers say that the chair of the commission acted incorrectly: there is not any additional accreditation envisaged for **elections**. Journalists only have to show their credentials and register in the book of mass media present at the polling station, said Andrei Bastunets.