

Belarusian Association of Journalists (BAJ)

MASS MEDIA IN BELARUS
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VIOLATIONS OF FREEDOM OF SPEECH IN BELARUS IN 2013 (Summary)

In 2013 the situation in the sphere of mass media was in stagnation, remaining extremely unfavorable for freedom of expression.

The main positive events in the media sphere took place early in the year. Criminal charges against journalists Andrei Poczobut and Anton Surapin were dropped. Also, it was decided not to instigate criminal proceedings against the staff of the magazine “Arche. The Beginning” (*See Litigation*). The conflicts were in the focus of attention of the international community and their resolution could be indicative of the official Minsk’ attempts to unfreeze the relations with the European Union after the post-election crisis in 2010-2012.

However, the positive steps were not followed by systemic changes in mass media sphere. On the contrary, measures of repressive nature were taken against mass media and journalists.

Numerous times police detained journalists during exercise of profession, while prosecutors and KGB warned freelancers for working with the foreign mass media. During the 12 months period BAJ registered over 50 cases of detention of journalists, 4 of which led to administrative arrests of 3 to 12 days, and at least 10 cases of official warnings issued to journalists.

The authorities intensified efforts in using the counter-extremism legislation for suppressing the freedom of expression. In April a court branded “Belarus Press Photo 2011” book “extremist”. Referring to that judicial decision, in September the Ministry of Information withdrew a license from “Lohvinau” publishing house, one of the flagships of independent book industry in Belarus. By the end of the year there were a few more attempts reported to recognize book products “extremist materials”.

Independent mass media continued to be subject to economic discrimination. The state-run enterprises “Belposhta” and “Belsayuzdruk”, which dominate the market of subscription and retail distribution of printed mass media, persisted in their refusal to distribute independent press. About half of the registered newspapers that obviously do not follow the state policy in covering social and political problems, face distribution challenges, amid administrative preferences and direct financial support for the state media. In 2013 about 60 million Euro was allocated for funding the state-supported media, on a non-competitive basis. The National Television and Radio Company, as well as the state STV (“Stolichnoye Televideniye”) and ONT (“Vtoroy Natsionalny Kanal”) television channels were again exempted from value added and profit taxes.

Internet remains to be the freest sphere for spreading information. However, the freedom of online activity is gradually restricted. In 2013 bloggers and other online activists were subject to administrative and criminal prosecution. Independent Internet resources occasionally experienced blocking, hacker attacks, etc. Several information resources are listed by the government as web-sites with restricted access from governmental institutions, education and culture establishments, etc. In the end of 2013 the deputy minister of information spoke about preparation of amendments to the law on mass media meant to expand its measures (up to withdrawal of registration) to “most popular and influential on-line resources”. That statement provoked negative reaction of the journalists’ and the Internet community.

Belarusian and international organizations and structures repeatedly called on the authorities to bring the Belarusian mass media legislation in compliance with the democratic standards. However, the legal steps made by Belarus in 2013 do not speak of possible democratization of mass media sphere in the country. On the contrary: they reflect the intention of the government to increase control over the freedom of expression even beyond the sphere of traditional mass media – in the Internet and in the book sector. For instance, in July 2013 the new law “On Publishing in the Republic of Belarus” took legal effect. The law entitles the

Ministry of Information to register book publishers, publishing houses, as well as book distributors.

CHANGES IN THE LEGISLATION

On **January 3** the Law of the Republic of Belarus No. 15-3 *“On Introducing Amendments and Additions to Some Laws of the Republic of Belarus on Issues of Advertizing”* was adopted. In particular, the amendments were made to the laws *“On Languages in the Republic of Belarus”* and *“On Advertizing”*.

On the entry of the new Law into force the requirement to advertize in Russian and (or) Belarusian language will not apply to advertizing placed (distributed) on the informational resources of the national segment of the Internet, which provide information exclusively in foreign languages; also, it will be allowed not to translate into Russian and (or) Belarusian languages names of goods, pen- and stage-names, original names of performance groups, creative products, and domain names of web-sites, made in foreign languages.

The Law *“On Advertizing”* no longer requires obligatory indication of license details in advertisement when advertizing a licensed type of activity. There is a significant change in requirements to making references specifying information in an advertisement. Also, there are new requirements to appearance of telephone numbers, domain name of a web-site, number and issue date of a printed mass medium that contains information about the object of advertizing.

The most significant changes introduced by the new Law, are in the sphere of:

- advertising of pharmaceutical products, medical practice, medical products and medical equipment;
- advertising of beer and low-alcohol beverages;
- advertising of banks and nonbank credit and financial organizations;
- advertising gambling establishments and gaming;
- public service advertising.

The Law expands the list of attributes of advertizing that may be recognized unethical, and introduces a ban on advertizing fundraising activities.

On **January 5** the Law of the Republic of Belarus No. 16-3 *“On Trade Secrets”* was adopted. The Law regulates relations arising from the establishment, change and abolishment of the trade secret mode, as well as in connection with legal protection of trade secrets.

Access to trade secrets can be provided by request of:

- court – on examined by it criminal and civil cases, cases within the jurisdiction of the economic court, and cases of administrative infringement, as well as on pending writs of enforcement;
- prosecutor or his/her deputy;
- bodies of inquiry and preliminary investigation – on materials and criminal cases at hand;
- field investigation agencies;
- bodies of the State Control Committee of the Republic of Belarus;
- tax and customs authorities;
- anti-monopoly authorities; and
- other government bodies and other persons determined by legislative acts.

The new law provides for liability of individuals and legal entities, government bodies and their officials for actions (or lack of action) that caused the illegal introduction of information

constituting a trade secret, or for illegal use of this information, as well as the disclosure of a trade secret. The Civic and Labor Codes of the Republic of Belarus have been amended subsequently.

On **January 11** Edict of the President of the Republic of Belarus ***“On amending Edict of the President of the Republic of Belarus No. 478 of 25.09. 2009”*** extended period of tax exemption for channels STV (ZAO "Stolichnoe televidenie") and ONT (ZAO "The Second National TV Channel"). The amendments to the edict of 2009 ***“On state support to TV and radio companies”*** the end of the tax exemption period was postponed from 2012 to 2015. This way, ONT and STV will continue to receive ***“state support in the form of subsidies from the national budget up to the amount of profits tax and value added tax from entrepreneurial activity”***, paid to the budget during, up to 31 December 2015.

On **March 12** Resolution of the Ministry of Internal Affairs of the Republic of Belarus # 73 ***“On the order of verification of inquiries about personal data of individuals from the population register”*** establishes order of verifying written and electronic inquiries about personal data made by state agencies, other organizations, and notaries.

On **April 16** Edict of the President of the Republic of Belarus No. 196 ***“On Some Measures to Improve Information Security”*** was adopted, which ratifies ***Regulation on Technical and Cryptographic Protection of Information in the Republic of Belarus***, and amends Edict ***“On Improving Control (Supervisory) Activities in the Republic of Belarus”*** and Regulation ***“On Licensing Some Types of Activities”***. The changes are mostly about expanding powers of the Presidential Executive-Analytical Center, which now is entitled to license activities for technical and (or) cryptographic protection of information, to supervise technical and cryptographic protection of information, etc.

On **April 30** Resolution of the Council of Ministers of the Republic of Belarus No. 332 ***“On Reorganizing Establishments “Editorial board of the Respublika newspaper” and “Editorial board of the Belorusskaya Niva newspaper”*** ruled to affiliate establishments ***“Editorial board of the Respublika newspaper”*** and ***“Editorial board of the Belorusskaya Niva newspaper”*** to establishment of the Administration of the President of the Republic of Belarus ***“Editorial board of Sovetskaya Byelorussiya newspaper”***.

On **June 7**, under the provisions of the Law ***“On Publishing in the Republic of Belarus”***, Resolution of the Ministry of Information No.8 ***“On Establishing the List of Departmental Publications”*** was adopted. Publications can be qualified as departmental (publishers, producers and distributors of which are not subject to state registration) if they belong to administrative or production printed publications, reference printed publications, information printed publications, scientific-methods printed publications, and education printed materials. According to the Law, in order to be qualified as such, they should contain ***“information of auxiliary or temporary nature relating to the activities of a state agency, or other organization”***.

On **June 20** Resolution of the Council of Ministers of the Republic of Belarus No. 501 approved ***Regulation on Procedure of Forming Publishing Program of Socially Significant Publications*** (on the basis of the Law ***“On Publishing in the Republic of Belarus”***). According to it, the Publishing Program is formed annually by the Ministry of Information on the basis of proposals made by the interested state bodies and other organizations. Among the publications that may be categorized as socially significant there are printed publications published for the purpose of enforcing legislative acts, implementing state and field programs, for other purposes, including printed publications for library holdings.

On **July 1** Resolution of the Ministry of Information of the Republic of Belarus No. 9 ***“On Some Issues of State Registration of Publishers, Producers, and Distributors of Printed Publications”*** established an application form for state registration (re-registration) as a publisher, producer, and distributor of printed publications. The Resolution was adopted with the aim to implement the provisions of the Law ***“On Publishing in the Republic of Belarus”***, and does not apply to mass media publishers and distributors of their products.

On **July 7** Law of the Republic of Belarus of 29.12.2012 No. 8-3 ***“On Publishing in the Republic of Belarus”*** came into effect. The law defines the framework of publishing, public policies in the field of publishing, regulates the state registration, re-registration of publishers, producers and distributors of printed publications. The Law does not apply to matters of production and (or) publishing, and (or) distributing mass media.

On **July 9** Resolution of the Council of Ministers of the Republic of Belarus No. 603 ***“On Approving the Regulation of Procedure for Producing and Placing (Distributing) Social Advertizing, the Composition of Interdepartmental Council on Advertizing and Amending Some Resolutions of the Council of Ministers of the Republic of Belarus on Advertizing Issues”*** approved the corresponding measures in execution of enduring Law ***“On Introducing Amendments and Additions to Some Laws of the Republic of Belarus on Issues of Advertizing”*** of **January 3**.

On **July 12** Law of the Republic of Belarus No. 64-3 ***“On amending the Code on Administrative Offences of the Republic of Belarus and the Code of Administrative Procedure”*** transformed some articles of the Code of Administrative Offences that might affect activity of journalists and mass media.

In particular, Part 1 of Article 12.15 ***“Violation of Legislation on Advertizing”*** (also by advertizing distributors), which earlier provided for a fine in the amount of 20 to 50 basic units, now ***“is subject to a fine in the amount of 5 to 30 basic units, for individual entrepreneurs -- a fine of 10 to 40 basic units, and for legal entities – from 20 to 50 basic units”***.

Article 22.9 part 2 ***“Violation of the legislation on mass media”*** was amended. Earlier it envisaged a fine for ***“illegal production and distribution of mass media”***. However, its new edition provides for a fine for ***“illegal production and (or) distribution of mass media”***. This innovation opens an opportunity to bring administrative action not only against those who illegally produced and then distributed mass media products, but also those who dealt with either production, or distribution of such products.

Earlier the sanctions under Article 24.1 ***“Contempt of court”*** carried a fine of 8 to 50 basic units or an administrative arrest. The new amendment allows for a softer punishment – a warning. Also, contempt of court may be penalized with a fine of up to 20 basic units, or an administrative arrest.

On **July 16** Resolution of the Ministry of Information of the Republic of Belarus No. 10 approved ***Instruction on Order of Maintaining a State Register of Publishers, Producers and Distributors of Printed Publications of the Republic of Belarus***, the establishment of which is envisaged by the Law ***“On Publishing in the Republic of Belarus”***.

On **July 23** Resolution of the Ministry of Health Care of the Republic of Belarus No. 63 ***“On Some Measures for Implementing Articles 15 and 15[1] of the Law of the Republic of Belarus of 10 May 2007 “On Advertizing” and Invalidation of Some Resolutions of the Ministry of Health Care of the Republic of Belarus”*** was adopted. The Resolution established requirements for advertizing medicines, methods of medical care, work and (or) services constituting medical activities, medical devices and medical equipment, as well as biologically active nutritional supplements other than those listed in the law "On Advertising", with amendments and additions made by the Law ***“On Introducing Amendments and Additions to Some Laws of the Republic of Belarus on Issues of Advertizing”*** of **January 3**.

On **September 20** Resolution of the Council of Ministers of the Republic of Belarus No. 829 ***“On Some Measures for Implementation of Edict of the President of the Republic of Belarus No. 28 of 16 January, 2012”*** was adopted. The Resolution was dedicated to the upcoming World Hockey Championship 2014 in Minsk. Among other things, it tells the private unitary sports enterprise ***“Direction for Holding World Ice Hockey Championship 2014”*** to provide the State Border Committee with information about the official participants of the championship, included in the official accreditation system of the championship of the

International Ice Hockey Federation, for their visa-free entry to Belarus. This provision also covers the journalists accredited by IIHF.

On **October 7** the President of Belarus signed decree No. 456 ***“On Amending Some Edicts of the President of the Republic of Belarus”***. It amends edicts *“On Improving Control (Supervisory) Activity in the Republic of Belarus”* and *“On Licensing Some Types of Activity”*, concerning broadcasting and polygraphic activity.

According to the new edict, publishing activity was excluded from the list of licensed types of activity. This is the consequence of the fact that now persons doing publishing need to get registered as publishers. The Ministry of Information of the Republic of Belarus will continue to implement *“control over complying with the legislation in the sphere of publishing”*.

From now on licensing of polygraphic activity will only cover printed mass media. Printing houses that publish books are to receive registration from the Ministry of Information as producers of printed products.

Broadcasting has been included in the list of licensed types of activity. Previously, only TV (terrestrial, satellite, cable) transmission and retransmission was subject to licensing, while broadcasting was done on the basis of the provided broadcasting franchise.

The edict expands the list of major breaches of the licensing legislation which can lead to revoking a license by the licensing body (the Ministry of Information). Earlier the list included *“publishing of printed materials with calls to extremist activities, of extremist materials, and pornographic literature”*. Now it also includes *“implementing licensed activity for the purposes that are in conflict with the interests of the Republic of Belarus”*. However, while the terms *“extremist activity”* and *“pornography”* are defined in the legislation, none of the laws and regulations defines the contents and types of *“purposes conflicting with the interests of the Republic of Belarus”*, opening for the licensing bodies a wide field for interpretation.

On **October 17** Edict of the President of the Republic of Belarus No. 477 ***“On Some Issues of Covering the Events of the World Ice Hockey Championship 2014”*** rules that representatives of foreign mass media are to be accredited by the International Ice Hockey Federation in order to be able to cover the championship events in their mass media. However, in order to cover other events during the same time period they need to receive accreditation from the Ministry of Foreign Affairs, in accordance with the regular statutory procedure.

On **December 2** Edict of the President of the Republic of Belarus No. 531 ***“On Some Issues of Informatization”*** was signed, defining the functions of the presidential aide – head of the main ideological department of the Presidential Administration of the Republic of Belarus, as well as the functions of the Ministry of Communications and Informatization and the State Committee for Science and Technologies, in the area of managing informatization processes in the country and implementation of the state policies on informatization, information and communication technologies, telecommunications, and high tech.

