

## THE BELARUSIAN ASSOCIATION OF JOURNALISTS

### Mass Media Week in Belarus

*Info-posting July 22 –August 18, 2013*

Beside the “usual” conflicts in mass media filed, such as detentions, court hearings and refusals to provide information, the Monitoring service of BAJ observed how attentive state agencies became to online activities. For example, it became known that a judge in Pruzhany filed a complaint requesting to hold an examination of comments on a regional website seeking for a possibility to start a libel suit. A user of a Belarusian online forum was fined for critical comments; and a local blogger had his laptop seized after publishing a video about a local executive’s house.

**On July 22**, members of BAJ **Aliaksandr Fiaduta** and **Siarhei Vazniak** have their **suspended sentence terminated**; both were convicted for organizing and participating in mass actions roughly violating the public order after the presidential elections in 2010.

*We remind that on May 20, 2011 the court of Frunzenksi district of Minsk gave two years’ suspended sentence to publicist and political scientist Aliaksandr Fiaduta and journalist Siarhei Vazniak; the sentence came into legal force on July 22, 2011. They both worked in the electoral team of the presidential candidate Uladzimir Niakliajeu. Initially they had been accused of organizing mass disturbances envisaging a 15 years’ imprisonment punishment.*

**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 providing services to the independent newspaper. “But the answer came as usual – it is unreasonable to include the outlets *Hazeta Slonimskaya* and *Otdushina* to the subscription catalogues,” told the chief editor **Viktar Valadashchuk**.

*We remind that Hazeta Slonimskaya has been denied services of the two state-run monopolists since 2006.*

**On July 25** Minsk police officers **detained Ihar Iliyash**, a journalist of the newspaper *Belousy I Rynok*, for more than an hour. He worked **at the court hearing** over the ex-candidate for presidency, leader of the “Tell the Truth!” campaign **Uladzimir Niakliajew**. After the hearing, plain-clothed people invited the journalist to proceed to their car nearby. They explained that the journalist had been noted by hidden surveillance, conducted by the officers, and the video recording allegedly revealed some violations.”

The journalist was taken to the Maskouski district police department where he was told that he had been brought there for personal identification, “as he presented his journalist ID without his passport.” After that he was questioned about where he had been on the evening of July 24 and who could prove his words. “Then they excused and set me free,” said the journalist. No procedural documents were written. Iliyash assumed that the law enforcement agencies had confused him with some other person.

**On July 26** in Minsk a correspondent of *BelaPAN* **Zakhar Scharbakou**, cameraman of *BelaPAN* **Andrei Korsak** and photographer of *Nasha Niva* **Siarhei Hudzilin** were **detained when covering a street action** of activists of the youth organization *Alternative* (registered in Lithuania). The incident took place near a supermarket when the activists celebrated the anniversary of proclaiming the sovereignty of Belarus on July, 27 1990. The journalists and the activists were pushed into minivans altogether. According to Zakhar Scharbakou, they spent approx. an hour and a half in the van; then they were taken to the Partyzanski district police department. They were banned to use phones. They had their IDs copied. All

photo and video materials were deleted, and all data carriers were checked. The journalists were set free around three hours after the detention.

**On July 26 in Baranavichy**, a court hearing started in a lawsuit of an activist **Viktar Syrytsa** against the state-run newspaper *Nash Kray*. The ground for the lawsuit was a publication about an official celebration Milavidy Fest which in fact did not take place. The newspaper announced the soon-coming event, and Viktar Syrytsa made arrangements to order a bus and came to the venue with other amateurs of culture and history. The venue was empty, so they just put flowers to the monuments of the 1863 uprising and sang the Mighty God (anthem of the Catholic Church). **On June 12** Viktar Syrytsa was summoned to the Baranavichy district executive committee where an administrative protocol was drawn up against him under article 23.34 – organizing and holding an unsanctioned mass event on June 2. Viktar Syrytsa disagreed with the facts stated in the protocol, as he did not organize the event, but only participated in an event previously announced in the newspaper, an official print outlet of the executive committee. The activist demanded that the editorial office should **bring apologies to the readers for false information** and cover losses from the rent of the bus (2 million 300 rubles). The defendant, the chief editor of the newspaper pleaded non-guilty. He explained that the text of the announcement had been sent to them from the culture department of the district executive committee. The judge decided to summon a representative of the department as a co-defendant.

**On July 28** the independent journalist **Zmitser Lupach** was **not allowed to attend the meeting** of dwellers of village Dzerkauschyna (Hlybokaye district) where people came to discuss the demand to eliminate all pigs within five-kilometer distance from the state hog-breeding complex Malinouschyna, because of African swine plague threat.

“Just as the chair of the executive committee Aleh Morkhat saw me, he addressed to the deputy head of the Hlybokaye district police asking who had let me in and where the duty police officer was. And demanded to fire the duty police officer on that very day,” said the journalist.

