

## **THE BELARUSIAN ASSOCIATION OF JOURNALISTS**

Mass Media in Belarus

Info-posting – July 11-17, 2011

**The Ministry of Information of Belarus withdrew claims on closing down the “Nasha Niva” and “Narodnaya Vola” newspapers within the period under review. (The circulation of “Nasha Niva” totals 7,000 copies. The circulation of “Narodnaya Vola” amounts to 26,000 copies.)**

**There exist different versions as for the reasons for this decision. The Ministry of Information disseminated an official comment on the issue and referred to “a possibility to settle the claim out of court.”**

**The BAJ leadership regards the step as a consequence of the principled policies, applied by the EU institutions in relations with the Belarusian official authorities.**

**It is impossible to talk about some “liberalization” in Belarusian media field, the BAJ leaders believe. “Firstly, the newspapers have received enough official warnings to be hooked at any moment. Secondly, the independent media continue to face the increasing economic and legal discrimination. They suffer from severe administrative pressure. The journalists are prosecuted under criminal law. They are detained and attacked while reporting from street actions,” underscored A. Bastunets, Deputy Chairman of BAJ.**

**It remains to be true, since more than 10 journalists and BAJ members were detained again during the weekly protest actions in Minsk and in the Belarusian regions within the reporting period. Thus, the number of journalists, who appeared in custody on reporting from the above-mentioned peaceful civil protest actions, has amounted to 88 people since the beginning of June 2011.**

**The unknown people in plain clothes handled the press representatives roughly, while the latter were trying to report from the protest actions. Surprisingly, the Chief of Press Service for Minsk City Department of Internal Affairs Alaksandr Lastouski couldn't identify nor stop the offenders.**

*Mikhail Karnievich*, a RFE/RL reporter was fined 30 base amounts (approx. EUR 120) by Leninsky City District Court of Hrodna on **July 11, 2011**. The journalist had been detained at the moment of reporting from a silent

protest action on July 3rd and punished for 'participation in the unauthorized mass event' (article 23.34 of Belarusian Administrative Code). According to Mr. Karnievich, he was detained, while taking pictures near the action venue. The police disregarded the journalist's press card and took him to the police station to draw up a report.

*Mikalay Chartkou*, a public distributor of 'Tut i Ciapier' newsletter in Navapolatsk (Vitsiebsk region) was fined 2 base amounts on charges of 'disorderly conduct' (article 17.1 of Belarusian Code on Administrative Offences) as if for 'cursing in a public place' on **July 11, 2011**.

Another administrative case for 'illegal distribution of media production' (article 22.9 of Belarusian Code on Administrative Offences) was to take place on **July 12, 2011**. However, the litigation was put off till **July 18, 2011**, since the witnesses didn't appear in court.

The "Nasha Niva" newspaper editorial learnt on **July 11, 2011** that the Ministry of Information of Belarus had filed a claim against the newspaper publisher under article 22.9 part 3 of Belarusian Code on Administrative Offences ("The repeated violation of Media Legislation within a year's course on receiving an official notification in the written form.") Minsk City police representatives brought a corresponding note to the weekly's editorial. Correspondingly, the newspaper publisher can be fined from 100 to 500 base amounts (approx. EUR 398 - EUR 1,990).

It is worth mentioning that on **July 6, 2011**, the Ministry of Information warned "Nasha Niva" for publishing the newspaper issue of June 1, 2011 without the duly indication of the editorial postal code, as required by article 22 of Belarusian Media Law.

A similar case has been initiated in relation to "Narodnaya Vola" too. Four police officers from Minsk City Department of Internal Affairs came to the newspaper editorial on **July 12, 2011** and notified the Editor-in-chief about the Ministerial decision to file a claim against the "Narodnaya Vola" publisher for the repeated violations of media legislation within a year's course. The case will be sent to court to take a verdict on the amount of penalty to be paid. It is worth mentioning that both "Nasha Niva" and "Narodnaya Vola" have received fresh official warnings from the Ministry of Information for 'improper presentation of output data' recently.

A court session on closing down "Nasha Niva" began in the Supreme Economic Court of Belarus on **July 12, 2011**.