The documents also states, that state bodies and organizations conduct events in the area of informatization (including creation of information resources, information systems and information networks, etc.) only on the basis of informatization programs, which are to be developed and approved by the Council of Ministers of the Republic of Belarus until 1 July, 2014.

On **December 10** Resolution of the Ministry of Information of the Republic of Belarus No. 12 approved ***Instruction on the Procedures of Qualification Examination***, held for *“testing the knowledge of specialists responsible for publishing activities, in the sphere of publishing”*, according to the requirements of the Law *“On Publishing in the Republic of Belarus”*.

On **December 12** Law of the Republic of Belarus No. 84 ***“On amending some laws of the Republic of Belarus on the issues of circulation of analog narcotic drugs, psychotropic substances and weapons”*** was passed. In particular, it amended clauses 1 and 2 of Article 38 of

the Law **“On mass media”**, which prohibits spreading *“information promoting consumption of narcotic substances, psychotropic substances, their analogs, toxic and other intoxicating substances, as well as information about ways and methods of their development, production, usage, and places of purchase of narcotic drugs, psychotropic substances, their precursors and analogs”*. Unlike the earlier edition of the Article, now the ban on spreading the above-mentioned information also applies to analogs of narcotic drugs and psychotropic substances and is valid despite the purposes of spreading (the restriction *“with non-medical purposes”* was excluded).

On **December 20** the Plenum of the Supreme Court of the Republic of Belarus adopted Resolution No. 11 **“On Ensuring Publicity in Administration of Justice and on Distribution of Information about Court Activity”**. Among other matters, the resolution focuses on reporters’ rights during trial proceedings.

For instance, the document emphasizes, that the main form of securing publicity in delivery of justice is an opportunity for persons who are not trial participants, and for mass media reporters to be present in open court hearings. Reporters are legally entitled to collect and receive information for the purposes of their professional activity. Their presence in an open court hearing with the purpose to collect information about a case is a legal way to implement their right. If mass media reporters are expected to be present during an open court hearing, seats for them ought to be arranged in a court room, with account of its seating capacity.

The Resolution provides, that every person present in an open court hearing should have a possibility to record the course of the trial with legal means and methods (by writing or sound recording) from his or her seat, without informing the court or receiving a permission to do so. Filming and photography, video-recording of civil litigation may be done upon authorization of a presiding judge and with due consideration to the opinion of parties; in case of criminal litigation authorization of a presiding judge and consent of parties are needed. Reporters are to address the court for the required permission.

According to the opinion of the Supreme Court, courts are to set a priority to actively apply methods of distribution of up-to-date, objective and accurate information about court activity (including information about the course and results of high-profile hearings, results of research and generalization of judicial practice, etc.) as described in the Law *“On Information, Informatization, and Protection of Information”*.

On **December 31** the Law of the Republic of Belarus No. 95-3 **“On the National Budget”** was adopted. According to the document, the funds in the amount of 676.1 billion BYR (about 52 million Euro) will be spent on the state-owned mass media, including 548.3 billion BYR (about 42 million Euro) to be given to television and radio. The President’s internet portal will be funded in the amount of 15.3 billion BYR (about 1, 178, 000 Euro). The money will be used for *“collecting, processing and distribution of the state order for official information, and functioning of the new version of the official internet portal of the President of the Republic of Belarus”*.

VIOLATIONS OF THE RIGHTS OF MASS MEDIA AND JOURNALISTS, CONFLICTS IN THE SPHERE OF MASS-MEDIA

Litigation (Except Administrative Prosecution)

On **March 15** Board of the Investigation Committee for Hrodna oblast dropped charges against Hrodna journalist, BAJ member Andrzej Poczobut, having found no objective proofs to the alleged crime. The criminal case was instigated under Article 367, part 2 of the Criminal Code (defamation of the President of Belarus, committed by a person previously convicted for defamation). According to the investigation, a number of Poczobut's publications "contained defaming statements about the leader of the state".

According to investigative officer of the Committee Siarhei Sharshanevich, the results of the linguistic examination of Poczobut's articles differ, while the preliminary investigation found no objective proofs which would confirm the alleged fact of defamation.

*Andrzej Poczobut was detained on **June 21, 2012** in his apartment in Hrodna. After the search he was taken to the prosecutor's office and then placed in a pre-trial detention center.*

On **June 30** the journalist was released under the written pledge not to leave country.

On **March 20** Maskouski court of Brest (Judge Tatsiana Isayeva) dismissed the honor and dignity lawsuit of BAJ member, photographer Milana Kharytonava against another journalist. The defendant was Uladzimir Minevich, a journalist of the newspaper *Brestski Vestnik*, founded by Brest city executive committee. In March 2012 Uladzimir Minevich insulting comments about Milana Kharytonava.

A linguistic examination of the comments was assigned. Milana asked to for the examination to be held by an independent expert, with appropriate license and experience. However, the court ruled for the examination to be conducted by teachers of the philology department of Brest State University, which Uladzimir Minevich graduated from. The results of the examination stipulate that there was no insult in the comments. Judge Tatsiana Isayeva dismissed the suit and ruled for the plaintiff to pay legal expenses (1.5 million BYR).

On **May 6** the Brest regional court dismissed the cassation appeal of the photo journalist and BAJ member Milana Kharytonava against the decision of Maskouski court of Brest dismissing her lawsuit against the journalist of a state-run newspaper.

On **August 15** chairperson of Brest regional court Tamara Suchok found no violations in previous court decisions in the honor and dignity suit filed by journalist Milana Kharytonava.

In the appeal against the lower court decision Milana claimed that the linguistic examination was performed by a person who had no license or experience. Besides, she argued that the linguistic examination took into account only insult aspect, dismissing those related to honor, dignity and business reputation.

On **December 5**, the Supreme Court of Belarus turned down the appeal of Milana Kharytonava against the Brest court decision of March 20 in her case for defense of honor, dignity and business reputation.

On **April 4** Babruisk city and district court dismissed a moral damage suit filed by a journalist of *Bobruiski Courier* newspaper Viktor Kachan. The lawsuit was filed against the police department of Minsk Regional Executive Committee after the incident of July 6, 2011: Viktor Kachan, being at work and reporting from the central square of Babruisk, was detained for 24 hours.

*Two journalists of Bobruiski Courier Viktor Kachan and Viktor Masalovich were detained in the central square of the city on **July 6, 2011**, during a silent action. Though policemen knew that they had detained journalists, they made up protocols accusing them of violating the law on mass events. The journalists were detained for around 24 hours. At first the court sentenced them to an administrative fine, but then the case was closed because of absence of corpus delicti.*

On **April 18** Ashmiany district court (judge Aliaksandr Davydau) ruled to recognize Belarus Press Photo 2011 albums extremist materials. BAJ members, photo reporters Yulia Darashkevich, Vadzim Zamirouski and Aliaksandr Vasiukovich were summoned as interested parties. According to the court decision, they were to pay legal expenses 217 500 BYR each.

On **June 24** Hrodna regional court dismissed the cassational appeal on the case of Belarus Press Photo 2011 albums. Thus, the decision of Ashmiany district court of April 18 took legal effect.

On **July 22** chairman of Hrodna regional court A. Hrynkevich informed Vadzim Zamirouski, one of the interested parties in the process that his supervisory complaint was not to be satisfied.

*We remind that 41 albums of the contest were confiscated on the Lithuanian-Belarusian border on **November 12, 2012** from the photographers Aliaksandr Vasiukovich, Yulia Darashkevich, and Vadzim Zamirouski. "Belarus Press Photo" is an annual independent contest of press photo in Belarus. A photo album with winning photos is made every year as a result of the contest. In **February 2013** the Hrodna regional department of KGB assigned an expert examination of the albums. In March the expert commission found that "the selection of material in the photo album reflects only the negative aspects, as well as intentionally distorted, false facts of daily life of the Belarusian people, which, with regard to social norms of the society, humiliates the national honor and dignity of the Belarusian citizens, depreciates the authority of the state power, and damages credibility of the state bodies in the eyes of foreign states, and foreign or international organizations". According to the expert commission, such activity is considered to be "extremist". On **March 28** the KGB department of Hrodna region filed a suit to Ashmiany district court claiming that the Belarus Press Photo 2011 contained extremist materials.*

On **April 17** Ashmiany district court did not allow Andrei Bastunets, deputy chairperson of BAJ, to take part in the hearing of the KGB claim to recognize *Belarus Press Photo 2011* albums extremist materials. The petition asking for his participation was submitted by the interested parties, all of whom were BAJ members. Bastunets was to express BAJ position in the case. Belarusian legislation allows NGO representatives to take part in civil litigations.

On **May 2** the Belarusian Association of Journalists filed a complaint to the Ministry of Justice and to Hrodna Regional Court: representatives of the association were not allowed to the court hearing of Belarus Press Photo case, i.e. Ashmiany district court denied them a possibility to perform the organizations' statute activities. In the complaint BAJ asked the respective bodies to start disciplinary proceedings against judge Aliaksandr Davydau.

In the official response dated **June 28** Aliaksandr Hrynkevich, chair of the regional court, admitted that judge A. Davydau had violated the procedural law when hearing the case. However, he decided not to start a disciplinary action against Aliaksandr Davydau, "taking into account his previous conscientious attitude to performing professional duties"

On **June 17** Krychau district court announced the decision in the lawsuit to defend business reputation which the public unitary enterprise "Cherykau PMK No 280" had filed against the non-state small newspaper *Volny Horad*. The court found that the facts published in the newspaper (issue No.4, of February 3, 2013) concerning the mentioned enterprise, were false. The court obliged the newspaper to publish refutation of the information. The article

“Serfs?” was written after a woman phoned to the editorial office and complained that her husband had not received his salary for the last three months.

On **December 19** the chair of Mahilou regional court, having considered a supervisory complaint, protested against the decision of the lower court made on June 17, 2013, on the ground that such cases were not within jurisdiction of the general court. On **December 27** the Presidium of Mahilou regional court satisfied the protest and annulled the decision of Krychau district court.

On **June 28** Ihar Siarheyenka, deputy chair of the Belarusian KGB, officially announced that the teddy bear drop case had been closed. Investigation of the criminal case lasted for almost a year. The criminal charges against Belarusian citizens S. Basharymau and A. Surapin were dropped.

Anton Surapin, 20, a student of Journalism at the Belarusian State University was detained and locked in KGB pre-trial detention center for being the first to upload and publish on *Belarusian News Photos website* photos of teddy bears, dropped from a small Swedish airplane that crossed illegally the Belarusian-Lithuanian state border on **July 4, 2012**. He was charged with complicity in illegal crossing of the state border of Belarus by an organized group (Article 16 part 6 and Article 371 part 3 of the Criminal Code). Surapin was released from custody in **August 2012**. However, he was under prosecution until the charges were dropped in June 2013. The arrest of Anton Surapin by KGB led the top-ten list of the most absurd and unjust arrests of 2012, published by Amnesty International.

Earlier, on **June 11** BAJ sent an official inquiry to the KGB chair Valery Vakulchyk asking about the procedural status of BAJ member Anton Surapin. BAJ asked if the case had been closed, and if yes, then what the grounds were to close it. On June 15 BAJ received an official response of the KGB to its inquiry. Ihar Siarheyenka, the first deputy chair of the Belarusian KGB, referred BAJ to the KGB web-site which allegedly contained all the requested information. However, BAJ representatives did not manage to find the information on the web-site.

On **July 2** the state national enterprise “MinskEnergo” filed a suit to defend business reputation against Ludmila Oychanashanka, founder of the web-site “ex-Press.by”. The company demanded from the web-site that it refute the published information about violations it had made, apologize and cover the lawyer expenses in the amount of about 700 Euro.

On **July 7** a settlement agreement was reached in the Supreme Economic Court. According to the agreement, instead of apologizing and publishing a refutation, the web-site was to publish the response from the plaintiff, while the litigation expenses of the plaintiff were equally divided between the parties.

On **July 19** journalist Iryna Khalip was granted complete freedom as her suspended two-year prison sentence had expired. The decision was made by Partyzanski district court of Minsk. (Judge Ryta Shahrai).

*Iryna Khalip was detained together with her husband, former presidential candidate Andrei Sannikau, immediately after the street rally protesting the results of the presidential election on **December 19, 2010**, and placed in a KGB pre-trial center. On **January 29, 2010** the journalist was placed under house arrest. On **May 16, 2011** Zavadski district court of Minsk found Iryna Khalip guilty of “active participation in actions that seriously violate the public order” (mass protest actions after the presidential election 2010), and sentenced her to two years of imprisonment with suspension of the sentence for two years, until July 21, 2013.*

On **August 15** the former video-engineer of “BelMusTV” Channel, who had broadcasted a pornographic video on TV, was found guilty of committing the crime under Article 343 part 2 of the Criminal Code of the Republic of Belarus. Partyzanski district court of Minsk sentenced him to two years of imprisonment in a general regime penal colony. According to the court decision,

he was to receive additional medical and security treatment at the penal institution. He pled guilty, explaining his actions by a depression caused by the quarrel with his girlfriend.

*The incident took place in the afternoon of **April 13**. On **April 14** Minsk city department of the Investigation Committee instigated criminal proceedings of the case of public demonstration of pornographic materials using public telecommunications network.*

On **September 10** Krychau district court (judge Antanina Kachanova) upheld the lawsuit of the Cherykau building enterprise “PMK-280” against the journalists of the independent newspaper *Volny Horad*. The company asked to collect from the journalists its litigation expenses incurred during the hearing of the honor and business reputation case for the article “Serfs?” held on **June 17**. According to the court ruling, publisher of *Volny Horad* Uladzimir Kudrautsau, its editor Siarhei Niarouny and journalist Mikalai Herdziy must pay “PMK-280” 945 000 BYR.

On **September 23** Leninski district court of Hrodna reviewed the criminal case of the journalist Andrei Poczobut and released him from punishment. On **July 5, 2011** Andrei Poczobut was found guilty of violating Article 367, part 1 of the Criminal Code (“defamation of the president”) and sentenced to three years in jail with suspension of the sentence for two years. The suspension period ended on **September 20**.

*On **April 6, 2011** the journalist was detained and placed in pre-trial detention center of Hrodna prison No. 1. According to the theory of the prosecution, in 2010-2011 Andrei Poczobut defamed Aliaksandr Lukashenka in his texts published by Gazeta Wyborcza, “Belarusian Partisan” website, and in his blog poczobut.livejournal.com. Andrei Poczobut was set free in court room on **July 5, 2011**, under recognizance not to leave his place of residence.*

The journalist did not plead guilty and tried to appeal against the court decision.

