

Legal Cases against journalists and Media staff (2014)

Plaintiff	Court	Defendant	Case details	Decision	Date
Evrotorg Co Ltd	The Frunzenski district court of Minsk	Uladzimir Karahin, the chairman of the Republican Confederation of Entrepreneurship, his advisory Alexander Paulau, TUT.by, Ezhednevnik, journalists Dzmitry Zajats and Siarhei Satsuk	The trading company demanded refutation of the information dated June 24, 2013 that the company was allegedly involved in corporate raiding.	The court dismissed the suit.	21.01.2014
Andrei Beliakou, the private enterprise <i>Belsat</i> + owner	The Supreme Court of the Republic of Belarus	The Telewizja Polska S.A. (joint-stock company Polish TV, founder of the satellite channel <i>Belsat TV</i> )	The lawsuit against <i>Belsat TV</i> was lodged by a company specializing in satellite and cable TV equipment. The plaintiff claimed that the satellite channel uses the trade mark "Belsat" illegally. The company did not claim for damages, but wanted the satellite <i>Astra</i> to stop transmitting the <i>Belsat TV</i> .	The court dismissed the suit.	27.01.2014
Deputy chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich	The Central District Court of Minsk	The General Prosecutor's Office of the Republic of Belarus	Valiantsin Stefanovich appealed against a decision of the Prosecutor General's Office to blacklist the <i>spring96.org</i> , website of the Human Rights Center "Viasna", as a resource with restricted access.	The court ruled that Valiantsin Stefanovich was improper plaintiff because he is not the owner of the <i>spring96.org</i> website, and blacklisting the website did not violate his personal rights.	18.02.2014
Police	The Babruysk district court	Aleh Zhalnou, blogger	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. A duty officer demanded to leave all personal belongings, so the blogger took out his	The court fined Aleh Zhalnou 45 basic amounts (about 425 euro).  On June 4, the Mahilou Regional Court dismissed an appeal of the blogger.	17.03.2014

			cell phone, a video camera, a netbook to leave it at the cloakroom. However, later a video appeared on the blogger's YouTube channel showing the meeting between the blogger and the police officer. So, the blogger was made accountable for "disobeying legal demands of an official in discharge of his or her functions" (Article 23.4 of the Code of Administrative Offences) as he had not leave all his devices on demand of a duty officer.		
Police	The Beshankovichy district court	Georgi Stankevich, publisher of a low-circulation newspaper <i>Kryvinka</i>	According to a police's report, he violated law by distributing the newspaper in the center of Beshankovichy town.	The court ruled to fine the publisher 50 base amounts (approx. \$750) finding him guilty of violating Art. 22.9, part 2 of the Code of Administrative Offences.  On May 7, the Vitsebsk Regional Court dismissed Georgi Stankevich's appeal.	3.04.2014
Police	The Leninski district court of Hrodna	Viktar Sazonau  Uladzimir Khilmanovich  Raman Yurgel	Three regional activists were punished for posting photos with political and national symbolic on the Internet. On March 25, the Liberty Day in Belarus, they took photos standing in historic sites of Hrodna and holding Ukrainian and Belarusian national symbolic as a sign of their solidarity with Ukrainians. They posted the photos on the web.	They were fined by court 25 basic amounts (3 million 375 thousand rubles, or approx. 250 euro) for "unsanctioned picket".  On May 5, the Hrodna Regional Court dismissed cassation appeals of the regional human rights defenders.	3.04.2014
Police	The Babruysk district court	Aleh Zhalnou, blogger	On February 4, 2014 the blogger appeared at the summons to the head of the Babruysk department of the Investigative Committee and did not leave some devices (a telephone, a 3G modem and a memory card) on entrance as an officer on duty demanded. This was considered by police as "disobeying legal demands of	The court fined the blogger 46 basic amounts (6 million 900 thous. rubles, or approx. \$700).	3.04.2014

