

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

November 23 – December 12, 2014

Two events worthy of the title “events of the year” took place in the last fortnight of 2014. These were the detention of Aliaksandr Alesin, analyst of *Belorusy I Rynok* weekly, under suspicions of treason and spying, and the adoption of amendments to the law on mass media, made on the sly without any public discussion.

On November 24, Russian border guards **detained** an independent journalist from Homel, BAJ member **Larysa Shchytrakova** and the driver **Kastus Zhukouski** when they were making a video report on inspection of cargoes moving across the Belarusian and Russian border, introduced since November 24. The incident took place in Novozybkov district, Bryansk region, at the point of transport control.

The detainees were questioned by people in plain clothes for two hours and a half. They looked through the recorded materials and made the journalist delete 10 seconds showing two Russian border guards. No detention reports were produced.

On November 24, the journalist of the informational agency *BelaPAN* **Uladzimir Laptsevich** was **denied access** to an extraordinary sixth **session of the Mahilou Region Council of Deputies** of the 27 convening. The representative of the Council Yauhen Nalhachau said the correspondent was not on the list of the invitees. It should be mentioned that in October Laptsevich was kicked out of the congress hall of the Mahilou Regional Council during a session of the Council of Deputies. On November 19, the journalist had a personal meeting with the chairperson of the Council Anatol Isachanka who assured he personally did not ban anyone from attending the session. Laptsevich filed a complaint regarding actions of Yauhen Nalhachau claiming the official representative violated the media law, the law on information and the law on local governance.

On November 25, BAJ members **Uladzimir Khilmanovich** and **Mikhail Karnevich** from Hrodna were found guilty of participation in **an unsanctioned event** and **fined** 35 and 15 basic amounts respectively. The event under consideration was a commemorative demonstration on **October 24 in Svislach** town and dedicated to 1863 uprising of Kastus' Kalinouski. The administrative cases were heard in the Lenin district court of Hrodna, judge Alena Piatrova. According to police's reports, the fault of Uladzimir Khilmanovich was that he was photographed at the background of the national white-red-white flag. Mikhail Karnevich, accredited journalist of the Radio Svaboda, was on assignment and his fault was that he really was near the monument to the national hero and that he was accompanying “the organized group”. He usually does report on this event every year; so he has done this time. Uladzimir Hilmanovich was fined for 35 basic amounts (art. 23.34 of the Administrative Code – violating the procedure of holding mass events); Mikhail Karnevich – for 15 basic amounts (2 mln 250 thousand rubles, or around 208\$). **On December 16** the Hrodna regional court (judge Mikalay Rachynski) **dismissed the cassation appeal** of Uladzimir Khilmanovich, and on **December 18** – appeal of Mikhail Karnevich.

Participants and activists of the action [have also been summoned](#) to courts with the same charges.

On November 25, Aliaksandr Alesin, the military observer of *Belorusy I Rynok* weekly, was detained by special services. The same day his flat was searched. The fact became known to the public on December 4. The KGB spokesperson refused to comment on the situation.

On December 8 the detainee's relatives reported he had been charged with treason (art. 356 of the Criminal Code) and cooperation with special services of a foreign state (art. 356-1); he faced imprisonment of 7 to 15 years. He was not the main suspect of the crimes (the main one was a foreign diplomat, they told). The journalist was provided with a lawyer.

On December 10, the journalist was released under recognizance not to leave the country, due to deteriorating health. The treason charge was dropped.

Aliaksandr Alesin works as an observer for *Belorusy I Rynok* weekly, specializes in economy, military issues. He is the receiver of the Grand Prix of the Golden Pen for journalists covering automobile topics in business and national media (2008).

On November 28 Chyhunachny district court of **Vitebsk** heard cases of three people out of seven who [posed in the photo](#) at the background of the famous graffiti in Vitebsk **on November 5**. All three were found guilty of violating **article 23.34** of the Code of Administrative Offences – the procedure of organizing or holding mass events. The photo was part of the campaign of BAJ to support independent journalists who are prosecuted for cooperation with foreign mass media without accreditation, the campaign was held within the Stand up for Journalism campaign of the EFJ members.