*On **September 20, 2011** Hrodna regional court declined the cassation appeal of the journalist and the verdict took legal effect.*

On **October 22** Krychau district court upheld another lawsuit of the building and construction company “Cherykau PMK-280” against the journalists of the independent small-circulation newspaper *Volny Horad*: editor Siarhei Niarouny, founder Uladzimir Kudrautsau, and journalist Mikalai Herdziy. They were found guilty of discrediting the company’s administration and undermining its business reputation. Judge Antanina Kachanova ruled that the newspaper had to publish a refutation and pay legal expenses of 1, 100, 000 BYR. The defendants disagree with the decision and lodged two appeals to the Mahilou district court on November 1.

The lawsuit dealt with the article “We’ll Wait with Refutation”, according to which two employees of the company, Piotr Koniey and Volha Baihola, who had acted as witnesses in a previous lawsuit between the company and the newspaper (on **June 17**), worked without official employment contracts, in violation of the current legislation. The article said that the fact of missing contracts had been revealed by the workers themselves when they were testifying during the hearing.

On **December 4** Mahilou regional court upheld the appeal of Uladzimir Kudrautsau, the publisher of the small-circulation newspaper *Volny Horad*, against the decision of the Krychau district court. The judicial panel overturned the decision of the district court and closed the case because it was beyond the district court’s jurisdiction: disputes on defending business reputation between legal entities were to be resolved not in general court of law, but in economic court.

On **October 24** Krychau district court (judge Antanina Kachanova) dismissed a lawsuit filed by employees of “Cherykau PMK-280” Piotr Koniey and Volha Baihola against the newspaper *Volny Horad*. The plaintiffs demanded 16 million BYR (around 1 500 Euro) of moral damage allegedly made by the article titled “We’ll Wait with Refutation”. The article under consideration, authored by Mikalai Herdziy, claimed that the two employees did not have

working contracts with the company. The plaintiffs also demanded to acknowledge that the information published in the newspaper was false and to publish a refutation. However, the plaintiffs did not appear in court for the hearing. According to their lawyer, they decided to drop the suit voluntarily because “the grounds for the suit had disappeared”.

On **November 11** the judicial panel on intellectual property of the Supreme Court of Belarus held the first hearing of the lawsuit, filed by the private enterprise “Belsat Plus” against “SA “TVP” (joint-stock company Polish TV), founder of the satellite channel Belsat TV.

The plaintiff, “Belsat Plus” company owner Andrei Beliakou claimed that the Belsat TV unlawfully uses its trade mark. The plaintiff demanded that the Astra satellite stopped transmitting the Belsat TV signal. Belsat TV director Agnieszka Romaszewska-Guzy doubted that the plaintiff company was independent in its actions and assessed it as pressure on the independent TV channel.

Private enterprise “Belsat Plus” specializes in selling equipment for satellite and cable TV transmission. The company was set up by Siarhei Lysiankou in 2003 and was titled “HighTech-Market”. In 2006 Lysiankou sold the trade mark to Andrei Beliakou who later changed it for “BelsatPlus”. In 2011 the company adds the word “TV” to its technical specification. The satellite channel Belsat TV went on air in December 2007. The TV channel and the web-site domain are registered in Poland. The domain name is not registered in Belarus and is not administered from its territory. Likewise, the television is not broadcasted from the territory of Belarus either.

In the beginning of the process the court upheld the plea of the Belsat TV official representative Mikhail Yanchuk to postpone the hearing to a later date.

On **December 9** the second hearing of the case took place in the Supreme Court of Belarus. Ihar Dziachkou, the lawyer of the respondent, asked to postpone the hearing to a later date as he had been hired to represent the respondent only several days before the hearing. The judges upheld the motion of the lawyer and scheduled the next hearing to occur on **January 20, 2014**.

On **January 27, 2014** the lawsuit of Andrei Beliakou, director of “Belsat Plus”, was rejected. The court decided that the plaintiff had failed to provide evidence of violation of the exclusive right on “Belsat” trademark on the territory of Belarus.

On **November 12** Bialynichy district court rejected the case of civic activist Valery Vusik. Vusik wanted to recover the state duties he had paid when appealing the court decisions on administrative cases against him made on **March 29**. He then was found guilty of illegal distribution of small-circulation newspaper *Mahilouski Vybar* and defaming Piotr Bialou, the chairman of the state farming enterprise Lebiadzianka (Article 9.2 of the Administrative Code). Later the court decisions were annulled, and the charges were dropped (*See Detention of Journalists, Judicial Administrative Prosecution for details*).

On **November 18** the Supreme Economic Court sided with the Ministry of Information and rejected the claim of businessman Ihar Lohvinou, who challenged the Ministry’s decision to withdraw a publishing license from his private publishing company “Lohvinou”.

Ihar Lohvinou was informed that his license for publishing activities had been withdrawn on September 20. The document was signed by Lilia Ananich, deputy minister of information. The license was withdrawn because of “rough violations of the licensing legislation.” The matter dealt with publishing of the Belarus Press Photo 2011 photo album which had been recognized extremist by Ashmiany District court on **April 18, 2013**.

The publisher claims, “The withdrawal of the license is unlawful and has been done with numerous violations”. Ihar Lohvinou sent a letter to the Minister of Information Aleh Praliaskouski explaining his point of view, and later, appealed to court. According to lawyer and deputy chairman of BAJ Andrei Bastunets, the law did not entitle the ministry to withdraw a

license from the publisher, because “Lohvinau” had not even been involved in the hearing on recognizing the Belarus Press Photo 2011 album extremist materials.

Detention of Journalists, Judicial Administrative Prosecution

On **January 5** Leninski rayon court of Hrodna fined human rights defenders Viktor Sazonau, Raman Yurhel, and Uladzimir Khilmanovich with 15 basic units each. The human rights defenders were fined for taking a picture of themselves with a portrait of political prisoner Ales Bialiatski and brochures of the Universal Declaration of Human Rights on December 10, 2012 – the International Human Rights Day – and publishing the pictures on the Internet. Hrodna police decided that media fact was an “unauthorized picket”, i.e. an administrative offence.

On **December 18, 2012** the inquiry protocols have been written. After that all three cases have been drawn together into one administrative court hearing chaired by judge Vitaly Lietsko. The police failed to provide the court with any evidence or to find any witnesses. The charges were based exclusively on the assumptions of the police officers and photographs found in the Internet.

On **January 29** Hrodna oblast court (judge Anatoly Zayats) declined the cassation complaints filed by the human rights defenders Viktor Sazonau, Raman Yurhel, and Uladzimir Khilmanovich against the administrative fines for the “unauthorized picket”, they received on **January 5**.

On **January 24** and **January 29** Navapolatsk city court fined Yauhen Parchinski 500,000 BYR and Siarhei Malashenka 2,500,000 BYR, who had published their photos with the portrait of political prisoner Ales Bialiatski and brochures of the Universal Declaration of Human Rights in the Internet. Navapolatsk activists stated they wanted to express solidarity with the political prisoner Ales Bialiatski, as well as the Hrodna human rights defenders fined for publishing a similar photo.

On **January 28** Vitaly Kazlou, deputy head of public security police of Minsk Oblast Executive Committee’s Department for Internal Affairs, replied to the inquiry BAJ had sent to the Minister of Internal Affairs about detention of BAJ members, reporters Lola Buriyeva, Viachaslau Peshko, Siarhei Kruchkou, Mikalai Petrushenka, and Siarhei Vazniak. The journalists were detained on **December 24, 2012** in Smaliavichy, where they arrived to cover the meeting of MP Yahor Lebedok with voters. The official response stated the actions of the police officers had been grounded, since the reporters were detained for “having large-size belongings with them and refusing to provide them for inspection”.

Interestingly enough, the response from the Ministry of Internal Affairs contradicts the letter from Smaliavichy police department received by Lola Buriyeva. The officers of the district police department apologized for the inconveniences and informed her that “an individual talk about polite and tactful treatment of citizens” was held with A. Martysiuk, head of department for law enforcement and crime prevention.

On **February 28** Minsk police detained the crew of BelaPAN news agency near the National Academy of Sciences. Reporter Hanna Afonina, cameramen Siarhei Satsiuk and Vasily Semashka were detained during a regular weekly video vox pop and taken to Pershamaiski rayon police department. The police noted down their passport data, looked through the recorded video, apologized for detaining the reporters and let them go.

On **March 22** BPF Party activists Leanid Autukhou and Kanstantsin Smolikau were detained while distributing party newsletter *Mahistrat*, and placed in the detention center. The newsletters were confiscated.

On **March 25** the judge of Kastychnitski rayon court of Vitebsk found the activists guilty of violating the legislation on mass events (allegedly, the newsletters contained calls to organize an unauthorized rally) and sentenced them to five days of arrest.

On **May 17** Kastychnitski rayon court of Vitebsk (judge Alena Protas) found Leanid Autukhou and Kanstantsin Smolikau guilty of violating the Law “On Mass Media” and fined each of them 30 basic units (3,000,000 BYR). The new charges were filed because the number of confiscated copies exceeded the claimed print-run (i.e. there were more than 299 copies). Meanwhile, the police did not count the copies in the presence of the detained, and made statements like “big pile” and “thick pack” when speaking in court.

On **March 24** Tatsiana Haurylchyk, video reporter of *Nasha Niva* newspaper, was detained in the underground pedestrian crossing near the Academy of Sciences before the Freedom Day mass street action. The reporter took the video of policemen and they did not like that. First the policemen took her press card and left to “talk to their boss”. Then the reporter was taken to the local police station. She was released without any charges in about an hour.

On **March 29** Bialynichy rayon court (judge Uladzimir Huz) fined civic activist Valery Vusik, resident of Lebiadzianka village, the total of 50 basic units (about 500 Euro) for distribution of small local newspaper *Mahilouski Vybar* (Article 22.9 of the CAO) and slander against chairman of state-owned agricultural company “Lebiadzianka” Piotr Bialou (Article 9.2 of the CAO). Valery Vusik, former councilor of the rayon council and staff member of “Lebiadzianka” company wrote an article in *Mahilouski Vybar* newspaper “Recent Changes in Lebiadzianka Company” criticizing the company management.

On **February 26** the police drew up two protocols charging Vusik with administrative offences, which later became the ground for the court decision.

On **April 25** Mahiliou oblast court (judge Pavai Klimau) considered the cassation complaint filed by Valery Vusik and left the decision of the rayon court unchanged.

On **August 1**, having considered the supervisory complaint and appeal of prosecutor Ihar Proshka, the Presidium of Mahiliou regional court ruled to reverse the previous judgments and remit the matter for fresh examination by another judge in Bialynichy district court.

On **September 16** Bialynichy court (judge Aksana Zahorskaya) held a new hearing of Valery Vusik’s case and ruled to stop prosecution, declining the police protocols.

On **March 30** Minsk police detained RFE/RL reporter Inna Studzinskaya near Yanka Kupala Theater, where she had been interviewing the spectators. It was the first night after the building of the theater was reconstructed. Alexander Lukashenka visited Yanka Kupala Theater that night. The detaining police explained that they had to check the journalist's identity. She was taken to the police station in the Kupalauskaya metro station. The journalist's personal information was copied, and soon she was set free.

On **April 11** the police detained RFE/RL staff member, political scientist Valery Karbalevich, who was to participate in a meeting at the German Embassy in Minsk. The journalist did not have an id card with him, and the police guards called for additional police. Having engaged into long negotiations with the police officers, the German diplomats managed to talk them into letting their guest enter the Embassy building.

On **April 19** Minsk policemen detained Siarhei Satsiuk, cameraman of BelaPAN news agency, and Aleh Hruzdilovich, RFE/RL reporter while they were performing their professional duties. The incident took place during about 10 a.m. in Mikhailauski Square (near the Government House), where the journalists were covering the picket of civic activists against lawlessness in courts and prosecutor’s office. The police took the journalists to Maskouski district police station.

According to Siarhei Satsiuk, the policemen deleted all files from the memory card of his video camera and demanded that he should write an explanation letter. He was released in about 3 hours after detention.

Aleh Hruzdilovich was photographed and recorded on video, and his fingerprints were taken (although his fingerprints had already been collected earlier and kept in the police database). The police wrote down his explanations, and deleted all video recordings from his camera. They released the journalist in about 4 hours without writing up a protocol of detention.

On **April 26** freelance reporters Anastasia Yeumen and Alexander Barazenska were detained in Astravets (Hrodna region). On the anniversary day of the Chernobyl Disaster the reporters covered the visit of the Belarusian political opposition to the construction site of the new nuclear power plant. KGB and police officers stopped them on their way to the construction site and took them to Astravets police department. The police wrote down their explanations and deleted all the files from their video camera. BAJ sent a confirmation letter to Astravets police stating that the detained reporters were BAJ members. After that Anastasia Yeumen and Alexander Barazenska were released.

On **April 26** Nasha Niva reporters Aksana Rudovich and Iryna Arekhouskaya were detained in Minsk. The detention took place after the authorized street action “Chernobyl March”. The journalists had recorded violent detention of one of the action participants. After that they were followed and detained in a trolleybus. The reporters say the police entered the trolleybus on a stop near Horizont Plant. One of the police officers pointed at the reporters (“these two”), and they were taken out of the trolleybus and put into a car which stood nearby. The police officers did not care to introduce themselves or inform the reporters where they were taking them. They also took the reporters’ cell phones. In the car the policemen looked through the recorded video. They also inspected the reporters’ cameras and cell phone memory cards and checked their documents. The reporters were taken to Savetski police department, and released in about an hour without any protocols.

On **April 26** police also detained journalists Henadz Barbarych and Alexander Yarashevich after the end of Chernobyl March (at about 10.30 p.m.) They were taken to Savetski police department and charged with failure to obey the police (Article 23.4 of the CAO). The journalists spent more than 2 days in Akrestsina detention center awaiting the trial. The staff of the detention center refused to take parcels for the detained journalists.

On **April 29** Savetski court of Minsk (judge Kiryl Palelukh) found A. Yarashevich and H. Barbarych guilty and sentenced them to three days of arrest (which, in fact, had been already served by the time of the trial). The journalists were set free in the evening.

On **May 31** Minsk city court (Judge Valery Kamisarau) upheld the decision of the lower court.

In the evening of **May 6** police detained free-lance reporters Dzmitry Halko and Alexander Yarashevich. The journalists worked near the detention center in Akrestsina where civil activists, politicians and other journalists gathered to meet arrestees of Chernobyl March rally. On their way home they were approached by a special police van and brought to Maskouski district police department. The police charged them with petty hooliganism (Article 17.1) and disobedience to police (Article 23.4). They spent the night before the trial in detention.

On **May 7** Judge of Maskouski court of Minsk Yauheni Khatkevich sentenced Dzmitry Halko to 10 days of arrest. Police officers testified in court. Their testimonies contradicted each other and their own reports.

On **May 7** Judge of Maskouski court of Minsk Tatsiana Motyl sentenced Alexander Yarashevich to 12 days of arrest. The same police officers who testified in Dzmitry Halko’s trial were witnesses in Yarashevich’s case.

