

Belarusian Association of Journalists (BAJ)

# MASS MEDIA IN BELARUS

2008

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## Results of 2008 in the Sphere of Mass Media in Belarus

The year 2008 has turned out difficult and ambiguous for the Belarusian journalism. Despite of some positive changes at the end of one year, the most important problems in the sphere of mass media (economic discredit of independent editions, discrepancy of legislation in the sphere of mass media to democratic standards, restrictions of access to information) have not been resolved.

The first months of 2008 have been especially worrying.

On **January 18** deputy chief editor of the newspaper "Zhoda" Aliaksandr Zdvizhkov was sentenced to 3 years of imprisonment for «kindling of religious enmity» (Part 2, Article 130 of the Criminal Code). The newspaper was closed back in 2006 following the suit of the Ministry of information for reprinting some of the Danish caricatures featuring prophet Mohammad. On February 22 the Supreme Court of the Republic of Belarus, having considered the cassation appeal of the journalist, reduced the term of imprisonment to 3 months. Since Aliaksandr Zdvizhkov has already served this time in jail, he was released on the same day.

([http://baj.by/download/monitoring/MassMediaInBelarus-bulletin1\(6\)-eng.pdf](http://baj.by/download/monitoring/MassMediaInBelarus-bulletin1(6)-eng.pdf)).

On **March 25** journalists of the newspaper «Nasha Niva» Andrey Liankevich and Siamen Pechanka were detained during a peaceful demonstration of opposition. Andrey Liankevich was beaten during the detention. Siamen Pechanka was sentenced to 15 days of administrative arrest. On the same day the TV crew of the Lithuanian National TV and Radio (LTR) was forcefully detained in Minsk. The Lithuanian journalists have been kept in the Tsantralny district police department of Minsk for about two hours and the tape with their footage was confiscated. Besides, their camera was damaged during the detention.

On **March 27 and 28** KGB officers conducted searches in 13 apartments of journalists and 4 editorial offices. The searches were sanctioned by Minsk prosecutor's office. During the searches the officers confiscated equipment, documents and even money. The prosecutor's office has named the criminal case initiated back in 2005 on the fact of slander concerning the President of the Republic of Belarus in connection with distribution of satirical flash cartoons as the official reason for the searches. However, the suspects in this case have been known for a long time and were at the moment outside the country. Another version of these events was voiced by the Ministry of foreign affairs of Belarus. The foreign ministry declared, that the power structures have carried out the operation against the individuals who cooperate with foreign mass media without accreditation.

([http://baj.by/download/monitoring/MassMediaInBelarus-bulletin3\(8\)-eng.pdf](http://baj.by/download/monitoring/MassMediaInBelarus-bulletin3(8)-eng.pdf)).

The investigation of the criminal case which became the occasion for searches at the journalists' apartments and offices, was suspended. From August, 2008 KGB started to return to the journalists the things confiscated from them.

However, at the same time KGB initiated cases on recognition as extremist materials and consequent destruction of books, records of films and concerts and unregistered newspapers. It was done on the basis of the law «On mitigating extremism» adopted in 2007. Several trials were held in September, during which the video recording of the Warsaw 2006 concert «Solidarity with Belarus», Polish documentary film - winner of the international film-festivals «Lekcja Bialoruskiego» («Lesson of Belarusian») and an issue of the unregistered newspaper "Svaboda", among others, were recognized as extremist materials. Later for procedural reasons these decisions were annulled by cassation courts, and the Oktyabrsky

district court of. Hrodna has left without consideration other applications of Hrodna area KGB department on recognition of the newspaper of the Belarusian Union of Poles «Glos znad Niemna na uchodzstwie» and the edition of the «Chronicle of the human right violations in Belarus in 2004», among others, as extremist materials.

These court verdicts were praised by the Belarusian and international public. However, in November, 2008 the Brest regional KGB department found appeals to extremist activities and propagation of such activities in issue №7-8 of the magazine "ARCHE-the Beginning" (the only Belarusian edition invited to the network of European intellectual magazines "Eurozine") and appealed to court with the petition for destruction of the magazine. It is not known which materials of the anniversary edition of the magazine, containing 1100 pages, have been recognized extremist materials by KGB. It is the first case when KGB tries to recognize a duly registered periodic printed edition as extremist materials.

Among the most positive events of the end of 2008 was the return of the newspapers "Narodnaya Volya" and "Nasha Niva" to the state distribution systems ("Belpochta" and "Soyuzpechat"). "Narodnaya Volya" has also received a possibility to be printed in Belarus (for several years none of the Belarusian printing houses agreed to conclude a contract with it, and so the newspaper was printed in Smolensk, Russian Federation). While noting this undoubtedly positive fact, it is necessary to stress that 10 more independent editions (mainly regional ones) are not included in the subscription catalogue of "Belpochta" and are not sold in "Soyuzpechat" kiosks. The situation with these publications has remained unchanged from late 2005. Some of these newspapers are still forced to print abroad ("Tovarisch" and "Vitebsky Courier"). Moreover, literally on the eve of 2009 the contract for printing of the newspaper "Borisovskiye Novosti" was unilaterally terminated by the printer. Simultaneously the publisher of the newspaper, excluded from state networks of distribution, was stripped of the license for retail trade.

Meanwhile, state mass media not only received administrative support and preferences (in particular, compulsory subscription), but also direct support from the state budget. The national budget for 2009 adopted on November 13, allocates 193,211,376 thousand roubles (at the rate of the National Bank at the moment the budget was adopted – over 90 million US dollars) to support state media and media donated by the authorities. In 2008 about 74 million dollars was allocated for these purposes, in 2007 - about 64 million dollars, in 2006 – over 60 million dollars, in 2005 - about 40 million dollars, in 2004 - less than 30 million US dollars. Therefore, within five years the level of financing of state media and mass media donated by the authorities has grown by 3 times.

Among other significant events of the year 2008 is the expansion of broadcasting of the satellite channel "Belsat" and discussion about the further development of Internet in the country.

On **December 10** "Belsat" celebrated one year anniversary of broadcasting. During all this year the authorities obstructed the work of the TV channel, which programs are created by the Belarusian journalists for Belarusians. The searches conducted by KGB on March 27-28 have affected many journalists cooperating with "Belsat". In various regions of Belarus local authorities have started campaigns for dismantling satellite dishes, explaining that they allegedly spoil the appearance of buildings and have been installed without authorisation. Nevertheless, on December 20, 2008 "Belsat" submitted a package of documents for registration of a representative office to the Belarusian Ministry of foreign affairs. The foreign ministry of the Republic of Belarus declared that the decision on this case will be made within two months at the level of the Council of Ministers, as stipulated by the legislation.

During the whole year the officials of various levels and branches of authority talked about strengthening of control over the Internet. An interdepartmental group was created to study the international experience of its regulation. The necessity of a special legal regulation of Internet was justified by the aspiration to mitigate distribution of terrorism, child pornography etc. It was originally supposed that the legal basis for Internet regulation would be stipulated by the law «On information and protection of information». However, later it was included in the new law «On mass media».

The law «On mass media» was adopted in summer 2008 (it was signed by the President on July 17). It was considered and adopted urgently, despite negative expert assessments and protests of international structures. The law inures in February, 2009. It stipulates regulation of activities of online media (the law authorises the government to define which resources will be regulated by the law and to establish the order of their registration and activity), re-registration of all mass media and simplifies the procedure of closing of the editions by executive authorities. The law also reduces the degree of legal security of journalists and mass media.

([http://baj.by/download/monitoring/MassMediaInBelarus-bulletin4\(9\)-eng.pdf](http://baj.by/download/monitoring/MassMediaInBelarus-bulletin4(9)-eng.pdf))

([http://baj.by/download/monitoring/MassMediaInBelarus-bulletin5\(10\)-eng.pdf](http://baj.by/download/monitoring/MassMediaInBelarus-bulletin5(10)-eng.pdf))

Within one year some more normative legal certificates(acts) were accepted, is direct or indirectly influencing on development of mass media in Belarus.

On **July 15** amendments to the law «On public service in the Republic of Belarus» were adopted. In particular, the law was complemented by Article 22-1, according to which the publications and statements of public servants, related to their official duties, are subject to coordination with the management of their respective state institutions.

The law «On information and protection of information» was adopted on **November 10**, although not directly related to mass media, limits the rights of citizens to receive and distribute information and creates possibilities for restriction and control of distribution of information in information networks.

The President's Decree № 70 dated **February 8**, limited access to journalistic education. According to the decree, the entrants to the faculty of journalism and the faculty of international journalism (as well as entrants to the faculty of law) are obliged to pass professional-psychological interviews before entrance examinations. Those who don't pass the interviews are not allowed to pass the exams.

### **Evaluating the situation in the sphere of mass media in 2008, the Belarusian Association of Journalists:**

Notes certain positive changes in the end of the year (returning of property to the journalists, which was confiscated from them during unjustified searches, suspension of cases on recognition of certain materials as extremist materials, return of two independent newspapers to the state systems of distribution). However, the specified positive steps have only resulted in restoring the situation which existed before the rough intervention of state bodies in the activities of mass media and journalists. The overall situation with mass media in Belarus remains poor, there have been no systematic changes for better. The economic discrimination of independent mass media continues, and the legislation (in particular, the law «On mitigating extremism») continues to be used to fight uncensored information.

Adoption of the new law «On mass media» has worsened the legal basis of mass media activities. However, everything will depend on the practice of its application.

**The following actions can become indicators of readiness of the state to improve the situation in the sphere of mass media:**

- Return of all independent mass media to state systems of distribution and Belarusian printing houses
- Declarative order of re-registration of mass media;
- Voluntary order of registration of web editions,
- Opening of representation of the TV channel "Belsat" in Belarus and accreditation of correspondents of foreign mass media.

## Statistical Information

As of January 1, 2009 there were 1,307 periodic printed mass media (673 newspapers, 586 magazines, 42 bulletins and 6 catalogues) registered in the Republic of Belarus. Among them 409 media outlets (including 221 newspapers) were state-owned. The quantitative prevalence of non-state press is explained by the fact that the majority of these editions are entertaining or advertising publications. According to the assessments of the Belarusian Association of Journalists there are less than 30 non-state political editions in the country.

The number of news agencies remains the same - 9.

During the last year the Ministry of information has issued 56 written warnings to 51 editions for violating the legislation on mass media. The activity of one edition - advertising newspaper «Vsio Dlia Vseh. Hrodna» - was suspended by the ministry for the term of 3 months.

The majority of printed publications are published in Russian - 572. There are only 71 publications in the Belarusian language. 357 certificates of mass media registration specify “Russian and other languages” as the language of the edition and 299 editions specify “Belarusian and other languages”. 8 editions are published in other languages (English, English and other languages, Polish, Polish and other languages, Ukrainian).

The language situation on the airwaves (completely controlled by national and regional authorities) is even worse. Only 5% of registered TV and radio programs are produced in the Belarusian language.

The situation on the market of electronic mass media remains practically unchanged. As of January 1, 2009, 227 radio and TV channels were registered in Belarus, of which 158 were radio channels and 69 television channels. The majority of registered radio and TV channels are state-owned (137 radio channels and 28 television channels). 113 state TV and radio channels were founded by local executive committees, and 60 – by local Councils of deputies.

29 radio stations broadcast in FM, of which - 15 are based in Minsk.

Non-state broadcasters are under control of the authorities, both national and local ones.

## Changes in Legislation

*The main event of 2008 in the sphere of mass media legislation was adoption of the new Law “On mass media”. It was considered and adopted urgently, despite negative expert assessments and protests of international structures. The law inures in February, 2009. It stipulates regulation of activities of online media (the law authorises the government to define which resources will be regulated by the law and to establish the order of their registration and activity), re-registration of all mass media and simplifies the procedure of closing of the editions by executive authorities. The law also reduces the degree of legal security of journalists and mass media.*

*In pursuance of regulations of the law “On mass media”, in late 2008 the Council of Ministers and the Ministry of Information adopted several normative acts aimed at its realization. However, no government resolution on regulation of Internet mass media activities and registration of online resources has been adopted.*

*Among other legal acts related to mass media adopted in 2008, there were amendments to the law «On public service in the Republic of Belarus», limiting possibilities of public servants in making statements in mass media, law «On information and protection of information», and decree of the President №70 dated February 8, according to which the entrants to the faculty of journalism and to the faculty of international journalism are obliged to pass interviews before entrance examinations.*

**On February 8 the President signed the Decree № 70**, limited access to journalistic education. According to the decree, the entrants to the faculty of journalism and the faculty of international journalism (as well as entrants to the faculty of law) are obliged to pass professional-psychological interviews before entrance examinations. Those who don't pass the interviews are not allowed to pass the exams.

**On February 12 the Council of Ministers adopted resolution № 185 «On financing of periodic editions in 2008»**. This resolution approves the list of periodic editions, which would get funding from the national budget in 2008. The list contains 30 editions determined on out-of-competition basis.

**On July 15 amendments to the law «On public service in the Republic of Belarus» were adopted**. In particular, the law was complemented by Article 22-1, according to which the expediency of publications and statements of public servants, related to their official duties, should be determined by the chief of the state institution, in which the public servant occupies his post, or a person, authorized by the chief. The publications and statements of public servants are subject to coordination with the management of their respective state institutions.

**On July 17 the law «On mass media» was adopted**. See expertise of the law prepared by BAJ lawyers here: <<http://baj.by/m-p-viewpub-tid-12-pid-5.html>>

On July 28 KGB, Ministry of Interior, General Prosecutor's office, State Border Committee and State Customs Committee have issued a joint decision approving the **Instruction on the order of interaction of bodies of state security, police, prosecutor's office, border service and customs bodies of the Republic of Belarus during confiscation (arrest) of information products stipulated by the Law of the Republic of Belarus «On fighting extremism»**. After this instruction was approved, regional KGB departments have

initiated a number of cases on recognition of information materials as extremist and their destruction.

**On September 3 the Council of Ministers issued the Decree № 1284 approving the Resolution on obligatory complimentary copies of documents.** The resolution treats as documents printed editions of all kinds, including periodic editions with the print run over 10 copies. The resolution defines the list of institutions which should be sent obligatory complimentary copies of the documents, depending on their circulation.

**On September 23 the Council of Ministers adopted Resolution № 1397 «On certain issues in the order of transportation of certain kinds of goods across the customs border of the Republic of Belarus».** The resolution, among other, contains the list of printed and audiovisual materials and other information carriers, containing the information, which can cause damage to political or economic interests of the republic, its state safety, health and morals of the citizens, forbidden to be taken across the customs border of the Republic of Belarus as import and (or) export.

**On October 1** General Prosecutor's Office of the Republic of Belarus, State Control Committee, Ministry of Interior, KGB and Ministry of Justice by joint decision approved the **Regulation on the order of granting information to mass media on criminal cases related to high profile crimes and crimes undermining the authority of the state.**

The Regulation stipulates that the right of granting such information belongs to the body of criminal prosecution and the court, in which the criminal case is considered, as well as to higher bodies and courts.

Granting of information on not completed litigations is forbidden without a written sanction of the judge, conducting hearing of the case (the law «On press and other mass media» in force at that moment, and the new law «On mass media» restricts granting of materials of such cases and not information on such cases).

**On October 6** in pursuance of the law «On mass media» the Ministry of Information by resolution № 12 approved **the form of the ID of the journalist of mass media** registered on the territory of the Republic of Belarus.

**On the same day, on October 6, the Ministry of Information issued Resolution № 14 «On certain issues of state registration of mass media» and Resolution № 15 «On approving the Instruction on the order of maintaining the State register of mass media».**

Resolution № 14 approves:

- the application form for state registration of mass media;
- the form of certificate on state registration of mass media;
- the instruction on the order of issuing the certificate on state registration of mass media.

**On October 22 the Council of Ministers adopted Resolution № 1571 «On expert commissions for preventing propagation of pornography, violence and cruelty».** The resolution approves regulations on the Republican expert commission on prevention of propagation of pornography, violence and cruelty and its composition. The resolutions on regional expert commissions should be adopted by regional executive committees (except for

commissions for Minsk and Minsk region, which functions were assigned to the Republican expert commission on prevention of propagation of pornography, violence and cruelty).

**On October 29 the Council of Ministers issued the Resolution № 1625 approving the Regulations on the public coordination council in the sphere of mass information and the structure of public coordination council in the sphere of mass information.**

Creation of the public council is stipulated by the Law «On mass media». Despite its name, the council was created by decision of the government, its competence and procedures were approved by the Council of Ministers, and its organizational and information support is provided by the Ministry of information.

According to the Regulations, the public coordination council in the sphere of mass information is a coordination and advisory body, and its decisions have a recommendatory character. The representatives of independent mass media and BAJ have not been included in the originally approved structure of the public council.

**On November 5** the Ministry of Information and the Ministry of Justice by joint Resolution № 18/62 approved **the list of periodic editions to be dispatched to republican, regional and local state archives.**

**The law «On information and protection of information» was adopted on November 10.** It is not directly related to mass media, although it limits the rights of citizens to receive and distribute information and creates possibilities for restriction and control of distribution of information in information networks.

**The law «On the national budget for 2009» was adopted on November 13.** It allocates 193,211,376 thousand roubles (at the rate of the National Bank at the moment the budget was adopted – over 90 million US dollars) to support state media and media donated by the authorities. In 2008 about 74 million dollars was allocated for these purposes, in 2007 - about 64 million dollars, in 2006 – over 60 million dollars, in 2005 - about 40 million dollars, in 2004 - less than 30 million US dollars. Therefore, within five years the level of financing of state media and mass media donated by the authorities has grown by 3 times. Most of the funds – 146,934,684 thousand roubles were allocated to support TV and radio broadcasting.

**On December 2** by Resolution № 1849 the Council of Ministers approved **Regulations on the order of issuing permissions for distribution of foreign mass media production.** Distribution of foreign mass media production on the territory of the Republic of Belarus without permission is forbidden. The decisions to issue or to deny such permissions shall be issued by the Ministry of Information.

**On December 25**, on the Christmas Day, which is a holiday in Belarus, the Council of Ministers adopted Resolution № 2015 **“On certain issues of mass media activity regulation”**. This resolution contains:

Regulations on the order of opening of correspondent offices of legal entities performing functions of edition of mass media;

Regulations on the order of opening of correspondent offices of foreign mass media in the Republic of Belarus;

Regulations on the order of accreditation of the journalists of foreign mass media in the Republic of Belarus.

The opening of correspondent offices of Belarusian mass media shall be carried out by notice after entering the information about the correspondent offices in the constituent documents. The correspondent offices of foreign mass media shall be opened by decision of the Council of Ministers for the term of 1 to 3 years. The accreditation of journalists of foreign mass media (both permanent and temporary accreditation) shall be also carried out in the order of licensing by the Foreign Ministry. According to Law «On mass media», the activity of journalists of foreign mass media on Belarus territory without accreditation is forbidden.