As reported **on August 30 Homel** executive authorities **did not allow holding a march in support of Ales Bialiatski**. Local pro-democratic activists and human rights defenders Yury Varonezhtsau, Anatol Paplauny and Leanid Sudalenka filed an application asking for permission to hold a street procession. The action aimed to protest the criminal prosecution of human rights defender Ales Bialiatski and other political prisoners and was expected to be held in Homel on August 4. The authorities answered that the procession route covered an underground passage and the building of the executive committee; besides, the organizers did not sign a contract for paid-for services of the police, medical aid team and communal services.

*We remind that Ales Bialiatski is the head of the human rights center Viasna, vice-president of FIDH, was sentenced to four and a half prison sentence, charged with large-scale tax evasion. In fact, the money that the court deemed to be his personal income was aimed for human rights activities. Ales Bialiatski has been recognized as prisoner of conscience; the EU and the USA demand his unconditional release. Now Ales Bialiatski is in a colony in Babruysk.*

**On July 30** the journalist **Iryna Khalip** was **temporarily detained** in the airport Minsk 2 when she was on her way to Warsaw to see her husband Andrei Sannikau. 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 and her son had to wait for 30 minutes for their trip to be permitted by the KGB. She was allowed to board in the end.

*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. It was supposed that all restrictions on her personal freedom were lifted.*

As became known **on July 30**, the **administration of the Cherykau PMK-280** (local building company) filed **another lawsuit** to the Krychau district court, accusing the low-circulation newspaper *Volny Horad* of discrediting the administration of the enterprise and undermining its business reputation. The reason for the lawsuit was an article “We’ll wait with the retraction” dated June 29.

The plaintiff claimed that the article contained untrue information that two employees of the enterprise, who acted as witnesses in the previous lawsuit, did not have proper contracts of employment. In his turn, the chief editor of the newspaper **Siarhei Niarouny** argued that the article contained only the testimonies pronounced in court, and all who attended the court hearing could prove it.

The lawsuit was scheduled for 10am, August 29. The background of the story find [here](#).

**August 2**, journalists **Siarhei Serabro** and **Alena Stsiapanava** received **an insulting and threatening e-mail**. A man named Yauhen Mishakou titled his letter “Know where the tongue can lead you” and accused the journalists of making “ordered” reports, and of an attempt to build up cheap popularity in journalism. At the end, the letter contained obvious threats, like the tongue can lead you to “places not that far”. The author of the letter reminds of several laws and articles that might be applied against too critical journalists, like the law on crime prevention, the criminal law against discrediting Belarus, and against actions aimed to harm sovereignty, national security and territorial integrity.

**On August 4**, on the occasion of the International Day of Solidarity with civil society in Belarus, BAJ addressed **an official letter to the head of the penal colony in Babruysk No 2** where **Ales Bialiatski** is serving the 4.5 years' prison sentence.

The journalist organization stated that according to the recent information, received from the correctional facility, **groundless penalties were issued** to human rights defender Ales Bialiatski who is serving his term there. In particular, the colony administration deprived him of the meeting with his wife which was to take place in July. Moreover, he wasn't allowed to receive a food parcel.

The Belarusian Association of Journalists considers it as pressurization of the human rights defender, connected to his civil position, not with the violations which were allegedly committed by him. That's why the organization asks to abolish the imposed penalties and allow Ales Bialiatski to meet with his wife Natallia Pinchuk as soon as possible.

**On August 6** activists of the *Human Rights Center Viasna* **Uladzimir Labkovich** and **Tatsiana Reviaka** were **fined 3 million rubles** (around 255 euro) for **holding an unsanctioned picket**.

The activists were detained on the morning of August 5 when they were handing out postcards with the portrait of Ales Bialiatski near the central shop CUM in Minsk.

They were taken to the Soviet district police department and brought before court that evening. They were charged with violating the order of organizing and holding mass events (Article 23.34 of the Code of Administrative Violations). However, the violation reports contained some defects, and the judge (Dzmitry Pauliuchenka) sent the reports back for revision.

The human rights defenders disagreed with the qualification of this deed as participation in an unauthorized mass event; they argue that they only distributed information and are going to appeal the sentences.

As reported **on August 7**, the **chairperson of the 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 **libel**, punished by article 188, part 2 of the Criminal Code. The chairperson Uladzimir Sauchuk thinks that some readers accuse a judge of the court of a serious crime, and these comments can be deemed libelous. The comments were related to a recent

trial over a last year's fight which ended with a murder of a 19-year old man. The defendant was acquitted, and many readers were indignant over the decision made by the judge I.Zhytko.