On **May 21** Minsk city court (Judge Uladzimir Karnou) considered cassation complaints of journalists Dzmitry Halko and Alexander Yarashevich and upheld the decisions of the lower court.

On **June 5** Minsk police detained Natallia Leonava, activist of “Nash Dom” (Our Home) campaign, for distribution of the *Nash Dom* newspaper. The newspaper is registered in the Russian Federation, as it was not possible to register the newspaper in Belarus. At 4 p.m. the activist was brought to Frunzenski police department, and later released in about 2 hours. According to N. Leonava, the police did not write up a report of detention. However, they took written explanations from her and intimidated her with KGB and pretrial detention center.

On **June 16** the police detained free-lance journalist Ales’ Silich. He was making a report in Stoubtsy district where a pig epidemic was said to have broken out. The journalist was taken to the local police department. After a protocol was drawn up, a police car took him straight to the railway station.

On **June 27** correspondent of the *RFE/RL Ihar Karney*, correspondent of *Narodnaya Volya Ales’ Sivy*, and journalist of *TUT.by Natallia Kastsiukevich* were detained near one of the shopping centers. Together with the journalists, the police detained the leader of the businessmen organization *Perspective Anatol Shumchanka*.

The journalists were preparing a report about the nation-wide strike of entrepreneurs. On their way from Zhdanovichy market to the “Parking” shopping center in Minsk, their car was blocked by unidentified plain-clothed people. The journalists were dragged out of the car, forced into a van and taken to Centralny police department. In about an hour the journalists were released without any protocols of detention.

On **July 2**, Rechytsa police detained freelance TV journalist Larysa Shchyryakova, who attended the meeting of local entrepreneurs at Slavianski market. Police captain Dzmitry Svirydenka asked for her ID and inquired why she was filming the meeting. The journalist showed a BAJ membership card. The police officer copied the information and checked it with a phone call to Minsk office of BAJ. After that Larysa Schyryakova was released. The police also checked the documents of Anatol Hatouchyts, chairman of Homel branch of Belarusian Association of Journalists.

On **July 9 freelance** journalist Alena Stsiapanava was summoned to Kastrychnitski district police department of Vitebsk, where she was shown an administrative protocol against her. The police charged the journalist with “contributing to RFE/RL, a foreign mass media, without a proper accreditation”, a violation under Article 22.9 part 2 of the Administrative Code.

On **July 12**, Kastrychnitski court of Vitebsk heard the administrative case against Alena Stsiapanava and sent the papers back for improvement. The hearing was postponed, and no new date was announced. Meanwhile, Article 22.9, part 2 of the Administrative Code, referred to in the administrative protocol, covers “violating the regulation to send out obligatory free copies of periodic editions, distributing erotic editions, failure to publish refutation, or illegal production and distribution of mass media”. The article does not stipulate for responsibility for work without accreditation.

On **July 25** Minsk police detained Ihar Ilyash, reporter of the independent newspaper *Belorusy I Rynok* (The Belarusians and Market) for more than an hour. The journalist attended the court hearing of remission of ex- presidential candidate Uladzimir Niakliayeu from punishment. After that Ihar Ilyash headed to a bus stop. On his way he was approached by three police officers from Maskouski police department and asked to go with them to the van standing nearby. The police explained that he had allegedly "was recorded by a candid camera, and analysis of the video revealed certain infringements."

The journalist was taken to Maskouski police department, where he was told that he had been detained for an identity check, as he had "presented his press card without a passport." The

policemen inquired where he had been the night before, and who could confirm that. However, they did not draw up a protocol of detention or interrogation, and did not ask to sign any papers.

On **July 26**, Minsk police detained *BelaPAN* journalist **Zakhar Shcharbakou**, his colleague Andrei Korsakau, and *Nasha Niva* photographer Siarhei Hudzilín.

The incident took place near “Belarus” department store, where the reporters were covering a street action organized by the activists of Alternatyva youth group registered in Latvia, commemorating the declaration of Belarus’ independence on July 27, 1990. The law-enforcement officers in plain clothes pushed the journalists to a bus together with the action participants.

According to Z. Shcharbakou, they had to sit in the buses near Partyzanski police department for about 1.5 hours. They were not allowed to use their cell phones. Then the detained reporters were taken to the police station where their IDs were copied. All photo- and video-recordings were wiped out from their cameras. The police also checked if he journalists had other data storage devices. They were released in about 3 hours after detention.

On **August 20**, in Mahiliou, freelance journalist Alexander Asiptsou was detained near the gatehouse of “Mogiliovkhimvolokno” plant. He was interviewing the plant workers, as assigned by the editor. A person claiming to be a representative of the ideological department of the company asked the reporter to follow him. In one of the gatehouse rooms a police officer took explanations from A. Asiptsou. He did not draw up a protocol of detention but claimed that it was prohibited to photograph or conduct interviews both on the territory of the plant and surroundings.

On **August 24** Minsk police detained cameraman of *BelaPAN* news agency Vasil Semashka while he was performing an assignment. Semashka was detained the moment when he was recording the “Tell the Truth!” campaign activists leaving the police building. They had been detained in the office of the campaign in the morning and taken to the police department.

The reporter was taken to Kastychnitski police department, where he spent about an hour. All video materials, including the interview with Andrei Dzmitryeu, vice-chair of the Tell the Truth campaign, were erased. No protocols were drawn up by police.

On **September 4** Babruisk police violently detained local blogger Aleh Zhalnou and his son, while they were taking pictures of the cars parked with violations, on the sidewalk near the local road police station. According to Zhalnou, the cars belonged to the staff of drug control department located in the same building. He addressed a road inspector Alexander Butouski who at that time was also parking on the sidewalk. The inspector called for his colleagues. Other road police officers arrived and ordered the blogger to stop recording the video. When the blogger ignored the demand, the officers detained him and his son, accusing them of groundless creation of obstacles for traffic (clause 35 of the traffic regulations).

The police violently dragged them to the building, chained their hands in handcuffs and knocked them down on the floor. The officers conducted a personal search and took some of their personal belongings (phones, a video camera, a smartphone, credit cards, a work pass, and passports) away. The detainees were released three hours later, having given explanations to the investigator. They received their belongings back the next day, **September 5**, except for the memory cards with the recorded video of the events near the road police building.

According to Mr. Zhalnou, he was threatened to be jailed for disobeying the police demands and for beating a police officer. The blogger says that after the brutal treatment he had to call for an ambulance. He went through a forensic medical examination and filed complaints to the prosecutor’s office and to the Ministry of Internal Affairs.

On **September 11** Aleh Zhalnou was forced to undergo a forensic psychiatric examination. Before that he had been summoned to interrogating officer of the road police about the

administrative case started against him for disobedience to road police officers on **September 4**. The blogger was recognized mentally sane.

On **November 1** Babruisk district and city court made a decision on the administrative case against blogger A. Zhalnou. Judge Natallia Charapukha, having heard the testimonies and watched the videos (including the one made by A. Zhalnou seized by the Investigation Committee and later provided to court) found Aleh Zhalnou guilty of disobedience to lawful order or command of an official on duty (Article 23.4 of the Administrative Code) and punished him with a fine of 20 basic units.

On **December 5** Mahiliou regional court upheld the verdict of Babruisk district and city court. Judge Hryhor Kachalau dismissed all the motions submitted by the blogger.

That was not the first time when law-enforcement officers got in focus of the blogger's camera. The policemen tried to charge him with administrative offences three times. Two times Babruisk court acquitted him in administrative trials; the third time complainants withdrew their claims before trial.

On **September 14**, RFE/RL reporter **Aleh Hruzdilovich**, and *Nasha Niva* journalists **Iryna Arakhouskaya** and **Hanna Badziaka** were **detained** in Minsk, where they were about to cover the street action in commemoration of **Ihar Ptsichkin**, who had recently died in Valadarka detention center. The plain clothed policemen detained them together with the action participants on their way to the action site in Valadarski Street. The reporters were taken to the Central district police department, where they spent about 3 hours, and had their fingerprints taken. The police erased all the photo- and video materials from their devices.

On **October 5** Dziarzhynsk police detained Alexander Tarnahurski, activist of the "Together for Belarus" campaign at the central city market. The activist was handing out the *Eurapeiski Vybar* (European Choice) newspaper to passers-by. Alexander Tarnahurski was taken to Dziarzhynsk police department. The police counted the number of newspaper copies and seized all the printed materials from the activist, drawing up the withdrawal protocol. They did not write up the protocol of an administrative offence.

On **October 7** distributor of independent mass media Barys Khamaida was detained in Vitebsk. Police of Chyhunachny police department accused him of conducting an unauthorized picket and took him to a police station. He was released in about 30 minutes without a protocol of detention.

Barys Khamaida is the only distributor of independent press in Vitebsk who is doing it in the open. On the working days he comes to the city center and unfolds his white-red-white umbrella over the stall with the independent newspapers.

In the morning of **October 19** Minsk police detained the journalists who were about to cover the return of politician and writer Pavel Seviarynets to Minsk, who had just been released after serving 3 years of restriction of liberty. Among the journalists detained at the railway platform there were Euroradio reporters Ales Piletski and Vital Ruhain, photographer Alexander Vasiukovich, *Nasha Niva* photojournalist Siarhei Hudzilin, BelaPAN reporters Andrei Korsak and Zakhar Shcharbakou, BAJ press secretary Barys Haretski, and freelancers Yahor Mayorchyk, Dzianis Nosau, and Nadzeya Hatsak.

The police approached the journalists claiming they evoked their suspicions. The press cards did not stop the law-enforcement agents. All the detained were led to the railway station's police unit on duty for the document check. The policemen treated the journalists extremely roughly demonstrating it was meaningless to complain. The journalists were released in about an hour, when Pavel Seviarynets got off the train and left the railway station. The police did not explain the reasons for detention. Alexander Barsukou, head of city police department of Minsk city executive committee, arrived in the police station, checked the reporters' documents once again and ordered to release the journalists.

On **October 23** BAJ chair Zhanna Litvina and her deputy Andrei Bastunets met with Alexander Barsukou, head of city police department of Minsk city executive committee, to talk about mass detention of journalists on October 19 at the railway station in Minsk. They also discussed the general state of relations between the police and the mass media.

On **November 22** BAJ press secretary Barys Haretski was summoned to Kastychnistki district department of the Investigation Committee. Investigator Nadzeya Aliaksandrava informed him she was examining his complaint about the detention of mass media representatives on **October 19**.

On **December 4** the Investigation Committee of Belarus reported, examination of the fact of mass detention of journalists on October 19, based on the complaint of Barys Haretski, had been completed. The Investigation Committee stated it had not found any facts of creating obstacles for professional activity of journalists (Article 198 of the Criminal Code) in the actions of police and refused to initiate criminal proceedings. According to the examination materials, the police detained the journalists “to prevent mass disorders”.

On **October 29** several journalists were detained while covering the flower-laying ceremony at the graves of the victims of *the Stalinist repressions at the Calvary cemetery in Minsk*. Among the detainees there were journalists Natallia Valakida, Siarhei Krauchuk, Natallia Kastsiukevich (Benitsevich), Dzianis Nosau and Aliaksandr Korsakau.

The journalists, along with the detained activists, were taken to Frunzenski district police department, where they were searched and their documents were checked. The journalists were released in 1.5 hours. Director of the Calvary Cemetery confirmed it was he who called for police. He said he had not been properly informed about the action.

On **October 29** two freelance journalists were detained when doing a video vox pop near the Pershamaiskaya metro station. The topic of the vox pop was youth organizations in Belarus. Alexander Barazenska and Maria Artsybashava were taken to Lenininski district police department, and later moved to Leninski district prosecutor’s office, and then taken to the police department once again. The journalists gave explanations to the police. They were warned that they would have to show up at the prosecutor’s office for a talk when they receive the summons. Alexander Barazenska and Maria Artsybashava were released in about 3 hours after detention.

On **November 6** Minsk police detained the journalists covering the release of a civic activist Yury Rubtsou who had been arrested for three days for wearing a T-shirt with an anti-Lukashenka slogan. The journalists were detained near the detention center. As a result, *Novy Chas* correspondent Viachaslau Piashko (he had a press card on him), freelancer Nasta Reznikava, and film director Volha Nikalaychyk had to spend three hours in Maskouski district police station. Their passport data were copied, and their belongings were inspected. The policemen also made journalists delete all the video recorded near the detention center.

On **November 26** two freelance journalists Viachaslau Piashko and Natallia Reznikava were detained by the traffic police near Hlybokaye, Vitebsk region. The journalists were going to make a video report for the website of *Novy Chas* newspaper. The traffic police stopped them to check IDs, and said the vehicle identification number looked suspicious. Having checked the documents the policemen checked the car trunk and invited the journalists to proceed to a police department, saying that the car and the people inside answered to the description of some fraudsters wanted by the police. The journalists were set free half an hour later, after their passport data had been copied.

Seizure of Equipment, Damage, Confiscation

On **January 10** it transpired that Amos Roberts, *Australian SBS TV journalist*, had received replies from the State Customs Committee (dated 12.10.2012) and Minsk prosecutor’s office (of 15.10.2012), about the journalist’s equipment and data storage devices, seized in

Minsk-2 airport on **21 September 2012**. The replies showed, there were no significant changes in the state of affairs. The State Customs Committee informed that the *information carriers and equipment had been sent for customs expert examination with the aim to find if they contained any information banned for exportation. The deadline of the examination was not indicated.*

Amos Roberts worked in Belarus in September 2012. He had the credentials from the Belarusian MFA. In particular, the journalist covered the Swedish “teddy bear attack”. On 21 September he was passing through the customs control in Minsk-2 airport, when unexpectedly the customs officers and unknown persons in plain clothes decided to confiscate his equipment and all data storage devices, up to a cell phone.

On **January 10** BAJ addressed the chairperson of the State Customs Committee with an official inquiry, asking about the regulatory document that determined the list of information prohibited for movement across the border.

In **February 2013** Amos Roberts received an e-mail from the Australian Embassy in Moscow. The letter said that the Belarusian authorities had “completed their customs formalities” and that the equipment could be collected from Minsk International Airport by Mr. Roberts or his authorized attorney.

On **October 30** it transpired that Minsk-2 airport customs office returned the belongings seized from the Australian journalist. The things were picked up by a Belarusian journalist Ilya Kuzniatsou, to be shipped to Australia. It is unknown, if the customs officers have found any information on the devices that would have justified the seizure, and if any information has been erased.

On **August 17** Svetlahorsk police seized a computer from blogger and civic activist Henadz Zhuleha. However, it was not done within the framework of either criminal or administrative charges. Before that the police carried out an inspection of his apartment, sanctioned by a prosecutor. On **August 6** Zhuleha published a video in the Internet about the state of the city roads and the new house of the chair of Svetlahorsk district executive committee. According to the policemen, the chair’s wife Volha Maksimenka filed a complaint against Zhuleha, claiming that the video compromised on honor and dignity of her family, and the information in the video was a slander. Maksimenka asked to make the blogger accountable for that. The police informed Henadz Zhuleha, they would check his laptop before making a decision on instigating a case.