Besides, the Council of Ministers has made changes to the Regulations on the Ministry of Information of the Republic of Belarus and the List of administrative procedures performed by the Ministry of information in relation to legal entities and individual entrepreneurs.

The article exempting from the necessity to obtain the license for publishing printed mass media if the function of the publisher of this mass media is carried out by its edition was excluded from the Regulations on licensing of publishing activities approved by the resolution of the Council of Ministers № 1376 dated October 20, 2003.

## Summons to the Prosecutor's Office. Warnings Issued by the Prosecutor's Office and Ministry of Information

*In 2008 such form of sanctions as warnings of non-state newspapers were applied rather actively. In total during the year the Ministry of information has issued 56 written warnings to 51 media outlets, the chief of sector of registration of mass media and control of fulfilment of the legislation of the Ministry of information Viktor Huretsky was quoted by BAJ press-service as saying. The Ministry of information often issued two warnings at once to one newspaper. Some of them seem biased. Sometimes sanctions were used for the infringements that the editions could not avoid, because of the conditions they were put in.*

*The closing or suspension of activity of mass media by authorities as the sanction for violating the legislation on mass media was used only once in 2008. In February, 2008 the publication of a Grodno advertising newspaper "Vsio Dlia Vseh. Grodno" was suspended "for publication of jokes using obscene language", the chief of sector of registration of mass media and control of fulfilment of legislation of the Ministry of Information Viktor Huretsky told BAJ press-service. In general discontinuance of publishing of the newspapers was, as a rule, a consequence of economic policy or actions of power structures in relation to the editions. In this connection we can recall the forced break in publishing of the non-state newspaper "Novy Chas" (see. Judicial processes) and a number of unregistered editions.*

On **January 15** the chief editor of the non-state newspaper "Gazeta Slonimskaya" Viktor Valadashchuk was summoned to the interregional prosecutor's office in Slonim. The reason for this was the complaint against the newspaper from the regional department of justice, which believed that in several articles the newspaper had published the information on non-finished trials before the court decision came into legal force. (meaning a series of articles of the journalist Mikola Kananovich published in 2007).

Besides, the interregional prosecutor's office stated that the newspaper ran three other materials, mentioning the names of political parties, trade unions and other political organisations, which had not passed state registration.

Having received explanations from the chief editor, inspector of the prosecutor's office informed that the public prosecutor would determine the degree of infringement of the Belarusian legislation by the newspaper. The investigator also informed that the copy of the letter of the regional department of justice had also been sent to the Ministry of information of Belarus.

On **January 30** it became known that "Gazeta Slonimskaya" received a warning from the Ministry of information. The edition was charged with violating Article 30 of the Law "On press and other mass media" – exceeding the permissible volumes of advertising area (30% of the total amount of an issue). The chief editor of "Gazeta Slonimskaya" Viktor Valadashchuk considers the warning unjustified. As he said, the issue of the newspaper, to which the Ministry of information had claims (№51 dated December 19, 2007), was published on 40 pages. The permissible area for advertising in this issue was 11,628 sq.sm., while the advertising was actually published on 11,328.25 sq.sm..

According to the editor, the Ministry of information could have considered as advertising the information on conditions of subscription for the newspaper for the next year and the announcement on the web-page of the edition. Meanwhile, the Ministry of trade informed the edition, that such announcements are not considered advertising.

On **March 4** journalist Iryna Khalip was summoned to the prosecutor's office of Minsk to give explanations concerning her article "Live Murder" published on the web-site [www.charter97.org](http://www.charter97.org) on the day of death of Iryna Kazulina, wife of the political prisoner Aliaxandr Kazulin. "The public prosecutor Barys Salavjanchyk asked me several times, whether I would like to write a statement that Lukashenka had killed Kazulina", Iryna Khalip said to the press service of "Charter - 97". According to the journalist, the public prosecutor tried to make a linguistic analysis of the article. In particular, he was interested, who is "a black sheep" in the phrase "... had they (Aliaxandr and Iryna Kazulins) been together, they would have not surrendered to this creature". Iryna Khalip has explained, that she meant death.

On **March 25** a non-state newspaper "Novy Chas" has received two warnings at once from the Ministry of information. The first warning was issued according to Article 11 of the Law "On press and other mass media" for failing to inform in the appropriate term in writing the registering body about the change of language of the newspaper. The registration certificate states that "Novy Chas" would be published in the Belarusian and Polish languages, while issues №№3,5,6,8 have been published in the Belarusian and Russian languages, the warning the Ministry of information claimed.

The second warning contained accusations in violating Articles 2 and 26 of the Law "On press and other mass media". The Ministry of information decided that the dateline of the newspaper incorrectly specified the head of the edition - private publishing unitary enterprise "Vremia Novostej". Besides, the ministry charged the newspaper with publishing two dates of issue in both above mentioned issues of the newspaper instead of one.

The chief editor of the edition Aliaxei Karol assures that the Ministry of information is mistaken, since the chief of the edition of "Novy Chas" is really Alena Anosim, as specified in the dateline. He stresses that indication of two dates in each issue of the weekly newspaper has been previously coordinated with the Ministry of information. What concerns the change of the language, according to Aliaxei Karol, it was only the TV listings that were published in Russian.

After the searches of **March 27-28** conducted in the apartments of a number of Belarusian journalists some of them were summoned to KGB, prosecutor's office and police. On March 27 journalist Julia Kockaja, member of BAJ who was detained in the Minsk office of «Radio Racyja» during the search, was interrogated in KGB. On the same day after the search in the apartment of the Bobruisk journalist Andrey Shobin he was interrogated in the local branch of KGB. On March 27 BAJ member from Vitsebsk Alena Stsiapanava and on March 28 - Homel journalist Anatol Hatouchyts were summoned for conversation to KGB. The interrogations continued several more months. On April 4 journalist Zmitser Karpenka was interrogated in the KGB department for Homel region. On May 13 BAJ board member Eduard Melnikau, coordinator of the TV channel "Belsat" in Belarus, was summoned to the prosecutor's office of Minsk. All the journalists were interrogated as witnesses on the criminal case on slander against the President (Article 367, Part 1 of the Criminal Code of the Republic of Belarus), initiated against A. Minich, P. Marozau and A. Abozau - authors of satirical cartoons, "humiliating honour and dignity of the President of Belarus". All the journalists were asked whether they knew about the mentioned cartoons and about the operations of the TV channel "Belsat" in Belarus.

The warrant for the search, with which the representatives of special services came, was signed by the deputy public prosecutor of Minsk Aliaxei Stuk and dated March 17. On **March 27 and 28** KGB officers carried out searches in a number of editions of foreign mass media, NGO offices and also in private apartments of the journalists across the whole Belarus. In

total more than 25 press representatives were affected by searches during these two days (including the journalists who were in the offices, where searches were conducted and were temporarily detained or have undergone other oppressions on the part of law enforcers).

In March – April, 2008 BAJ has twice addressed the general public prosecutor of Belarus Rychor Vasilevich in connection with the searches. BAJ insisted on "restoration of legality, returning of the confiscated property, and also on protection of the rights and lawful interests of the journalists". The general public prosecutor has soon answered that he had forwarded the BAJ appeal to Minsk prosecutor's office. The latter has declared, that the searches in the apartments of the independent journalists on March 27 and 28 "were justified and were carried out in accordance with the law".

On **May 23** the sales expert of the non-state regional newspaper "Hantsavitsky Chas" Natalia Huzaeuskaja was summoned to Hantsavichy regional prosecutor's office. She was asked for explanations concerning infringements of the law "On advertising", allegedly committed by the newspaper in several issues in February and March, 2008. The complaint, on the basis of which the inspection was carried out, was submitted to the prosecutor's office by the local executive committee.

One of the "infringements" was that in the jobs classifieds the newspaper ran an add that a person was looking for a job as plasterer and painter, without mentioning the number of his license. "The Belarusian legislation does not require anywhere that newspapers or employers demanded a license from a man looking for work as plasterer, painter, joiner etc.. This is a human right", deputy chief editor of the newspaper Piotar Huzaeuski emphasized when commenting on the incident to BAJ monitoring service. Local executive committee officials considered an infringement of the law "On advertising" that in advertising blocks some information (taxpayer's number, license details) "are badly readable", while according to the law the printed text should be contrast. "Our edition does not have printing machines. If the regional authorities opened a printing house and installed high-quality equipment in Hantsavichy, the text would be contrast" Piotar Huzaeuski said.

On **May 28** the edition of the non-state regional newspaper "Hantsavitsky Chas" received a warning from the Ministry of information for violation of Article 30 of the Law "On press and other mass media" (distribution of advertising). According to the letter signed by the minister Uladzimer Rusakevich, the issues of "Hantsavitsky Chas" dated February 8 and May 9, 2008 contained advertisements on sales of computers, copiers and other equipment, and in the issue dated May 9 – on sales of construction materials without indicating the information about the licenses.

In its letter the ministry reminded, that in 2005 it already issued a similar warning to "Hantsavitsky Chas". Based on the warnings from three-years ago, the Ministry of information had "repeatedly warned" the edition about inadmissibility of such violations. (Meanwhile, it is the second violation issued within one year that can be considered a repeated violation)

On **May 30** the Ministry of information has born a written warning to the non-state newspaper "Vitebsky Kurier M" according to two articles of the law "On press and other mass media". The ministry stated that the newspaper had specified in the dateline the wrong address of the edition (Article 26), and had not informed the Ministry of information in the appropriate term about the new address for introducing changes in the registration certificate (Article 11).

As the legal adviser of the edition Paval Levinau explained to BAJ press service, the edition was warned for the legal collision created by the authorities. After modification of its Charter in 2007, closed JSC "Publishing house "Vitebsky Kurier" has submitted to the Ministry of information a copy of the new Charter with the indication of the new legal address. However, after that Vitsebsk regional executive committee cancelled its decision on modification of the constituent documents of the edition, and now its official legal address does not correspond to its actual location. (see 2007 report), so both addresses are specified in the newspaper.

On **August 29** it became known that two warnings at once were issued by the Ministry of information to the non-state political newspaper "Bobruisky Kurier". The warnings were born according to three articles of the Law "On press and other mass media" – Article 11 ("Re-registration of mass media"), Article 26 ("Dateline") and Article 32 ("The Right to receive information").

In particular, the officials have seen an infringement in the fact that the newspaper is registered as the national edition, but is distributed by subscription only in the Mahileu region. The chief editor Anatol Sanatsenka declared, that his edition is simply not included in the national subscription catalogue. Besides, the Ministry of information decided that the edition did not maintain proper balance between Belarusian language and Russian language materials. The registration certificate of "Bobruisky Kurier" specifies two languages - Russian and Belarusian, and the Ministry of information decided that in each issue there should be materials in both languages in equal proportion. Meanwhile, as the chief editor of the newspaper noted, the Law "On press and other mass media" does not contain such stipulations.

On **September 9** the Ministry of information warned the edition of the non-state newspaper "Brestsky Kurier" about inadmissibility of infringement of Article 5 of the Law "On press and other mass media" concerning "an attempt on morals of the citizens". The reason for the sanctions were the contents of a scanword, published in the August issue (№35) of the newspaper, where among others there were questions on sexual topics.

According to the chief editor of the edition Mikola Aliaxandrau, even before the warning was issued he had a conversation with the employees of the Ministry of information. In the conversation he explained that the scanword was reprinted through negligence of the proof-reader from a popular site in the Internet. His explanations were accepted, and he was assured that no sanctions against the newspaper would be imposed.

On **October 20** the editor of the non-state edition "Brestsky Kurier" Mikola Aliaxandrau was summoned to the regional prosecutor's office, where he had to give explanations concerning the complaints against the newspaper by two Brest residents. As a result of this, a protocol on an administrative offence was made out on Mr. Aliaxandrau "for violating the legislation on appeals of citizens".

The first complaint was sent to the edition by businessman A. Bialou concerning the article "Marked Money" (issue dated 10.07.2008). The newspaper has given an answer to the complaint later than in one month. The second infringement concerned the complaint of Ms. Ryabtsevich concerning publication in the newspaper of her daughter's photograph. The newspaper has urgently printed apologies, but the original of Ms. Ryabtsevich's complaint was not kept in the edition.

Since according to the legislation ("Regulations on the order of conducting office-work on appeals of citizens in state bodies and other organizations" approved by decision of the

Council of Ministers dated 26.05.2005) the responsibility in such cases is born by the chief of the establishment, the protocol was made out for the chief editor of "Brestsky Kurier".

On **November 4** non-state regional newspaper "Borisovskiye Novosti" received a warning from the Ministry of information. The reason for the sanction was the article "Satan's Number, Or Third Advent of Huminsky" (issue dated 02.10.2008). The warning was born under Article 32 of the Law on press, which provides the right of citizens to receive truthful information through mass media. The warning was born after the ministry received a complaint from the Central Electoral Committee of the country.

The article in question was devoted to the results of parliamentary elections and talked about probable infringements on the polling stations of Barysau constituency № 62.

On November 24 the editor and the founder of "Borisovskiye Novosti" Anatol Bukas had to send to the Ministry of information his written explanations concerning the title of the article.

On **December 5** it became known that the prosecutor's office of Vetka district (Hemel region) had warned Hemel activist of democratic forces Kanstancin Zhukouski about inadmissibility of cooperation with the TV channel "Belsat". According to the letter, the inspection was carried out following the appeal of the chief of the regional Council of deputies Yauhen Chavankou.

It was stated in the warning that the activist broke the law when submitting materials to foreign mass media not accredited in the Foreign Ministry. According to the document, in case of repeated cooperation with the given mass media Kanstancin Zhukouski would be held responsible.

On December 16 deputy chief of a department of the General prosecutor's office of the Republic of Belarus Paval Radzionau handed over an official written warnings to the chairman of the United Civil Party Anatol Liabedzka and activist of the youth wing of the UCP "Young Democrats" Mihas Pashkevich. The prosecutor's office believes that they were involved in publishing and submitting information to the non-registered edition "Glotok Vozduha".

The warnings were born under Articles 367 and 369-1 of the Criminal Code (slander concerning the President and discrediting the Republic of Belarus, accordingly), and also Article 40 of the Law on press (duty to check truthfulness of the information published in mass media). The document was signed by the deputy general public prosecutor of the Republic of Belarus Aliaxei Stuk.

The warning, in particular, mentioned the article "Secret Sales of Weapons (Whose Ass Does the General Prosecutor's Office Cover)", in which the prosecutor's office has seen the infringements mentioned above. In case of repeated infringement of the above mentioned articles the prosecutor's office promises "to hold the politicians to responsibility, determined by the law". A. Lyabedzka and M Pashkevich, in their turn, deny their involvement in the above mentioned edition.

## Attacks on Journalists, Detentions, Attempts of Pressure

1. Detentions, searches
2. Summons to law-enforcement bodies, attempts of pressure
3. Attempts on journalists and media, violence

*In 2008 independent Belarusian journalists have been repeatedly held administratively responsible for their professional activities. With the purpose of producing pressure on representatives of mass media, they were summoned to the prosecutor's office and summoned "for conversation" to local KGB departments. Unfortunately, during the last year the journalists have not avoided neither psychological nor physical violence.*

### 1. Detentions, searches

On **January 10** non-staff press photographer of the newspaper "Nasha Niva" Arsenij Pahomau was detained at the entrance to the metro station Kastychnitskaya in downtown Minsk, when a mass protest action of entrepreneurs was held nearby. The journalist attended the rally at the assignment of the edition. The judge of Tsantralny district court of Minsk has found him guilty of violating two Articles of the Administrative Code - "petty hooliganism" and "participation in an unsanctioned rally" and sentenced him to 15 days of administrative arrest.

On **January 12** journalists Uladzimer Samoilau and Halina Samoilava and cameraman Valer Buldyk were detained in Minsk after recording an interview about the protest action of businessmen with the economist Paval Danejka in his apartment. After the interview they were detained in the street by representatives of special services and a policeman. The TV journalists were taken to Tsantralny district police department, where their equipment was confiscated and personal belongings were searched. The interrogation lasted for about three hours. The representatives of special services were interested in the question whether the interview with Mr. Danejka was filmed for "Belsat" TV channel.

On **January 12** officers of the regional KGB department in Homel conducted a search in the apartment of the BAJ member Siarhei Padsasonny. It was written in the search warrant that he was suspected of participation in the unregistered organization "Malady Front" and of involving schoolchildren and students in its activity with the purpose of discrediting the country.

BAJ Homel branch members offered to be search witnesses, but police and KGB officers pushed them out of the apartment. They have confiscated the hard drive from the computer, a video camera and a flash-card from Padsasonny's apartment. Earlier, on November 23 of the same year KGB officers have forcefully delivered the journalist to KGB for a so-called "conversation". They asked whether he was involved in the activity of the satellite TV channel "Belsat".

On **March 23** the editor of the Internet edition "Narodnyja Naviny Vitsebska" Siarhei Serabro was detained. He was held in Vitsebsk police for 2,5 hours and then released without a protocol. The journalist was detained in the street when he tried to make photos of conversation of police officers with the well-known Vitsebsk public activist Barys Hamaida.

On **March 25** in the centre of Vitsebsk police detained journalist and BAJ member Vadzim Barshcheuski, who was present at the peaceful civil action dedicated to the 90th

anniversary of declaration of the Belarusian National Republic. Together with public activists Barys Hamaida, Elena Zaleskaja and Antanina Pivanos he was dragged into a police bus and taken to Chyhunachny district police department. Two hours later the police officers informed the journalist that he had not been detained.

On **March 25** police detained in Vitsebsk detained Elvira Safiulina, who was filming on a video camera the action dedicated to the Day of Freedom. She was kept in the police department for 2,5 hours. The tape was erased.

On **March 25** in Minsk during the street rally on the Day of Freedom police detained employees of the newspaper "Nasha Niva" - non-staff press photographer Andrey Liankevich and journalist Siamen Pechanka. The journalists have been detained in spite of the fact that both of them had journalistic IDs issued by their newspaper. A. Liankevich was taken to Tsantralny district police department. During the detention policemen hit him in the face, which caused nose bleeding. S. Pechanka was taken to Maskouski district police department and had not been released even after the telephone call to the policeman on duty from the chief editor of "Nasha Niva" Andrey Skurko. The chief of the edition had confirmed in conversation with the attendant that S. Pechanka was really present at the rally for professional reasons.

On **March 25** during the street rally on the Day of Freedom in Minsk police detained a film crew of the Lithuanian TV (LRT) – correspondent Ruta Rybachevskine and cameraman Ionas Grishkonis. They were taken to Tsantralny district police department, where the policemen have checked their IDs, confiscated the tape with the footage shot at the rally and released them.