**Vikторыя Мialeshka**, Head of Legal Department at the Ministry of Information of Belarus lodged a petition to withdraw the previously filed claim against the newspaper editorial at the very beginning of the court

session on the case. Consequently, the judge **Viktar Kuryla** pronounced a verdict to leave the claim unconsidered.

“Actually, nobody expected for such a dénouement,” the “Nasha Niva” Editor-in-Chief **Andrei Skurko** commented upon the verdict to his colleagues after the court session. “It is a rare case, when common sense won in our country,” he added. The Ministry of Information filed the claim on closing down the “Nasha Niva” editorial, having issued the third official warning to the newspaper within a year’s course on April 14, 2011. The Ministry blamed the editorial for publishing the unverified information about a victim of the terror attack in Minsk metro on April 11th.

A representative of Legal Department at the Ministry of Information of Belarus lodged a petition to withdraw the previously filed claim against the “Narodnaya Vola” newspaper editorial at the very beginning of a court session in the Supreme Economic Court of Belarus on **July 13, 2011**. Consequently, the judge **Alena Mayorava** pronounced a verdict to leave the claim unconsidered.

The newspaper’s Editor-in-chief Iosif Syaredzich hailed the ‘bright’ decision, rejecting the existence of any reasons for closing down the newspaper editorial.

It is worth mentioning the litigation was initiated by the Ministry of Information of Belarus as soon as “Narodnaya Vola” received the fourth official warning within a year’s course for publishing an article “Gebbels TV Presents” by Sviatlana Kalinkina on **April 15, 2011**.

On **July 13, 2011**, a Polish ‘**Gazeta Wyborcza**’ correspondent Andrzej Paczobut submitted an appeal to Hrodna Regional Court against a court verdict of Leninski City District Court of Hrodna, returned on **July 5, 2011**. According to the original court decision, A.Paczobut was found non-guilty of breaking article 368, part 1 of Belarus Criminal Code (“Offence in relation to the President of Belarus”). However, the reporter was found guilty of violating article 367, part 1 of Belarus Criminal Code (“Libel in relation to the President of Belarus”). Consequently, the journalist was punished with three years of imprisonment with a two years’ delay of the penalty.

It is worth mentioning, that the criminal case against A. Paczobut was filed by the Public Prosecutor General for Hrodna region Marozau V.M. on March 18, 2011. The journalist was accused of offending and casting libels in relation to the President of Belarus on the “Gazeta Wyborcza” Web-pages, on the “Belorusskiy Partizan” ([www.belaruspartisan.org](http://www.belaruspartisan.org)) Web-site as well as in his LJ blog ([poczobut.livejournal.com](http://poczobut.livejournal.com)).

The Leninski City District Court of Hrodna fined a “Radio Racyja” correspondent *Grazyna Shalkievich* on **July 13, 2011**. The judge Dzmitry

Kiedal obliged the reporter to pay out 30 base amounts as if for participation in an unauthorized silent protest action on **July 3, 2011** (article 23.34 of Belarusian Administrative Code). Although the radio correspondent underscored during the trial that she had been implementing her professional duties at the public event, the judge left all her explanations unconsidered.

A group of independent journalists submitted collective appeals to the Prosecutor General's Office and the Ministry of Internal Affairs on **July 13, 2011**. 30 media workers protested against prevention of reporters from carrying out their professional tasks during the so-called 'silent' protest actions. The signers asked the Prosecutor General of Belarus R. Vasilevich to conduct a check on the facts of illegal detentions of journalists, deletions and seizures of photo materials and professional technical equipment. Also, they asked to sue the people, who put obstacles in the reporters' way. A similar collective appeal was sent to A. Kulashou, Minister of Internal Affairs. The copies of both letters were sent to the Minister of Information A. Pralaskouski and the Chairman of Supreme Court of Belarus Ul. Sukala.

*Ihar Ilyash*, a "Belorusy i Rynok" non-state newspaper correspondent was summoned for a talk to the KGB on **July 13, 2011**. The talk with a KGB investigator, on the record, lasted more than an hour. According to I. Ilyash, he was explained that the talk was conducted within a framework of operational search activities, connected with the 'silent' protest actions in Minsk and in the Belarusian regions.

The journalist was interrogated on the issue of his professional reporting activity in general and the coverage of protest actions in particular. The journalist was strictly advised to leave the details of the talk in secret.