**On August 7 Ales Bialiatski received the first food parcel** in this year. *We remind that on May 6 his wife Natallia Pinchuk wanted to pass over a food parcel, but the administration of colony No2 declined told her that Bialiatski was not entitled to the parcel for half a year more because of earlier violations. From March to June he got three reprimands and was declared a malicious violator; because of that, he was deprived of the right to amnesty in 2012. In August 2012 he also got two reprimands for insignificant violations of the regime. In total he was deprived of food parcels for 8 months.*

**On August 9** the administration of the **correctional colony** No 2 in Babruisk **replied to BAJ's address** sent on August 4. The head of the colony Aliaksandr Kakunin writes that each time the fact of violation was discussed with the prisoner and the prisoner got explanations about the legality of such penalty. There are also written explanations enclosed to the prisoner's file where he admits having committed the violations. He did not appeal against the penalties, so there are no grounds to abolish them or change them, says the reply.

**On August 9** a similar reply came from the Department on sentence execution of the Ministry of the Interior in the Mahilou region; the acting head of the Department Yury Talkachou replied that all the restrictions imposed on Ales Bialiatski were lawful.

**On August 12** the Ministry of the Interior press-service reported that **a man had been fined** 7 million rubles (around 788 dollars) according to two administrative articles – **insulting a person and insulting an on-duty official**. According to the report, the 35-year old Minsk city dweller published online statements of insulting character; the Frunzenski district court fined the “boor” to seven million rubles.

The man who turned out to be a playwright **Andrei Karelin** had had an incident in a self-defense school: when he tried to leave a lesson earlier, a conflict with a trainer started that ended up with beating. The man called the police; according to his words, the police arrived almost in an hour and did not do anything, did not even leave their car, but mocked at him (using the obscene language) and left.

Several days later Andrei Karelin **left some comments on the TUT.by forum**, calling the policemen fat, haughty, bastards, and attacking police institution in general – for this comment he received a five-million fine. Another comment was related to a wife of a policeman who had been killed in spring being on duty; for this comment he got a two-million fine. The man was detained on June 19. The first hearing took place on July 9. The policemen claimed they had learnt about the comments from their administration. According to Karelin, they did not answer precisely which comments had offended them. Also, they were unable to explain the meaning of the word “haughty” (in Russian *valjzhnyj*): they said it meant an impertinent person who does not care for anyone.

On July 10 Karelin filed a statement to court saying that he had not meant to insult the police officers on duty, and the comments were not “obscene” but just reflected in a literary style “his real attitude to the employees of law enforcement agencies”.

Besides, Karelin drew attention to the fact that there had not been professional linguistic examination in the case.

On July 11 Karelin received the first fine – 5 million rubles (approx. 420€), and on July 26 – the second fine – 2 million rubles (approx. 170€). He remarked that he had not been informed about the second case.

**On August 26**, when Andrei Karelin returned from a holiday trip, he **had to quit job** at the New Drama Theater. He said the administration of the theater received a demand to fire him from the ideological department of the Minsk City Executive Committee.

As became known **on August 15**, the Ministry of Information found “no legal grounds” to react to the citizens’ petition demanding to stop violence threats from the head of state Aliaksandr Lukashenka. The violence threat were claimed to be Lukashenka’s statement on Belarusian TV of July 8 when he said to he would “rip the heads off” to several people in responsible positions if they produce machinery of poor quality.

“The Ministry of Information lacks enough legal grounds to take measures in response to the facts mentioned in the petition,” says the reply by the Deputy Minister Dzmitry Shedko.

“If this is their official reply, it means they in fact acknowledge threats and rudeness from the head of state. Since they cannot take measures, I will gather signatures under a petition to the House of Representatives demanding to pass a law prohibiting that officials threat or speak impolitely in the media,” said the activist of the petition Aliaksei Paulouski.

**On August 15** the chairperson of the Brest regional court **Tamara Suchok found no violations** in previous court decisions in the honor and dignity case of the **journalist Milana Kharytonava**. *We remind that the journalist sued another journalist who wrote offensive comments in her regards on a regional website. She filed a lawsuit to defend honor, dignity and business reputation. However, linguistic examination ruled that the comments were not insulting. In the appeal against the first-instance 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.*

The chair of the Brest regional court decided that court of lower instance dismissed the lawsuit reasonably, and the defendant was not obliged to pay any moral damage compensation.

**On August 17** in **Svetlahorsk** police **seized a laptop** from **the local blogger** and civil activist **Hennadzi Zhuleha**. Before that the police conducted searches in the activist’s flat, sanctioned by a prosecutor.

On August 6 Zhuleha made a **video** about the house of the chair of the Svetlahorsk district executive committee and published the video in the social nets. Soon after, the video was posted on several news resources. Then, according to the chairperson’s wife filed a complaint against the blogger, claiming that by the video distributed on the Internet, he spoilt the honor and dignity of her family, and the information in the video had libelous character. She asked to hold the activist liable according to the law.

“I don’t deny making the video about the chair’s house. The authorities answer to all questions, to all existing problems – there is no money. By this video I showed that there is money, but it is spent for building houses for the bosses, but not for solving problems of people”, said the blogger.