The cases were heard in three separate trials, judges Alena Tsyhankova and Dzianis Hubanau. The witness was the policeman who wrote the administrative reports.

Journalists **Zmitser Kazakevich** and **Alena Stsiapanava** got fines of 20 basic amounts (3 million rubles, or around 280\$), **Alena Shabunia** was fined for 18 basic amounts (with the consideration that she has three children, two underage).

On December 1, the same judge also fined **Kastus Mardzvintsau**, for 20 basic amounts, and **Tatsiana Seviarynets** for 25 basic amounts. Journalists willing to attend the trial had to address the chairperson of the court to allow them entry to the court room (five people only). Also, **on December 3**, a passer-by **Piotr Berlinau**, who joined the photo session on the spot, was punished with three days' arrest (he had spent them in pre-trial detention).

On December 1, it became known about facts of **compulsory subscription** to the local **Salihorsk** state-run newspaper *Shakhter*. According to information from local enterprises, the chairperson of the Salihorsk District Executive Committee recommended to heads of all enterprises to subscribe their organizations to the paper and to encourage their employees to subscribe, too. Also, there was a letter from the chief editor of the newspaper requiring at least 50% of organizations' employees to subscribe, with reference to the chairperson's recommendations. Organizations will have to report on successful subscription campaign to the ideological department of the executive committee.

On December 2, the Lenin district court of Hrodna **fined** journalist **Andrei Mialeshka** for 40 basic amounts (six million rubles, or around 580\$) for violating art. 22.9 of the Administrative Code; this is the **third fine** imposed on the journalist over the course of six months. The hearing was held in the judge's cabinet (Judge Yury Kazakevich) and lasted an hour and a half, without witnesses. The [interview](#) under consideration was politically neutral, telling about publication of a book on famous people of the Hrodna region.

Journalist Andrei Mialeshka [had been fined twice](#) for publications on the Radio Racyja. The articles under consideration are politically neutral and cover issues of public significance (healthcare, ecology, culture heritage). The total sum of the fines makes around 1,500\$.

On December 4, the Minister of Home Affairs **Ihar Shunevich** spoke about urgent necessity to **amend Internet-related legislation**. In particular, he said that it was necessary to ban access of

all users to websites that were on the list of restricted access. The issue was discussed at a meeting dedicated to counteraction to illegal trade of drugs and psychotropic substances.

On December 6, the freelance photographer, BAJ member **Uladz Hrydzin** was briefly **detained** in Minsk, near Kamarouski market, when he was taking photo of a civil action of distributing ribbons with national ornament. He, as well as the actioners were taken to the Soviet district police department, where they left explanations and were released without any administrative reports.

On December 8, the Krychau district court (judge Alena Azaranka) ordered that journalist **Mikalay Herdziy**, the editor of the newspaper *Volny Horad Siarhei Niarouny* and the founder **Uladzimir Kudrautsau** had to pay **moral damages** compensation of 7 million rubles to Maryna Maksimava, head of the ideological department of the local executive committee. They also had to cover legal expenses. The official representative had filed the lawsuit for publication "Not in the right chair?" dated **September 14**, 2014. The editorial office think there is no offence in the article and will appeal against the decision.

On December 11, the Slonim district court (judge Andrei Likhach) **fined** journalist **Ales Zaleuski** 6,000,000 Belarusian rubles, which is around \$550. The judge found him guilty of violating article 22.9 of the Administrative Code (illegal production and distribution of mass media products). The prosecutor used a video on YouTube showing the journalist's report on Belsat about power abuse and corruption of the city communal services.

This was **the second fine** to the journalist this year. The first one was imposed him in May by Karelichy district court for a program about a private museum in Mir. He [failed to overturn](#) the decision on appeal.