During a silent protest action on July 13, 2011, the law enforcement agents and the unknown people in plain clothes attacked again the media representatives, prevented them from carrying out their duties, and detained them without any good reason.

No less than four journalists were detained in Minsk. No less than seven media workers were taken into custody in the regions. Thus, according to the BAJ calculations, **no less than 88** Belarusian and foreign reporters and BAJ members have been detained since the beginning of the 'silent' protest actions in Minsk and in the Belarusian regions.

[July 13, 2011: List of detained journalists](#)

On **July 17, 2011**, Mahilou City Executive Committee sent a brief formal reply to a collective appeal of 17 Mahilou members of BAJ, who demanded to terminate prosecution of journalists and release from detention an independent reporter **Hanna Illyina**. The Executive Committee officials advised the detained journalist to appeal against the court verdict, if she had any objections.

The signers are waiting for another reply from Mahilou Regional Executive Committee. They will take a decision on further actions afterwards.

It should be mentioned that the collective petitions were personally addressed to Piatro Rudnik, Chairman of Mahilou Regional Executive Committee and Stanislau Baradauka, Chairman of Mahilou City Executive Committee.

As reported on **July 14, 2011**, the “Minabsayuzdruk” state enterprise refused once again to distribute the “Niasvizhski Chas” non-state regional newspaper. The newspaper editorial had sent a corresponding letter with a proposal to resume cooperation with the state monopolist press distributor at the end of June 2011. However, the “Minabsayuzdruk” management responded to the newspaper editor that the campaign on signing the press delivery contracts in 2011 had come to an end on January 3, 2011. Consequently, the “Minabsayuzdruk” Director A. Kudreyka proposed the “Niasvizhski Chas” publisher to return to the talks on signing a contract on the newspaper delivery in 2012 later on.

Dzmitry Lupach, the “Prefect-info” newspaper’s Editor-in-chief (Hlybokaye, Vitsiebsk region) was summoned to the local police department on **July 14, 2011**. He was given the writ during a silent protest action in the central square of Hlybokaye on July 13, 2011.

The journalist noted after the talk that he had been interrogated about the protest actions, initiated by the “Revolution through a social network” Web-community. Also, he was strictly advised to bypass the central square of Hlybokaye on Wednesdays in the evening.

On **July 14, 2011**, Mahilou Regional Court considered an appeal, submitted by a “Bobruyskiy Kuryer” newspaper journalist Yauhien Vaskovich against a verdict of Babruysk City Court in relation to him. The media worker was sentenced to 7 years of imprisonment for an attempt to set Babruysk City Department of KGB on fire. Y. Vaskovich wasn’t present during the trial. His legal interests were represented by an attorney Alaksandr Galiyeu. Reportedly, the court session lasted less than an hour. The initial verdict was left in force.

It is worth mentioning that Yauhien Vaskovich, Pavel Syramalotau, and Artsiom Prakapienka threw two bottles with ‘cocktail’ to the façade of KGB

Department on October 16, 2010. The fire was extinguished immediately. The calculated damages totaled 253,000 Belarusian rubles (approximately EUR 30).

On **July 15, 2011**, Minsk City Court left the initial sentence to Dzmitry Bandarenka, a BAJ member and the “European Belarus” civil campaign coordinator unchanged.

It is worth mentioning that Dzmitry Bandarenka has been sentenced to two years of imprisonment in a general regime colony as if for ‘arrangement of group actions’ that blatantly violate public order and active participation in such actions’ (article 342, part 1 of Belarus Criminal Code).

Presently, D. Bandarenka is waiting for an operation on his spine in the National Prison Hospital.

According to the media worker, the acute attack of disease was caused by inhuman conditions he faced in the KGB investigatory isolation ward. In particular, he underscored that the prison authorities intended to cripple the political prisoners. Thus, he asked for medical aid at the end of February 2011, but received it at the end of June 2011 only. Presently, he is kept in the same hospital ward with the people, who suffer from HIV and viral hepatitis type C.

It should be mentioned that D. Bandarenka was a trustee for a Presidential candidate Andrei Sannikau at the recent Presidential elections. He was taken into custody after a mass peaceful protest action against rigging the Presidential election results on the night of December 20, 2011.

***Prepared by the BAJ Monitoring Service***