			an official in discharge of his or her functions” (Article 23.4 of the Code of Administrative Offences).		
Police	The Leninski district court of Hrodna	Journalist Ales Dzianisau	The trial concerned a video interview on <i>Belsat TV</i> (registered in Poland satellite channel) about a premiere of a play “Faust. Dreams” of the puppet theater. The report was broadcasted on <i>Belsat</i> that had been denied accreditation in Belarus several times.	Ales Dzianisau was fined 30 basic amounts (4 million 500 thousand rubles, or approx. 330 euro) for violating Art. 22.9, part 2 of the Code of Administrative Offences (illegal production and/or distribution of mass media products).  On May 13, the Hrodna Regional Court dismissed the appeal of Ales' Dzianisau.	4.04.2014
The department on trade and services of the Vitebsk Region Executive Committee	The Hlybokaye district court	The regional independent newspaper <i>Prefect-Info</i>	According to the report from the department on trade and services of the Vitebsk Region Executive Committee, the newspaper had several violations of the legislation on advertising in one of its October issues.	The court fined the newspaper <i>Prefect-Info</i> 25 base amounts (3 million 750 thous. rubles, or approx. \$370) for violating the legislation on advertising.  <i>Further publishing of the newspaper became impossible through the lack of finances.</i>	8.04.2014
Tamara Kaltunova, chairperson of the local Belarusian Society of People with Disabilities	The Horki district court	The local independent newspaper <i>UzHorak</i> and the informational agency <i>BelaPAN</i>	The plaintiff demanded 50 million rubles compensation for libel; such, the plaintiff considered, appeared in information of <i>BelaPAN</i> news agency and was republished by the newspaper. The information dealt with another lawsuit with the same plaintiff's participation.	The court dismissed the lawsuit.	17.04.2014
Police	The Smarhon district court	The local activist Uladzimir Shulzhytski	Uladzimir Shulzhytski was detained on March 20 in a town of Smarhon (Hrodna region) with 31 copies of low-circulation bulletin <i>Smarhonski Grak</i> . The same day, the police searched the distributor's flat where one more copy of the bulletin was found. In court's opinion, the distributor should have concluded a contract with	The court fined Uladzimir Shulzhytski 3 million rubles (\$300) for violating Art. 22.9, part 2 of the Code of Administrative Offences (illegal distribution of mass media products).	17.04.2014

			the editors for distribution.		
Police	The Leninski district court of Brest	Yauhen Skrabets, journalist of the <i>Belarusian Radio Racyja</i> and activist of the Young Front movement	The journalist was detained by police and accused of minor hooliganism (article 17.1 of the Administrative Code).	The journalist was sentenced to a ten days' imprisonment under charges of minor hooliganism.	19.05.2014
Police	The Karelichy district court	Ales' Zaleuski, staff journalist of the Televisia Polska TVP, which is the head office for the satellite TV channel <i>Belsat</i>	The journalist was accused of work for foreign mass media without accreditation. On the basis of a police's report, the court found him guilty of violating article 22.9 of the Code of Administrative Offences (illegal production and distribution of mass media products).	The court fined the journalist 30 basic amounts (around 327 euro).  On June 26, the Hrodna Regional Court dismissed the appeal of Ales' Zaleuski.	27.05.2014
Uladzimir Kudrautsau, publisher of the newspaper <i>Volny Horad</i>	The Krychauski district court		The court considered the motion of Uladzimir Kudrautsau, asking to review the decision of the court to compensate legal expenses for the state-run building and construction enterprise Cherykau PMK-280. The decision on the ground of which this had been ruled was overturned on appeal by the Mahilou regional court.	The court upheld the motion, overturned the court decision dated September 10, 2013 and ruled to return the legal expenses paid by the publisher.	4.06.2014
The plaintiff's name was not divulged (as the case was considered behind closed doors)	The Leninski district court of Brest	The newspaper <i>Brestskaya Gazeta</i>	The plaintiff demanded to impose compensation of 30 million rubles on the newspaper and its two journalists per each which allegedly had done harm to his honor and business reputation.	The court dismissed the case.  On August 4, the Brest region court dismissed the appeal against the court decision to dismiss the case.	6.06.2014
Police	The Kastychnitski district court of Hrodna	Andrei Mialeshka, journalist	The court concluded that Andrei Mialeshka prepared a material for the <i>Belarusian Radio Racyja</i> (based in Bialystok, Poland) about a healthcare action of doctors in Hrodna "For healthy heart". The text was published on the website of the Radio on April 17 under an assumed name 'Ihar	The journalist was found guilty of "illegal production of mass media products" and fined 30 basic amounts.  On August 25, the Hrodna regional court dismissed the appeal of Mr. Mialeshka.	16.06.2014