On **March 25** in Minsk during the street rally BelaPAN news agency correspondents Mihas Vaniashkin and Andrey Serada were shortly detained.

On **March 25** the editor of the non-state small-circulation newspaper "Mahileuski Chas" Anna Iljina spent two hours in a police department. The journalist was detained in the centre of Mahileu when she distributed to passers-by a special release of the edition dedicated to the 90th anniversary of BNR. The protocol of withdrawal of 250 copies of the newspaper was made out. According to the policemen, the special edition was sent to the ideological department of the regional executive committee for examination of conformity of contents of the newspaper with the Belarusian media legislation.

In the morning of **March 27** practically at the same time searches were conducted in Minsk, Hrodna, Mahileu, Babruisk (Mahileu region), Homel, Vitsebsk, Navapolatsk (Vitsebsk region), Brest, Biaroza, Baranavichy and Pinsk (Brest region). On **March 28** searches continued in Asipovichy and Horki (Mahileu region). The searches affected the journalists, who, according to some information, cooperated with the TV channel "Belsat", "Radio Racyja", "European Radio for Belarus", and also Hrodna offices of the NGO "Batskaushchyna" and BNF Party. During the searches law enforcers confiscated office equipment, audio and video recordings, documents and books.

The searches were carried out according to the instruction of the deputy public prosecutor of Minsk Aliaxei Stuk to the first deputy chairman of KGB on counterintelligence major general V.P. Vehera. The search warrants referred to the case on slander of the President of Republic of Belarus (Part 1, Article 367 of the Criminal Code) initiated back in 2005 in connection with satirical flesh cartoons published in the Internet as the reason for the searches. The suspects in this case are currently abroad and were by no means connected to the journalists, at whose apartments the searches were carried out.

The chief of information department of the Ministry of foreign affairs Maryja Vanshina has named a different reason for the searches. According to her, the people at whose premises the searches were conducted, worked for foreign mass media without accreditation.

In connection with the searches and confiscation of journalists' property the Belarusian Association of Journalists addressed the General Prosecutor's office of the Republic of Belarus and Minsk prosecutor's office, as well as KGB of the Republic of Belarus. In the replies received from these institutions it was stated that there had been no infringements during the searches, and that the question of returning property to the journalists would be solved after the equipment is examined.

On **June 12** the criminal case on the fact of slander of the President of the Republic of Belarus was suspended. No charges have been presented to any of the journalists. In September, 2008 KGB began to return office equipment and documents to the journalists.

On **March 29** police in Hrodna detained the car with the chief editor of the magazine "Magazyn Polski na uchodzstwie", BAJ member Ihar Bantser, Angelika Boris and Juzef Pajetski, leaders of the Union of Poles, not recognized by the Belarusian authorities. Their car was blocked near the office of the Union of Poles by policemen of Leninsky district police department of Hrodna, who declared that according to their information, there could be illegal printed production in the car. When the passengers refused to open the trunk, law enforcers called a police unit. The latter watched the car of the Union of Poles until the next day.

On **April 14** it became known that a protocol was made out for the editor of the "Magazyn polski na uchodzstwie" (Hrodna) Ihar Bantser for being present in the border zone without appropriate documents. The journalist was detained in the settlement Radun in Voranava district (Hrodna region). The protocol on administrative violation was made out for him.

On **April 15** in Minsk BAJ member from Barysau Anatol Udavichenka was sentenced to 14 days of administrative arrest. The policemen detained him on April 14, and on the next day the judge of Pershamaisky district court of Minsk Alla Yashchanka found the journalist guilty of "violating the established order of organization or performing a mass action or picketing" (Part 1, Article 23.34 of the Administrative Code). According to testimonies of police officers, Anatol Udavichenka scattered along the street leaflets with an appeal to take part in the "Chernobyl Path" rally. The journalist has not testified to the accusations put forward against him.

On **May 1** Genadz Barbarych, correspondent of the newspaper "Belorusy I Rynok", was detained by police of the Pershamaisky district police department of Minsk. The arrest took place near the police building, where the youth action was held in solidarity with the democratic activists arrested during the May Day festivities. The policemen have seized the journalist, thinking he was one of the participants of the action, but have released him after checking his documents.

On **April 29** journalist of "Narodnaya Volya" Vital Garbuzau was detained in the centre of Minsk. The arrest took place when he observed the action of the United Civic Party (UCP). The leader of the party Anatol Liabedzka and his colleagues distributed to the passers-by the newspaper "Narodnaya Volya" with the UCP appeal. All of them were taken to the Tsantralny district police department. The statements of the reporter that he fulfilled his editorial task have remained unnoticed. Several hours later the detained people were let off.

On **May 15** the correspondent of the state newspaper "Zviazda" Viktor Hursik was sentenced to 15 days of arrest. The judge of Staradarozhski district court (Minsk region) Siarhei Japihau found him guilty of the established order of organization or performing a mass action (Part 1, Article 23.34). On April 19 the 55-year's old journalist was present at the ceremony of installing a memorial cross in the village Drazhna in Staradarozhski district.

On **May 16** non-staff correspondent of the newspaper "Nasha Niva" Yaraslau Stseshik was sentenced to 5 days of administrative arrest by Tsantralny district court of Minsk. The court found him guilty of swearing in public (Article 17.1 - «petty hooliganism»). On May 15 the journalist was covering a poll carried out by the participants of the youth movement "Bunt". In court he informed that he only photographed this action.

On **May 29** a search was held in the apartment of the Vitsebsk human rights activist and publisher of the bulletin "Prava Na Voliu" Leanid Svetsik. The search was sanctioned by Vitsebsk prosecutor's office. A KGB investigator announced that Leanid Svetsik was a witness in a criminal case instituted according to Article 130.1 of the Criminal Code of the Republic of Belarus (kindling of ethnic and religious enmity). The case was instituted on May 20 of the same year. The reason for this were the letters with threats, distributed on behalf of the "Vitsebsk branch of the "Russian National Unity". The KGB officers have confiscated from Leanid Svetsik his BAJ membership ID and a number of printed periodic editions.

On **July 8** police in Vitsebsk detained the distributor of non-state press Barys Hamaida and took him "for conversation" to Kastychnitsky district police department. According to Mr. Hamaida, in the police department the policemen have checked the newspapers and magazines which he distributed and have released him without drawing a protocol. However, the public activist was warned that his presence in the city centre, near the so-called "blue house" at Lenin street (where he always distributes independent mass media) was undesirable during the festival "Slavyansky Bazar in Vitsebsk".

On **July 8** a search was conducted in the apartment of BAJ member Nina Shydouskaja, former press-secretary of Aliaxandr Kazulin (in 2006) and deputy chair of NGO "Batskaushchyna". The search lasted for seven hours. The KGB officers explained the search by the possibility of finding in the apartment the substances, which could be related to the explosion at the night of July 4 in Minsk. As a result of the search they confiscated the PC, photographs and business cards. Nina's husband Miraslau Sadouski was arrested, interrogated in the department of KGB for Minsk and Minsk region and then delivered to the pre-trial jail on Akrestsin street.

On **July 16** BAJ member Anton Astapovich, chairman of the Belarusian voluntary society of protection of monuments of history and culture was detained at the border crossing Bruzgi at the Belarusian -Polish border. The activist of the society Zmitser Kasperovich and human rights activist Tsimoh Dranchuk were detained together with him. The Belarusian border guards took the car which they took to a special boxing, and carried out personal search of each of them. When asked about the reason for detention they answered that they "have received the order from above". Messrs Astapovich and Kasperovich were going to Byalostok to the meeting on protection of monuments.

On **July 21** police in Vitsebsk conducted a search in the apartment of Zhanna Papova, director of the Publishing house "Vitebsky Kurier". According to the policemen, the search was conducted in connection with the explosion in Minsk on July 4. Police confiscated diskettes, compact disks and a flash card, and the woman was taken to the regional police department on fighting organized crime to give testimonies.

On **August 8** Vadzim Zamirouski, press photographer of the non-state weekly "BelGazeta" was detained in Minsk when making photographs near the House of Government on the Independence Square. According to the photographer, the security service officers referred to some instruction and forced him to delete the pictures from the camera. After that the journalist was released without drawing up of a protocol of detention.

On **August 11** during the picket against the war in Georgia near the Russian embassy in Minsk policemen recorded personal data of some journalists of non-state mass media covering the event. The representatives of law-enforcement bodies also demanded that the reporters deleted photo and video recordings made during detention of the picket participants. After the journalists argued that they fulfilled their professional duties, the policemen left them alone.

On **August 28** the former student of the presidential Academy of management and BAJ member Yury Alejnik and his father were detained at the border crossing "Warsaw bridge" at the Belarusian-Polish border. The Belarusian border guards found in their luggage printouts of materials from the website of Radio Liberty and other Belarusian and Russian information resources. A bit later they were released and the printouts were confiscated for expertise.

On **August 28** Leninsky district court of Minsk punished the activist of the civil campaign "European Belarus" Paval Luksha by 10 days of administrative arrest. The activist was detained for distribution of the samizdat newspaper "Vybar". The newspaper contained materials with appeals to boycott parliamentary elections and to join protests against possible falsification of their results. The court considered the above mentioned publications appeals to participation in an unauthorized action.

On **August 28** Ivan Shyla, Ilya Shyla, Krystsina Samoilava, Andrey Tychyna and Hleb Snorkin, activists of the organization "Malady Front" registered in the Czech Republic were detained in Minsk region for distributing non-state low-circulation newspaper "Svobodny Soligorsk". The young people were kept in a police department for a certain time and then released. Searches were conducted in the apartments of the activists, as a result of which computers and printed materials were confiscated.

On **September 10** employee of the non-state newspaper "Tovarisch" Mikola Petrushenka was detained in Senna (Vitsebsk region) for distributing his newspaper. Two armed policemen told the journalist that he was allegedly conducting "unauthorized propaganda". In the police department the law enforcers did not draw a protocol of detention, and a bit later Mikola Petrushenka was released.

On **November 17** in Minsk employees of the security service of the Belarusian national technical university detained the press photographer of BelaPAN news agency Uladzimer Hridzin. The reporter accompanied young activists of the BNF Party, who distributed leaflets with the text of the Declaration of the rights of students on the International day of students. The security guards detained the journalist in spite of the fact that he showed them a press ID, and passed him on to the policemen together with the detained participants of the action. In the police department U. Hridzin was interrogated as a witness and then released.

On **November 22** about 15 people were detained during the action of solidarity with the youth activist Aliaxandr Barazenska, who at that moment was in Minsk pre-trial jail. The press photographer of the independent newspaper "Nasha Niva" Julia Darashkevich who worked at the location was also detained. All of them were taken to Maskouski district police department. "Some time later, when nobody watched us, I and some young people left the police department. At that moment they were taking fingerprints from the others... They

wanted to take mine as well, but I have left earlier, than it took place", Julia Darashkevich said.

On **December 2** in the regional centre Astravets (Hrodna region) police detained the independent journalist Vadzim Kaznachejeu along with several activists of the United Civic Party. The detention took place when they were leaving the town after meeting with businessmen. Vadzim Kaznachejeu has shown to the policemen the journalist ID, but it has not helped. A politician and the journalist were kept in Astravets district police department for several hours and then released.

On **December 10** the independent journalist and BAJ member Ivan Roman was detained in Hrodna during the action of local human rights activists dedicated to the 60<sup>th</sup> anniversary of signing of the Universal declaration of human rights. The reporter's press ID has not stopped the policemen. Ivan Roman was taken to Leninsky district police department "for personal identification and for giving explanations". His passport details were recorded. In 2 hours he was released without drawing up of the protocol.

## 2. Summons to law-enforcement bodies, attempt of pressure

On **January 17** border guards have not let the young journalist and BAJ member Barys Haretsky out of the country. The guy had to leave the train on the Belarusian-Ukrainian border. When he demanded the reason, he was told that he was in the list of people temporarily banned from leaving the country. The young man assures he has no debts and no criminal case was instituted against him. He stresses that he has already paid off the fine imposed on him one year before for participation in the unregistered organization "Malady Front".

On **January 21** it became known that the chief editor of the non-state political newspaper "Tovarisch" Siarhei Vaznjak was summoned «for conversation» to the department of interior of Leninsky district of Minsk. The policemen asked why the journalist was present at the unauthorized action of protest of private businessmen on January 10.

On **January 28** the chief editor of the non-state magazine "Magazyn Polski na uchodźstwie" Ihar Bantser was summoned to Leninsky district police department of Hrodna to give witness testimonies. The reason was not specified in the summons. The journalist has not gone to police. He is convinced that it is related to his professional activity, and in particular with his presence at January 21 action of protest of Hrodna businessmen.

On **February 21 and 22** BAJ member Maryja Savushkina received a telephone call from an unknown individual, who introduced himself as an employee of the "department of good actions of KGB". He offered the journalist to meet «for a conversation». Maryja, in her turn, offered to send her an official summons in case of a sharp necessity "to have a talk". Maryja Savushkina explains these calls by her professional activity in non-state mass media. The telephone call repeated on **March 7**. The unknown individual has "congratulated" the journalist on the International Women's Day.

On **March 24** journalist Iryna Halip was summoned to the prosecutor's office of Minsk to give explanations concerning her article "Live Murder" published on the website charter97.org, and written on the day of death of Iryna Kazulina. The journalist was informed that a prosecutor's inspection was being carried out on the fact of the publication.

On **April 16** it became known that Homel journalist and BAJ member Tatsiana Bublikava was charged with participation in an unauthorized action (Part 1, Article 23.34 of the Administrative Code - "Violating the established order of organization or realization of a mass action or picketing") and Article 4.9 of the Law on mass events. This was written in the protocol, which was shown to her when she was summoned to police. Earlier she was summoned there as a witness, since she was present at the excursion organized on March 23 in Homel by public activists on the 90th anniversary of BNR. In the end of "conversation" in the police department Tatsiana Bublikava was informed that the materials of the case would be sent to court.

On **April 22** the chief editor of "Gazeta Slonimskaya" Viktor Valadashchuk was summoned to the regional military conscription office and handed summons to the military training (from May 20 to June 15). The term of the "training" coincided with the time difficult for the edition - abolition of the contract of rent of premises and termination of the license for retail trade. However, on May 13 Viktor Valadashchuk was exempted from the army training - during the medical checkups the doctors discovered that the journalist suffered from hypertension of the second degree.

Besides, one week after the summons to the military conscription office Viktor Valadashchuk found in his letter box the document signed by the local KGB chief Aliaxandr Mazalkou, addressed to the head of the psycho-neurological department of the regional hospital. The document ordered to check the records of the journalist and his relatives in psycho-neurological and narcological hospitals. Besides, the military commissioner of the region Yury Trush offered to the editor to sign a paper, in which the editor should agree to inspection by KGB bodies, which would imply a consequent temporary restriction of his right on inviolability of personal life.

On **June 11** it became known that the military commissioner of Masty regional military conscription office Aleh Shandarovich threatened the chief editor of the non-state low-circulation newspaper "Mastouskaja Prauda" (Hrodna region) Ihar Schakarevich with criminal prosecution for refusing to come to the conscription office according to the summons. The journalist studies at a university in Poland under the Kalinousky Program. Not paying attention to the fact that he is a student, the military conscription office has invited him to a medical commission for further service in the military.

On **July 9** it became known that law-enforcement bodies interrogated Siamen Panizoutsau and Siarhei Arzhantsau, independent journalists from Cherykau and Klimavichy, in connection with the incident in Minsk on July 4 (explosion of a self-made bomb in the crowd of spectators during an official concert).

On **July 11** journalist Iryna Turovich received a phone call from an unidentified individual, who presented himself as KGB officer Aliaxandr Karatkevich. The man offered to meet up in informal circumstances. As a result such meeting took place in the Gorky park in Minsk. "He offered me not to do that and that, and in exchange they won't include me in the lists of people who can't leave the country and will not interfere with me getting an official job", the journalist told later. She was also asked about the situation in the edition of "Radio Racyja". (I. Turovich hadn't been working for "Radio Racyja" since July 1).

On **July 29** it became known that the journalists of the non-state low-circulation Krychau newspaper "Volny Horad" (Mahileu region) were questioned by police concerning the explosion on July 4 in Minsk. The editor of the edition Siarhei Niarouny, founder of the newspaper Uladzimer Kudrautsau and employee of the edition Mikola Gerdij regard the behaviour of local police as an attempt of psychological pressure.

On **July 30** police took fingerprints of Stanislau Sudnik, chief editor of the Belarusian Language Society newspaper "Nasha Slova" (Lida, Hrodna region) and BAJ member, in connection with the explosion in Minsk on July 4. The journalist was summoned to the local KGB department, where he was asked all the "usual questions". Mr. Sudnik explained the interest of KGB officers by the fact that on July 3 he was in Minsk and participated in the congress of the BNF Party, which he is a member of.

On **July 30** an administrative commission in Vitsebsk fined the public distributor of non-state press Barys Hamaida 200 thousand roubles "for violating the rules of trade approved by the municipal executive committee". The activist was held responsible for distributing independent editions. As noted in the document adopted by the commission of Chyhunachny district of Vitsebsk, on July 10 a police officer in civilian clothes bought from Barys Hamaida a newspaper "Narodnaya Volya", after which a protocol on violating the rules of trade was made out against him.

On **August 7** independent Vitsebsk journalist Alena Stsiapanava was interrogated in KGB as a witness on the case of letters with threats on behalf of the unregistered organization "Russian National Unity". The investigator asked where and under which circumstances the journalist saw these letters, and what human rights organizations she knew. An independent Vitsebsk journalist Vadzim Barshcheuski has also received an invitation on the phone to visit KGB.

In the last few years some Vitsebsk activists of democratic movement, supporters of the Conservative-Christian Party BNF, edition of the non-state newspaper "Vitebsky Kurier M" and the Belarusian-language theatre "Lialka" received threats from the "Russian National Unity".

On **August 19** the chief editor of the newspaper "Antenna" Siarhei Malinouski was interrogated by investigators as a witness on the criminal case on explosion in Minsk on July 4. They took the journalist's fingerprints and test of his saliva for the DNK analysis and asked him where he was during the explosion.

On **September 8** lawyer Andrey Bastunets, deputy chair of the Belarusian Association of Journalists was interrogated in connection with the explosion on July 4 in Minsk. He was reached at his home number. Officers of Leninsky district police department of Minsk invited him to come and answer questions concerning this high-profile case. The lawyer has refused to pass dactyloscopic expertise, having explained that according to the criminal-procedural legislation, the witnesses can have their fingerprints taken at their own will.

