

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting July 27 – August 8, 2015

The reporting period was marked by intensive correspondence with executive and judicial institutions who were telling they could not help prosecuting freelance journalists under article 22.9, did not want to do anything to state monopolists, did not want to provide information to independent press; luckily, police in Mahilow do not know how to draw up documents correctly, through which two cases against journalists were closed.

On July 27, the editorial office of non-state newspaper *Intex-press* reported that the local **Baranavichy** enterprise of communal services **failed to provide information** to journalists within legally determined period. A journalist of the newspaper found information about a contractor for government purchases to construct animal burial ground; the journalist formulated 16 questions and sent the request in a written form. Instead of providing answers, the officials redirected the questions with answers to the state-run newspaper Nash Kray, and sent a copy of the newspaper dated July 15 to the editorial office of *IP*. The journalists underline that the information was exclusive, the questions prepared was work of the journalist of *IP*. "It is absolutely insulting. Information is our business. The next step is that we can give money from sales of our newspaper to Nash Kray. We will complain to other organizations," said a representative of *IP*.

On July 27 the Lenin district court of Mahilow **closed the case** against **Alina Skrabunova** (part 2, art. 22.9) because the period of limitation for administrative proceedings had expired. The journalist was accused of illegal production and distribution of mass media products because of a report about a local factory, broadcast on *Belsat* on May 26. The first court hearings were held on July 23 and 24, the lawyer Barys Bukhel underlined that the case materials had a lot of violations, and the judge sent them for completion. Also, **on July 30**, the journalist filed complaints to the prosecutor's office against official representatives of the police department of the Lenin district of Mahilow and the police department of the Mahilow region, but the complaints were later dismissed because, according to their reply, the complaint can only be filed only during the administrative proceedings under consideration.

On July 27, it was reported that the department on price policies of the Ministry of Economy **did not find any violations of the antimonopoly law** in the actions of the Republican Unitary Enterprise **Belposhta**, which denies its services to the independent newspaper *Intex-press (Baranavichy)*. The editorial office alleged that the postal enterprise abused its dominating position and violated the antimonopoly law. The agency confirmed that the enterprise was on the register of economic entities with dominating position in series of "special postal communications; services on subscription, delivery and redirection of print mass media". However, the agency wrote, "inclusion into the subscription catalogue does not relate to services of special postal communications, subscription, delivery and redirection of print mass media". A similar reply was sent to *Hazeta Slonimskaya*.

On July 28 in Hlybokaye **Tatsiana Smotkina** was fined for 4.5 million rubles **under art. 22.9** (illegal production and distribution of mass media products). The journalist wrote an article "[Roads will become more positive](#)" about an artistic experiment of students of the local school of art. The article was published on the website of the *Radio Racyja*. The case was initiated by Hlybokaye prosecutor's office. The judge dismissed the motion to hold the hearing in the Belarusian language. One witness, a representative of the local executive committee whose words were quoted in the article, did not appear at the hearing. **Tatsiana Smotkina** argued that she worked as a freelancer and exercised her constitutional right to gather and

disseminate information. Also, **on July 23**, another journalist from Hlybokaye Zmitser Lupach was fined under the same administrative article.

The court of appeal upheld the decision on fines **on August 19**. The hearing was closed behind closed doors, although there was the public willing to attend it.

On July 29, the Ministry of Home Affairs sent a reply to BAJ regarding the petition to stop prosecutions against **freelance** journalists under administrative art. 22.9. The agency responded negatively: any negotiations with the Ministry are senseless, ask the Information Ministry, says the reply signed by a deputy head of the department on crime prevention S.Krasutski.

“These are police officers who draw up administrative reports against journalists allegedly for violation of mass media law. Not the Information Ministry, which is a republican executive body, but police officers who hardly even understand media legislation. In my view, it is an attempt to avoid discussions in this urgent issue as dozens of journalists in Belarus have faced it this year,” says Andrei Bastunets, chairperson of BAJ.

On August 4, a reply regarding the petition on freelancers was sent from **the Supreme Court**. The deputy chair Ruslan Aniskevich replied that the problem “could not be solved” according to the Law on Public Petitions.

A similar reply was sent earlier from the **General Prosecutor’s office**.

On July 29, the Kastychnitski court of **Mahilou closed the case** against the journalist and public activist **Ihar Barysau** because the period of limitations for administrative proceedings had expired. He was accused of violating art. 22.9, part 2 (illegal production and distribution of mass media products), and also of art. 23.34, part 2 (the procedure for receiving foreign monetary aid). Also, the judge issued a special ruling to the police officers for violations in the documents and submission of the case to court after the period of limitation was out.

We remind that on March 12, the editor’s flat was searched. The police were conducting a check-up in relation to an article dated January 8. The article alleged that a director general of a local enterprise in Mahilow had lost a big sum in a casino. Upon three hours’ searches, information carriers and personal computers were seized, without seizure protocols. The journalist was neither a suspect nor a witness in a case; the case under art. 188 part 2 (defamation) was not open yet.

On July 29, in Homel journalists **Kastus Zhukouski and Natallia Kryvashei** were **detained** at the door of the Central police department where a picket had been scheduled. The journalists were held for around three hours, then released. Police officers drew up a report that Kastus Zhukouski threatened them, which he denies. The journalists called it a provocation, and expressed an intention to file complaints to the prosecutor’s office.

On August 5, the chief editor of *Hazeta Slonimskaya* **Victor Valadaschuk** was summoned to the **Slonim** district police department where he was informed that an **administrative case was opened** against the editorial office under **art. 23.33** (distribution of false information insulting honor and dignity of the president).

The grounds for the case was an article "Voice from a village. The main thing is that the president can talk nicely" (dated July 29, the column Elections-2015). The article represents an interview with some villagers about the forthcoming elections. The editor did not know yet which fragment caused the case to start. According to article 23.33 of the Administrative Code, the non-state newspaper could be fined for up to 500 basic amounts (90 million rubles, more than 5,000 euro).

On August 8, the customs office on the border crossing point Hrodna-2 searched journalist Aliaksei Trubkin who was returning to Belarus and had several copies of the book **System Białoruś** by Andrzej Poczobut. The **books**, as well as the report by *Viasna* **Human Rights Violation in Belarus in 2010** were taken for examination. The journalist spent on the border around three hours, giving explanations to the customs officers.

On August 11, journalist from Hrodna **Andrei Mialeshka** filed a **complaint** to the Kastrychnitski district police department asking to reveal the persons who write anonymous offensive online articles about local journalists and civil activists. The journalist also found an article about himself. For several years, there were published articles about, among all, BAJ members A.Dzianisau, A.Kirkevich, V.Parfionenka, U.Khilmanovich and V.Sazonau.