

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

October 20 – November 2, 2014

Prosecution against journalists according to article 22.9 has been in full swing; freelancers, who had been fined for contribution to foreign mass media unaccredited, fail to seek justice with appeals to higher instance courts. Meantime the respective commission of the House of Representatives replied that there was no need to amend legislation related to the sphere of free expression.

On October 20, BAJ members **Aliaksandr Liubianchuk** and **Maria Artsybashava** were **detained** in Minsk when taking an interview from the ex-candidate for presidency **Uladzimir Niakliayew**. According to Aliaksandr, they were making the video interview outdoors when a policeman passer-by decided to request for their IDs. Then the journalists and the interviewee were taken to the Soviet district police. Their identities were verified through the computer data base; the policemen also wanted to view the recorded materials.

The journalists and the interviewee were set free an hour later, without making any procedural documents.

On October 21 the Vitebsk region court **upheld the sentence** imposed on the civil activist from Orsha Tatsiana Siachko, who had been fined by Orsha district court under administrative **art. 22.9**. The activist distributed leaflets throwing them into postboxes, and this way, the judge concluded, she violated the order of distributing mass media products and was fined for 40 basic amounts (around 580\$). The activist sent a request to the Information Ministry asking if leaflets really were mass media products. The Information Ministry replied that the leaflet under consideration was not a product of mass media; the activist asked to attach the official reply to the administrative case. However, the judge upheld the sentence, ignoring the explanations from the Information Ministry.

As became known **on October 21**, the editor of the independent weekly *Borisovskiye Novosti* Anatol Bukas tried to get **information** from communal services through the **prosecutor's office**. Initially, the journalist asked for a comment from A.Urbanovich, the head of a unitary enterprise, about unsanctioned rubbish dumps around Barysaw city, and about some other issues of municipal improvements. The head of the communal enterprise answered that such information had been published by the state-run city newspaper. The editor complained to the Barysaw district prosecutor's office, which replied that there were no grounds to bring Urbanovich to account. So the editor complained further to the Minsk region prosecutor's office.

On October 22 the commander's deputy on ideological work of the 61th **airbase in Baranavichy** Siarhei Chuhunkow **denied information** to a journalist of the independent newspaper Intex-Press. The editorial office had received phone calls from readers that there had been explosions and smoke from the Baranavichy airdrome. The question was addressed to the air base, however, the official representative answered that all relative information had already been provided in mass media.

On October 22 the **Krychaw** district court started hearing the **honor and business reputation lawsuit** of Maryna Maximava, ideologist of the regional executive committee, against the local low-circulation newspaper *Volny Horad*, its editor Siarhei Niarowny and publisher Uladzimir Kudravets.

The suit was filed over the article “Not in the right chair?” dealing with a wall collapse in a school. The author of the article accused the officials and state-run media that they had been too uninformative about the incident.

The plaintiff complained that the article had influenced her health. The journalists said they just wanted to shed more light on the accident and did not want to insult anyone. The editor motioned to consider the provisions on tasks, duties and schedule of work of the department in the Krychaw district executive committee; the judge upheld the motion. The next hearing is to take place on November 24.

On October 23 police disrupted the **book presentation of “Mova”** by Viktar Martsinovich in Hrodna. The police and executive officials turned up in a building of the Greek Catholic parish, where audience gathered for the event; they announced that the presentation would be canceled, and invited the writer to proceed for compiling an administrative report. The authorities claimed that the book presentation should have been sanctioned by administration as a mass event.

Meantime, the organizers argued that it was an indoors book presentation, besides, similar presentations in Minsk and Luninets were held without any claims of the kind. Another reason the officials appealed to was that the building had not been commissioned yet and some anti-fire norms were not fulfilled. After some deliberations, they allowed ten minutes for wrapping up the creative evening. The writer said he was offended and drew attention to the fact that on the same very day Aliaksandr Lukashenka had a meeting with Belarusian writers and discussed the state of the Belarusian literature and among all assured there was no censorship in Belarus.