Ales Zaleuski is an on-staff journalist of Belsat TV, author and newscaster of programs *Liudskija Spravy* (People's Affairs) and *Zaleuski's Reportage*.

On December 15, **Ales Zaleuski** was summoned to the prosecutor's office of Minsk where he received an **official warning** signed by the prosecutor's deputy Kazimir Kezhun.

The warning concerned a video report on Belsat about the scandalous expulsion of the human rights defender Elena Tonkacheva. According to information of the prosecutor, it was Ales Zaleuski who interviewed Elena Tonkacheva and the Russian Human Rights Council representative Sergei Krivenko on November 5, and later the report was shown in program *Objective* on Belsat. The prosecutor remind that it is not allowed to work for a foreign mass medium without accreditation.

On December 16 the Hrodna region court **dismissed the cassation appeal** of the civil activist **Volha Krapotsina**. Judge A.Kozel considered the appeal for three minutes. The activist was detained on September 19 when giving out leaflets supporting Ukraine. On November 18, she was found guilty of "illegal production and distribution of print products" and fined for 30 basic amounts (judge of the Lenin district court Dzmitry Bubenchyk).

On December 17, the Chyhunachny district court in **Vitebsk** heard the case of **Pavel Levinau**, the last person from the photo in front of the graffiti in Vitebsk. He, like all the others, was found guilty of holding an **unsanctioned picket** and **fined** 25 basic amounts. Judge Alena Tsyhankova dismissed all the motions filed by Levinau, also to adjourn the hearing because of his illness. Video recording of the process was allowed, but also in case the defendant did it by himself.

On December 17, the Biaroza district court **fined Tamara Shchapiotkina** 30 basic amounts (4.5 million rubles) for illegal production of mass media products.

The journalist was found guilty of making an interview with a chief of a drugstore and a school principal, the interview was published on the *Radio Racyja*. The interviewees were questioned by police about who had made the interview with them. Judge Natalia Vakulchyk took into account that the journalist had been warned against work for foreign mass media without accreditation. Tamara Schapiotkina did not deny making the interview. She insists that she has the constitutional right to gather and disseminate information, and is going to appeal against the court decision.

On December 18, the Horki district court (judge Viktor Yaskevich) ordered that the publisher of the independent newspaper *UzHorak* and the journalist of *BelaPAN* **Uladzimir Laptsevich** should pay **moral damages of 6 million rubles to Tamara Kaltunova**, chair of the local organization of the Belarusian Society of People with Disabilities. They also have to pay legal expenses. Tamara Kaltunova had filed the suit claiming the materials of BelaPAN, later reprinted by UzHorak, insulted her honor, dignity and business reputation. Neither the plaintiff nor her legal representative came to the hearing. The judge heard witnesses from defense sides who proved that the materials correctly presented the words of the plaintiff. However, the judge made the conclusion that the plaintiff had been insulted. The editor of *UzHorak* Halina Budnaya will appeal against the decision.

On December 17, the House of Representatives adopted amendments to the Law on Mass Media in two hearings. The amendments had not been discussed in any public debate, and had not been in the schedule of parliamentary hearings. Moreover, the respective commission of Parliament replied to BAJ requests in October claiming that no amendments were needed. **On December 18**, the Council of the Republic approved the draft law; it came into legal force since January 1, 2015. The amendments have equated online mass media with traditional once, it also contains more vague definitions for grounds to close down a mass medium or to ban a website.

On December 19, dozens of independent websites were inaccessible. Among them: **TUT.by** (technical glitches on December 19), **Charter'97**, **Belarusian partisan**, the website of the online newspaper **Solidarity (gazetaby.com)**. On December 20, IP-addresses of the independent news agency **BelaPAN (naviny.by)** were blocked. Also, on that day one of the largest retail trade and news portal **onliner.by** was excluded from the national domain zone by the OAC upon request of the Trade Ministry; the website owner solved the issue by transferring the content to **onliner.by** and redirecting to **onliner.ru**. (A week or two later the domain name was returned to the company.)