On **October 17** Henadz Zhuleha reported that the police had failed to return the system unit of the computer and a modem seized for a “check-up” two months earlier. The complaint sent to Siarhei Azemsha, Homel regional prosecutor, about illegal seizure of his equipment, did not help to return it.

On **October 24 Babruisk** police searched the flat of Babruisk blogger **Aleh Zhalnou**. All data storage devices were seized as a result of the search. The ground for the search was the complaint of police major **Yauhen Serashtanau**, that in 2012 – 2013 someone, supposedly blogger Aleh Zhalnou, posted online audio and video materials which harm his honor, dignity and business reputation. The major asked to start a criminal case against the blogger. The “inspection” lasted for 7 hours. As a result, the police seized a laptop, three hard drives, a modem, memory sticks, a CD, and a mobile phone. According to A. Zhalnou the inspection was carried out with serious violations of the legislation on criminal procedure. In particular, the police searched the flat in the absence of its owner. They failed to provide Zhalnou with any documents attesting the fact of the inspection and seizure of the equipment from his flat, etc. As a result, he made 22 remarks about violations made by officers of Babruisk police department to the protocol.

We remind that on September 4 A. Zhalnou and his son eye witnessed police officers violating the traffic regulations by parking on the sidewalks. Zhalnou recorded the fact on

video and immediately addressed the road police officers who were nearby. As a result, the policemen detained Zhalnou and his son, charging them with an administrative offence.

On **November 19**, in Rahachou, Homel region, officers of the Investigation Committee seized two computers and a modem from the apartment of Dzianis Dashkevich, civic activist and editor of the regional web portal *vrogacheve.ru*. The law-enforcement officers showed a permit for inspection of the apartment and informed Dashkevich that they were working on the criminal case about insult of representative of authority.

According to Dzianis Dashkevich, the website *vrogacheve.ru* published an article about a local official representative. “He was fired from the Zhlobin customs’ office allegedly for stealing petrol from service vehicles. We held a journalistic investigation, questioned people who worked with him, and also people from the local executive committee. We presented both opinions on the website: some people asserted he really dumped fuel on the sly, for what he was demoted. Others, from the executive committee, said it was not true.

Threats against Journalists and Mass Media

On **April 25** the “Belarusian Partisan” website was hacked. The homepage demonstrated a message from anonymous hackers threatening some independent web-sites: “We could have ruined you, and “Charter”, and “Viasna”, and many others long time ago, but we give you a possibility to exist under our control. Why didn’t we do it? It’s just interesting to see who is saying what things, and where are these people from. Now we have a list of talkers, and we warn you one last time: talk, write, but watch your step, there is no need to pour dirt and insult PERSONALITY. We will publish the names of most zealous traitors of the Belarusian nation on Wiki Leaks, we will press and undress them literally and metaphorically. And we will also publish all logins, passwords, IPs and e-mails of the cheekiest commentators who went beyond the borders of decency.”

On **June 13** it became known that officials in Brest prevent journalists from covering the situation around non-privatized housing. The first incident happened with the journalist of *Brestskiy Courier* newspaper and BAJ member Yury Shapran. When the readers alarmed the editorial office of the newspaper that a crowd gathered near the city department of public housing, the journalist arrived to the venue to observe the situation. However, when he wanted to enter the building in order to take comments from the officials, a stranger stood in his way. The man threatened the reporter and called for police.

Shapran mentioned he was a journalist, and heard back from the stranger: “Stop talking or you’ll get a blow in your head”. Yury Shapran says, “The man tried to close the door in front of my face, when he did not manage, he called for policemen, and they asked me to leave the building”.

On **July 5** the chief editor and photographer of the online newspaper *Narodnya Naviny Vitebsku* (Popular News of Vitebsk) Siarhei Serabro faced a threat of physical assault. Preparing a report about consequences of the heavy rainfall in the city center he was taking pictures of another sinkhole at the construction site of an underground passage. At that moment the head of the construction venue, representative of Minsk “Remservisstroy” company Aliaksandr Balokhin came up to him, shouted with foul language and threatened to hit the journalist with a paving tile which he had in his hand.

On **August 2**, Vitebsk journalists Siarhei Serabro and Alena Stsiapanava received an insulting and threatening e-mail. The letter titled “Know Where Your Tongue Can Lead You” mocked at the work of the journalists. However, in the end the letter contained obvious threats, like “your long tongue can lead you to “places not that far” (i.e. to jail). The author of the letter reminds the reporters of several laws that might be applied against too critical journalists, like the Law on Crime Prevention, the Articles of the Criminal Code “Discrediting the Republic of

Belarus”, and “Calling to Actions Aimed to Harm Sovereignty, Territorial Integrity, National Security and Defense Capability of the Republic of Belarus”.

On **November 19** in Rahachou (Hemel region) Dzianis Dashkevich, civil activist and editor of the regional portal *vrogacheve.ru* received strange phone calls. It happened soon after the search in his apartment, when the officers from the Investigative Committee had already left. Somebody called on the phone and kept silence. He also received messages on Skype: “now you’ve got it!”, and “you’ll go to jail soon”.

Warnings, Administrative Pressure

On **January 11** Brest regional prosecutor’s office warned BAJ member Alina Litvinchuk against contributing to foreign mass media without accreditation in Belarus. They decided that the materials on the website of *Radio Racyja* authored by Alisa Pol were written in fact by Alina Litvinchuk.

On **April 3** a BAJ member from Brest, independent journalist Alina Litvinchuk received a reply from the General prosecutor’s office to her complaint regarding a warning against her contribution to a foreign mass medium without accreditation. The journalist claimed the warning was “ungrounded and unlawful” and asked to revoke it. The letter signed by the deputy head of the supervision department on observing the rights and freedoms of citizens Pavel Elisyeu informed that the complaint from Alina Litvinchuk was redirected to the prosecutor’s office of Brest region (the same state body whose actions had been actually disputed)

On **February 22** Minsk city prosecutor’s office warned journalist Aliaksandr Barazhenka for contributing to foreign mass media without accreditation. The document was handed in to him by the Council of Justice Natallia Zhukavets. The warning says that Aliaksandr Barazhenka performed functions of a cameraman to the benefit of the Polish TV channel *Belsat*, in violation of the law on mass media.

A day earlier, on **February 20**, Aliaksandr Barazhenka was summoned to the prosecutor’s office of Minsk. He had a talk with Natallia Zhukavets, the deputy head of the department on supervising law enforcement and validity of legal acts. She wanted to take explanations from Barazhenka on what he was doing with a camera near Maskouski court of Minsk in late December 2012 when an administrative case of entrepreneur Ales Makayeu was heard. The journalist answered that he did not remember the circumstances of the events, and N. Zhukavets asked him to come the next day.

“Belsat” TV channel has been broadcasting to Belarus from the territory of Poland since 2007. The core of its programming consists of materials produced by Belarusian journalists for Belarusian citizens (http://belsat.eu/en/o_nas/). Since 2008 the channel has several times failed to receive a permit to open a news office in Minsk. The journalists contributing to Belsat are consistently persecuted by the Belarusian authorities as the law prohibits activity of journalists (both foreign and Belarusian citizens) of foreign mass media without accreditation. This law runs counter to Article 19 of the International Pact on Civil and Political Rights, ratified by Belarus.

Reporters of Belsat TV Channel asked the MFA for credentials numerous times, but were always rejected. At first, the MFA referred to the fact that their applications did not meet the legal requirements, and later – that Belsat reporters had repeatedly violated the legislation on mass media by working without credentials.

On **March 11** the Ministry of Information denied registration to independent magazine “Arche-The Beginning” for the third time. The magazine had to undergo re-registration procedures as it had been forced to change the legal entity functioning as the editorial team, because of pressure on its staff. The official letter signed by the first deputy minister Lilia Ananich said that the application for re-registration had some failures – it did not indicate the

contact phone number of the founder. The first application for re-registration of the magazine was filed in **November 2012**.

On **April 17** the Ministry of Information denied re- registration to the magazine “Arche. The

Beginning”, for the fourth time. The letter signed by the Deputy Minister Uladzimir Matusevich said that in its application the editorial office had allegedly failed to indicate reassignment of Valery Bulhakau to the position of the editor- in- chief.

On **May 22**, from the fifth try, the independent magazine “Arche. The Beginning” finally was re-registered by the Ministry of Information. As the last issue of the magazine was published on June 28, 2012, the Ministry of Information could have started the liquidation procedures, had the editorial office failed to publish another issue by 28 June 2013.

*We remind you that on **September 14, 2012** Hrodna police and tax inspectors detained Valery Bulhakau, chief editor of “Arche”, during the presentation of the book “Sovetization of*

Western Belarus” by Y. Shumski. Valery Bulhakau was accused of illegal entrepreneurial activity.

On **October 4, 2012** the DFI blocked the account of the magazine, and began to summon the magazine staff for questionings.

On **October 18, 2012** Valery Bulhakau was fined five basic units. Simultaneously, the state TV channel broadcast a show where the anchor claimed the “literature case” could grow into a criminal one because of the extremist content of the books seized from the editor.

In the beginning of November Valery Bulhakau left Belarus, for fear of criminal prosecution.

*On **March 22, 2013** the editorial office of “Arche” found out, after examination of its activity the prosecutor decided not to instigate criminal proceedings against the magazine staff.*

On **March 18** in Krychau Uladzimir Kudrautsau, the founder of the small-circulation newspaper *Volny Horad* (Free City), and its chief editor Siarhei Niarouny were summoned to the local district police department to give explanations. The journalists were informed that a communal unitary enterprise of Cherykau accused the newspaper of libel.

The ground for the complaint to the prosecutor’s office was an article “Serfs?” in a February issue of the newspaper. The article said that the company had failed to pay three months’ salaries to its workers. However, the company’s accountant Anzhela Simak filed a complaint, claiming that the information was untrue, and demanded to refute the information.

On **March 22** a local police inspector, Captain Siarhei Karytkin visited the house of the independent journalist Barys Vyrvich, in Vialikaya Mashchanitsa, Bialynichy district of Mahiliou region. The policeman asked the journalist about a small- circulation newspaper *Mahilouski Vybar* (Mahiliou Choice), how it was published and distributed. According to Siarhei Karytkin, the information was needed for an objective consideration of the protocol of an administrative violation against the former member of Bialynichy local council Valery Vusik: he had allegedly violated Article 17 of the Law on Mass Media while distributing the newspaper.

On **April 5**, it became known that Barysau Regional Executive Committee had removed all information about non- state mass media of the region from its website. Now it provides information only about state- run mass media. Earlier the web-site of the city authorities contained a section on non-state media.

Earlier non- state newspaper *Borisovskiye Novosti* (Barysau News) asked the executive committee to add information about their outlet to the section “Non- state mass media”. The request was dismissed, and the newspaper complained to several state bodies. The Ministry of

Information replied to the newspaper in a letter signed by deputy minister Uladzimir Matusevich that they could not oblige Barysau authorities to publish information which is not mandatory for distribution

On **April 15** the Ministry of Information of the Republic of Belarus warned “BelMusTV” channel in conjunction with broadcasting pornography, i.e. violating the requirements of the Law on Mass Media, as well as the Guidelines on production, demonstration, distribution, selling and advertizing erotic products, products with elements of erotics, violence and cruelty, and products of sex education.

*The incident took place in the afternoon of **April 13** when the company’s video engineer broadcasted a pornographic video for 10 minutes. On **April 14** the Investigative Committee in Minsk started a criminal case charging him with public demonstration of pornographic materials using public telecommunication networks. (See Litigation).*

On **April 26** Hrodna journalist Uladzimir Khilmanovich visited the office of Hrodna regional KGB, where he was warned that a number of his articles might fall under the criminal article of discrediting the Republic of Belarus (Article 369 par 1 of the Criminal Code). The KGB officers meant the articles by Khilmanovich in *Niva* newspaper, published in Bialystok, Poland. On **April 25** the journalist received a phone call from a KGB officer who introduced himself by the last name Douhikh and invited him for a conversation “within the competence of KGB”.

In the morning of **May 2** in Vialikaya Mashchanitsa (Mahilou region) journalist and BAJ member Barys Vyrvich was visited by a local police inspector Andrei Yemialyanau. The inspector questioned the journalist for more than an hour about how and who assisted to produce a video report for Belsat TV about the local agricultural complex Lebiadzianka. Barys Vyrvich denied any relation to the report and said he did not know anything about it. The inspector also wanted to know who published a small- circulation regional newspaper *Mahilouski Vybar* (Mahiliou Choice), and if Barys Vyrvich had any relation to it.

On **May 8** RFE/RL journalist Aleh Hruzdilovich was summoned over the phone to the prosecutor’s office, where he was handed an official warning about inadmissibility of violating Article 34 of the Law on Mass Media – “Distributing biased and deliberately distorted information”. The warning was signed by the deputy prosecutor of Minsk Uladzimir Ramanouski. The grounds for the warning were the journalist’s report about security in Minsk subway and his book “Who bombed Minsk subway?” Before the second anniversary of the tragic explosion on April 11, Aleh Hruzdilovich made a security test in the subway, entering different stations with a big bag. In his report he wrote at which stations the police had inspected his bag, and where no one had paid attention.

On **May 22** independent journalist and BAJ member Alina Skrabunova was summoned to Kastrychnitski district police department of Mahilou. A police officer told her that he had been instructed to hold a questioning in response to a collective complaint of the management of the agricultural farming complex Lebiadzianka (Bialynichy district) against journalists Alina Skrabunova, Yauhen Hlushkou, Barys Vyrvich and civil activist Valery Vusik. The complainants argued that the journalists had distributed false information about the inside situation in the agricultural complex. The officer asked if Alina was a journalist, if she was accredited, if she had shown a Belsat press- card, and also why they made a report in Lebiadzianka on **February 12**. The journalist refused to answer, referring to Article 27 of the Belarusian Constitution.

On **May 24** chairperson of BAJ branch in Homel region Anatol Hatouchyts was summoned to the regional prosecutor’s office to give explanations about a video report broadcast on April 24 in Belsat news. The video report “People on Water” covered the spring flood in village Yakuboutsy where dozens of families suffered. In the video a rescuer named Aliaksandr spoke about the situation for a couple of minutes. It turned out, later he sent a complaint to the prosecutor’s office claiming his rights had been violated because he did not want to give any

interviews to a foreign TV channel “Belsat”. Anatol Hatouchyts explained that he had introduced himself as a BelaPAN reporter, prepared the report for BelaPAN news agency, and had not sent any materials to Belsat.

On **May 30** journalist Volha Chaichyts was given a written warning against under Article 35 cl.4 of the Law on Mass Media (work for foreign mass media without accreditation) by the prosecutor’s office of Smaliavichy district. The staff of the prosecutor’s office, where she was summoned “for explanations”, she was questioned only about her work for Belsat. She refused to answer, and then was handed a warning, signed by Smaliavichy district prosecutor Viktor Rusakovich.