On **September 9** the chairman of Kletsk regional court (Minsk region) Tamara Liubenets warned the editor of the non-state newsletter "Boikij Kletsk" Siarhei Panamarou that the term of his voluntary repayment of almost 9 millions roubles for the benefit of local municipal service had expired.

On **November 13** in Bobruisk the employee of the local pre-trial jail sergeant Raman Schumacher visited the chief editor of the non-state newspaper "Bobruisky Kurier" Anatol Sanatsenka at his apartment, insisting that the journalist had his fingerprints taken. The "summons", with which the sergeant came, was a written personal invitation to the journalist from the administration of the pre-trial jail "to appear at any convenient time for passing dactyloscopic examination for the military" (in connection with investigation of the explosion on July 4 in Minsk). A. Sanatsenka said that he was not going to pass dactyloscopic examination since he was not obliged to do so.

Shortly before this incident, in the issue dated October 29 "Bobruisky Kurier" told about "voluntary - compulsory" campaign of almost total dactyloscopy of Bobruisk men in the age of 18-55 years carried out at the enterprises and in educational institutions of the city.

### 3. Attempts on journalists and media, violence

On **March 25** soldiers of interior troops broke expensive equipment (flash of the camera which cost 400 US dollars) belonging to the photographer of "Komsomolskaya Pravda" v Belorussii" Zmitser Brushko at a street rally in Minsk

On **May 17** in Homel the captain of the mini-football team of Belarus Uladzimer Leus beat the correspondent of the TV channel FIL-TV Dzianis Kareba, who had scheduled an interview with him. It was done in presence of dozens of witnesses. On May 19 the journalist was put to a hospital, where the beatings were officially recorded. The journalist is going to write a letter to the chief of the Belarusian football federation Henadz Niavyhlas and does not exclude that he will submit a complaint to police.

On **July 11** the distributor of non-state press Barys Hamaida was attacked near the "blue house" in Vitsebsk. "An unknown man has approached me, started to shout that I owed him money and provoked a fight. I am sure that it was a provocation", the activist said. Policemen and people in the civilian clothes have immediately interfered. There were many of them around the summer amphitheatre because of the festival "Slavyansky Bazar". For explanation of the incident Mr. Hamaida was taken to the Chyhunachny district police department of Vitsebsk. The officer in the civilian clothes has testified in the police department that the distributor of press was the first to break the public order. The official report said that the 60-year's old public activist allegedly swore at the unemployed citizen born in 1971. The latter was released and the court supported the position of the witness - policeman and sentenced Mr. Hamaida to three days of arrest.

On **July 14** policemen used physical force against at least two journalists covering a street protest action in Minsk. Near Kastychnitskaya square a riot police officer has kicked out a camera from the hands of the BAJ member Natalia Radzina when she filmed violent actions of police against protesters. They didn't allow another BAJ member Jury Patsiomkin, who also worked at the action with the camera to leave outside the riot police cordon. The incidents occurred on July 14 in Minsk during the action of solidarity with the opposition activists detained in connection with the explosion in the night from July 3 to July 4 in Minsk.

On **July 14** it became known that the independent Kletsk journalist and BAJ member, publisher of the low-circulation non-state bulletin "Boikij Kletsk" Siarhei Panamarou was not admitted to the meeting of officials with businessmen, which was carried out in the local executive committee. The security guards used physical force to push the journalist out of the building. As a result of violent actions of police the journalist hit his face against the wall and it started to bleed.

On **September 11** Vitsebsk public distributor of non-state editions Barys Hamaida informed that several hundreds copies of independent newspapers "Narodnaya Volya", "Nasha Niva" and "Kurier Iz Vitebska", five magazines "Arche" and five books by Uladzimer Padhol with quotes from Lukashenka had been stolen from him. In the opinion of the distributor, this robbery was not accidental and was connected to the elections campaign, since the independent press, which he distributes, started to run many articles about opposition candidates.

On **September 28** in Vitsebsk a hooligan attack has taken place on the editor of the low-circulation non-state edition "Kurier Iz Vitebska" Uladzimer Bazan. In the evening he together with the wife was coming back home from the polling station № 34 of the Kastychnitsky constituency № 20, where he observed the voting. In the court yard of a house an unknown man jumped up to him, crushed a tomato at his head and struck him against the wall, having scratched the journalist's face.

In the recent years U. Bazan, who had previously edited a non-state newspaper "Vitebsky Kurier M", had repeatedly received letters with threats from the Vitsebsk branch of the unregistered radical organization "Russian National Unity".

On **December 8** an incident occurred in the court room of Tsantralny district of Minsk before the beginning of hearing of the case of the public activist Aliaxandr Barazanka between the correspondent of Radio Liberty Aleh Hrudzilovich and secretary of Minsk municipal committee of the Communist Party of Belarus, chief expert of the Central regional committee of BRSM Uladzimer Tsiuhai. According to the journalist, the latter attacked him and nearly broke his digital camera.

## Interference in Professional Independence of Editions. Censorship

*In 2008 the most outrageous cases of censorship (or attempts of censorship) were registered in the sphere of Internet. First of all we are speaking about blocking of a number of political sites, and about intentions to filter "objectionable" information in the Internet sounded by representatives of state authorities.*

On **January 10** a number of web sites in Belarus which most actively covered political events in the country have ceased to open (or opened very slowly). Among them were sites of "Charter-97", "Radio Liberty", "Belorussky Partizan" and ucpb.org. In the evening of January 10 the access to these sites was restored. The employees of these resources have named the street protest rally of private businessmen held in Minsk on that day as the most probable reason for this incident. Some representatives of these resources suspected that the complicated access to the sites was provoked by the Belarusian monopoly Internet provider "Beltelecom". However, employee of the group of information and communications of "Beltelecom" Maryja Staliarova told BelaPAN that her company had no relation to blocking of the sites. She declared that these sites could have had problems with hosting.

In March the problems with access to the sites repeated. They began from March 25 – the day of the mass street rally "Chernobyl Path" and lasted several days. A number of web sites - in particular, "Radio Liberty", "Charter 97" and "Belorussky Partizan" declared that hackers attacks were undertaken against them. They have managed to restore their work only in 2-3 days.

In **late January** an article about the arrest of a local activist of entrepreneurs' movement was removed from the site of the non-state regional Svetlahorsk newspaper "Ranak-Plus".

On **January 23** the newspaper "Ranak-Plus" published the article of Aliaxandr Sivak "Condemned For Participation in a Rally". The article talked about the trial of the Svetlahorsk private businessman Anatol Dmitrovich, arrested for participation in the street rally in Minsk on January 10. The article was also placed on the web site of the newspaper together with a photograph, showing people who came to the building of Svetlahorsk regional court to show solidarity with Anatol Dmitrovich. The publication stayed on the web site for only two days and then disappeared. According to BAJ information, the decision to remove the article from the site of "Ranak-Plus" was made at the top level of the regional administration. The Internet resource Bulletinonline mentions in this connection the name of the deputy chair of the executive committee on ideology Siarhei Miarkulau.

From 14. 00 **February 26** broadcasting of the so-called "social package of TV channels" and cable TV was stopped in Homel. It was done without a warning, although usually the announcements about changes in the broadcasting network appear in the newswire of the TV channel "Nireja" – the only TV channel, which programs are produced directly in Homel, without rebroadcasting from Minsk. The chief of broadcasting department of the enterprise "Garant", which carries out cable broadcasting on the territory of Homel, explained the incident by an "emergency situation" - switching-off of electricity. Meanwhile, during the whole day on February 26 there was light in apartments and all the electric devices worked without interruption. Local journalists connect the incident with the temporary release of Aliaxandr Kazulin, who was released to attend the funeral of his wife Iryna. They believe that

the authorities were afraid of occurrence of reports on this topic in the news releases of non-Belarusian TV channels.

On **March 24** road police officers in Bobruisk deleted photographs made by the non-staff correspondent of the non-state newspaper "Bobruisky Kurier" at a place of a car crush. On this day there was a high profile car accident in the city – a 45-year's old director of a factory of large tires "Belshina" Yauhen Hvastun died in the accident. Non-staff correspondent of the newspaper "Bobruisky Kurier" L. went to the place of incident at the assignment of the edition and made some photos of the personal car of the director crushed in the accident. Local road police officers came to her and, having learned that the shootings were conducted for the newspaper, deleted the pictures. "In accordance with Article 39 the journalist had all rights to make photographs at the place of the accident, BAJ deputy chair Andrey Bastunets commented. - Naturally, the publication of photographs from a place of accident should be carried out in view of requirements of ethics, but the journalist has every right to make these photographs" – A. Bastunets emphasized.

On **March 25** in Minsk during the street rally on the Day of Freedom police detained a film crew of the Lithuanian TV (LRT) – correspondent Ruta Rybachevskine and cameraman Ionas Grishkonis. They were taken to Tsantralny district police department, where the policemen have checked their IDs, confiscated the tape with the footage shot at the rally and released them.

On **March 26** Lithuanian Foreign ministry demanded explanations from the Belarusian side concerning this incident. The Belarusian Ambassador to Lithuania Uladzimer Drazhin was summoned to the ministry and handed over a note with the request to carry out a detailed investigation of the incident and to return the confiscated video materials. Nevertheless, in 2008 the tape was not returned to the Lithuanian journalists.

On **May 16** it became known, that the latest issue of the independent newspaper "Borisovskiye Novosti" has not arrived to readers in due time. The management of the printing house (which the chief editor of the edition Anatol Bukas preferred not to name) noticed in the issue an article about the younger son of Aliaxandr Lukashenka titled "The Third Son of Lukashenka" and demanded to take off the article from the newspaper. The editor of the edition Anatol Bukas has sent a new article to replace it, but because of the replacement the time of printing was postponed. In view of violation of agreements on the terms of printing the management of the edition refused to pay for the printrun, and it was destroyed. Later the issue with the article "The Third Son of Lukashenka" was printed in the printing house "Plutos-Market".

The **May issue** of the magazine "**Belaruskaya Dumka**" published materials of the round table with participation of the first deputy Minister of information of Belarus Lilia Ananich and director of the information-analytical centre in the Administration of the President Aleh Praleskouski. In particular, Lilia Ananich expressed concern about the "flows of disinformation from foreign sites", which, in her opinion, "render destructive influence on the situation in Belarus". "However, there is experience of China, which has blocked access to such sites on its territory", she said.

Aleh Praleskouski mentioned the issue of tightening responsibility for "illegal information in the Internet". "By way of organizational measures it is necessary to talk about the so-called content filtration. That is, about a software, through which users or administrators of local networks could block access from the computers controlled by them to the sites containing information conflicting to the current legislation or contradicting to the norms of public morals", he said.

On **May 3** deputy chairman of Minsk municipal executive committee Mihas Tsitsyankou signed the order to the Minsk cable and terrestrial TV provider "Cosmos TV" and to several other providers to urgently stop broadcasting of Russian TV channels "24Doc", "NST" and "Feniks ART". A correspondent of the newspaper "Solidarity" was told in the ideological department of Minsk municipal executive committee that they had objective reasons for that order based on classified information. According to BelaPAN news agency, one of possible reasons for the interdiction was screening of the film "Ordinary President" by Yury Hashchavatsky on the TV channel "24Doc". Because of a technical mistake the film was also accidentally shown on the comic channel "NST", which has a rather large audience in Minsk.

On **October 18** the program of the Russian First Channel "Projectorparishilton" relayed by the Belarusian TV channel "ONT" was broadcast in the reduced variant. Several minutes of the standup comedy, during which the hosts made jokes about the President Aliaxandr Lukashenka, were cut out. During these minutes they discussed the EU decision to cancel visa restrictions for Lukashenka for the next half a year and the events that he could visit in Europe.

The Belarusian TV channel "ONT" broadcast the program one hour later than it was broadcast in Russia. "In our work we are guided by the law, including the Criminal Code, which stipulates responsibility for public humiliation of honour and dignity of the President of the country. When we believe that a joke falls under this article of the Criminal Code, we make a decision not to broadcast it", employees of "ONT" press-service explained to the newspaper "Komsomolskaya Pravda" v Belorussii".

## Infringements Related to Access to Information (Refusals to Grant Information, Restrictive Use of the Institute of Accreditation)

*In 2008 journalists of independent mass media worked in conditions of restricted access to information. State bodies, organizations and enterprises refused to grant not only "hot" and "scandalous" information, but also daily information and statistics to independent journalists.*

On **January 9** the correspondent of the non-state newspaper "Hantsavitsky Chas" Iryna Damaratskaya was not allowed to be present at the ceremony of awarding the best schoolchildren and teachers of the district, which was held in the municipal House of culture. When the journalist arrived, an employee of the district department of education closed doors to the hall and declared that the event had a closed character. She has refused to identify herself.

On **January 24** ideologists have not let the head of information department of the non-state political newspaper "Borisovskiye Novosti" Anatol Mazhou to attend the joint extended session of Barysau district executive committee and regional council of deputies. On **January 25** "Borisovskiye Novosti" correspondent Alena Brytskaya was not admitted to a regional assembly of parents, which was held in the Palace of culture in Barysau.

On **February 1** Hantsavichy regional council of deputies and Hantsavichy regional executive committee refused accreditation to the journalists of the non-state newspaper "Hantsavitsky Chas". The correspondents Iryna Damaratskaya and Sviatlana Malyshka have addressed local state bodies with the request for accreditation on January 17. The journalists have received an answer in 2 weeks. The letter signed by the chairman of the Hantsavichy regional executive committee Uladzimer Stoliar informed that they were refused accreditation without explanation of reasons.

On **February 15** the correspondent of the newspaper "Intex-Press" Ruslan Harbachou was not admitted to the regional seminar on the operations of bodies of local administration held in Baranavichy municipal executive committee. The seminar was covered by the journalists of regional TV and regional newspapers, mainly state ones. The chief of department of ideological work of Baranavichy municipal executive committee Tatsiana Zhytko told Ruslan Harbachou that he had to leave because he hadn't passed accreditation in the regional executive committee.

On **February 28** the executive committee of the National Olympic Committee has stripped the non-state sports newspaper "Pressbol" of accreditation to the Olympic Games - 2008 in Beijing. According to the National Olympic Committee, many of the publications of the edition were biased and "were not in any way directed on propagation of Olympic ideals". The chief editor of "Pressbol" Uladzimer Berazhkou, in his turn, "didn't see any grounds" for such a decision.

On **April 3** the chief editor of "Pressbol" Uladzimer Berazhkou stated that the National Olympic Committee, to which the sports newspaper had sent a complaint against the refusal to accredit it to the Olympic Games in Beijing, kept silent. According to Berazhkou, it represented a violation of rules of business correspondence and legislation.

On **March 3** it became known that the deputy chair of the regional department of education Jana Klishevich attempted to oust the correspondent of the newspaper "Niasvizhski

Chas" Natalia Jarmoshanka from the students' contest carried out in the local House of culture with participation of the management of road police of Minsk regional executive committee. The official insisted that the journalist had no accreditation.

On **March 24** road police officers in Bobruisk deleted photographs made by the non-staff correspondent of the non-state newspaper "Bobruisky Kurier" at a place of a car crush. A 45-year's old director of the factory of large tires "Belshina" Yauhen Hvastun died in the accident.

On **March 25** police detained the Vitsebsk resident Elvira Safiulina, who was filming on video the action dedicated to the Day of Freedom. She was kept in the police department for 2,5 hours. The tape was erased.

On **April 1** the press photographer of "Nasha Niva" Julia Darashevich was removed from the courtroom of Tsantralny district court of Minsk, where the trial of the youth activist Andrey Kim was about to start. The decision on interdiction of photo and video shooting was made by the judge Elena Iljina.

On **April 8** the newspaper "Narodnaya Volya" received a refusal of the Chamber of Representatives of the National Assembly to accredit the deputy editor of the newspaper Maryna Koktysh. The chairman of the Permanent commission on human rights, national relations and mass media Yury Kulakouski has offered to the edition to offer another candidate for accreditation. The denial was argued by the fact that Maryna Koktysh was refused admission to the building of the House of Government. There was no information on who, when and on what basis made such a decision. The journalist declared that the refusal was illegal, since it violated her rights, the Law "On press and other mass media" and Rules of accreditation of correspondents of mass media in the Chamber of Representatives of the National Assembly.

On **April 16** deputy editor of "Narodnaya Volya" Maryna Koktysh sent a complaint to the chairman of the Chamber of the Representatives of the National Assembly Vadzim Papou in connection with refusal in accreditation in this structure. In the complaint she asked the chairman to instruct the commission to annul its decision and said that she would appeal to court otherwise.

On **June 6** it was announced that the edition of the non-state newspaper "Narodnaya Volya" and its deputy chief editor Maryna Koktysh decided to hold judicially responsible for violation of the Law "On press" the whole Chamber of Representatives of the National Assembly and the Security Service of the President. The edition has sent a corresponding appeal to Maskouski district court of Minsk on behalf of the journalist.

On **June 16** the edition of the newspaper "Narodnaya Volya" and its deputy chief editor Maryna Koktysh, who tried to hold judicially responsible the security service of the president and the Chamber of Representatives of the National Assembly for refusal to accredit the journalist, received the official answer to the complaint from Maskouski district court of Minsk. The judge V.A. Husakova has refused them in this right.

On **July 17** the board of Minsk municipal court has rejected the appeal of the deputy chief editor of "Narodnaya Volya" Maryna Koktysh against the decision of Maskouski district court of Minsk, which in June has refused the journalist's right to appeal in court against the Chamber of Representatives for refusal in accreditation.

On **April 22** journalists representing non-state media were removed from the court room of Maskouski district court of Minsk, where hearings of the case of the leader of Vitsebsk businessmen Siarhei Parsiukevich were held. First the judge removed from the courtroom the political observer of the weekly newspaper "Belorusy I Rynok" Henadz Barbarych for "numerous violations", and 10 minutes later he ordered to leave the correspondent of Radio Liberty Aleh Hrudzilovich for making an audio recording.

The lawyers of the Centre of legal protection of mass media in BAJ stressed that the actions the judges violated the rights of journalists stipulated by the Criminal Procedural Code of the Republic of Belarus (people present at an open trial have a right to make written and audio recordings").

On **May 9** policemen banned the editor of the non-state newspaper "Cherykauskie Naviny" Mikola Tsarkou and press photographer Siamen Panizoutsau from making photos of the participants of the meeting on the Victory Day. A police major argued his actions by saying that the journalists allegedly interfere with the event. The policemen have left the reporters alone only after Mikola Tsarkou explained that he was not only a journalist and BAJ member, but also a participant of the war and consequently he had the right to attend the event and to make photographs".

