

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

October 6 – 19, 2014

Two more freelancers were fined for large sums for work with foreign mass media. State bodies kept answering BAJ with ordinary formal letters.

October 7, the Hrodna district court **fined Andrey Mialeshka** for 35 basic amounts (around 500\$) for violating **art. 22.9**, part 2 of the Administrative Code (illegal production and distribution of mass media products).

The article under consideration was published on the website of the Belarusian Radio Racyja at the end of August, without the name of the author. The article was neutral and told about foundation of a biological reserve in the region. The chair of botany department of Hrodna State University acted as a witness and confirmed that it was Andrey Mialeshka who had interviewed him. It took five minutes for Judge Hanna Liavusik to issue the verdict.

This is the second fine that Andrey Mialeshka received for work, the first one imposed on him on June 16 for article about a healthcare action of doctors in Hrodna "For healthy heart". He failed to overturn the ruling in the first court of appeal, and is preparing an appeal to the Supreme Court. By analogy, doctors were witnesses confirming that it was Mialeshka who had interviewed them.

On October 8, freelance journalist **Aliaksandr Burakou was fined** 6 million Belarusian rubles (around EUR 450) on administrative charges of 'illegal production and distribution of mass media production' (**article 22.9**, part 2 of Belarusian Code on Administrative Offences); the decision was taken by judge Alena Volkava from the Leninski City District Court in the Belarusian regional centre of Mahilou.

The journalist was accused of "producing and distributing" the article under the title of «Along the Smuggler's Trail. Do the Russian Sanctions Work in the Border Area?» published with indication of his authorship on the DW.de website on August 25, 2014 as well as some other publications of the kind. Moreover, the journalist's articles on the website of Deutsche Welle Russian service had been used as a pretext for conducting searches at the journalist's private apartment as well as at the journalist parents' flat on September 16, 2014. He is going to appeal against the sentence.

On October 8 Siarhei Niarouny, the editor of the low-circulation regional newspaper *Volny Horad*, was summoned to the Krychau district court as a defendant **in a lawsuit to defend honor, dignity and business reputation**, filed against him by Maryna Maximava, the head of the ideological department of the Krychau district executive committee.

The grounds for lawsuit was the article "Not in the right chair?" published in print and online versions of the newspaper on September 14. The journalist Vasil Chub raised brought the authorities and official media to book for keeping silence about consequences of the accident when a wall in a school building collapsed.

The official representative demands to refute the information which, in her opinion, defame her and spoil her business reputation. She demands moral compensation of 10 million rubles and compensation of legal expenses.

On October 9 in Barysaw journalists faced with obstacles when covering the football match Belarus – Ukraine. Police officers forced the journalist of *Nasha Niva* Iryna Arakhouskaya to delete the video of detaining a football fan with a scarf of Pahonia (national coat of arms). The cameraman Aliaksandr Barazhenka was detained for ID check after he recorded how security guards did not

allow fans to enter the stadium with the scarf “Belarus. We will win”.

In all 41 people were detained in that evening. 16 were released after ID check, 25 people were brought to Barysaw district court on October 10; 14 of them were Ukrainians. The official reasons were: being drunk in a public place and minor hooliganism. Unofficially, they are said to have been detained for song about Putin (containing obscene language) and for clothes with national symbolic of both the countries.

On October 13, Pavel Seviarynets, BAJ member and political activist, former political prisoner, was taken off the regular bus on the border with Poland at Bruzgi border point. The customs officers seized 20 books by Zianon Pazniak and sent them for examination to the **commission on extremism** of the Hrodna Region Executive Committee.

On October 13 BAJ received a **reply** from the **Supreme Court** regarding its petition against the administrative prosecution of freelance journalists.

We remind that on September 26 BAJ adopted a statement demanding to stop administrative prosecution of **freelance journalists** and stop pressurizing them if they publish their materials in foreign mass media; to bring protests against the judicial decisions delivered against journalists under part 2 of **art. 22.9** of the CoAV; and to bring legal acts related to the sphere of free expression in compliance with the Constitution and the ICCPR. The statement was sent to the General Prosecutor's office, to the Ministry of the Interior, to the Permanent commission on human rights, national relations and mass media of the House of Representatives and to the Supreme Court.

The **General Prosecutor's office** replied that these were the aggrieved journalists who had to file complaints of the kind. The **Ministry of the Interior** addressed BAJ to courts and to the Information Ministry. The **Supreme Court** replied that a court's decision can be appealed by the journalists or their representatives; also reminded that there is a procedure of prosecutorial protest; and indicated that consideration of lawfulness of police's actions lies beyond their sphere of competence. The **House of Representatives** said that “there is no need to introduce corrections into “legislative acts of the Republic of Belarus in the sphere of freedom of expression”. According to the reply, the parliamentary commission discussed the issue jointly with the Ministry of Information.

On October 15 there was a powerful **DDoS attack** on charter97.org website.

The server received a large number of requests for 10 minutes that slowed down the site's work and led to problems with the access.

This kind of attack is typical for hackers who look for vulnerabilities to choose targets for their further attacks. The attack was repealed. A complaint was sent to the American ISP that owns the IP address, reported Charter'97.