On October 23 the commission of the lower chamber of **Parliament** dealing with mass media relations finally sent a reply to BAJ Statement concerning administrative prosecution under **art. 22.9**. The reply signed by Aliaksandr Naumovich, chairperson of the Permanent commission on human rights, national relations and mass media of the House of Representatives, says that “there is no need to introduce corrections into “legislative acts of the Republic of Belarus in the sphere of freedom of expression”. According to the reply, the parliamentary commission discussed the issue jointly with the Ministry of Information. In comments, deputy chair and lawyer of BAJ Andrei Bastunets said that the journalistic community would keep on demanding to amend mass media legislation.

We remind that the statement was adopted by the Board of BAJ on September 26. The statement was sent also to the General Prosecutor's office, to the Ministry of the Interior and to the Supreme Court. The General Prosecutor's office replied that these were the aggrieved journalists who had to file complaints of the kind. The Ministry of the Interior addressed BAJ to courts and to the Information Ministry. The Supreme Court replied that a court's decision can be appealed by the journalists or their representatives; also reminded that there is a procedure of prosecutorial protest; and indicated that consideration of lawfulness of police's actions lies beyond their sphere of competence. There has been already nine cases initiated against BAJ members, freelancers contributing to foreign mass media without accreditation, under article 22.9 – Violating mass media legislation. Most cases end up with large fines.

On October 28 journalists from **Mahilow** Ihar Barysaw and Ales Burakow lodged complaints to the city police and the prosecutor's office over an online resource writing **libelous** information about them. The website **voskresinfo.com** becomes active about politicians and civil activists especially during elections. The journalists asked to fined owner of the site and to held him accountable for libelous materials, and to restrict access to the resource in Belarus. It should be mentioned that the owner of the website is registered in Odessa, Ukraine. The information was relieved in previous investigation held by police upon a complaint of a civil activist in Khotsimks. Then, th epolice

managed to trace the registration, but did not manage to find the people responsible for publishing local information.

On October 28 the Mahilow Regional Court, judge Pavel Klimaw, **dismissed the appeal of Maryna Malchanava**; now she will have to pay the fine of around 480\$ for a publication on Belsat about a charity organization helping cancer-stricken children. In the appeal, the journalist underlined that the judge had worked under pressure, her case had been heard unobjectively and formally, and in her decision the judge violated the journalist's constitutional right to gather and disseminate information. However, the judge upheld the sentence.

As reported on **October 30**, the Hrodna branch of BAJ received a **reply** to their statement which they had filed to the **Hrodna region prosecutor's office** and to the **General Prosecutor's office**. Two dozens of journalists signed under the collective petition demanding to stop administrative prosecution of freelance journalists for their professional activities. The list mentioned journalists fined under art. 22.9 for contributing to the Radio Racyja and Belsat TV.

The head of the department on supervision over enforcement of rights and freedom of citizens of the General Prosecutor's office Maryja Papova replied that the journalists should have complained each by themselves to the prosecutor's office and to court of higher instances. She also thinks that Belarusian legislation complies with article 19 of the ICCPR. The reply of the regional prosecutor's office copies the former.

BAJ members in Hrodna consider such replies as evasion.

On October 30 the Hrodna region court, judge Sviatlana Dauhashey, **upheld the decision to fine Andrey Mialeshka** for 35 basic amounts for contribution to the Radio Racyja without accreditation (**art. 22.9**); the sentence instance court dates to October 7. The journalist will appeal further.

On October 30 Belarusian law-enforcement bodies took the decision to **deport human rights defender** Elena Tonkacheva without the right to return to Belarus for three years. She is to leave Belarus within a month from the day of issuing the ruling.

Elena Tonkacheva, a famous human rights defender and head of the Centre for Legal Transformation Lawtrend, was informed on October 30 that her residence permit in Belarus was annulled. The formal reason was several fines for exceeding speed limits, the offense registered with a photo radar.

Elena Tonkacheva, being a citizen of Russia, has lived in Belarus for almost 30 years. She graduated from the Belarusian University's faculty of law, was married here, and has a daughter of Belarusian citizenship, she has work and property here in Belarus; all these arguments were provided for consideration of the citizenship and migration officers. She also underlined that the cameras registered the car number, and not the driver, so the photos cannot be regarded as sufficient to prove her guilt.

Elena Tonkacheva is the Chairperson of the Board of the Legal Transformation Center dealing with freedom of associations, freedom of information, and human rights education. In particular, the NGO has been holding research into ensuring access to information, protection of personal data,