On **June 7** Smaliavichy district prosecutor Viktor Rusakovich issued a warning to journalist Ales Silich for contributing to foreign mass media without accreditation (for cooperation with Belsat TV Channel).

In April Volha Chaichyts and Ales Silich were present at a public debate on the project of the Chinese industrial park to be built in Smaliavichy district. Then a policeman copied the personal data of the journalists and promised to “check into the case”.

On **June 22** the police took explanations from Rahachou activist Dzianis Dashkevich about one of the publications on the independent web-site *vrogacheve.ru*. The police was interested in the information about persecution of a local poet Yury Arestau, who died earlier in 2013. Dzianis Dashkevich was asked where he had taken the documents for the publication, who had given the papers to him, etc.

On **August 20** the prosecutor’s office of Salihorsk region, having considered a complaint of local civic activist Viktor Malochka, issued an official warning to the local TV channel against violating the law on handling public appeals.

Viktor Malochka complained that in March 2013 the state- run TV channel refused to broadcast congratulations on the occasion of 95th anniversary of proclaiming the Belarusian People’s Republic, and that the channel staff replied to his correspondence in the Russian language, although Viktor Malochka addressed them in Belarusian. The language of replies became the ground for the warning, as the law on handling public appeals requires officials to reply in the language of the appeal.

The fact that the channel refused to broadcast the congratulations remained without comments. The prosecutor’s office recommended writing a complaint against that to higher instances, i.e. to Salihorsk District Executive Committee.

On **September 3** journalist Uladzimir Zhyhulou received a warning from Vitebsk regional prosecutor’s office against working without credentials for a foreign mass medium which was not registered in Belarus. The journalist, who also works with *Vitebski Kuryer* (Vitebsk Courier) newspaper, was summoned to the prosecutor’s office to give explanations about violations of the law on mass media. However, Uladzimir Zhyhulou refused to say anything to prosecutor Pavel Zaitsau. The prosecutor then took out the ready- made official warning.

Several years ago the editorial office of Vitebski Courier made numerous attempts to register in Belarus. After several denials of registration by the Belarusian authorities, the newspaper got registered in the Russian city of Smolensk in order to keep its legal status.

On **September 5** Katsiaryna Siniuk, journalist of TUT.by news portal, was summoned to the Investigative Committee of Minsk. Investigator Andrei Yeulash questioned her on her recent article about the former head of the international charity association “Helping Orphan Children”, Viachaslau Davydovich, who was detained on August 29 on suspicion of illegal business practices.

The journalist received official information about the case from the law enforcement agencies. However, when the article was published, the journalist received numerous demands from the police not to write anything about the case. Investigative officer Andrei Yeulash made

the same demands. He announced the decision to give the journalist a status of a witness in the case. The investigator warned K. Siniuk that in case of publicizing the case materials she could be fined or arrested up to six months.

The journalist thought such actions were an attempt to make her stop writing about the arrest of Davydovich. "I have never laid eyes on the materials of that criminal case; so if I get some new facts that I consider important for public, I will publish it," said Katsiaryna Siniuk.

On **September 16** the Ministry of Information of the Republic of Belarus issued a warning to independent newspaper *Narodnaya Volia*. The newspaper was warned against distribution of unreliable information that could damage the state or public interests (Article 49 cl. 1.2 of the Law on Mass Media).

The warning concerned article "Belarusian Libraries Stuck in the Past Century" discussing reform of the Belarusian libraries. According to the Ministry, the article contained wrong information, which "damages the public interests, and is also revealed in mass misinformation of the people of the country, as well as in violation of the constitutional right of the citizens to receive complete, reliable, and up-to-date information."

On **December 3** independent journalist Aliaksandr Dzianisau was officially warned by Hrodna region prosecutor's office against his contribution to foreign mass media without accreditation (Article 35, cl.4 of the Law on Mass Media). The warning was about his coverage of a celebration held in late October in honor of the insurgents of the 1863 uprising in Svislach. The prosecutor showed Dzianisau a photo of him standing with a video camera, and a screenshot from a video report about the same event by Belsat. The document was signed by deputy head of the regional prosecutor's office Valery Paviadayka.

On **December 4** Hrodna region prosecutor's office issued an official warning to BAJ member Aliaksandr Kirkevich. Deputy Head of the regional prosecutor's office Valery Paviadayka said the journalist had violated Article 22.9, part 2 of the Administrative Code ("Illegal production and distribution of mass media products). Aliaksandr Kirkevich refused to give any explanations to the prosecutor or sign any documents.

On **December 17** Hrodna region prosecutor's office issued a warning to a freelance journalist, BAJ member Andrei Mialeshka for contribution to foreign mass media without accreditation. The ground for the warning was photos and videos made in Svislach, Hrodna region on October 27, 2013. Deputy Head of the prosecutor's office Valery Paviadayka showed Mialeshka the print-outs from the Radio Racyja website with photos of a ceremony commemorating the insurgents of 1863. The journalist was shown a photo where he was standing with a voice recorder. According to the prosecutor, it was Mialeshka who had prepared the report for the Radio Racyja.

That was enough for V. Paviadayka to issue an official warning to the journalist under Article 22.9, part 2 of the Administrative Code ("Illegal production and distribution of mass media products"). This way, the work of a journalist for a foreign radio without credentials was recognized as "illegal production and distribution of mass media products".

On **December 19** freelance journalist Alena Barel said that she had been denied employment because of the KGB pressure. According to A. Barrel, she had been invited to work as a news editor on the soon to appear interactive portal "All of Belarus". On the third day of the trial work period she was told she was on the KGB's blacklist and could not stay in the project. "I was told that somebody from the KGB had phoned and advised not to hire me," says Alena. In her turn, the editor of the portal Katsiaryna Nestser says the KGB had nothing to do with this choice. "We decided not to hire A. Barel because she had explicit political views that could interfere with objective journalistic work," Katsiaryna Nestser explained.

Infringements Related to Access to Information (Refusals to Grant Information, Restrictive Use of the Institute of Accreditation)

On **January 11** Maskouski district court in Brest held the preliminary hearing of the case of the journalist and BAJ member Milana Kharytonava. She filed a lawsuit to defend honor, dignity and business reputation against journalist of *Brestki Vestnik* Uladzimir Minevich. Milana Kharytonava made a motion that other journalists were able to attend the court hearing, but the judge Tatsiana Isayeva said that the room was too small and allowed only Milana's husband, journalist Ales Liauchuk, to be present there. Journalists noticed that another room of a bigger size was empty at the time.

On **January 14** journalists of Baranavichy independent newspaper *Intex-Press* were not allowed to receive information about the victory of the local children's performance groups at the international contest. Director of the local community center Uladzimir Stanevich banned the *Intex-Press* reporters from the press-conference, referring them to the ideological department or to the department of culture of the city executive committee. Tatiana Zhytko, head of the ideological department of the executive committee said, in her turn, that she had nothing to do with culture. Henadz Charniauski, head of the culture department, claimed on the phone that he knew nothing about the press conference and referred the journalists to the web-site of the city executive committee. As a result, the press conference was cancelled.

On **January 23** Pavel Sviardlou, reporter of the "European Radio for Belarus", was deprived of accreditation in Belarus. The reason for withdrawal of the accreditation has been an administrative arrest of the correspondent in the summer of 2012. The MFA commission referred to cl.15.2 of the Regulation on accrediting journalists of foreign mass media, according to which the Ministry can withdraw accreditation if a journalist "violates the legislation of Belarus".

*We remind that on **June 22** special unit policemen detained Pavel Sviardlou near his house, when he was leaving the building. On the same day the judge of Maskouski district court of Minsk Tatsiana Motyl sentenced him to 15 days' arrest for using foul language in a public place, although the journalist categorically denied his guilt. The detention and case hearing was carried out so fast that the lawyer didn't manage to make it to the court building. Minsk city court upheld the lower court decision. The Supreme Court also dismissed the journalist's complaint against the verdicts.*

On **January 30** photo journalist of the *Brestskiy Courier* newspaper Milana Kharytonava filed a complaint to the prosecutor's office in which she demanded to bring an action against the policeman who interfered with her work. The incident took place on **November 25, 2012** in Brest during the last game of football championship of Belarus. The journalist was taking photos of football fans celebrating the end of the game. When she caught detentions of the most active football fans, a policeman demanded that she stopped taking photos and even pushed her to the traffic way. He kept standing in her way for at least 10 minutes. . In the complaint Milana Kharytonava asked to find out who the policeman was and to hold him liable.

On **February 21** Milana Kharytonava received an official reply to her complaint to the prosecutor's office. The official reply, dated February 14 and signed by the head of the Leninski district police department of Brest Henadz Vaitovich, said that the check-up did not reveal any violations in the actions of the police.

On **February 25** in Minsk a police officer forced a cameraman of the BelaPAN news agency out of the territory around the building in Plekhanava Street where an explosion and a fire had occurred. The journalist got through to the cordoned zone lawfully, having demonstrated his press card to a police lieutenant. He was filming the venue with a camera and was waiting for an official commentary from a representative of the Red Cross, upon previous arrangement. Suddenly the officer commanded the journalist to leave and pushed him out of the zone.

On **February 27** an employee of the press- service of the Federation of Trade Unions of Belarus denied information to a journalist of the “European Radio for Belarus” Zmitser Lukashuk. The journalist sent a list of questions to the chairperson of the Federation Leanid Kozik and requested to meet or hold a phone talk up to the questions. The press- service referred the journalist to the website of the Federation, saying that all information about the organization activities could be found there. However, the answers to the questions sent to Leanid Kozik could not be found on the organization’s website.

On **February 28** journalists of the satellite TV- channel Belsat were invited by former Bialynichy councilor Valery Vusik to report about some violations at the local farming complex Lebiadzianka. The journalists came to the animal farm in order to talk to workers there about salaries and working conditions, in order to verify the facts described by Mr. Vusik. However, the conversation was interrupted by the deputy chairperson of the agricultural complex, who accused them of “industrial espionage” and demanded that they leave the secret object otherwise he would call the police.

In the evening of **February 28** local policeman Siarhei Karytsin visited Valery Vusik, just to ask why he had invited the TV. Valery Vusik refused to answer his questions.

On **March 2** at the official sports celebration “Minsk ski track 2013” people in plain clothes prevented journalists from taking pictures of the participants of the skiing round – among the participants there were higher officials, including Aliaksandr Lukashenka.

On **March 19** RFE/RL correspondent Mikhail Karnevich was denied access to the construction site of a nuclear station in Astravets, Hrodna region. He had provided all required documents to the Management of the worksite, and filled in all the papers. Having received a positive reply after two weeks’ consideration, the journalist arrived in Astravets only to hear that one more paper from the Ministry of Energetics was missing. The journalist was going to report about the progress of the construction work and to talk to people working on the site.

On **March 25** in Kastrychnitski district court of Vitebsk a member of BAJ Leanid Haravy was forbidden to take photos before the court hearing started. He came to an administrative trial of his colleagues Leanid Autukhou and Kastus Smolikau. According to Leanid Haravy, an employee of court security expressed his indignation over the fact that he was photographed, and then said it was forbidden to take pictures in court.

On **March 26** the Ministry of Foreign Affairs, again, denied accreditation to correspondent office of Belsat TV Channel. In its decision the MFA referred to the fact that Belarusian journalists had many times violated the media law of Belarus by making reports for the channel; some of Belsat journalists have even received prosecutor’s warnings for that. The decision to deny accreditation was signed by deputy minister Alena Kupchyna.

On **May 7** Maskouski district court of Minsk judge Yauhen Khatkevich considered the administrative case against journalist Dzmitry Halko. The judge forbade not only video recording and taking photos in court, but also audio recording. Under the instruction of the Ministry of Justice dated to 2006, filming, photo, video recording and live broadcast from court can be carried out only upon permission issued by the judge, with the consideration of all parties involved in the case. However, this instruction says nothing about audio recording. The Administrative Code and the Code of Executive Procedures says nothing about the use of audio, either. This way, the decision to forbid all types of recordings contradicted the principles of a public trial. The court guards wanted to force Aksana Rudovich, *Nasha Niva*, Aleh Hruzdilovich, RFE/RL, and Barys Haretski, BAJ press service out of the court room only because they were holding mobile phones in hands, which they had allegedly used to make audio recording of the trial. They had to hand over their telephones to the guard in order to stay in the courtroom.

On **May 20** the journalist of foreign Radio Racyja Viktor Parfionenka (Hrodna) was denied official accreditation for the fifth time. The document was signed by the deputy head of the information department of the Ministry of Foreign Affairs Maria Vanshyna.

Viktar Parfionenka has been trying to get accreditation and work legally for the fifth year in a row. On February 21, 2012 he received a warning from the prosecutor's office for violating Article 35 of the Law on Mass Media – contributing to foreign mass media without accreditation.

On **May 22** the editorial office of the non- state Baranavichy newspaper Intex- press reported that it had become really difficult to receive information from the local officials. In particular, correspondent Lyudmila Prakopava was denied information about who had bought the building of the former House of Pioneers which was on the list of historical heritage objects of Belarus. Uladzimir Matsukevich, the director's deputy, head of the department on organizing and holding competitions and auctions of the foundation "Brestablmayomasts" (Brest Region Property), denied the information to the correspondent under the grounds that "the law does not envisage that the information about participants and winners of auctions must be published". The head of the department on economy of the Baranavichy city executive committee Raisa Ulasovich also refused to provide any information in this regard.

As it became known on **May 23**, a shooting team of Belsat was denied accreditation to a rock- concert of the Belarusian band N.R.M. The producer of the concert Pavel Kashyryn explained that it was a decision of the owner of the club "Goodwin" where the concert was arranged to ban all video recordings. So, the ban concerned not only Belsat, he said.

On **May 29** correspondent of the non- state national newspaper *Narodnaya Volya* Maria Malevich was denied accreditation for a press- conference dedicated to the First Cheese Festival near Minsk. She said first she had been invited to the event; then she received a phone call where she was asked not to come because some officials were going to speak at the press- conference, and the organizers were afraid of potential provocative questions. When BAJ asked for comments to the situation, the organizer of the festival Andrei Kiryanka called the journalist's actions "inadequate" and held back from more comments.

On **June 7** in Brest independent journalists Ales Liauchuk and Milana Kharytonava were prevented from work at the city market of car parts. They were preparing a report how initiators of the People's Referendum campaign were talking to entrepreneurs and customers at the market. "At the meantime the market director Aleh Dzenisiuk appeared, and claimed recording without permit was forbidden as the market was private property," said Ales Liauchuk. Then he called for police. Local inspector Aliaksandr Talatynnik copied the personal data of the journalists and warned they might be summoned to the police department for questioning.