On **May 14** journalists of the non-state newspaper "Hantsavitsky Chas" were denied accreditation in Hantsavichy regional council. Earlier they have been also denied accreditation in the presidium of a local district council and then in Brest regional council of deputies. The chairman of the regional council explained that "a state body is not obliged to issue accreditation to a journalist".

On **May 15** representatives of mass media were banned from the court of the city of Salihorsk hearing the case of the leader of movement "For Freedom" Aliaxandr Milinkevich without explanation of the reasons of the ban. The politician was detained after meetings with local inhabitants at the city market and found guilty of violating Article 23.34 of the Administrative Code. He was fined 20 basic units.

On **May 17** it became known that Brest regional executive committee has not found infringements in the actions of the management of Luninets district executive committee, which had refused to accredit the correspondent of the non-state newspaper "Inform-Progulka" (Luninets). "The Law does not stipulate obligations of a state body concerning accreditation, which entitles Luninets district executive committee to determine mass media for covering its activity... ", the letter signed by the deputy chair of Brest regional executive committee Leanid Tsupryk says.

Meanwhile, Article 42 of the Law "On press and other mass media" stipulates that the editions have the right to accredit correspondents in state bodies, organizations and establishments. This article does not stipulate the right of state bodies to refuse accreditation.

On **May 28** journalist Aliaxei Minchonak was officially denied accreditation as the correspondent of "Radio Racyja" in the Belarusian Ministry of foreign affairs. This decision was based on the fact that he "was previously engaged in journalistic activity for foreign mass media without accreditation in the Foreign ministry". The correspondent decided to send the documents for accreditation himself after the searches conducted in late March this year. On May 30 international journalists organization "Reporters Without Borders" condemned the decision of the Belarusian Foreign ministry.

On **June 18** own correspondent of the newspaper "Inform-Progulka" (Luninets, Brest region) Halina Samujlik was not admitted to the session of Mikashevichy municipal council of deputies. According to the newspaper editor Sviatlana Harda, until recently there have been no obstacles to the work of her correspondent in the neighbouring Mikashevichy. According to the journalist, the order not to let representatives of non-state mass media to the official events was given by the deputy chair of Luninets district executive committee Viktor Rafalovich. Halina Samujlik had been accredited in Mikashevichy district executive committee since 2003.

On **June 19** about 20 journalists could not get to the hearings of the criminal case against road police officers who in March 2008 organized a "live shield" on the highway Minsk - Mikashevichy. The hearings were held in Minsk district court and in Zaslavl. Only 3-4 journalists could get there. Police stopped all the others at the entrance, referring to an overcrowded courtroom. On the first day of the hearings correspondents of Belarusian and foreign media, both state and non-state ones, were left outside, including journalists of the TV and radio company "Mir", TV channel STV, newspaper "Avtobusiness", Internet resource "Salidarnasc", press photographers of "Nasha Niva", "Komsomolskaya Pravda" v Belorussii and "BelGazeta".

On **July 7** it became known that journalists of the non-state newspaper "Bobruisky Kurier" were denied accreditation to the press conference of the Israeli diplomats organized within the framework of celebrating 500 years anniversary of the Jewish community of Bobruisk and 60 years anniversary of independence of Israel. The Jewish community leaders first offered to the edition to cover the event, but on the eve of the press conference denied accreditation without explaining the reasons

On **July 14** it became known that the independent Kletsk journalist and BAJ member, publisher of the low-circulation non-state bulletin "Boikij Kletsk" Siarhei Panamarou was not admitted to the meeting of officials with businessmen, which was carried out in the local regional executive committee. The security guards used physical force to push the journalist out of the building. As a result of violent actions of police the journalist hit his face against the wall and it started to bleed.

On **July 15** the chief of the correspondent office of the non-state edition "Niasvizhsky Chas" Ihar Evtuh addressed the military conscription office with the request to tell the edition about the results of military conscription campaign in the region. Deputy military commissioner of Niasvizh military conscription office Andrey Marozau has refused to answer his questions, motivating his refusal by the fact that the journalist didn't have accreditation. At the same time, Andrey Marozau could not explain what kind of accreditation was necessary in this case.

On **August 6** correspondent of the regional non-state newspaper "Bobruisky Kurier" Liudmila Liubimtsava informed that she had repeatedly addressed the municipal centre of hygiene and epidemiology for information on interdiction to swim in local lakes and rivers. On July 24 she sent a list of questions to the employees of the centre. However, having called them on the appointed day, the journalist has received a categorical refusal in granting the information to "Bobruisky Kurier". The officials motivated their refusal by saying that the medical establishment cooperates only with state editions. Liudmila Liubimtsava was recommended to address all questions to the department of ideological work of Bobruisk municipal executive committee.

On **August 8** Vadzim Zamirouski, press photographer of the non-state weekly "BelGazeta" was detained in Minsk when making photographs near the House of Government

on the Independence Square. According to the photographer, the security service officers referred to some instruction and forced him to delete the pictures from the camera. After that the journalist was released without a protocol of detention.

On August 20 the chief of department of ideology of Hantsavichy regional executive committee Lidia Zanko refused to talk to the deputy chief editor of the independent weekly newspaper "Hantsavitsky Chas" Piotr Huzaeuski. Not even having listened to the question of the journalist, she immediately advised him to write a letter of enquiry. The journalist wanted to ask for information on the results of formation of local electoral commissions for the elections of deputies of the Chamber of Representatives.

On **September 3** the chief of department of ideology of Navapolatsk municipal executive committee Sviatlana Turanok denied official accreditation to the correspondent of the local Internet project ximik.info Aliaxandr Muzhdabajeu to the festivities dedicated to 50-years anniversary of Navapolatsk. "This refusal is a clear demonstration of formalism and traditional attitude of Mrs. Turanok to "Himik" – a non-state newspaper, which used to be published in Navapolatsk and now publishes on a web site, which has been working after the newspaper was closed", the chief of the project Andrey Aliaxandrau commented.

The newspaper "Himik" has stopped publishing in July, 2006 due to a difficult financial situation, which resulted from exception of the newspaper from the subscription catalogue of "Belpochta" and termination of the contract for distribution with "Vitebskoblsoyuzpechat".

On **September 23** the press photographer of the non-state newspaper "Narodnaya Volya" Yury Dziadzinkin was not permitted to make photographs of the early voting at the Minsk polling station №398. The journalist came there with the editorial assignment, but members of the electoral commission have not permitted him to work, referring to the interdiction of the commission chairman Elman Hasieiu. The secretary of the Central Commission for elections Mikola Lazavik has explained this refusal to BAJ by saying that the journalist had failed to build "human relations" with the members of the electoral commission.

On **October 27** representatives of the Bobruisk Palace of arts, where the Chinese circus performed, confused the correspondent of the local municipal executive committee newspaper "Bobruiskaya Zhizn", who came there to cover the event, with the reporter of the non-state edition "Bobruisky Kurier". At the entrance to the hall the administration has unexpectedly stopped him, explaining that an order had just arrived from the department of ideological work not to admit employees of "Bobruisky Kurier" to cultural events. As soon as the mistake was found out, the journalist of the state newspaper was freely admitted to the hall.

On **November 13** it became known that the journalists from Belarusian non-state editions had not been accredited to the international film festival "Listapad", which is annually carried out in Minsk. According to some sources, the order to give accreditations only to representatives of state media had arrived from the Administration of the President. Back in 2007 the journalists of non-state mass media have also been refused accreditations to the festival.

## Conflicts Related to Reception and Distribution of Foreign Information or Activity of Foreign Mass Media

*In late March, 2008 KGB officers carried out mass searches in the apartments of journalists and in some offices of NGOs and political parties. A series of simultaneous searches across the whole country became a certain Belarusian know-how in the struggle against the journalists, which, in the opinion of the Foreign ministry of the Republic of Belarus, worked for foreign mass media without accreditation. The searches have affected more than 25 Belarusian journalists. It should be noted that Belarus ratified the International Covenant on civil and political rights, which article 19 guarantees to everyone the right to receive and to distribute information and ideas irrespective of state borders.*

On **January 12** employees of the regional KGB department in Homel conducted a search in the apartment of the BAJ member Siarhei Padsasonny. It was written in the search warrant that he was suspected of participation in the unregistered organization "Malady Front" and involving in its activity schoolchildren and students with the purpose of discrediting the country. Law enforcers have confiscated the hard drive from his computer, video camera and a flash-card. Earlier, on **November 23, 2007** KGB officers have forcefully delivered the journalist to KGB for a so-called "conversation". They asked whether he was involved in the activity of the satellite TV channel "Belsat".

On **January 12** journalists Uladzimer Samoila and Halina Samoilava and cameraman Valer Buldyk were detained in Minsk after recording an interview with a well-known economist Paval Daneika. The TV journalists were taken to Tsantralny district police department, where police for about three hours tried to find out for which channel they were filming.

On **March 25** during the street rally on the Day of Freedom in Minsk police detained a film crew of the Lithuanian TV (LRT) – correspondent Ruta Rybachevskine and cameraman Ionas Grishkonis. They were taken to Tsantralny district police department, where the policemen have checked their IDs, confiscated the tape with the footage shot at the rally and released them. On **April 25** the management of the Lithuanian National TV and Radio Company has repeatedly sent a letter to the Belarusian ambassador in Lithuania Uladzimer Drazhin with the requirement to return the videotape, confiscated from the reporters, and to compensate the costs of repairing the broken video camera. They believed oral apologies of the diplomat were not sufficient to settle the incident with the detention of the LRT film crew.

On **March 26** Lithuanian Foreign ministry demanded explanations from the Belarusian side concerning this incident. The Belarusian Ambassador to Lithuania Uladzimer Drazhin was summoned to the ministry and handed over a note with the request to carry out a detailed investigation of the incident and to return the confiscated video materials. Nevertheless, in 2008 the tape was not returned to the Lithuanian journalists.

In the morning of **March 27** practically at the same time searches were conducted in Minsk, Hrodna, Mahileu, Babruisk (Mahileu region), Homel, Vitsebsk, Navapolatsk (Vitsebsk region), Brest, Biaroza, Baranavichy, Pinsk (Brest region). On **March 28** searches continued in Asipovichy and Horki (Mahileu region). The searches affected the journalists, who, according to some information, cooperated with the TV channel "Belsat", "Radio Racyja", "European Radio for Belarus", and also Hrodna offices of the NGO "Batskaushchyna" and BNF Party. During the searches law enforcers confiscated office equipment, audio and video recordings, documents and books.

The searches were carried out according to the instruction of the deputy public prosecutor of Minsk Aliaxei Stuk to the first deputy chairman of KGB on counterintelligence major general V.P. Vehera. The search warrants referred to the case on slander of the President of Republic of Belarus (Part 1, Article 367 of the Criminal Codes) initiated in 2005 in connection with satirical flash cartoons published in the Internet as the reason for the searches. The suspects in this case are currently abroad and are by no means connected to the journalists, at whose apartments the searches were carried out.

The chief of information department of the Ministry of foreign affairs Maryja Vanshina has named another reason for the searches. According to her, the people at whose premises the searches were conducted, worked for foreign mass media without accreditation.

In connection with the searches and confiscation of journalists' property the Belarusian Association of Journalists addressed the General Prosecutor's office of the Republic of Belarus and Minsk prosecutor's office, as well as KGB of the Republic of Belarus. In the replies received from these institutions it was stated that there were no infringements during the searches, and that the question of returning property to the journalists would be solved after its study.

On **June 12** the criminal case on the fact of slander of the President of the Republic of Belarus was suspended. No charges have been presented to any of the journalists. In September, 2008 KGB began to return office equipment and documents to the journalists.

On **May 13** Eduard Melnikau, coordinator of the TV channel "Belsat" in Belarus and board member of the Belarusian Association of Journalists, was summoned to the prosecutor's office of Minsk for interrogation as a witness. The interrogation concerned the case on satirical cartoons featuring Lukashenka, on the basis of which on March 27 and 28 KGB carried out searches in the apartments of journalists including Eduard Melnikau's. The interrogation was conducted by the investigator on the especially important cases Viktor Shaban and lasted about 40 minutes.

"I was asked about my belonging to "Belsat". I said that I was engaged in registration of representation of this TV channel in Belarus absolute officially. I have no relation to the cartoons, and I informed the investigator about it", Eduard Melnikau said.

On **May 28** journalist Aliaxei Minchonak was officially denied accreditation as the correspondent of "Radio Racyja" in the Belarusian Ministry of foreign affairs. This decision was based on the fact that he "had previously been engaged in journalistic activity for foreign mass media without accreditation in the Foreign ministry". The correspondent decided to send apply for accreditation himself after the searches conducted in late March. On May 30 international journalists organization "Reporters Without Borders" has condemned the decision of the Belarusian Foreign ministry.

On **June 28** 5-year's term of a ban to enter Belarus issued to the NTV journalist Paval Selin has expired. The ban was imposed for the report on the funeral of the world-famous Belarusian writer Vasil Bykau. In 2003 Belarusian Foreign ministry stripped the reporter of accreditation, and the Ministry of internal affairs made a decision to deport him and to ban him from entering the territory of the country for the next five years.

On **June 30** Radio Liberty journalist Liubou Luneva was fined in the courtroom about 280 thousand roubles by Kastychnitsky district court of Minsk. She was charged with "disrespect for the court" for answering a call on the mobile phone in the courtroom. The reporter was present at the hearings on the administrative case against the activist of the

United Civil Party Mihlas Pashkevich. The journalists, as well as other citizens who wished to be present at the trial were originally not admitted to the hearings. Only after the representatives of mass media complained to the chairman of the court, the people were admitted to the courtroom.

On **July 11** journalist Iryna Turovich informed colleagues that she received a phone call from an unidentified individual, who presented himself as KGB officer Aliaxandr Karatkevich. The man offered to meet up in informal circumstances. As a result such meeting took place in the Gorky park in Minsk. "He offered me not to do that and that, and in exchange they wouldn't include me in the lists of people who can't leave the country will not interfere with my getting an official job", the journalist told later. She was also asked about the situation in the edition of "Radio Racyja". (I. Turovich hadn't been working for "Radio Racyja" since July 1).

## Economic Pressure, Obstacles to Printing and Distribution

*In 2008 economic pressure on printed mass media continued. Independent editions faced obstacles both in printing and in distribution. "Belsoyuzpechat" had stopped distribution of a number of non-state political editions from the beginning of 2006 (on the eve of presidential elections). At the same time state mail enterprise "Belpochta" refused to distribute the non-state newspapers by subscription. From back then all attempts of independent editions to return to the state system of distribution brought no results.*

*The Belarusian editions "Narodnaya Volya" and "Tovarisch" were still forced to print abroad because of refusals of Belarusian printing houses to print these newspapers. At the same time, the state has spent 158 billions roubles or 74 million dollars from the state budget for financing state mass media.*

*In late 2008 "Narodnaya Volya" and "Nasha Niva" were returned to the state systems of distribution, and now "Narodnaya Volya" can be printed in Belarus. However, it has not affected the situation with other independent media.*

On **January 3** non-state daily newspaper "Musykalnaya Gazeta" stopped publishing. "The reasons which have forced us to cease printing the paper version of the edition had economic character. "Belsoyuzpechat" has offered other conditions of cooperation and a new pricing policy, that was absolutely unprofitable to us. Therefore we publish in the Internet", the chief editor of the edition Aleh Klimau said.

On **January 6** it became known that the chief of Niasvizh branch of "Minskoblsoyuzpechat" Tatsiana Navosha refused to prolong for 2008 the contract for distribution with the publisher of the newspaper "Niasvizhski Chas" - private unitary enterprises "Intexpress-Region". "Our cooperation was cancelled without any explanations - after five years of fruitful cooperation", the chief editor of the non-state edition Aliaxei Bely said.

On **January 28** it became known that the edition of the regional newspaper "Niasvizhski Chas" gathered signatures of readers under the appeal to the chief of Niasvizh branch of "Minskoblsoyuzpechat" Tatsiana Navosha with the request to prolong the contract for sale of the newspaper kiosks of the enterprise. The appeal talks about the violation of the constitutional rights of citizens to receive information.

The answer of the director of "Minskoblsoyuzpechat" Aliaxei Kudrejka to the collective letter of more than 50 readers of the non-state newspaper Niasvizhski Chas" became known on **March 14**. The readers had addressed him with the request to restore realization of the edition through "Soyuzpechat" kiosks. They regard disappearance of the newspaper from the distribution network a violation of the constitutional right to receive information. However, the chief of "Minskoblsoyuzpechat" refused to satisfy the collective request of Niasvizh and Niasvizh area residents, having consoled them by saying that «there are many other newspapers».

On **January 21** Savetsky district court of Minsk fined pensioner Sviatlana Danilava in the amount of 5 basic units for distribution of independent editions. The woman from Barysau was detained on January 20 in Minsk in the underground crossing near Kamarousky market for distribution of the newspaper "Narodnaya Volya". In her bag the policemen have also found the issues of the editions "Tovarisch", "Nash Vybor", several copies of "Svaboda Belarusi" and "Nash Chas".

On **January 30** it became known that "Gazeta Slonimskaya" received a warning from the Ministry of information. The edition was charged with violating Article 30 of the Law "On press and other mass media" – exceeding the permissible volumes of advertising area (30% of the total amount of an issue). The chief editor of "Gazeta Slonimskaya" Viktor Valadashchuk considers the warning unjustified. On February 1 the edition sent to the Ministry of information a letter with the request to cancel the sanction.

On **January 30** the state mail monopoly "Belpochta" once again demonstrated its position concerning non-state mass media. The letter of the general director of "Belpochta" Aliaxandra Charniak to the director of the LLC "Publishing House "Intex-Press" Uladzimer Yanukevich said that "Belpochta" was not obliged to include non-state printed editions in the subscription catalogues, and is guided "by economic feasibility" when choosing business partners. This answer was prepared on behalf of the Ministry of communications and information, where Yanukevich addressed with the request to promote restoration of subscription to the newspapers published by his Publishing house.

On **February 12** Horki district executive committee did not permit the party activist Eduard Brokarau to publish newspapers. According to the resolution signed by the chairman of the district executive committee Mihas Anikejeu, there were three state newspapers in the area, which fully provide the population with information. The politician issues the newspapers "Uzhorak" and "Horatsky Vybar" and also edits the newspaper of the regional coalition of democratic forces of Mahileu region "Vybar".

On **February 17** policemen detained the activist of the movement "For Freedom" Aleh Hniatulia, who was putting the newspaper "Naviny Suharava" in the letter boxes in one of the apartment blocks in Minsk. He was kept about two hours in a police department, where officers have made an act on withdrawal of about 380 copies of the newspaper "Naviny Suharava" and one copy of the newspaper "Nasha Niva".