			<p>Mikalayeu'. <i>Doctors were witnesses testifyin it was Mr. Mialeshka who had interviewed them.</i> The police officers claimed that the journalist had no rights to do so because the Radio has not been accredited by the Belarusian Foreign Affairs Ministry. This way, in the court`s opinion, the journalist violated Article 22.9 of the Code on Administrative Offences (illegal production of mass media products).</p>		
Police	The Mahilow district court	Ihar Barysaw, the editor of the low-circulation paper <i>Nash Mahilow</i>	<p>Ihar Barysaw was accused of the illegal distribution of printed products. The editor argued that he did not distribute the newspapers <i>Nash Mahilow</i> and the bulletins <i>Social Democrat</i>, but simply transported them in his personal car. The editor admitted that the number of newspapers in the car exceeded 299, the number indicated as circulation of the newspaper (by law, such outlets need not official registration as a mass medium). He claimed the trial was politically motivated.</p>	<p>The court fined Ihar Barysaw 30 basic amounts for violating the Law on Mass Media and Art. 22.9, part 2 of the Code on Administrative Offences (illegal distribution of printed products) and ruled to confiscate the bulletins transported in his personal car.</p> <p>On September 25, the Mahilow regional court dismissed the appeal of the editor.</p>	12.08.2014
Andrei Beliakou, the private enterprise <i>Belsat</i> + owner	The Supreme Court of the Republic of Belarus	The Telewizja Polska S.A. (joint-stock company Polish TV, founder of the satellite channel <i>Belsat TV</i> )	<p>The lawsuit against <i>Belsat TV</i> was lodged by a company <i>Belsat</i> + specializing in satellite and cable TV equipment in May 2013.</p> <p><i>Belsat TV</i> representatives underlined that they operated from another country and did not have any official offices or bank accounts in the territory of Belarus.</p> <p><i>On January 27, 2014 the Supreme Court dismissed a case of the company</i></p>	<p>The Supreme Court found that the TV channel violated the copyright of Mr. Andrey Belyakow. The court ordered <i>Belsat TV</i> to stop using the trade mark "Belsat" in their satellite broadcasting and on the website. The court also ordered the respondent to pay legal expenses of 9 998 800 BR (around 1000\$).</p>	4.09.2014

			<i>owner arguing the plaintiff did not prove that he had exclusive rights for the trade mark. However, five months later the Presidium of the Supreme Court sent the claim for review because of insufficient investigation into the matter of the case.</i>		
Police	The Babruysk city and district court	Maryna Malchanava, independent journalist	Maryna Malchanava was accused of contributing to a foreign mass medium without accreditation. The accusations were based on the testimony of a police officer who had found Malchanava's publication about a charity organization helping cancer-stricken children on the <i>Belsat</i> website «while monitoring online news concerning anti-police comments».	The court fined Maryna Malchanava 32 basic amounts (4800000 rubles, or around \$500) for violating Art. 22.9 of the Code on Administrative Offences (illegal production and distribution of mass media products).  On October 28, the Mahilow Regional Court dismissed the appeal of the journalist.	25.09.2014
Police	The Hrodna district court	Andrey Mialeshka, journalist	The article under consideration was published on the website of <i>the Belarusian Radio Racyja</i> at the end of August, without the name of the author. The article was about the foundation of a biological reserve in the region. The chair of the botany department of the Hrodna State University acted as a witness and confirmed that it was Andrey Mialeshka who had interviewed him.	The court fined Andrey Mialeshka 35 basic amounts (around 500\$) for violating Art. 22.9, part 2 of the Code on Administrative Offences (illegal production and distribution of mass media products).  On October 30, the Hrodna region court upheld the first instance court's decision.	7.10.2014
Police	The Leninski District Court of Mahilow	Freelance journalist Aliaksandr Burakou	The journalist was accused of 'illegal production and distribution' of an article published with indication of his authorship on the DW.de website on August 25, 2014 as well as some other publications of this kind.	The journalist was fined 6 million Belarusian rubles (around EUR 450) for 'illegal production and distribution of mass media products' (Article 22.9, part 2 of the Code on Administrative Offences).  On November 20, the Mahilow region court upheld the first instance court decision.	8.10.2014

