

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

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The most typical violation of the reporting period was restricting access to information, sometimes combined with excessive use of force and detentions.

On February 17 the owner of the private publishing house **Lohvinau** said in an interview that he was going to **move his business to Vilnius** for a short period of time, before he registers his business anew. Ihar Lohvinau said that the enterprise was in a difficult condition, but he had business commitments with partners, so they were going to keep on with the publishing.

The private publisher Lohvinau was ripped off the license in October 2013 by the Ministry of Information "because of rough violations of the law on licensing". The so called violation stemmed from the fact that Lohvinau published the Belarus Press Photo 2011 album which was declared extremist by the Ashmiany court earlier in 2013. The court decision was widely criticized as being biased and ungrounded.

According to law, the publisher can sit a qualification exam only in a year after closure. In the meantime publishing business was removed from the list of licensed activities, so he will need to get a registration only. The publisher thinks that licensing book publishing in Belarus has been introduced not only for ideological reasons, but also with the view of lobbying interests of state-run publishing houses.

On February 18 Judge Alena Siamak of the Central District Court of Minsk **considered a complaint** filed by deputy chairman of the **Human Rights Center "Viasna" Valiantsin Stefanovich to challenge** a decision of the Prosecutor General's Office to **blacklist the spring96.org website** as a resource with restricted access.

The court ruled that Valiantsin Stefanovich was improper plaintiff because he is not the owner of the website spring96.org, and blacklisting the website did not violate his personal rights.

Valiatsin Stefanovich said he was going to appeal against the decision to the Minsk City Court. Aleh Hulak, chairperson of the Belarusian Helsinki Committee, who attended the proceedings as a public representative, supported his standing.

At the hearing, the defendant **Pavel Eliseyev** (deputy head of the supervisory department on implementing rights and freedoms of citizens) said that if the Prosecutor's Office had the ability to impose general restrictions on access to the website of the HRC "Viasna", the law enforcement agency would have implemented it. "So far we have used the mechanism allowed by the law - restricting access for government agencies, institutions of culture and education." We remind that access to spring96.org has been restricted from governmental institutions since 2011, according to a ruling of the General prosecutor's office.

The customs office of Ashmiany sent the **book "Alexander Lukashenko. Political portrait"** to the KGB regional department **for assessment**. The Salihorsk activist Aliaksandr Malochka got official information confirming this from the head of the customs office Ivan Niviarkevich in a letter dated **February 18**. Earlier, the activist had been informed that examination of the book revealed no extremist contents, and he could pick it up from the customs office.

According to the letter, the preliminary examination held by the Chief ideological department of the Hrodna Region Executive Committee was unsatisfying.

We remind that the book "Political Portrait" by Valery Karbalevich was seized from the Salihorsk activist Aliaksandr Malochka on September 14 and was sent to experts to examine it regarding extremist contents.

The examination was scheduled for September 30 and was to be completed within 20 days. On January 18 the activist filed a request to the customs office about the book. On January 23 he received a letter

saying he could pick up the book at the Ashmiany customs office within 10 days. Nothing was said about the results of the examination.

On February 18 the editor of the socio-political bulletin *Klimavitskaya Info-Panorama* **Siarhei Arzhantsau** received an official reply from the Mahilou Regional Executive Committee regarding his complaint against **Natallia Asmalouskaya**, chairperson of the administrative commission of the Klimavichy District Executive Committee.

We remind that on January 8 Natallia Asmalouskaya forbid the journalist to attend an open hearing of administrative cases in the commission. The journalist left a notice in a book of complaints. The chairperson of the executive committee approved his subordinate's decision. So, the journalist appealed to a higher instance.

In the reply, the deputy head of the chief justice department of the Mahilou Regional Committee A. Staliarou said that "an administrative case is heard openly, but information of a case can be made public only with the permit of a judge or an official person in charge of the case. When there is some personal information in such case, it can be made public only with the permission of the aggrieved person." So, Mr Staliarou decided that the ban was lawful.

The local human rights defender **Barys Bukhel** supposed that the reply had poor reasoning and mixed up notions. "The Procedural-Executive Code on Administrative Violations says clearly that administrative cases are heard publicly," said the jurist.

On February 18 the founder of the website **orshatut.by** Viktor Andreyeu, BAJ member, reported that the **KGB employees press on advertisers** not to cooperate with his editorial office because the website "was the wrong one".

"One of our long-time advertisers asked to remove his ads from the website, excusing buy a private talk with an acquaintance from the KGB. So to say, he was recommended to do it for not to have any problems in his business activities" told Viktor Andreyeu.

The website orshatut.by has worked for three years; it publishes regional news and critical articles about life of the Orsha city and the Vitebsk region.

On February 18 in Barysau journalists were **not allowed to attend a meeting** between representatives of the **Defense Ministry** and **retired military officers** from Barysau garrison who had complained to the President's Administration and the Defense Ministry that they had low pension.

The editor of the local non-state newspaper *Borisovskije Novosti* **Anatol Bukas**, freelancer **Alexander Ziankou** and a shooting crew of the local TV-channel wanted to report the meeting; however, sub-colonel Herasimau banned them saying they were not accredited. However, jurists have not found any open documents regulating such kind of accreditation.

Anatol Bukas addressed to the military prosecutor Mikhail Bychok claiming his journalist's rights had been violated; the latter recommended filing an official complaint.