On **February 18** the Economic court of Vitsebsk region waived the appeal of the publishing house "Vitebsky Kurier" (edition of the non-state newspaper "Vitebsky Kurier M") against the actions of the municipal executive committee, which refused to reregister the enterprise without any grounds. In 2007 Vitsebsk executive committee initially gave the appropriate sanction to the publishing house, but later withdrew it from it. The decision was appealed against.

On **February 28** it became known that the publishing house "Vitebsky Kurier" (edition of the non-state newspaper "Vitebsky Kurier M") was preparing an appeal to the Economic court of Vitsebsk region. One month later, on **March 18** the court of appellate jurisdiction of Vitsebsk region economic court maintained the decision of the court of the first instance, having repeatedly recognized the legitimacy of actions of the executive committee, which refused to reregister the enterprise, thus putting under threat the existence of the newspaper "Vitebsky Kurier M".

On **April 1** the edition of the newspaper "Vitebsky Kurier M" informed that was going to submit an appeal to the Supreme Economic court.

On **May 20** the board of the Supreme Economic court waived the cassation appeal of the Publishing house "Vitebsky Kurier" against the decisions of courts of previous instances. Thus, the edition of the non-state newspaper "Vitebsky Kurier M" was again refused the right to make changes to the Charter and to be reregistered.

On **February 20** the officer of Pershamaisky district court of Minsk distrained property in the office of the publishing enterprise "Chas Navinau", publisher of the newspaper "Novy Chas", in execution of the verdict under the appeal of the senator. The edition also received two written "offers" – to transfer to the bank account of the court by February 27 the amount of the compensation (50,093,000 Belarusian roubles in view of covering of court expenses), and to publish in the newspaper in the same term a refutation of the article "General – Senator Mikola Charhinets», which became the reason for the appeal. The next issue of "Novy Chas" was not printed since the edition had no right to publish the newspaper until it paid off the compensation under the claim.

On **February 25** it became known that the editions of state mass media of Vitsebsk region founded by local authorities and bodies of self-governance would pay only 15% of the regular amount for the rent of editorial premises. The corresponding decision was adopted by Vitsebsk regional executive committee. This rule concerns the premises rented by these editions in public, administrative and converted industrial buildings in the municipal property.

On **March 19** printruns of the editions "Tovarisch" and "Narodnaya Volya" were shortly detained. The employees of Dubrouna district police department (Vitsebsk region), where the car with the newspapers was taken, confiscated one copy of each newspaper for inspection. After checking the accompanying documents and contents of the editions they have permitted the driver of the vehicle to go on.

On **March 20** in Orsha after a search at the office of democratic forces the employees of law-enforcement bodies confiscated all the copies of the registered non-state newspaper "Tovarisch" and samizdat newspaper "Arshanski Vesnik" found there. They have refused to explain the reason for confiscation of the printed editions.

On **March 24** the chief editor of the non-state newspaper "Gazeta Slonimskaya" Viktor Valadashchuk received a letter from the director of Slonim communal services enterprise Stanislau Ivanashka informing him that by June 1, 2008 the edition should vacate the premises rented by the newspaper from the enterprise. The leaser has informed that the validity of the contract with the edition was coming to an end on May 31 and would not be prolonged. None of the heads of others Slonim companies whom the editor contacted in search for premises wanted to conclude the lease contract with the non-state newspaper.

On **March 24** Leninsky district court of Minsk has found pensioners Maryja Alieva and Alena Naporka guilty of distribution of the low-circulation unregistered newspaper "Svobodnaya Serabranka" which informed about the forthcoming unsanctioned rally on the Day of Freedom (March 25). Each of them was fined 10 basic units. The women were detained on March 22 at Yakubau street, where they distributed the newspaper to passers-by. Until the trial the pensioners were kept in the pre-trial jail on Akrestsin street.

On **April 8** representatives of the LLC "Publishing house "Intex-Press" (publisher of the newspapers "Intex-Press", "Hantsavitsky Chas" and "Liahavitsky Chas") informed that "Brestoblsyuzpechat" refuses to answer their inquiries about the possibility of distribution of independent editions through the network of their kiosks.

The state enterprise treats all letters concerning cooperation with the non-state press not as addresses of legal entities but as business correspondence. The answer of the "Brestoblsyuzpechat" director Vasil Marejka dated March 19 says that their company has "more favourable offers" and "is overloaded" with publications, and consequently will not conclude contracts for realization of printed production of "Intex-Press" for 2008.

On **April 16** Vitsebsk activist and distributor of non-state press Barys Hamaida received by mail a copy of the decision of Chyhunachny district administrative commission of Vitsebsk, in which he was informed that he was fined 175 thousand roubles for trading in an inappropriate place. The activist was informed that the case of illegal trading was registered on March 14 at Lenin St. (where Mr. Hamaida daily distributes non-state newspapers and magazines). According to the respondent, despite the fine, he is going to continue distributing the independent editions at the same place.

On **April 17** about 1,200 copies of the latest issue of the non-state political newspaper "Tovarisch" intended for distribution in Homel region, were detained by employees of Zhlobin district police department. As the policemen explained, the edition had to be checked for materials of "destructive character". The order to detain the car was based on the corresponding report from KGB.

On **April 24** 956 copies of the non-state newspaper "Vitebsky Kurier M" were detained. The newspaper was delivered to the Kastychnitsky district police department of Vitsebsk. During the incident with the confiscation the journalist Valer Schukin, who accompanied the printer, had a heart attack. An ambulance took him to the department of cardiology of the municipal hospital.

"Vitebsky Kurier M" had not been publishing for several months because of obstacles put by authorities. In spite of the fact that the edition has premises, the authorities had categorically refused to allocate it a legal address.

On **May 16** it became known that an issue of the independent newspaper "Borisovskiye Novosti" has not arrived to readers in due time. The management of the printing house noticed in the issue a small article about the youngest son of Aliaxandr Lukashenka. The article was removed from the newspaper. The editor of the edition signed a cooperation agreement with another printer, and the newspaper issue came out with a delay.

On May 23 it became known that Hantsavichy local executive committee sent a complaint to the regional prosecutor's office requesting to inspect infringements of the law "On advertising", allegedly committed by the non-state regional newspaper "Hantsavitsky Chas" in several issues in February and March, 2008.

According to the deputy chief editor of the newspaper Piotar Huzaeuski, most of the state officials' claims were unjustified. One of the "infringements" was that in the jobs classifieds the newspaper ran an add that a person was looking for a job as plasterer and painter, without mentioning the number of the license.

On **June 4** the edition of the non-state regional newspaper "Hantsavitsky Chas" received a warning from the Ministry of information for violation of Article 30 of the Law "On press and other mass media" (distribution of advertising). According to the letter dated May 28, signed by the minister Uladzimer Rusakevich, the issues of "Hantsavitsky Chas" dated February 8 and May 9, 2008 contained advertisements on sales of computers, copiers and other equipment, and in the issue dated May 9 – on sales of construction materials without indicating the information about the licenses.

On **June 30** the non-state regional newspaper "Niasvizhsky Chas" received a letter from the director of the local municipal services informing that the district executive committee had not sanctioned the prolongation of contract of rent of premises signed between the management of the municipal services company and "Intexpress-Region" (publisher of

"Niasvizhsky Chas"). The premises, which had to be vacated, had been rented by the newspaper for the last 3 years.

On **September 9** it became known that the court has fined TV channel STV 700 thousand roubles for violating the law "On advertising" following the suit from the Ministry of trade. The TV channel was accused that the loudness of advertising exceeds the loudness of other programs. Earlier, in July Channel 8 and First Musical Channel have already been fined. According to the deputy head of the department of protection of consumers rights and control of advertising of the Ministry of trade Volha Krautsova, the protocols have also been made out in relation to TV channels BT and ONT, and have already been submitted to court. However, these TV channels refuse to appear in court.

On **August 14** in Vitsebsk the administrative commission fined Barys Hamaida 200 thousand roubles "for violating the rules of trade approved by the municipal executive committee". The activist was held responsible for distributing independent publications. As noted in the document adopted by the commission of the Chyhunachny district of Vitsebsk, on July 10 a police employee in the civilian clothes bought an issue of the newspaper "Narodnaya Volya" from Barys Hamaida, after which a protocol was made out against him for violating the rules of trade.

On **September 9** the chairman of Kletsk regional court (Minsk region) Tamara Liubianets warned the editor of the non-state newsletter "Boikij Kletsk" Siarhei Panamarou that the term of his voluntary payment of almost 9 millions roubles for the benefit of local municipal service had expired. "Now court officers will visit me without any preliminary warnings. The judge has even offered me to pay off with my computer and mobile phone which I use for publishing the bulletin", Siarhei Panamarou said. He believes that he is first of all prosecuted for his political activity.

On **September 11** Vitsebsk public distributor of non-state editions Barys Hamaida informed that several hundreds copies of independent newspapers "Narodnaya Volya", "Nasha Niva" and "Kurier Iz Vitebska", five magazines "Arche" and five books by Uladzimer Padhol with quotes from Lukashenka had been stolen from him. In the opinion of the distributor, this robbery was not accidental and was connected to the elections campaign, since the independent press, which he distributes, started to run many articles about opposition candidates.

On **September 15** it became known that volunteer Andrey Tychyna was arrested for distribution of the latest issue of the independent newspaper "Svabodny Salihorsk" (Minsk region) in the central market of Salihorsk. During the detention the policemen handcuffed the distributor and took him to the local district police department. In the police department police confiscated 40 copies of the newspaper and filled out the protocol of confiscation. One hour later the young activist was released.

On **September 27** in Svetlahorsk (Homel region) police detained campaign activists of the local candidate from the United democratic forces Siarhei Dajneka (Sviatlana Mihalchanka, Viktor Ahramchuk and Siarhei Shevialenka) for distribution of the non-state political newspaper "Tovarisch" and low-circulation editions "Vybar" and "Glotok Vozduha". In the local police department police accused Sviatlana Mihalchanka of "distributing illegal literature", carried out a search and confiscated about 50 copies of "Tovarisch" and some copies of other editions. From the police department Sviatlana Mihalchanka was taken home, where police conducted a search and confiscated, except for "Tovarisch", one copy of each of low-circulation bulletins "Levy Marsh", "Peresmenka" and "Naviny BNF".

On **September 28** the activist received a phone call from police. She was told that she could get the newspapers back. However, in the police department the officers have returned only the copies of "Tovarisch", and the remaining editions have been sent to the prosecutor's office for expertise.

On **October 6** the edition of the newspaper "Nasha Niva" received a written answer from the republican enterprise "Belsoyuzpechat", which has once again refused to distribute the edition through its trade network. According to the "Nasha Niva" chief editor Andrey Skurko, the edition plans to continue addressing the state distribution company with offers for distribution of the newspaper in future as well, just to show in such a manner that it is not going to put up with economic and political discrimination of non-state press.

On **October 10** it became known that editions of regional publications have once again received negative answers to their offers to the chiefs of regional enterprises of the state distribution system "Belsoyuzpechat" to restore cooperation and to sell their newspapers. Among them were non-state regional newspapers "Bobruisky Kurier", "Intex-press" (Baranavichy) and "Niasvizhski Chas".

On **October 22** it became known that despite of the written appeals of editions of non-state newspapers to the state mail enterprise "Belpochta" to include them in the subscription catalogue for 2009, several national newspapers, including "Narodnaya Volya", "Nasha Niva", "Novy Chas", "SNPlus. Svobodnye Novosti Plus", "Tovarisch", as well as regional newspapers, such as "Borisovskiye Novosti", "Vitebsky Kurier - M", "Volnaje Glybokaje", "Gazeta Slonimskaya", "Hantsavitsky Chas" and "Intex-Press" (Baranavichy) have been once again left "behind the board" of the subscription campaign.

On **October 29** the chief editor of the non-state newspaper "Gazeta Slonimskaya" and publisher of the newspaper "Otdushina" Viktor Valadashchuk received a letter from the republican enterprise "Belpochta" with a refusal to include the newspaper "Otdushina" in the subscription catalogue for 2009. As an economic entity "Belpochta" has the right to be guided by economic feasibility in its commercial activity, the letter of the general director Alexandra Charniak traditionally says.

A similar answer was received on **October 31** by Aliaxandr Mantsevich, chief editor of "Regionalnaya Gazeta" (Maladzechna, Minsk region). This edition was included in the regional subscription catalogue, but also wanted to be included in the national catalogue, since it is registered as a national publication. However, the attempt brought no results.

On **November 13** BAJ got hold of a copy of the "Plan of organizational measures of realization of subscription for printed mass media for the 1st half-year of 2009" developed by the ideologists of Brest regional executive committee. The document distributes duties between representatives of different branches of the local "vertical", employees of "Belpochta" and chiefs of enterprises of the region, saying that they "shouldn't admit the decrease of departmental subscription to the major national editions, regional and local state newspapers".

"Given that today almost 15 independent political editions remain without possibilities of distribution, the current situation with the subscription campaign in Belarus looks extremely gloomy", BAJ chairman Janna Litvina noted in this connection.

On **November 14** BAJ addressed the chief of presidential administration Uladzimer Makej with the letter asking "to help resolve the problems related to distribution of non-state

political press". About 15 chief editors of non-state Belarusian mass media have signed the letter.

On **November 21** it was made public that non-state newspapers "Narodnaya Volya" and "Nasha Niva" will soon appear in the newspaper kiosks in Minsk, and in December - all over the country.

The editions of both newspapers received phone calls from the Administration of the President and were advised to once again address "Belsoyuzpechat" and "Belpochta" with cooperation offers. «We have prepared the necessary documents and submitted them to the corresponding departments of "Belsoyuzpechat" and "Belpochta", editor of "Nasha Niva" Andrey Skurko and editor of "Narodnaya Volya" Iosif Siaredzich confirmed to BAJ press-service. "Narodnaya Volya" has also concluded a contract with Minsk printing house (earlier the newspaper had to be printed abroad, in Russia).

On **November 27** non-state national newspapers "Narodnaya Volya" and "Nasha Niva" returned to "Soyuzpechat" kiosks and to the subscription catalogues of "Belpochta". Meanwhile, except for the two specified newspapers, more than a dozen national and regional non-state political newspapers are deprived of such possibility.

## Conflicts Related to Elections

*The most typical conflicts in the sphere of mass media related to 2008 campaign of elections of deputies of the Chamber of Representatives were refusals of state mass media to publish pre-election programs of opposition candidates or their censorship. A lot of conflicts concerned the question of early campaigning in mass media. However, this question remains debatable, since the Belarusian electoral legislation does not limit campaigning up to the moment of registration of the candidate, but only the campaigning after the registration. Therefore the supervisory council for monitoring campaigning in mass media created in the Central Committee for Elections could not be considered an effective tool of resolving conflicts in this sphere.*

On July 31 the Central Committee for Elections of the Republic of Belarus approved the structure of the supervisory council for monitoring campaigning in mass media. The council consisted of state officials and representatives of state media – in total 7 people: first deputy Minister of information Lilia Ananich, deputy director of the news service of the Belarusian TV and Radio Company Alla Ryzhkevich, deputy director of the First National Channel of Belarusian Radio Piotr Ramanchuk, first deputy chair of the Belarusian Union of Journalists Ryhor Sakalouski, chief editor of the newspaper "Minskaya Prada" Mikola Shloma, director of the public press centre of the House of Press Tatsyana Bjalova and first deputy chief editor of the newspaper "Sovietskaya Byelorussia" Mihas Liabedzik.

The council was created to monitor fulfilment of the norms of the Electoral Code (in particular, to ensure creation of equal conditions for campaigning for all candidates) and the Law "On press and other mass media" in mass media during the campaigning, and to resolve the information disputes.

On **August 14** supervisory council for monitoring campaigning in mass media sent letters with "recommendations" to five Belarusian editions - state newspapers "Adzinstva" (Barysau), "Mogiliovskaya Pravda", "Vitsbichy", "Vitebski Rabochy" and a non-state newspaper "Borisovskiye Novosti". The reason for this were complaints from several potential candidates, which considered some publications in these newspapers to be examples of early campaigning of their competitors. The supervisory council has reminded all the editors in writing that they should provide equal conditions for all candidates: that is, having presented their newspaper space to one potential candidate, to allocate the same space to his(her) competitor, when the latter addresses the newspaper with such a request.

In general, a large number of conflicts during the elections concerned the question of early campaigning in mass media, especially by pro-government candidates. At least this is how the group "Human rights activists for free elections" interpreted publication in state press before the elections of PR articles about the officials and chiefs of various levels. "The materials on pro-government candidates in state press didn't directly talk about them as contestants for deputy mandates. However, such publications usually appear before the elections in state mass media, which circulations are much higher in comparison with non-state ones. It certainly creates unequal conditions for candidates", human rights activist Valiancin Stsefanovich commented.

However, secretary of the Central Committee for Elections Mikola Lazavik disagrees with such approach: "When a publication talks about a citizen without mentioning that he(she) is a potential candidate in the elections and without agitation to vote for him/her, and when this information is not distributed by the members of his(her) initiative group during

gathering signatures, it is hard to see the violation of the electoral legislation", the secretary of the Central Committee for Elections Mikola Lazavik commented.

"Different opinions on this question stated by representatives of the Central Committee for Elections, human rights activists and runners-up in the elections show that this question is not properly regulated in our legislation", BAJ deputy chair and lawyer Andrey Bastunets says. "The Electoral Code directly does not limit campaigning until the moment of registration of the candidate. It generally speaks about agitation only after registration of the candidate. Most likely, we can speak about the use of an administrative resource, use of financial resources in violation of the electoral legislation, etc.", Andrey Bastunets stresses.

**Since this issue is debatable, BAJ did not register the cases of early agitation in press.**

On **August 29** State Belarusian Radio refused the leadership of the coalition of United democratic forces in granting airtime for holding debates during the election campaign. This was stated in the official letter signed by the director of the First National Channel of the Belarusian Radio Anton Vasiukevich. The director argued his refusal by saying that the candidates would anyway have the opportunity of free-of-charge statements on the radio to describe their programs.

On **September 4** it became known that the state newspaper "Respublika" (published by the Council of Ministers) refused to publish the common program of three candidates from the United Civic Party (UCP) – Anatol Liabedzka, Stanislau Bahdankevich and Hanna Yahorava. The politicians believe that it was caused by their critical assessment of the situation in Belarus presented in the document. In the edition the refusal was explained by the allegation that the candidates offered to publish a party programme instead of their own programs.

According to the regulation of the Central Committee for Elections "On the order of using state mass media during preparation and holding of elections of deputies of the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fourth convocation", candidates have the right to publish their pre-election programs in one of the national newspapers - "Zviazda", "Narodnaya Gazeta", "Respublika", "Belorusskaya Niva", or in a regional, municipal or local state newspapers. The volume of the text should be 4,000 characters with blanks.