Police	The Leninski District Court of Hrodna	Mikhail Karnevich, journalist of the Radio Svaboda  Uladzimir Khilmanovich, BAJ member	The event under consideration was a commemorative demonstration on October 24 in Svislach town and dedicated to 1863 uprising of Kastus' Kalinouski. The fault of Uladzimir Khilmanovich was that he was photographed at the background of the national white-red-white flag. Mikhail Karnevich was doing report on this event and was accused with accompanying "the organized group".	Uladzimir Khilmanovich and Mikhail Karnevich from Hrodna were found guilty of participation in an unsanctioned event (art. 23.34 of the Code of Administrative Offences) and fined 35 and 15 basic amounts respectively.  On December 16, the Hrodna regional court dismissed the cassation appeal of Uladzimir Khilmanovich, and on December 18 – the appeal of Mikhail Karnevich.	25.11.2014
Police	The Chyhunachny district court of Vitebsk	Journalists:  Zmitser Kazakevich and Alena Stsiapanava  Alena Shabunia  Kastus Mardzvintsau  Tatsiana Seviarynets  Pavel Levinau	The court heard cases of people who posed in the photo at the background of the famous graffiti in Vitebsk on November 5. 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.	All the people three were found guilty of violating article 23.34 of the Code of Administrative Offences (the procedure of organizing or holding mass events). Zmitser Kazakevich and Alena Stsiapanava got fines of 20 basic amounts (3 million rubles, or around 280\$); Alena Shabunia was fined 18 basic amounts Kastus Mardzvintsau - 20 basic amounts, and Tatsiana Seviarynets - 25 basic amounts, Pavel Levinau - 25 basic amounts. <i>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).</i> On December 24, the Vitebsk regional court upheld sentences to the seven people.	28.11.2014; 2.12.2014; 17.12.2014
Police	The Lenin district court of Hrodna	Journalist Andrei Mialeshka	It was the first time when Andrei Mialeshka was fined for publications on the Radio Racyja. The interview under consideration was politically neutral, telling about publication of a	Andrei Mialeshka was fined 40 basic amounts (six million rubles, or around 580\$) for violating art. 22.9 of the Code of Administrative Offences.	2.12.2014

			book on famous people of the Hrodna region.	<i>This is the third fine imposed on the journalist over the course of six months. The total sum of the fines is around 1,500\$.</i>	
Maryna Maksimava, head of the ideological department of the local executive committee	The Krychau district court	Journalist Mikalay Herdziy, the editor of the newspaper Volny Horad Siarhei Niarouny and the founder Uladzimir Kudrautsau	The state official had filed the lawsuit for publication “Not in the right chair?” dated September 14, 2014.	The court ruled that the defendants had to pay moral damages compensation of 7 million rubles to Maryna Maksimava. They also had to cover legal expenses.	8.12.2014
Police	The Slonim district court	Ales Zaleuski, on-staff journalist of Belsat TV	The prosecutor used a video on YouTube showing the journalist’s report on Belsat TV about power abuse and corruption of the city communal services.	The court fined Ales Zaleuski 6,000,000 Belarusian rubles, which is around \$550. The judge found him guilty of violating article 22.9 of the Code of Administrative Offences (illegal production and distribution of mass media products).  <i>This was the journalist’s second fine this year.</i>	11.12.2014
Police	The Biaroza district court	Tamara Shchapiotkina, journalist	The journalist was found guilty of making an interview with a chief of a drugstore and a school principal, which was published on the Radio Racyja without accreditation. The interviewees were questioned by police about who had made the interview with them.	The court fined Tamara Shchapiotkina 30 basic amounts (4.5 million rubles) for illegal production of mass media products.	17.12.2014
Tamara Kaltunova, chair of the local organization of the Belarusian Society of People with Disabilities	The Horki district court	The publisher of the independent newspaper <i>UzHorak</i> and the journalist of <i>BelaPAN</i> Uladzimir Laptsevich	Tamara Kaltunova had filed the suit claiming the materials of <i>BelaPAN</i> , later reprinted by <i>UzHorak</i> , insulted her honor, dignity and business reputation.	The court ordered the defendants should pay moral damages compensation of 6 million rubles to Tamara Kaltunova. They also have to pay legal expenses.	18.12.2014
Police	The Leninsky district court in Brest	Journalist Ales Liauchuk	Ales Liauchuk was called to account for unlawful work for a foreign mass medium without accreditation. The	Ales Liauchuk was fined 6 million rubles (which is around \$500) for contributing to Belsat TV without accreditation	24.12.2014



			journalist said the case materials clearly stated that the KGB had established the fact of his cooperation with Belsat TV, but it was not anyhow proved.	(article 22.9 of the Code of Administrative Offences).	
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