

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting – January 30 – February 5, 2012

On the evening of February 5 the first national TV channel showed a documentary about BAJ, which was advertised as a “journalistic investigation”.

The program titled “Bash na BAJ” accused BAJ of receiving grants from the British embassy and failing to register the money with the Presidential Administration's property management department. The report featured images of papers allegedly containing information about the funding that carried no signatures or seals. The basis for the “journalistic investigation” was a letter from an anonymous “BAJ member”, saying that “the management of the organization only strives for personal wealth and profit” and the author “can’t continue keeping silent” and asks “to stir up that golden hornets’ nest”.

The anonymous writer refers to some “classified documents from the British embassy” that s/he posted on the Internet. According to the documents, BAJ allegedly received funds to “boost improvement of legislation on mass media in Belarus”. The film contained a number of video clips about some of BAJ members, made by a hidden camera. At the beginning and at the end, the program showed seriously ill children who can’t receive appropriate treatment because it’s too expensive, conveying the idea that the money spent on opposition (BT has never distinguished between the political opposition and the civil society) could have been spent on ill people.

“The documents shown on Belarus-1 TV channel are fake,” commented BAJ chairperson Zhanna Litvina. “The people who work for BT need to learn their profession from the start”.

According to Zhanna Litvina, now the lawyers of BAJ are considering a possibility of filing a lawsuit against the company for insulting honor and reputation of the organization.

On January 29 Minsk activists of the civil campaign “Tell the truth!” organized a street action “The Belarusian TV teaches your children to tell lies. Switch off the TV!” TV sets with screens pasted over with paper were placed next to dustbins in Kamarouski market district and near the Belarusian State Philharmonic Hall, “in this way expressing our attitude to the contents provided by these TV channels,” explain the campaigners on their website.

On January 30 a Hrodna-based correspondent for Radio Racyja **Grazhyna Shalkevich** got a verbal warning about the criminal responsibility for discrediting the Republic of Belarus and insulting the President.

The journalist appeared at the KGB office accompanied by her lawyer; however, a KGB man (he didn't demonstrate his ID) insisted that she was neither an accused nor a witness, so she didn't need any representatives with her. At first she was mostly asked about the silent actions in the summer when she was once detained and fined as a participant. She refused to answer the questions, since she didn't know what information might be used later. After that her interlocutor switched to the topic of journalist activities conducted without accreditation and warned about criminal liability. Shalkevich demanded to draw up a protocol on the results of the talks, which was fulfilled.

On January 30, when the trial over the human rights activist Aleh Vouchak was about to start (he was accused of using obscene language and waving his hands), a cameraman for *Belsat* was attacked by a man in mufti. The man didn't like that before the trial the independent journalists were taking an interview from Vouchak, so he grabbed the cameraman at the clothes and tried to pull out his camera. When other people came to the journalist's rescue, the attacker was taken aback and went away. Also, the judge Yakunchykhin forbid taking audio recording in the courtroom.

On January 31 the Supreme Court of Belarus found dismissed the appeal against the sentence to Pavel Seviarynets, as reported by his lawyer Vadzim Mushynski.

We remind that on 16 May judge of the Zavadski District Court of Minsk sentenced Pavel Seviarynets to three years in an open-type prison facility for preparation or active participation in actions violating public order (Art. 342/1 of the Criminal Code). Seviarynets serves the sentence in the village of Kuplin (Pruzhan district, Brest region).

On February 1 it became known that lawyers were recommended to agree their interviews to newspapers with the management of the legal advisory they work for. It was written in a letter, sent from the Belarusian Republican Bar (RKA) to all regional branches of this association. Also the letter, signed by the chairperson of the Republican Bar **Viktar Chaychyc**, said that the deputy chairs of the Boards of the RKA should be obliged to look through their lawyers' interviews and send e-mails about them to the RKA.

The letter says that these recommendations are connected with the problem that "very often the mass media, mostly electronic ones, publish garbled information, also through journalists' mistakes".

The lawyer of the Belarusian Helsinki Committee **Harry Pahaniayla** said such recommendations contradict the freedom of speech, guaranteed by the Constitution. He paid attention to the fact that a lawyer is a public figure, so “any limitations on lawyers’ providing information for the public can be imposed only by the professional ethics and the law.”