UCP members stressed that they had warned the edition of the "Respublika" beforehand, as prescribed by the Central Committee for Elections, about their intention to publish a common pre-election platform on behalf of three candidates with a total volume of 12 thousand characters. They claim they haven't received any objections from the newspaper.

After intervention of the Central Committee for Elections in the conflict the representatives of the governmental newspaper had agreed to publish the common program of the candidates from UCP, provided that the title of the article is changed. The secretary the Central Committee for Elections Mikola Lazavik said he considered possible publishing in printed mass media of statements of candidates in the form of program items of a certain party.

On **September 8** candidate Harbachou, one of the leaders of the entrepreneurs' movement submitted a complaint against Radio "Stalitsa" to the Central Committee for Elections. According to him, the radio station has changed the time of broadcasting. According to the a toss-up, his statement to the voters should have been broadcast on

September 4 at 18.20, and it was actually broadcast at 18.05. V. Harbachou called it a planned action. Director of the radio station Pavel Varabiou claims the time of broadcasting was changed due to a technical mistake.

On **September 11** it became known that the edition of the newspaper "Vechernij Brest" had offered the candidate in the Brestsko-Zapadny constituency №1, chairman of the Belarusian Social-Democratic Party (Hramada) Anatol Liaukovich to change a part of the text of his election program. The deputy editor of "Vechernij Brest" Barys Paulouski believed that his program contained statements which can be recognized as violating Article 47 of the Electoral Code of the Republic of Belarus. According to Liaukovich, he met representatives of the edition, as a result of which an agreement was reached on a compromise variant of the text.

On **September 13** Mozyr regional state newspaper "Zhytsio Palessia" (Homel region) refused to publish the election programs of the candidates in Palesski constituency №43. According to the responsible secretary of the edition Sviatlana Danilchanka, candidates Mikola Haurylenka, a representative of the United democratic forces and Siarhei Kanoplich, who used to work as a secretary of Yelsk district executive committee before, have not presented in due time the texts of their programs to the edition.

On **September 23** the press photographer of the non-state newspaper "Narodnaya Volya" Yury Dziadzinkin was not permitted to make photographs of the early voting at the Minsk polling station №398. The journalist came to the polling station at 10.50 with the editorial assignment, but members of the electoral commission have not permitted him to work, referring to the interdiction of the commission chairman Elman Hasieu. The chairman gave the orders on the phone, since at that time he was not present on the polling station.

The secretary of the Central Commission for elections Mikola Lazavik has explained this refusal to BAJ by saying that the journalist had failed to build "human relations" with the members of the electoral commission. In conversation with BAJ press-service he confirmed that an interdiction to the journalist of the registered mass media to work at a polling station represents an infringement of the electoral legislation.

In accordance with Article 13 of the Electoral Code, representatives of mass media have the right to be present at the sessions of electoral commissions and during the voting. Article 11 of the Resolution of the Central Committee for Elections №54 dated 12.10.2006 "On the order of application of Part 3, Article 13 of the Electoral Code of the Republic of Belarus..." stipulates that during preparation and realization of elections representatives of mass media have the right to be present at the sessions of electoral commissions and in the rooms for voting. The journalists have to present documents confirming their status.

On **September 26** runners-up to the Chamber of Representatives of the National Assembly from so-called "European List", who stood in Vitsebsk region, declared that local state newspapers - "Vitsbichy", "Narodnaye Slova", "Vitebski Rabochy" and some regional publications used censorship when publishing their election programs.

According to one of the runners-up for the deputy mandate Aliaxei Haurutsikau, the biggest newspaper in Vitsebsk "Vitsbichy" has put forward a condition to remove the last sentence "However, for the authorities of our country it is probably more important to keep lucrative jobs and to pass them by right of succession to their children, rather than to guarantee well-being to the people". Otherwise the candidate would be refused the right to print his program.

The remaining runners-up from the "European List" have managed to print their programs in state editions after complaints to the Central Committee for Elections. However, the newspapers published their programs on the days, when they come out with smaller circulation. For example, the newspaper "Vitebsky Rabochy" printed the program of the candidate Halina Kozyrava not in the Saturday issue, when the edition comes out with the circulation of 100 thousand copies, but on Tuesday, when the circulation is 7 thousand. The same happened to the program of Ihar Kanyhin, who submitted it for publishing in "Narodnaye Slova".

On **September 28** on the polling station №504 of Kolasauski constituency №106 the journalist of the non-state edition "Belorusy I Rynok" Tatsiana Kalinouskaja was not allowed to have a talk with the observers. The journalist has presented to members of the electoral commission the ID from the edition and accreditation at the information centre of the Central Committee for Elections and wished to approach the group of observers who worked at the polling station. However, the chairwoman of the electoral commission Nina Balotsina stopped her and told her to wait in the corridor, saying that she would bring the observers herself. A bit later Balotsina approached the journalist and said that they don't want to talk to her. The journalist believes that the true reason of such behaviour of the commission chair was her reluctance to make public the fact of suspiciously high turnout for early voting in her constituency.

## Judicial conflicts with participation of mass media subjects

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## 1. Criminal Cases

### 1.1. Case of Aliaxander Sdvizhkov

On **January 18** former assistant chief editor of the newspaper "Zhoda" Aliaxandr Sdvizhkov was sentenced to 3 years imprisonment in a heavy security prison for "kindling of religious enmity" (Article 130, Part 2 of the Criminal Code of the Republic of Belarus). The journalist was punished for reprinting caricatures of the prophet Mohammed from the Danish press.

The criminal case was initiated back in 2006. In March, 2006 newspaper "Zhoda" was closed under the claim of the Ministry of information, and the criminal case was suspended, as the investigating bodies did not manage to find out the location of the defendant. However, in the beginning of January, 2008 it became known that the journalist was detained in November, 2007 and was put under arrest.

The hearing of the criminal case took place in the Minsk municipal court. The hearings were initially open, but later the journalists were forbidden to attend them. A. Sdvizhkov hasn't plead guilty.

On **February 22** the board of the Supreme Court considered the cassation appeal of A. Sdvizhkov against the verdict of the court of the first instance and ruled to reduce the term of his imprisonment from 3 years to 3 months (by then the journalist had already served this term in jail). The Supreme Court has referred to the condition of health of the journalist and to the necessity to support his elderly mother (Article 70 of the Criminal Code of the Republic of Belarus - mitigation of verdict in view of exclusive circumstances). At the same time, the Supreme Court has considered the guilt of the journalist proved.

Aliaxandr Sdvizhkov was released on the same day and declared that he was going to leave Belarus and to change his citizenship.

Observers explain the release of A. Sdvizhkov by the demand of European structures to the Belarusian authorities to release political prisoners.

### 1.2. Other Criminal Cases with Participation of Mass Media

On **February 15** politician and publicist, ex-deputy of the Supreme Soviet of the 13<sup>th</sup> convocation **Andrey Klimau** was released from prison according to the presidential clemency decree signed February 11.

A. Klimau was sentenced to 2 years of imprisonment in a heavy security prison in September, 2007 for his articles published on the website [www.ucpb.org](http://www.ucpb.org) in January, 2007. Human rights organization "Amnesty International" has recognized Klimau prisoner of conscience.

On **August 12** Shklou district court (Mahileu region) suspended criminal case against the publisher and editor of the unregistered low-circulation newspaper "Shklouskija Naviny" Aliaxandr Shcharbak in view of reconciliation of the parties.

The criminal case was initiated under the appeal of the director of the local flax factory Vasily Bubnou concerning the article of A. Shcharbak "What the staff means". In the opinion of Vasily Bubnou, the publication contained expressions offending him. He demanded 2 million Belarusian roubles in compensation of moral damages. The journalist could also face criminal punishment (up to 3 years of imprisonment).

Hearing of the case ended up in reconciliation of the parties, according to which A. Shcharbak asked for pardon and undertook to pay to him 500 thousand Belarusian roubles in compensation of moral damages.

On **October 17** it became known that the chief editor of the state newspaper "Nastaunitskaya Gazeta" should appear in court. According to law-enforcement bodies, the edition of "Nastaunitskaya Gazeta" was involved in theft and laundering of money from the enterprises of the country. For several years employees of the unitary enterprise "Teta" (which founder is the Minsk municipal organization "Public association "Belarusian Society of Invalids") were involved in this through accomplices. As a result 8 people were held criminally liable, including the chief editor of "Nastaunitskaya Gazeta".

## 2. Civil Cases

### 2.1. Case on Recognition of Materials as Extremist Materials

On **September 9** the court of Iuje district (Hrodna region) recognized issue №127 dated August 14-27 of the unregistered edition "Svaboda" as extremist material and ruled to destroy 5 thousand copies of this issue, which had got in the hands of law-enforcement bodies. The reason for such verdict was the article "War in Georgia" about the protest action of youth near the Embassy of Russia in Minsk. The hearings were held in absence of the people, from whom the issue was confiscated.

On **September 18** Oktyabrsky district court of Hrodna held a preliminary meeting of the parties on the civil case "On recognition of information materials as extremist materials". The respondents on the case were 9 persons, from whom in the last couple of years law enforcers at the border confiscated "potentially extremist" production. The case was initiated by the Kastychnitsky district court of Hrodna under the initiative of the regional KGB department, which suggested to recognize as extremist the following materials: a copy of the newspaper of the Belarusian Union of Poles "Glos znad Niemna na uchodztwie", brochure "Review - chronicle of human rights violations in Belarus in 2004", books "Letters from the woods" (author – Paval Seviarynets) and "Accidental President" (authors - journalists Sviatlana Kalinkina and Paval Sheremet), and others.

On **October 2** state newspaper "Zviazda" printed a list of materials which were recognized as extremist materials - three disks with the recording of the Warsaw 2006 concert "Solidarity with Belarus", 6 disks with the Polish documentary film "Lekcja Bialoruskiego" ("Lesson of Belarusian", winner of numerous international festivals) and 7 disks with a mysterious name "MEGAUS MEG 16753" (according to BAJ monitoring service, these disks contained photos from Kastychnitskaya square in Minsk made in 2006). According to the newspapers, the decision on this case was made by Kastychnitsky district court of Hrodna, and came into legal force on September 16, 2008.

On **November 5** the judicial board of the Hrodna regional court on civil cases overruled the decision of Iuje district court, which following the appeal of the head of Hrodna region KGB department Ihar Serheenka recognized as extremist the materials published in the August issue of the unregistered newspaper "Svaboda".

The Hrodna regional court judges have justified their verdict by the fact that their colleagues in Iuje, in violation of the procedure, stipulated by the law, have considered the case in absence of all interested parties.

On **December 12** during repeated hearings Iuje district court (Hrodna region) has left without consideration the appeal of Hrodna KGB department on recognition as extremist materials a number of materials published in the August issue of the unregistered newspaper "Svaboda". This decision was made because the officer, whose signature was under the appeal, was not authorized to sign it.

On **November 9** Kastychnitsky district court of Hrodna has left without consideration the appeal of Hrodna KGB department on recognition as extremist materials the newspaper of

the Belarusian Union of Poles "Glos znad Niemna na uchodzstwie". Similar definitions were also born on other cases on recognition of information materials as extremist materials.

On **November 24** the chief editor of the magazine "ARCHE" Valer Bulhakau received a letter from the State Customs Committee signed by the committee's deputy chair S. Barisiuk. According to the document, in accordance with the conclusion made by KGB on 05.11.2008, issues №№ 7 and 8 of the magazine for 2008 "were found to contain appeals to extremist activity and propagation of such activity".

The materials of the case were sent to Maskouski district court of Brest "with the petition for recognition of the given information production as extremist materials and its subsequent destruction". Up to the end of 2008 the case was not considered by court.

## 2.2. Conclusion of the Case "M. Charhinets Against "Novy Chas"

On **January 3** the chairman of the Commission of the Council of the Republic on international affairs and national security Mikola Charhinets declared that he didn't exclude that he would appeal to court against the media outlets, which in their publications quoted the article of Aliaxandr Tamkovich "General - Senator Mikola Charhinets". On December 20, 2007 Pershamaisky district court of Minsk ruled to collect 50 million roubles from the publishers of the newspaper "Novy Chas" and 1 million roubles - from the journalist A. Tamkovich in compensation to the senator. The judge has recognized a number of quotes from the article to be false and humiliating. M. Charhinets specified in his appeal that he would use the money received for helping mentally ill people.

On **February 11** the board of Minsk municipal court on civil cases rejected the cassation appeal of publishers of the newspaper "Novy Chas" and maintained the decision of the first instance court on the appeal of M. Charhinets.

On **February 20** the officer of Pershamaisky district court of Minsk distrained property in the office of the publishing enterprise "Chas Navinau", publisher of the newspaper "Novy Chas" in execution of the verdict under the appeal of the senator. The edition also received two written "offers" – to transfer to the bank account of the court by February 27 the amount of the compensation (50,093,000 Belarusian roubles in view of covering of court expenses), and to publish in the newspaper in the same term a refutation of the article "General – Senator Mikola Charhinets», which became the reason for the appeal. The next issue of "Novy Chas" had not been printed since the accounts of the edition were blocked.

On **March 13** Pershamaisky district court of Minsk satisfied the appeal of the edition of the newspaper "Novy Chas" about unblocking the bank account, since it has duly paid off under the appeal.

On **March 14** the next issue of the newspaper came out after the forced fortnight break. Chief editor of "Novy Chas" Aliaxei Karol expressed gratitude for the donations, which have arrived to the account of the newspaper after publication of an appeal to the readers.

On **May 7** the chief doctor of the Republican psychiatric hospital in Navinki (in the suburbs of Minsk) Uladzimer Sklema confirmed the fact of transfer by M. Charhinets of the

large sum of money for the needs of this institution. "The amount is huge – 43,293,000 roubles. All the money was spent for improvement of the social situation of our patients", he said.

### 2.3. Judicial Pressure on "Gazeta Slonimskaya"

On **May 26** Slonim district court hosted a preliminary meeting of parties under the claim of a Slonim dentist Natalia Kidman to the journalist of the non-state edition "Gazeta Slonimskaya" Siarhei Vasiljeu. Natalia Kidman was outraged by the article "The Pulled Out Tooth Has Nearly Caused Death". The journalist told the story of illness of a Slonim resident, who almost died after Ms. Kidman pulled out her tooth. The dentist believed that the information stated in the article offended her honour, dignity and business reputation. Back in January, 2008 the court has recognized her guilty of drawing harm. The claimant demanded from the respondent 10 millions roubles in compensation of moral damages.

On **July 2** Slonim district court (Hrodna region) rejected the claim of N. Kidman.

On **August 25** the judicial board on civil cases of the Hrodna regional court rejected the cassation appeal of N. Kidman against the decision of Slonim district court and left the verdict without changes.

On **September 15** Slonim district organization of the public association "Belarusian Society of Invalids" submitted to court the claim to the non-state regional newspaper "Gazeta Slonimskaya" (Hrodna region). The claimant demanded compensation for moral damages in the amount of 5,800,000 roubles and refutation of the printed information. The chairman of the organization Elena Novikava has also written complaints to the prosecutor's office, police and the Ministry of information.

Mrs. Novikava was outraged by the article of Siarhei Chyhryn "Do No Good – You Won't Get Bad" in the August issue of the newspaper, in which the journalist described how the local invalids, forced to defend their right for their own premises in town, asked the local candidate for help. After meetings with the heads of the organization of invalids the candidate had problems himself - he received a warning from the chairman of the electoral commission for allegedly promising the invalids material support in exchange for voting for him during the elections. A. Novikava believed that the facts stated in the article, recorded by the journalist from the words of the management of the organization of invalids and the candidate, were false, and that Mr. Chyhryn made "illegal recording" during the meeting with invalids.

On **October 7** the editor of "Gazeta Slonimskaya" Viktor Valadashchuk and his deputy Siarhei Chyhryn gave explanations to a local policeman concerning the complaint from the chairman of Slonim regional organization of the "Belarusian Society of Invalids" Elena Novikava. In her appeal she stated that V. Valadashchuk threatened her with publishing compromising materials in his newspaper.

"I have explained to the policeman that the information, stated in the appeal is lies", V. Valadashchuk said later. "I don't understand what drives A. Novikava, but I have an impression, that the attacks on the edition is not her own initiative. However, all letters are signed by her".

On **November 17** the proceedings under the claim on protection of honour, dignity and business reputation of Slonim district organization of the "Belarusian society of invalids" to the non-state regional newspaper "Gazeta Slonimskaya" and its journalist Siarhei Chyhryn finished. The claimant has withdrawn her demand of compensation for moral damages and refutation of the information stated in the article "Do No Good – You Won't Get Bad" dated 27.08.2008. According to the reconciliation agreement, the newspaper undertook to publish the interview with A. Novikava on the International day of invalids - December 3, and the claimant withdrew all her demands.

## 2.4. "Leninsky Klich" Against "Volny horad"

On **January 16** Chausy district court of Mahileu region ruled to collect 500,000 roubles for the benefit of the editor of the Krychau state newspaper "Leninsky Klich" (Mahileu region) Tatsiana Iukina from the founder of the unregistered regional newspaper "Volny Horad" Uladzimer Kudrautsau and journalist Valer Bysau. Such verdict was announced after consideration of the appeal on protection of honour, dignity and business reputation.

T. Iukina believed that negative information not corresponding to reality was published in several issues of "Volny Horad" in 2004. The article in question was the publication by V. Bysau "Six Years in Editorial Gulag". The claimant demanded from the respondents 10 millions roubles in compensation.

On **March 5** the board of the Mahileu regional court rejected the cassation appeal of representatives of "Volny Horad" against the decision of court of the first instance, which in January obliged them to pay 500,000 roubles for the benefit of the editor of Krychau district state newspaper "Leninsky Klich" Tatsiana Iukina.

On **March 3** Krychau district court considered the appeal of the editor of Krychau non-state low-circulation newspaper "Volny Horad" Siarhei Niarouny against the edition of the state regional newspaper "Leninsky Klich". S. Niarouny has filed the appeal in late November. The journalist demanded the same, as T. Iukina demanded from the employees of the newspaper "Volny Horad" -refutation of the printed information and indemnification of moral damages in the amount of 10 million roubles. The claim concerned several satirical publications in the state newspaper, signed "N. Rouny". S. Niarouny considered them offensive.

The case is suspended in connection with assignment of expertise.