As reported **on February 18**, the Babruysk City Executive Committee **failed to provide** the newspaper *Bobruyskij Courier* with the number of casinos in the city. A journalist of the newspaper was making a report about a city dweller who had lost 200 thousand dollars in a local casino and filed a request about the number of gambling places in the city. The journalist was first sent from one department to another, and then redirected to the taxes department. Finally, the journalist had to count the casinos by himself.

On February 19 the prosecutor's office of Lida district (Hrodna region) issued a **warning** to an **independent journalist Yury Dzeshuk** from Biarozauka town. He was warned that it is inadmissible to work for a **foreign mass medium without accreditation** and also to publish unverified information. The journalist asked to give him a written copy of the warning, but got a refusal.

We remind that on **February 10** the journalist was summoned to the prosecutor's office and questioned about his work as a journalist. The journalist refused to answer the questions and said he worked as a

freelancer, and his materials could be found on Belarusian websites as well as in newspapers and magazines.

On March 2 several journalists were **detained near the Russian Embassy in Minsk** where they intended **to cover an action of protest** against Russian intervention to Ukrainian territory. Even before the action started, **Uladzimir Hrydzin, Iryna Arakhouskaya, Vasil Siamashka, Siarhei Hapon, Artsiom Liava, Yauhen Yarchak** were detained and taken to the Central district police department. The detention was guided by Aliaksandr Barsukou, head of the Minsk police. The Radio Svaboda correspondent **Ina Studzinskaya** was detained also. She came five minutes before the action (others had already been detained) and started to take photos of plain clothed people detaining a protester Nina Braginskaya. Alexander Barsukou came up and the journalist demonstrated her accreditation; however, the head of the police doubted that it was true. The police officer first demanded that Ina should delete the photos, and then dragged her to the police van. The detainees were set free and hour and a half later. According to Ina Studzinskaya, the head of the police called the journalists “venal”, and his subordinates called the journalists “nationalists” and “banderovtsy”.

On March 3, at an **open court hearing** over a protester who had been detained near the Russian Embassy, the **judge** of the Central district court Alexander Yakunchykhin **forbid to make audio recording** of the process and warned that journalists would be held accountable if they did not obey. And this is all disregarding the ruling of the Plenum of the Supreme Court dated December 20, 2013 “On envisaging publicity in delivering justice and distributing information on courts activities” which unambiguously states that nobody can ban audio recording at open hearings, and journalists even do not need to request a judge’s permit for that.

On March 3 a non-staff correspondent for *Bobruyskij Courier* **Maryna Malchanava** said that for the whole fortnight somebody had been sending **threat and insult e-mails** to many people on her behalf. Somebody created an e-mail on mail.ru service with her name. The journalist supposes that some well-known agencies wanted to discredit her; she was going to lodge a complaint to the department of high-technologies crimes and to reveal the intruder.

As became known **on March 4**, the local **radio** in Retchytsa district *Dniaprovets* **refused to broadcast an uncensored speech** of candidate to local deputies, a coordinator of the *Tell the Truth!* campaign Aleh Shabetnikau. He was warned that the recorded speech would be sent to the local electoral commission to check if it does not have any violations.

On March 5, freelancers **Yuliya Sivets and Mikalai Bianco** received a **prosecutorial warning** for their work for the *Radio Racyja* – a foreign mass medium registered in Poland. The journalists were officially summoned to the prosecutor’s office; they referred to article 27 of the Constitution and refused to answer any questions. The grounds for the warning were reports and blogs authored by the journalists on the website racyja.com. The official letter was signed by Vadzim Suschynski, prosecutor’s deputy. “I think the Mass Media Law cannot be applied to freelancers at all,” says Leanid Sudalenka, lawyer of BAJ who represented the freelancers in the prosecutor’s office. “The law regulates activities of journalists of mass media, of editorial offices. A freelancer is an independent person who can write for whoever they want – even for New York Times, let alone the Radio Racyja. The right to gather information and to disseminate it is guaranteed by the Constitution and all international agreements signed by Belarus. I think the prosecutor’s office follows old-fashioned principles and rules of “informational wars” those of Soviet times.”

Belarusian legislation does not mention freelancers; it only has a definition of “mass medium’s journalist”. BAJ suggestions on this topic do not stir responses in the Chamber of Representatives.

On March 6 it was reported that three **electoral commissions** (in Horki, Drybin and Mstsislau) **refused to give information** to the non-state officially registered newspaper *Uzhorak*. The newspaper asked to give

information who had been registered as candidates to local deputies. At the moment the information had not been published yet on the websites of the executive committees, although the period of registration had been. The Drybin electoral commission representative said the law obliges them to give information only to official state-run newspapers. Mstislau commission said “the information did not store in electronic form”. The Horki electoral commission shared the information, but “as confidential”.

On March 10 the **candidate** to local deputies to the Brest regional council **Mikalay Charnavus** told that the Baranavichy state-run newspaper *Nash Kray* **refused to publish his electoral program**. The editor wanted the candidate to change his program essentially if he wanted it to be published.

The chairperson of an electoral commission in Baranavichy Larysa Antonava said in her turn that the program had been sent to the Central Electoral Committee. According to the candidate, he was threatened with criminal liability for point 7 in the program. In his program, the candidate spoke against contract employment system, for direct elections of city mayors etc.