

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

March 23 – April 6, 2015

The OSCE Representative on Freedom of Speech Dunja Mijatović raised the issue of numerous fines for “illegal production and distribution of mass media products”, in fact, for that journalists contribute to foreign mass media without accreditation in Belarus. “The authorities have to stop imposing restrictive measures on freelance journalists, hindering them to do their job in a free and safe manner,” Mijatović said on April 3. “A constructive solution to this issue should be reached. My Office stands ready to assist the authorities in any way necessary in order to reverse this destructive trend, as well as facilitate a dialogue and joint activities of government institutions and media organizations on the topic.”

On March 16, the Ministry of Information registered Lohvinau bookstore in the Register of Distributors of Printed Products. The confirming letter reached Lohvinau on March 23. We remind that the absence of registration in 2014 was used as a pretext to charge Lohvinau bookstore with illegal trade and impose confiscation of almost a billion rubles. Before that, the bookstore had applied for registration to the Information Ministry more than six times.

On March 24 BAJ received a reply to its request filed at the end of February to the Ministry of Information asking to tell what books the Republican commission on extremism considered to be extremist. The reply dated March 20 and signed by the Information Minister’s Deputy Uladzimir Matusevich informs that “among the materials where signs of extremism were revealed are books by A.Hitler, G.Rockwell, A.al-Badr, manuals on warfare and others.”

On February 5, the Minister of Information Liliya Ananich reported that by that time the Republican commission on assessment of information products regarding extremist contents had viewed over 100 materials, and in 25 of them had found “features falling under definitions “extremism, propaganda of ideas of Nazism, racial, religious intolerance” or “literature which could be used with terrorist aims”.

On March 25 the Minister of Information Liliya Ananich reported that amendments have been prepared to the presidential decree No 60 “On measures to improve the use of the national segment of the Internet”. According to the Minister, the amendments were aimed to close the gaps for website owners for responsibility for comments on their websites.

According to p.12 of Decree No 60, responsibility for comments on websites was placed on their authors. Meantime, the amendments made to the Law on Mass Media shift the liability on website owners.

As became known **on March 25**, the Ministry of Foreign Affairs **denied accreditation** to BAJ member **Andrei Mialeshka** as a correspondent of the *Radio Racyja*. The application for accreditation was filed in November 2014, the official reply appeared only now. The refusal refers to points 10 and 15.4 of the Ruling on Accrediting Journalists of Foreign Mass Media meaning he had not filed all necessary documents and had worked for the mass media before.

On March 26 the Maskouski district court of Brest heard the case of BAJ member **Ales Liauchuk**, without his participation. The journalist learnt about the hearing on the next day by phone that he had been **finned** for 21 basic amounts (3 mln 780 thous rubles) for “illegal production and distribution of mass media products” (administrative **art. 22.9**). The charges were based on a report on the website of Belsat signed AL.

On March 26, the **Deputy Minister of Home Affairs** Mikalay Melchanka **refused to talk** with BAJ chairperson Zhanna Litvina and deputy chair Andrei Bastunets, although these were official reception hours of the Deputy Minister. BAJ leaders wanted to clarify issues with the unpublicized ban to take photos of administrative buildings. The Ministry representatives answered that there had been an official statement and there was no necessity to discuss it any more.

On March 26, reports appeared that some Belarusian **providers blocked access** to *Charter'97, Belaruspartisan, Viasna etc.* The notice of blocking said that the websites had been blocked under presidential edict No 60 dated February 1, 2010. **On March 28**, access to *Charter'97, belaruspartisan.org, prokopovi.ch, spring96.org* was restored, without intelligible official comments. According to the website *electroname.com*, which quoted an anonymous source from the sphere of telecommunications, the blocking occurred because two lists of websites with restricted access were unified. The first list, under edict No 60, restricted access to oppositional and human rights websites to users in buildings of public institutions, state-run establishments. The other list was enforced in January 2015 under the latest amendments to the media law and aimed at anti-drug trafficking and antiterrorism; the list restrict access to some websites for all users. It looks like the websites from the earliest list “fell under amnesty”.

On March 30, the Barysau district court held another hearing into the **lawsuit** of a nurse against the newspaper ***Borisovskiye Novosti***. The plaintiff confirmed her claims and motioned to attach to the case mass media publications on analogical incidents, and presented her personal characteristics from the place of employment. She rejected a compromise offer. The newspaper representative made a non-guilty plea and motioned to dismiss the additional documents of the plaintiff. The hearing will continue in April 16.

We remind that the lawsuit for defense of business reputation was filed against Borisovskiye Novosti for the article "Who is guilty of the death of a patient in the 2nd polyclinics?" dated December 24, 2014.

On March 30, the independent journalist from Mahilow **Aliaksandr Burakou** filed a **supervisory appeal** to the chair of the Supreme Court of Belarus. *We remind that on October 8, he was fined 6 million Belarusian rubles (around EUR 450) on administrative charges of 'illegal production and distribution of mass media products (article 22.9, part 2 of Belarusian Code on Administrative Offences); he was guilty of making the article under the title of «Along the Smuggler's Trail. Do the Russian Sanctions Work in the Border Area?» published with indication of his authorship on the DW.de website on August 25, 2014. The journalist's private apartment as well as at the journalist parents' flat were searched on September 16, 2014, and two laptops and two flash cards were confiscated. The court of appeal upheld the sentence.*

On April 1, the Maskouski district court of Brest **fined Ina Khomich** for 30 basic amounts for cooperation with the *Radio Racyja* without accreditation, under **art. 22.9**. The journalist argued that she had the right to gather and disseminate information, which is guaranteed by the Constitution.

On April 2, the judge of the Chyhunachny district court of Homel **fined Kastus Zhukouski**, freelancer and BAJ member, for 30 basic amounts (5.4 million rubles) under **art. 22.9**. He was found guilty of producing a report on *Belsat* dated February 6 and titled "Teachers and medics get punished for a murdered child". The article was signed with a pen name. A police captain questioned the school employees to find out who was shooting the video report. Before the court hearing the judge turned down the motion that the freelancers' interests were represented by the jurist, BAJ member Leanid Sudalenka.

On April 4, it became known that the Brest Regional Court sent the case of **Tamara Shchapiotkina** for review. The judge admitted that the court of first instance held the hearing with violations. *On March 6, Tamara Schapiotkina, from Biaroza town, Brest region, was fined for 40 basic amounts (7 million 200 thousand rubles) for work without accreditation for the Belarusian Radio Racyja. The grounds for prosecution was an interview with a traffic officer made on January 8 and later published on the Radio Racyja. Allegedly, it was Tamara who had taken the interview. The case had been sent to court, but on February 27, the Lenin district court of Brest sent the administrative protocol for completion. On March 5, the journalist received a court summons in an SMS. On March 6, she came to court before 9am, with a lawyer. However, the lawyer was informed that the hearing had already been over and the journalist did not appear at court as the summons requested. The judge said the journalist would learn the court decision in a letter that would be sent to her by post.*