## 2.5. "Narodnaya Volya" and Maryna Koktysh Appeal Denial in Her Accreditation

On **June 6** it was sounded that the edition of the non-state newspaper "Narodnaya Volya" and its deputy chief editor Maryna Koktysh decided to hold judicially responsible the Chamber of Representatives of the National Assembly of the Republic of Belarus and the Presidential Security Service. The corresponding appeals were sent to Maskouski district court of Minsk after the Chamber of Representatives refused to accredit Maryna Koktysh,

despite of the fact that she had been accredited there for several years. From the replies of the Chamber of Representatives it became known, that the journalist was denied admission to the building of Parliament. The decision on this was made by the presidential Security Service. The Security Service has not reacted to the demands of the edition to give explanations.

On **June 9** Maskouski district court of Minsk has refused to initiate proceedings under the complaint of the deputy chief editor "Narodnaya Volya" Maryna Koktysh against the actions of the Chamber of Representatives, which has denied accreditation to her. The judge Volha Husakova has refused to initiate proceedings, stating that the journalist had no right to appeal to court.

On the same day Maskouski district court of Minsk has born a similar definition under the complaint of the edition of the newspaper "Narodnaya Volya" against the actions of the presidential Security Service, which banned the journalist from entering the building of the Chamber of Representatives. The judge Volha Husakova has refused to initiate proceedings, stating that the newspaper had no right to appeal to court either.

On **July 17** the board of Minsk municipal court has rejected the appeal of the deputy editor "Narodnaya Volya" Maryna Koktysh against the definition of Maskouski district court of Minsk, which in June denied the journalist's right to appeal to court against the Chamber of Representatives of the National Assembly of the Republic of Belarus for refusal in accreditation.

"Thus, the right for judicial protection, which is guaranteed to the citizens by Article 60 of the Constitution, was actually denied", BAJ deputy chair Andrey Bastunets comments.

On **July 24** "Narodnaya Volya" edition received a similar answer from Maskouski district court of Minsk. The edition demanded that the court urged the presidential Security Service to give an answer to the official letter, in which the editor demanded explanations why the presidential security had forbidden the journalist Maryna Koktysh to be present at the sessions of the Chamber of Representatives.

The courts have refused the edition and the journalist on the basis that they allegedly had no right to appeal to court.

## 2.6. Other Civil Cases with Participation of Mass Media Subjects

On **March 20** Chyhunachny district court of Homel rejected the claim of the mother of Zmitser Zheleznichenka to the edition of the state regional newspaper "Homelskaya Prawdа" on protection of honour and dignity of her son. Alla Zheleznichenka challenged the publication signed by Ju. Kamysh "I Don't Want to Be a Soldier, I Want to Be a "Democrat", published in the issue dated February 9. A. Zheleznichenka believed that the author of the article in the offensive form attributed to her son "not only immoral, but even criminal actions", accusing him of aspirations "to shrink" from army by any means.

Deputy chairman of the regional organization "Malady Front" Zmitser Zheleznichenka, who always got excellent marks as a student, has been twice expelled from Homel University named after Francisk Skaryna and was soon drafted to the army.

On **March 17** Savetsky district court of Minsk rejected the appeal of the politician Ales Mihalevich to the edition of the state newspaper "Sovietskaya Byelorussia" and its journalist "Artiom Cheledinsky" (pseudonym of the chief editor Pavval Yakubovich). The reason for the appeal was the article "Cool Mirage", published on January 11, 2008. Among other, the article contained the following words: "Therefore they sincerely believe that Mihalevich – Milinkevich, who have never in their life grown and moreover never sold a bucket of potatoes will really help them in their specific business problems".

The politician believed that the article damaged his honour, dignity and business reputation, and demanded a refutation of the false information and indemnification of moral damages in the amount of 6,160 Belarusian roubles (price of a new bucket for potatoes in the central department store).

On **July 24** Drahichyn district court (Brest region) considered the appeal of T. Dziashko against the edition of the newspaper "Dlia Vas" and journalist Tamara Shchapiotkina. The claimant demanded 500 thousand roubles in indemnification of moral damages for the publication of one of the articles. During the trial the claimant has withdrawn her demands.

On **November 20** the court of Barysau district and the city of Barysau partially satisfied the claim of the chief editor of the state newspaper "Adzinstva" Vera Pratasevich to the edition of the non-state newspaper "Borisovskiye Novosti" and author of the article "Pre-election Fudge or Another Lies" by Ihar Lednik. V. Pratasevich believed that the article offended her honour and dignity. The claimant demanded to collect from the author of the article 10 millions roubles, and from the unitary enterprise "Bukas-Media" (edition of the newspaper "Borisovskiye Novosti") - 20 millions roubles. The court has partially satisfied the claimant, having collected 500 thousand roubles from the journalist and 1 million roubles from the edition.

On **October 27** the court of Baranavichy district and the city of Baranavichy has rejected the appeal on protection of honour, dignity and business reputation of the candidate in the previous parliamentary elections, activist of the local entrepreneurs' movement Mikola Charnavus to the regional state newspaper "Nash Kraj".

The businessman has appealed to court following an offensive, in his opinion, publication. The topic of the disputable article was the appeal of Mikola Charnavus to the Embassy of Ukraine and to the Prime Minister with the suggestion to open wholesale markets at the border between Belarus and Ukraine, so that it was easier for the entrepreneurs to work. The claimant thought that the author of the article was biased.

### 3. Administrative Cases

#### 3.1. Administrative Trials of "Nasha Niva" Journalists

On **January 11** non-staff press photographer of the newspaper "Nasha Niva" Arsenij Pahomau was sentenced to 15 days of administrative arrest. The judge of Tsantralny district court of Minsk has found him guilty of violating two articles of the Administrative Code - "petty hooliganism" and "participation in an unsanctioned rally". The journalist was detained on January 10 at the entrance to metro station Oktyabrskaya in downtown Minsk, when a mass protest action of entrepreneurs was held nearby. A. Pahomau attended the rally with the editorial assignment.

On **May 16** non-staff correspondent of the newspaper "Nasha Niva" Yaraslau Stseshik was sentenced to 5 days of administrative arrest by Tsantralny district court of Minsk. The court found him guilty of swearing in public (Article 17.1 - «petty hooliganism»). On May 15 the journalist was covering a poll carried out by the participants of the youth movement "Bunt". In court he informed that he only photographed this action.

On **March 25** in Minsk during the street rally dedicated to the Day of Freedom police detained the employees of the newspaper "Nasha Niva" - non-staff press photographer Andrey Liankevich and journalist Siamen Pechanka. The journalists have been detained in spite of the fact that both of them had journalistic IDs issued by their newspaper. A. Liankevich was taken to Tsantralny district police department, and during detention policemen hit him in the face, which caused nose bleeding. S. Pechanka was taken to Maskouski district police department and had not been released even after the telephone call to the policeman on duty from the chief editor of "Nasha Niva" Andrey Skurko. The chief of the edition has confirmed in conversation with the attendant that S. Pechanka was really present at the rally for professional reasons.

On **March 26** the correspondent of the non-state newspaper "Nasha Niva" Siamen Pechanka was sentenced to 15 days of administrative arrest. The judge Tamara Vnukevich has found him guilty of violating the order of the organization and realization of mass rallies (Articles 23, 34). The witnesses in the trial were policemen, who said that during detention the journalist cried out "Shame!" and "Long live Belarus!", and had a white-red-white flag.

On **March 26** Zavadski district court of Minsk conducted hearings of the case of the non-staff press photographer of "Nasha Niva" Andrey Liankevich. The judge wished to meet the chief editor of the edition to clarify whether A. Liankevich had really received the editorial assignment to be present at the March 25 rally, and whether the newspaper was really registered in the Ministry of information. On **March 27** the court has temporarily suspended the hearings and sent the materials of the case back to Savetsky district police department. A. Liankevich was released.

At a press conference on **March 28** the interior minister Uladzimer Navumau commented on the events on the Day of Freedom in Minsk. He said: "I know that two journalists of the newspaper "Nasha Niva" have been detained, but if journalists participate in an unsanctioned rally and render resistance to police they should bear responsibility just like usual citizens".

On **April 9** the correspondent of the non-state newspaper "Nasha Niva" Siamen Pechanka was released after serving 15 days of administrative arrest in the pre-trial jail on Akrestsin Street in Minsk. He once again confirmed that during the rally on the Day of Freedom he wore a badge and during detention he repeated several times to the policemen that he was a journalist.

### 3.2. Administrative Prosecution of Barys Hamaida

On **April 16** Vitsebsk activist and distributor of non-state press Barys Hamaida received by mail a copy of the decision of Chyhunachny district administrative commission of Vitsebsk, in which he was informed that he was fined 175 thousand roubles for trading in an inappropriate place. The activist was informed that the case of illegal trading was registered on March 14 at Lenin St. (where Mr. Hamaida daily distributes non-state newspapers and magazines). According to the respondent, despite the fine, he is going to continue distributing independent editions at the same place.

On **July 11** an assault on Mr. Hamaida was carried out in the centre of Vitsebsk. "An unknown man approached me, started to shout that I owe him money and started to fight. I am sure it was a provocation", the activist said. Policemen and people in the civilian clothes have immediately interfered. There were many of them around the summer amphitheatre because of the festival "Slavyansky Bazar". Mr. Hamaida was taken to the Chyhunachny district police department of Vitsebsk to give explanations regarding the incident. The officer in the civilian clothes has testified in the police department that the distributor of press was the first to break the public order. The official report said that the 60-year-old public activist allegedly swore at the unemployed citizen born in 1971. The latter was released, and the court has supported the position of the witness - policeman and sentenced Mr. Hamaida to three days of arrest.

On **August 14** an administrative commission in Vitsebsk fined Barys Hamaida 200 thousand roubles "for violating the rules of trade approved by the municipal executive committee". The activist was held responsible for distributing independent publications. As noted in the document adopted by the commission of the Chyhunachny district of Vitsebsk, on July 10 a police employee in the civilian clothes has bought an issue of the newspaper "Narodnaya Volya" from Barys Hamaida, after which a protocol was made out against him for violating the rules of trade.

### 3.3. Other Administrative Cases with Participation of Mass Media Subjects

On **January 21** Savetsky district court of Minsk fined pensioner Sviatlana Danilava 5 basic units for distribution of independent editions. The woman from Barysau was detained on January 20 in Minsk in the underground crossing near Kamarousky market for distributing the newspaper "Narodnaya Volya". In her bag the policemen have also found the issues of the editions "Tavarysch", "Nash Vybor", several copies of "Svaboda Belarusi" and "Nash Chas".

On **March 24** youth activist Ivan Shablinski was sentenced to 3 days of administrative arrest for distribution of unregistered periodic editions. He was detained in Minsk when distributing copies of the editions to passers-by.

On **March 24** Leninsky district court of Minsk has found pensioners Maryja Alieva and Alena Naporka guilty of distribution of the low-circulation unregistered newspaper "Svobodnaya Serabranka" which informed about the forthcoming unsanctioned rally on the Day of Freedom (March 25). Each of them was fined 10 basic units. The two women were detained on March 22 at Yakubau street, where they distributed the newspaper to the passers-by. Until the trial the pensioners were kept in the pre-trial jail on Akrestsin street.

On **April 15** in Minsk BAJ member from Barysau Anatol Udavichenka was sentenced to 14 days of administrative arrest. Police detained him on April 14, and on the next day the judge of Pershamaisky district court of Minsk Alla Yashchanka found the journalist guilty of "violating the established order of organization or performing a mass action or picketing" (Part 1, Article 23.34). According to testimonies of police officers, Anatol Udavichenka scattered along the street leaflets with an appeal to take part in the "Chernobyl Path" rally. The journalist has not testified to the accusations put forward against him.

On **April 23** Navabelitsky district court of Homel has punished the Homel journalist Taciana Bublikava by an administrative fine in the amount of 15 basic units according to Part 1 Article 23.34 - "violating the established order of organization or performing a mass action or picketing". The reason for the administrative punishment was the fact that she covered an unauthorized mass event – an excursion organized on March 23 in Homel by public activists on the 90-th anniversary of the Belarusian National Republic.

On **May 15** the correspondent of the state newspaper "Zviazda" Viktor Hursik was sentenced to 15 days of arrest. The judge of Staradarozhski district court (Minsk region) Siarhei Japihau found him guilty of violating the established order of organization or performing a mass action (Part 1, Article 23.34). On April 19 the 55-year's old journalist was present at the ceremony of installing a memorial cross in the village Drazhna in Staradarozhski district. V. Hursik is also known as the author of the documentary book "Blood and Ashes of Drazhna" published in 2003 and republished in 2006. Based on the stories of live witnesses and on the archival documents, the author proved that in 1943 the inhabitants the village Drazhna were burnt by partisans, and not by collaborators, as it was considered earlier.

On May 26 Pershamaisky district court of Vitsebsk sentenced Vitsebsk human rights activist Paval Levinau to 10 days of administrative arrest and fined him 700,000 roubles. Paval Levinau rendered legal assistance to the journalist of the newspaper "Vitebsky Kurier M" Vadzim Barshcheuski during the search in his apartment on March 27. On the basis of testimonies of police officers the human rights activist was found guilty of petty hooliganism and resisting to the lawful requirements of the policemen (Articles 17.1 and 23.4)

On **June 30** Radio Liberty journalist Liubou Luneva was fined about 280 thousand roubles by Kastychnitsky district court of Minsk. She was charged with "disrespect for the court" for answering a call on the mobile phone in the courtroom. The reporter was present at the hearings on the administrative case against the activist of the United Civil Party Mihash Pashkevich. The journalists, as well as other citizens who wished to be present at the process were originally not admitted to the hearings. Only after the representatives of mass media complained to the chairman of the court, the people were admitted to the courtroom.

On **August 28** Leninsky district court of Minsk punished the activist of the civil campaign "European Belarus" Paval Luksha by 10 days of administrative arrest for distribution of the samizdat newspaper "Vybor". The edition contained materials with appeals to boycott the parliamentary elections and take part in protests against possible falsification of their results. The court has considered the above mentioned publications an appeal to participation in an unsanctioned rally.

## 4. Economic Cases

### 4.1. "Vitebsky Kurier" Against Regional Executive Committee

On **February 18** the Economic court of Vitsebsk region waived the appeal of the publishing house "Vitebsky Kurier" (edition of the non-state newspaper "Vitebsky Kurier M") against the actions of the municipal executive committee, which refused to reregister the enterprise without any grounds. In 2007 Vitsebsk executive committee initially gave the appropriate sanction to the publishing house, but later withdrew it from it. This decision was appealed against.

On **March 18** the court of appellate jurisdiction of Vitsebsk region economic court maintained the decision of the court of the first instance, having repeatedly recognized the legitimacy of actions of the executive committee, which refused to reregister the enterprise, thus putting under threat the existence of the newspaper "Vitebsky Kurier M".

On **May 20** the board of the Supreme Economic court waived the cassation appeal of the Publishing house "Vitebsky Kurier" against the decisions of courts of previous instances. Thus, the edition of the non-state newspaper "Vitebsky Kurier M" was again refused the right to make changes to the Charter and to be reregistered.

### 4.2. Other Economic Cases

On **April 30** it became known that the Economic Court of Minsk recognized the website [www.ucpb.org](http://www.ucpb.org) as property of the United Civic Party (UCP). The issue of belonging of the site was raised during consideration of the appeal of the limited liability company "Legal group "Argument" which was indignant by one of the publications on the site and submitted an appeal against UCP in summer 2007. The reason for the appeal was the article "Family" Does Business. Under Reliable Roof of the State". The claims were caused by the information that the son of the chief of the Belarusian Federation of Trade Unions Leanid Kozik - the founder of the legal firm "Argument" – allegedly lobbies the interests of foreign enterprises and large private business in state structures.

The UCP management denied direct relation between the site and the party. According to them, the resource belongs "to the supporters of the party", since UCP did not accept a decision on creation of the site.

The court of the first instance ruled that the site [www.ucpb.org](http://www.ucpb.org) damaged the business reputation of the legal group and obliged to publish a refutation of the information on this resource and on the web-portal [www.tut.by](http://www.tut.by).

On **July 1** the Supreme Economic Court of the Republic of Belarus waived the cassation appeal of the United Civic Party against the decisions of the economic court of Minsk, which has recognized the Internet resource [www.ucpb.org](http://www.ucpb.org) as UCP property.

On **September 9** it became known that the court has fined TV channel STV 700 thousand roubles for violating the law "On advertising". The suit to court has arrived from the Ministry of trade. The TV channel was accused that the loudness of advertising exceeded the loudness of other programs.

Earlier, in July, Channel 8 and First Musical Channel have already been fined. According to the deputy head of the department of protection of consumers rights and control of advertising of the Ministry of trade Volha Krautsova, the protocols have also been made out in relation to TV channels BT and ONT, and have already been submitted to court. However, these TV channels refuse to appear in court.

## 5. Labour Legislation Disputes

On **October 9** Pershamaisky district court of Minsk satisfied the appeal of the former deputy chief editor of the weekly newspaper "Nalogovyj Kurier Predprinimatelia" Ihar Asinsky. The journalist was dismissed, allegedly for truancy, but he assured that it was a revenge for criticism of the Ministry of taxes in one of his publications. After the dismissal was recognized illegal, A. Asinsky has agreed to receive material indemnification instead of restoration at work.

On **June 19** Tsantralny district court of Minsk partially satisfied the claim requirements of the former chief editor of the newspaper "Trud" Siarhei Vahanau to the edition "Beltrudpress" on revoking the salary, sum of lay-off pay and average salary for the delay of payment during dismissal.

On **August 7** Chyhunachny district court of Homel held the first hearing of the appeal of the activist of the oppositional Party of Communists Vasil Mamkin, dismissed from the JSC "Electroapparatura", against the management of the enterprise. On July 18 the enterprise director Viktor Zhigar signed the order on dismissal of V. Mamkin, allegedly for regular default of his official duties. The activist believes that the true reason for dismissal was that the newspaper "Tovarisch" was delivered to him to the checkpoint of the factory, which the director has learned about.

Mr. Mamkin required to recognize the order of the employer illegal and demanded 10 millions roubles in compensation of moral damages. On August 21 the management of the Homel factory "Electroapparatura" has restored the subscriber of the newspaper "Tovarisch" V. Mamkin at work without court. He was informed that the factory administration cancelled the order for early termination of the contract.

On **September 10** Salihorsk district court (Minsk region) waived the appeal of the former responsible secretary of the local state newspaper "Shahter" Zmitser Abramychau against the chief of the edition Volha Kaptsevitskaya.

Z. Abramychau was dismissed on August 5, 2008 "for regular default of official duties". He demanded through court to change this wording to "dismissed under the agreement of parties". The journalist also wanted to collect from his former boss 5 millions roubles as indemnification for moral damages. Earlier, in June 2008, the court has found Volha Kaptsevitskaya guilty of theft by abusing service position - the editor deprived the employees of the edition of their premiums and received them herself. After the trial Volha Kaptsevitskaya has remained on her post.