On February 1 Uladzislau Lobau, underage activist of the founding committee of National Bolsheviks Party, was found guilty of disorderly conduct and fined for 1 mln 50 thousand Br. According to the court decision, he took part in the street action on December 3, 2011: three young men poured noodle soup at the entrance to Belarusian TV and Radio Company, expressing their protest against its politically engaged and obviously ordered reports. Uladzislau Lobau said that he disagreed with the court’s decision and was going to appeal against it. Two other activists Dzianis Sakhar and Yauhen Kontush got administrative fines a bit earlier.

On February 1 Dzmitry Bandarenka, coordinator of the civil campaign “European Belarus”, a close associate of ex-candidate for presidency Andrey Sannikau, wrote a petition to pardon him mercy. He said this to his wife in a phone talk on February 4. Before that he had been refused an early release on parole, despite the bad health condition.

At the end of January it became known that the administration of Mahilou correctional colony No15 toughened conditions for Dzmitry Bandarenka. He was forbidden to use the crutch which he needed to walk with, and his special boots that he could put on without leaning. He was forbidden to lie during the day – he had to go out for checks and walk in line with others. He was prescribed easy types of work. Later, after he wrote the petition, some toughened conditions were withdrawn; for instance, he was given back his crutch.

Dzmitry Bandarenka was sentenced to two-year imprisonment in a general regime colony. Soon after the arrest in December 2010 his health deteriorated; he underwent an operation on the backbone in the 5th clinical hospital in Minsk.

On February 1 the Pershamayski district court of Minsk considered the appeal of **Aliaxandr Pratsko**, activist of the civil movement “For Freedom!”, Homel resident. He represented his daughter, who is now imprisoned, in a lawsuit against the Belarusian TV and Radio Company. The judge **Nastassia Rahachouskaya** dismissed his appeal.

Halina Pratsko was detained in August 2010 on charges of human trafficking. Although she hadn’t been convicted yet, she was shown in the TV program “Zone X» which said she had been engaged in the criminal business. It was a violation of the presumption of innocence towards Halina, insulting her honor and dignity. Nevertheless, the judge decided that the video wasn’t insulting and dismissed the

appeal. The point is that, after a number of appeals against the sentence to Halina Pratsko, the court changed the charges to “involvement of people into prostitution” and changed the penalty to two years in prison. However, even the annulment of the initial accusation didn’t help Aliaxandr Pratsko in getting a compensation for the insult of honor and dignity from the Belarusian State TV and Radio Company, in whose program it was stated that the woman was a human trafficker.

On February 3 the Kastychnitski court of Minsk heard the case of **Dzianis Sukhavarau** who filed a lawsuit against **Belapan** and **Nasha Niva** for moral damages. He had a 50 million claim against the news outlets for publishing defamatory information about him. Dzianis Sukhavarau filed his lawsuit at the beginning of December against three mass media workers: the Central office of *Belapan*, the journalist of this agency **Viachaslau Budkievich** who authored the disputed article and the editors’ board of the newspaper *Nasha Niva*. The reason for the lawsuit was information, published in July, 2011, which contained, according to the plaintiff, incorrect facts.

The mentioned article said that the former reporter for the “2nd National Channel” (ANT) was sentenced to five-year imprisonment for large-scale fraud and causing property damage. The reporter failed to pay back a bank credit. The information referred to Minsk prosecutor’s office and Minsk City Executive Committee.

The plaintiff was angered that he was described as “fraudster” at the moment when the court’s decision hadn’t come into force yet. As it turned out, he appealed against the court’s decision, and the cassation court upheld his appeal and sent back his case for revision. In the end, Sukhavarau was acquitted (the details of his story were published in *Belgazeta*).

In his claim against the news outlets he affirms that “the ungrounded, unlawful and intentionally disseminated by other mass media facts” of his first conviction created a negative image of him and inflicted moral damages to him and his relatives.

The plaintiff demanded 50 mln Br for the damages and the news outlets to refute the previous information . The court dismissed the claim against *Belapan* and *Viachaslau Budkievich*, but partially upheld the claim against *Nasha Niva*, ruling to pay 5 million Br of moral damages.