On **June 11** journalist of the "European Radio for Belarus" Zmitser Lukashuk was denied accreditation for a press- conference in the Chamber of Representatives of the National Assembly of the Republic of Belarus. He was informed about that on the phone by the head of the Chamber of Representatives' press center Mikalai Lis. The official reason for the refusal was the fact that the radio did not have a yearly accreditation from the Parliament.

The Euroradio has unsuccessfully tried to get accredited by the House of Representatives for the last two years.

On **June 12** Vitebsk policemen and plain- clothed people prevented journalists from taking interviews near a court building. On that day a hearing of Andrei Haidukou case started: the young man was charged with high treason. The case was heard behind closed doors. The men shielded the view with hands and popped up in front of cameras, some of them just kept silent, and one of them warned not to shoot, otherwise he was going to call a detention squad. In particular, the detention threat was addressed to *Nasha Niva* correspondents Aksana Rudovich and Tatsiana Haurylchyk.

On **June 13** it became known that officials in Brest prevent journalists from covering the situation around non-privatized housing. The first incident happened with the journalist of *Brestskiy Courier* newspaper Yury Shapran. When the readers alarmed the editorial office of the newspaper that a crowd gathered near the city department of public housing, the journalist

arrived to the venue to observe the situation. However, when he wanted to enter the building in order to take comments from the officials, a stranger stood in his way. The man threatened the reporter and called for police, who asked the journalist to leave the building”.

Independent journalists Milana Kharytonava and Ales Liauchuk also tried to cover the same situation. Their intention to make a video report from the crowd provoked nervous reaction of the officials. A man came up to the journalists, showed his ID (very quickly, they did not manage to see who he was), and asked them to stop recording and called the police”. The policemen listened to both sides and did not interfere with the journalists’ work.

On **June 18** the head the Baranavichy department on the youth affairs refused to talk to the independent newspaper *Intex-Press* because she “does not want and will not say anything”. Correspondent Natallia Salamianka asked head of the youth department in Baranavichy city executive committee Ema Zakharava to tell about the activities of the only local youth work team organized by the department. When the correspondent asked about the obvious attempts to avoid the talk, Ema Zakharava said: “I thought and decided that I shouldn’t meet with you. I don’t want and I will not tell anything to your newspaper at all.”

On **July 19**, before the beginning of the hearing about releasing journalist Iryna Khalip from the criminal punishment after the end of the suspension of her sentence, the secretary of Partyzanski court of Minsk made several attempts to remove cameramen from the courtroom. The journalists refused to leave the courtroom claiming it was the judge who was to announce the ban on photo and video recording. In the beginning of the hearing judge Ryta Shahrai, having considered the motion to allow the family and journalists into the courtroom, satisfied it partially: only the journalists without photo, video, or audio equipment were allowed into the courtroom.

On **July 28** independent journalist Zmitser Lupach was not allowed to attend the meeting of dwellers of village Dzerkaushchyna (Hlybokaye district) where people discussed the demand to eliminate all pigs within five- kilometer distance from the state hog- breeding complex Malinoushchyna, in conjunction with the threat of African swine plague. “Just as the chair of the executive committee Aleh Morkhat saw me, he addressed the deputy head of the Hlybokaye district police asking who had let me in and where the duty police officer had been. He demanded that the duty police officer be fired for letting the journalist in.

On **August 19** RFE/RL reporter Ihar Karney was not accredited to a press conference at “Belaruskali”, one of the major exporting companies in Belarus. The press conference followed a split- up between the Belarusian Potash Company “Belaruskali” and the Russian concern “Uralkali”. On August 16 the correspondent talked to the HR and ideology manager of Belaruskali Anatol Makhlay asking for accreditation; the latter responded he needed to get approval from the director general Valery Kiryanka. The director general declined the request. He explained that RFE/RL presence at the press conference was undesirable, since the “radio did not have credibility”.

On **August 21** the administration of the Vitebsk region psychiatrist clinic refused to give an interview to *Vitebski Courier*. Journalist Uladzimir Zhyhulou tried to arrange an interview with chief doctor Alena Martynava about the fate of Ihar Pastnou, a doctor who used to work in the hospital. On **August 16** he was placed for treatment to the same psycho hospital where he had worked. Before that he said that he had been threatened many times with compulsory treatment for criticism of medical establishments of Vitebsk. At first Martynava agreed to meet with Uladzimir Zhyhulou, but postponed the meeting several times. Finally on August 21 her secretary phoned the journalist and invited him for a talk, but Alena Martynava turned out to be busy again. The chief doctor’s deputy Ihar Svirkunou agreed to talk instead of Alena Martynava, but having learnt what edition the journalist represented, he refused. Also the doctor banned taking photos saying that it was a “closed institution”.

On **August 23** it became known that the Department for Execution of Sentences of the Ministry of the Interior denied access to a correctional colony in Vitebsk region to a freelance

journalist Kastus Mardzvintsau. The journalist was making a report about conditions in places of freedom restriction, and filed an official application according to the procedure. The first deputy of the Department Siarhei Pratsenka replied that he found the visit of a journalist “unreasonable”.

On **September 3** Baranavichy city police department refused to provide statistical figures to the local independent newspaper *Intex- Press*. The correspondent of the newspaper Tatsiana Nekrashevich was preparing a report about restrictions on selling alcohol at night. Earlier she filed a request to the press service of the police department – the statistics about the number of drunken violations, facts of moonshining, bootlegging etc.; and inspector Volha Sakuta promised to get it ready, but the whole following week excused that the computer was down and they could not compile the data. On September 2 the answer became more distinct: the administration of the police department banned providing information to the newspaper *Intex- Press*. The same day the journalist arranged a talk with the head of the police’s sub- department of law and order and prevention of crime Eduard Sudnik. But on September 3 he replied they would not have the talk because they “had been prohibited to give any information to the outlet”. According to Eduard Sudnik, the order was sent to them from Baranavichy city executive committee.

On **September 9** head of Baranavichy city police department Viachaslau Herasimovich denied information in reply to a written request of the *Intex- Press* about the statistics on violations committed in drunken condition, bootlegging and moonshining. The official representative replied that the information was restricted. Remarkably, the respective statistics at the national level is open and published on the website of the Ministry of the Interior, and has been several times quoted by the Baranavichy police. Moreover, on the same days when *Intex- press* received the refusal, the requested statistics appeared in the state- run newspaper *Nash Krai*.

On **September 5** journalists of Belsat Aliaksandr Barazenska and Aleh Razhkou were forced out from the first night of the Vitaut ballet in the National Academic Opera and Ballet Theatre of Belarus, although they had obtained accreditation in advance. The journalists started filming the guests of the event, among others there were the Minister of Culture Barys Sviatlou, the Chairperson of the Central Electoral Committee Lidia Yarmoshyna and some other officials. Then the theater administrators appeared and told them to leave the event. It turned out the journalists were crossed out of the accreditation lists the last minute - the deputy head of the theatre said that Belsat did not have accreditation at the MFA so its reporters could not attend the event.

On **November 1** Yan Lialevich, a photographer of the Hrodna city website *Tvoi Styl* (Your Style), was denied entry to the celebration of 95 years of the Comsomol. The event was held in the youth center “Hrodna”. The photographer was stopped at the entry by security guards. Yan Lialevich introduced himself and explained his tasks. Then Yury Aliaxei, the director general of “Hrodnablkinavideaprakat” (owner of the youth center) and also member of the Council of the Republic, the upper chamber of Parliament, claimed that the event was “closed for general public”.

On **November 25** in Hrodna journalists were not allowed to cover a concert of the folk- band *Stary Olsa* organized by the regional Philharmonic Hall. There were BelaPAN photo correspondent Aliaksandr Sayenka, Radio Racyja correspondent Viktor Parfionenka, and two Belsat reporters. According to Parfionenka, he made numerous attempts to reach the administration of the Philharmonic Hall. The administrator referred him to art director, who did not pick up the phone. The journalist came o eh concert with the intention to get the permission to cover the concert. Art director Viktor Sakalouski, in the presence of director Tatsiana Ulasenka, forbade all four journalists to enter, saying they should have got accreditation for the whole Music Philharmonic Decade, but not for only one concert. Other journalists did not get comprehensible explanations at all.

On **December 5** in Brest journalists were forced to leave the concert of the Ukrainian band *Ocean Elzy* although they had been accredited by the Brest Regional Philharmonic Hall,

co-organizer of the event. The Minsk partner firm (a concert agency “Big Show Promotion”) insisted that mass media representatives had to leave the concert hall and the building of the Ice Palace. Security guards escorted them out to the streets. The journalists say that the reason for such treatment was critical coverage before the concert: according to the local press, two organizers sold too many tickets, that’s why people who bought tickets online risked having no place at the concert. Finally, all people were able to attend, but the organizers “were offended” by the press.

Other Forms of Pressure and Violation of Journalists’ Rights

On **July 30** journalist Iryna Khalip was temporarily detained in the airport Minsk 2 when she was on her way to Warsaw, Poland. Security officers took away her documents and said she needed to have approval of the KGB to go abroad because she was on the KGB restrictive list. Iryna Khalip had to wait for 30 minutes for their trip to be permitted by the KGB. Finally, she was allowed to board.

We remind that Iryna Khalip had her suspended sentence lifted on July 19, 2013. She had been convicted of participating in the protest action on December 19, 2010. All restrictions on her personal freedom were supposed to be lifted.

On **August 26** Yury Liashchynski, program director of the Poland- based Radio Racyja was denied a tourist visa to Belarus. He was planning a holiday in Belarus and applied for a tourist visa. Instead, he got a “visa denied” mark into his passport. No explanations followed. Last year the Chairperson of the Board of the Radio Racyja Yauhen Wapa was also denied entry.

On **September 16** mother of an editor of Belsat website Zmitser Yahorau received summons for her son to the Investigative Committee. The Department of the Investigative Committee in Hrodna region summoned him as a witness in a criminal case on September 18 (it was not clarified what case was meant). The summons was signed by investigator in transport crimes and military service violations lieutenant-colonel A. Mushynski.

Zmitser Yahorau ignored the summons. According to the law it should have been delivered to him personally. He said that he had not witnessed any crimes neither in transport nor at military service. He assumed it might have been pressure related to his professional activities.

On **December 10** the regional state- run TV Hrodna Plus showed a news episode about the detention of an alleged rapist. After the episode of the detention, the news episode demonstrated a close- up of Aliaxei Saley, BAJ member, who has been several times prosecuted for professional activities, and against whom a criminal case had been started for allegedly producing and distributing pornography. The photo of the journalist was also signed with his name and surname, and the episode led to think that it was Aliaxei Saley who was detained as a rapist.

Meanwhile, the journalist has been abroad since the presidential election in 2010. Officially, he is wanted by the police. As it turned out the image was used as a cut- in: his portrait was hanging behind the head of the policeman who was giving the interview. The piece of news was prepared by journalist Halina Davydzik and cameraman Siarhei Pecharytsa. The mother of Aliaxei Saley calls the use of her son’s portrait in such episode as a “disgusting provocation”.

Impediments in Printing or Distribution of Mass Media

On **January 5** unitary enterprise “Belposhta” rejected the collective appeal of over 300 residents of Slonim district, who demanded that the non-state *Hazeta Slonimskaya* be returned to the subscription catalogue.

On **January 22** the Ministry of Information responded to the petition of residents of Slonim district about returning the independent newspaper *Hazeta Slonimskaya* to the state distribution system through “Belposhta” subscription and “Belsayuzdruk” kiosks. The petition was sent to the President’s Administration, which forwarded it to the Ministry of Information. It might be concluded from the Ministry’s reply that the newspaper would not be brought back to kiosks of Belsazyuzdruk and catalogues of Belposhta.

The newspaper Hazeta Slonimskaya has been out of the distribution networks since 2006. Just as the number of other independent newspapers, it is deprived of an opportunity to be distributed with the help of the state-run enterprises, which are monopolists of postal and press distribution services.

On **March 22** BPF party members Leanid Autukhou and Kastus Smolikau were detained when distributing the party newsletter “Mahistrat”. The newsletters were confiscated. On **May 17** Kastrychnitski court of Vitebsk (judge Alena Protas) found them guilty of violating the Law on Mass Media and fined them 30 basic units each (around 290 euro). According to the policemen who confiscated the newsletters, the number of copies exceeded 299, which means they were distributing an unregistered mass medium. According to the activists, the policemen did not count the bulletins in their presence, and during the hearing they measured the bulletins in “big packs” and “thick packs” which is far from precise.

On **March 25** the unitary enterprise Belposhta again denied distribution services to non- state newspaper *Volnaye Hlybokaye*. “Belposhta has the right to compile the catalogue for distribution of its own choice and is not obliged by law to include any particular outlets”, responded Alena Skrypchyk, the general director’s deputy in the official reply to the request to include the newspaper in the subscription catalogue for the second half of 2013.

On **March 29** Bialynichy district activist Valery Vusik was fined 50 basic units for defamation and unlawful distribution of a small- circulation newspaper *Mahilouski Vybar*.

On **September 16** Bialynichy district court considered the administrative case against Valery Vusik again, in conjunction with the prosecutor’s protest. As a result, the court dropped the charges, dismissing two police protocols (*See Detention of Journalists, Judicial Administrative Prosecution for details*).

On **June 5** Minsk policemen detained civil activist of the Nash Dom campaign Natallia Leonava for distribution of the campaign’s newspaper *Nash Dom-Info*. At 4p.m. she was taken to Frunzenski district police department and set free two hours later. No detention protocol was produced; she only gave written explanations. The police threatened her with the KGB and pre-trial detention center.

On **June 16** around 10 thousand copies of the *Nash Dom-Info* newspaper, as well as other print products of the Nash Dom campaign were seized in Minsk. Policemen of Savetski district police department confiscated the print products from a garage in Minsk. Remarkably, it was a special issue of the newspaper which fully consists of cartoon strips. On **June 5** the same issue was confiscated from an activist of Nash Dom campaign Natallia Leonava.

As reported on **June 25**, the regional non- state newspaper *Borisovskiye Novosti* has been available for subscription in Belposhta in Minsk region since June 1, 2013.

However, local ideologists did their best that people would not know about that. In June the newspaper’s editor- in- chief distributed the ads saying that subscription resumed in postal departments. However, soon the ads started to be taken off the ad boards; in particular, an order to do so was issued by Ludmila Harnak, the chief of the ideological department of Barysau district executive committee.

The newspaper still experiences problems with distribution. It was mainly distributed through subscription in the editorial office, private trade network (in shops and markets) and with the help of civic distributors. According to Anatol Bukas, commercial shops are under

pressure of the local authorities, i.e. the ideological departments. They also watch that local enterprises would not place their ads in the newspaper.

On **July 23** it became known that the regional newspaper *Hazeta Slonimskaya* again received a refusal to get back to the distribution networks of Belposhta and Belsayuzdruk. Several hundred of local residents signed a petition to these enterprises asking to resume distribution of the independent newspaper. The petitions were followed by the letters from the editorial office.

On **October 5** Dziarzhynsk police detained Alexander Tarnahurski, activist of the “Together for Belarus” campaign at the central city market. The activist was handing out the *Eurapeiski Vybar* (European Choice) newspaper to passers-by. Alexander Tarnahurski was taken to Dziarzhynsk police department. The police counted the number of newspaper copies and seized all the printed materials from the activist, drawing up the withdrawal protocol. They did not write up the protocol of an administrative offence.

On **October 7** distributor of independent mass media Barys Khamaida was detained in Vitebsk. Police of Chyhunachny police department accused him of conducting an unauthorized picket and took him to a police station. He was released in about 30 minutes without a protocol of detention. (*See Detention of Journalists, Judicial Administrative Prosecution for details*)

On **October 14** editor-in-chief of the newspaper *Borisovskiye Novosti* Anatol Bukas was informed that the newspaper would not be included in the subscription catalogue for the first half of 2014 as it had missed the deadline to apply for services of Belposhta for the next six months. The letter signed by the general director’s deputy of Belposhta Alena Skrypchyk said that the newspaper had had to apply before August 30, and all regional outlets had been informed about it with special letters. Meantime, Anatol Bukas says that they did not receive any letters about the deadline, and filed the application in September. The editor is sure that this is the result of intentional actions of the local authorities.

The Borisovskiye Novosti newspaper was included into the subscription catalogue of Belposhta in June 2013 after eight years’ interruption. Now the newspaper has been thrown out of the subscription catalogue again.

According to BAJ information, the situation with distribution of the socio-political press, which was thrown out of “Belsayuzdruk” and “Belposhta” systems in 2005-2006, has not seen any significant changes in 2013.

Newspapers Novy Chas, SNPlus, Svobodnye Novosti Plus, Tovaristch (national); and Borisovskiye Novosti, Volnaye Hlybokaye, Hazeta Slonimskaya, Intex-Press, Niasvizhski Chas, Otdushina, Regionalnaya Gazeta (regional) still experience problems with distribution.

Also, Vitebski Courier and Nash Dom-Info, officially registered and printed in Smolensk, Russia, are out of the official distribution system.

The socio-political weekly Borisovskiye Novosti was included into the subscription catalogue of Belposhta on June 1, 2013 in Minsk region. However, five months later it was denied services again.

Restrictions on the Free Use of the Web

On **January 5** the court of Leninski district in Hrodna fined local human rights defenders Viktor Sazonau, Raman Yurhel, and Uladzimir Khilmanovich 15 basic units each. The activists were punished for staging a solidarity action in Hrodna on December 10, 2012 -- the international day of human rights -- by taking a photo in the street with the portrait of political prisoner Ales Bialiatski and the Universal Declaration of Human Rights, which was later

published on the website of the Human Rights Center “Viasna”. Hrodna police interpreted that media fact as an unsanctioned picket and brought an administrative action against them.

On **January 24** and **January 29** Navapolatsk city court fined Yauhen Parchynski 500,000 BYR and Siarhei Malashenka 2,500,000 BYR, who had published their photos with the portrait of political prisoner Ales Bialiatski and brochures of the Universal Declaration of Human Rights in the Internet. Navapolatsk activists stated they wanted to express solidarity with the political prisoner Ales Bialiatski, as well as the Hrodna human rights defenders fined for publishing a similar photo.

On **February 24** access to *bchd.info* -- the website of the organizational committee of the Belarusian Christian Democracy party -- was blocked for almost two days. Representatives of BCD consider that the blocking was staged by Beltelecom intentionally to hamper the Marathon of Solidarity with political prisoners. The website started working properly on **February 26** after numerous complaints of BCD representatives to Beltelecom.

In the evening of **April 2** anonymous hackers cracked the website of Mahilou branch of the Human Rights Center Viasna and changed passwords to the admin panel. Consequently an article appeared on the website which contained threats to a human rights defender Barys Bukhel and to an independent journalist Ales Burakou. Only on **April 5** editors of the website were able to take control over the resource.

On **April 23** there was a hacker attack on the website Charter’97 due to which the resource was temporarily blocked.

On **April 24** at 11.50 am the website of the European Radio for Belarus stopped functioning – there was only an announcement about technical maintenance works on the main page. The team assumes they were subject to a planned DDOS attack. After midday the website started working again.

In the early morning of **April 25** the Belarusian Partisan website was hacked. The homepage demonstrated a message from anonymous hackers threatening some independent websites: “We could have ruined you, and “Charter”, and “Viasna”, and many others long time ago, but we give you a possibility to exist under our control. Why didn’t we do it? It’s just interesting to see who is saying WHAT things, and where are these people from. Now we have a list of talkers, and we warn you one last time: talk, write, but watch your step, there is no need to pour dirt and insult PERSONALITY. We will publish the names of most zealous traitors of the Belarusian nation on Wiki Leaks, we will press and undress them literally and metaphorically. And we will also publish all logins, passwords, IPs and e-mails of the cheekiest commentators who went beyond the borders of decency.”

On **April 25** at around 10 pm the website of the human rights center Viasna spring96.org was cracked: the information in some articles was changed for the opposite. In particular, hackers changed the information that the famous screenwriter Andrei Kureichyk had signed the petition against the capital punishment: instead they wrote he supported the capital punishment. The hackers also changed the codes for the video on YouTube: instead of Kureichyk’s video message they put a piece in support of the death penalty. Also it was written that the International Federation for Human Rights (FIDH) supported the state policy of Belarus. There were some other changes made in some other articles. Notably, information was changed in all three languages of the website - Belarusian, Russian and English. Viasna web administrators corrected the false information in half an hour.

On **June 19** the police detained playwright Andrei Karelin. The playwright was taken to a police department and shown an order of the Minister of the Interior Ihar Shunevich to examine two of his critical comments about the Belarusian police posted at the forum of the TUT.by web portal.

As a result of the examination the police drew up two protocols of administrative violation on June 17. On the ground of the protocols Andrei Karelin was fined twice in the total amount of 7 million BYR (about 600 Euro).

On July 11 Frunzenski court of Minsk made a decision to fine him 5 million BYR under Article 23.5 of the Administrative Code (“Insulting a policeman on duty”). According to Karelin, during the hearing the police gave the following words as examples of insulting terms: “fat”, “lout”, “haughty”, “unprepared”, and “unprofessional”. During the trial the policemen claimed they had not seen the comments in the Internet, but learnt about them from their bosses. Karelin did not plead guilty. He explained he had not meant to insult the police officers on duty, and his comments just reflected his attitude to them in a literary style. Besides that, the playwright drew attention to the fact that a linguistic expert examination was missing in the case.

On July 26 the second trial took place. In Karelin’s absence the court found him guilty of insult (Article 9.3 of the Administrative Code) and fined him 2 million BYR (approx. 170 Euro). Karelin claims that he has not been informed about the second trial.

On August 26 Andrei Karelin had to quit his job at the New Drama Theater, where he headed the drama and literature section. According to the playwright, the administration of the theater received a phone call from the ideological department of the Minsk City Executive Committee with the demand to fire him.

On June 22 the web-site of *Nasha Niva* newspaper was attacked with a virus. Anonymous hackers attached a virus to one of the publications, as a result the web-site was blocked. The situation repeated on **June 24**. **On June 28** chief editor Andrei Skurko filed an application to police. However, the police failed to find the attackers.

On June 22 the police took explanations from Rahachou activist Dzianis Dashkevich about one of the publications on the independent web-site *vrogacheve.ru*. The police was interested in the information about persecution of a local poet Yury Arestau, who died earlier in 2013. Dzianis Dashkevich was asked where he had taken the documents for the publication, who had given the papers to him, etc.

On July 4 the website Charter’97 reported its blocking for corporate clients and blamed it on the Internet provider Beltelecom (ByFly trade mark). According to the website, it is blocked not only for state- run enterprises and organizations (which was done earlier under the presidential edict No. 60), but also for users in private companies.

As reported on **August 7**, Uladzimir Sauchuk, the chairperson of Pruzhany district court (Brest region) was disappointed by comments on the local website *pruzhany.net* and filed a complaint to the prosecutor’s office, asking to check if the comments might contain elements of defamation under Article 188, part 2 of the Criminal Code. Uladzimir Sauchuk thinks that some web-site users have accused judge I. Zhytko of a serious crime, and these comments can be deemed libelous. The comments were related to an article “Court Makes Verdict on Death of Teenager in Pruzhany” published by *pruzhany.net*. It was about the recent trial over a last year’s fight which ended with a death of a 19-year old man. The defendant was acquitted, and many readers were indignant over the decision made by judge I. Zhytko.

On August 9 Ruslan Mirzoyeu, the author of the videos “Chronicles of the Factory” and “Chronicles of the District» posted at YouTube and seen by many users, was under trial in Kastychnitski district court of Minsk. Judge Ala Bulash sentenced him to 7 days of arrest. The official ground for charges under Article 17.1 of the Administrative Code (“disorderly conduct”) was the foul language on one of the videos. However, according to ONT TV channel, “the prosecutor’s office admits that the real reason for the arrest was not foul language”. The TV Channel did not explain what the real reason for the arrest had been, and we might assume it was the contents of the video. A representative of the General prosecutor’s office **Pavel Radzivonau** said in an interview that Mirzoyeu was punished for “manipulating with social or public problems”.

Later the blogger, who served a personal restraint sentence for an offence not in the sphere of mass media, was charged under Article 415 of the Criminal Code “Evasion from serving punishment”. On **December 13** Ruslan Mirzoyeu was sentenced to 1 year in jail.

On **August 17** Svetlahorsk police seized a computer from blogger and civic activist Henadz Zhuleha. Before that the police carried out an inspection of his apartment, sanctioned by a prosecutor. On **August 6** Zhuleha published a video in the Internet about the state of the city roads and the new house of the chair of Svetlahorsk district executive committee. According to the policemen, the chair’s wife Volha Maksimenka filed a complaint against Zhuleha, claiming that the video compromised on honor and dignity of her family, and the information in the video was a slander. (*See Seizure of Equipment, Damage, and Confiscation for more details*)

It was reported on **August 20** that the website of writer Sviatlana Alexievich *alexievich.info* was inaccessible in Belarus. At the same time it could be accessed via proxy servers, and opened easily in other countries. The writer said she knew that the problem existed. At first she thought it was a timely technical error. Then she asked the admin to check things out. It turned out that web-site was blocked only in Belarus.”

On **October 17 and 18** the website of the independent trade union *www.praca-by.info* was blocked by the hosting provider after their account was cracked and started to send spam. The editor of the website Natalia Pichuzhkina supposed that the attack might have been connected with the reports on the website about a hunger strike staged by leaders of the trade union movement at the Mazyr oil refinery those days. The trade union was informed about the blocking soon after they had sent an English- language newsletter to around 100 addresses calling to support the hunger strikers.

On **October 24** at 7 a.m. police officers appeared with a search warrant at the flat of Babruisk blogger Aleh Zhalnou. Two policemen entered the flat when the blogger’s wife was leaving; search witnesses and one more person who did not introduce were accompanying the officers. A police major Yauhen Serashtanau filed a complaint that in 2012 – 2013 somebody, supposedly the blogger Aleh Zhalnou, posted online audio and video materials which harm the major’s honor, dignity and business reputation. The major asked to start a criminal case. We remind that that on September 4 an incident occurred between the blogger and the traffic police. Instead of investigating a report of illegal parking, policemen started to clarify why the blogger had called them and in the end detained him brutally. They started an administrative case under article 23.4 – disobeying the demands of the police. On October 23 the judge sent the case for improvement.

On **October 24 Babruisk** police searched the flat of Babruisk blogger **Aleh Zhalnou**. All data storage devices were seized as a result of the search. The ground for the search was the complaint of police major **Yauhen Serashtanau**, that in 2012 – 2013 someone, supposedly blogger Aleh Zhalnou, posted online audio and video materials which harm his honor, dignity and business reputation. (*See Seizure of Equipment, Damage, and Confiscation for more details*)

On **November 19**, in Rahachou, Homel region, officers of the Investigation Committee seized two computers and a modem from the apartment of Dzianis Dashkevich, civic activist and editor of the regional web portal *vrogacheve.ru*. The law-enforcement officers showed a permit for inspection of the apartment and informed Dashkevich that they were working on the criminal case about insult of representative of authority.

Soon after the search, when the officers from the Investigative Committee had already left, Dashkevich received strange phone calls. Somebody phoned him and kept silence. He also received messages on Skype: “now you’ve got it!”, and “you’ll go to jail soon”.

Just before that, the website *vrogacheve.ru* published an article about a local official representative who had allegedly been fired for dumping the fuel from the official cars. (*See Seizure of Equipment, Damage, and Confiscation for more details*)

On **November 13** Deputy Chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich lodged a complaint with the Ministry of Communications and Informational Technologies. He sought the disclosure of the authority by whose decision the organization's website – *spring96.org* -- was banned from the use in the state agencies and institutions.

Earlier, the human rights defender applied to the Operational and Analytical Center and the State Supervisory Department for Telecommunications of the Republic of Belarus (SSDTRB), as this agency was to have given an answer on the essence of the raised questions. However, the human rights defender has not received the promised answer. The head of SSDTRB Siarhei Bahdanau informed Valiantsin Stefanovich that the regulatory norms do not describe the powers of SSDTRB to distribute information about the identifiers of the Internet resources which are put on the list of restricted access".

On **December 8** the websites of the Belarusian service of the Radio Liberty were down through a DDoS attack. The attack did not black out the websites completely, but rather slowed down the work of the web-site and its updating. Cyber- attacks on the RL/RFE had occurred from time to time since **November 14**, hindering the work of the multimedia and information services of the radio.

Economic Policy for Mass Media

On **January 11** the presidential edict extended period of tax exemption for channels STV (ZAO "Stolichnoe televidenie") and ONT (ZAO "The Second National TV Channel"). The amendments to the edict of 2009 "*On state support to TV and radio companies*" the end of the tax exemption period was postponed from 2012 to 2015.

This way, ONT and STV will continue to receive "state support in the form of subsidies from the national budget up to the amount of profits tax and value added tax from entrepreneurial activity", paid to the budget during, up to 31 December 2015.

As it was reported on December 22, 2012, the state-owned Belarusian Television and Radio Company (NDTRK) was also exempt from value added tax and profit tax.

On **December 16** the Chamber of Representatives of the National Assembly adopted the draft law "*On the National Budget*". According to the document, the funds in the amount of 676.1 billion BYR (about 52 million Euro) will be spent on the state-owned mass media, including 548.3 billion BYR (about 42 million Euro) given to television and radio.

The President's internet portal will be funded in the amount of 15.3 billion BYR (about 1, 178, 000 Euro). The money will be used for "collecting, processing and distribution of the state order for official information, and functioning of the new version of the official internet portal of the President of the Republic of Belarus".

Overall, in 2013 the state-owned mass media spent about 60 million Euro. About 46 million Euro was allocated to fund the radio and television, and about 6 million was spent on the printed media.