

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Fortnight in Belarus

Info-posting – December 26, 2011 – January 15, 2012

Detention and 11 days' imprisonment of an independent TV journalist Ales Barazhenka was among the most significant events within the reporting period. The judge concluded that he took part in a street action near the KGB premises, since he didn't have any press credentials. The journalist went on a hunger strike and kept to it during the whole term of his arrest.

On **December 26, 2012**, the administration of labor colony No 7 granted a short-term prison furlough to Pavel Seviarynets to celebrate his birthday on December 30 at home. On December 28 he went to Vitsebsk and on January 1 he returned to the colony. It was the first home leave, though a colony prisoner is entitled to a monthly home leave in case he isn't noted for misconduct.

Note: Pavel Seviarynets is a co-Chair of the Belarusian Christian Democracy Party and BAJ member. On May 16, 2011, he was sentenced to 3 years of labor in an open-type colony for organizing mass riots after presidential elections 2010. He is serving the term in the village of Kuplin, Pruzhany district, Brest region.

On **December 27, 2012**, it became known that the Supreme Court of Belarus dismissed the appeal against the sentence to Dzmitry Bandarenka, coordinator of the *European Belarus* civil campaign and BAJ member. The appeal was filed by the lawyer **Yury Stashkevich** more than two months ago. The appeal was focused on the prisoner's serious health problems and contained confirming documents. However, on December 23 the court of appeal concluded that his guilt was fully proved by the case materials.

On **January 8, 2012**, it became known that Dzmitry Bandarenka was denied an early release on parole.

"On January 4 the parole board held a meeting on his case. Despite the critical condition of his health, Dzmitry Bandarenka was denied parole with the formulation "until his prisoner certification level is changed". It turns out that he must admit his guilt, which is a prerequisite for the certification change," told his wife **Volha Bandarenka**. According to her words, her husband is now suffering from the increased blood pressure, bad backache and hernia inflammation in cervicothoracic section. She thinks Dzmitry might need another operation.

Note: Dzmitry Bandarenka is a civil activist and member of the Belarusian Association of Journalists. He was sentenced to two years of imprisonment in a low-security jail for attending a pro-democracy rally in Minsk in the aftermath of 2010 presidential election on December 19, 2011. The activist's health deteriorated in custody, and he underwent an operation on July 25, 2011. He asked to grant him early release, as he had already served one third of his sentence, but he was denied that possibility.

At the press-conference on **December 23 Aliaksandr Lukashenka** answered the question about granting mercy to three political prisoners Andrey Sannikau, Mikalay Statkevich and Dzmitry Bandarenka, saying: "I will grant them pardon when they petition for this. If they don't, they will continue to stay in prison."

On **December 27, 2011**, the *Infrom-progulka* independent regional newspaper correspondent **Mariya Yurko** was not permitted to attend the session of Luninets District Council. The reporter duly informed the Chairperson of the District Council **Vital Adzishchau** that she had intended to attend the session (The mandatory procedure was approved by the Chairman's instruction, dated January 24, 2011.). However he refused to issue the permit to Mariya Yuro, disregarding the fact that the journalist had been accredited at the same local self-governmental structure. He referred to the ban, approved by the Deputy Chair of Luninets District Executive Committee **Viktar Rafailovich**, prohibiting the independent outlet journalists to attend the sessions, and in general to give them any information, related to the official authorities.

On **December 27, 2011**, it became known that the 'Beltelecom' national telecommunications operator started to block Internet access for organizations which didn't change settings of their DNS-servers. The first cases were registered in Vitsebsk region. Port 53 was blocked. (It is used for sending requests to DNS servers.) Besides, the Internet connection was disabled, when automatic settings were applied. However, it was still possible to surf the Web with the "recommended" settings, except for the blacklisted websites like charter97.org and the Belarusian partisan. The users complained that many social networks, antivirus database websites etc were also blocked. Beltelecom did not provide any official explanations of the accidents at that.

On **December 27, 2011** a public distributor of *Vitebskiy Kurier* independent newspaper **Tamara Kandakova** appealed against the sentence of Vitsebsk region court. She was fined 700 thousand Br for breaking the order of distributing mass media production.

T. Kandakova disagreed with the judge **Ina Hrabouskaya**, who concluded that since *Vitebskiy Kurier* was a foreign newspaper, it needed a special permit for distribution in Belarus. Kandakova says that the newspaper is published in Smolensk, which is a city within the Belarus – Russia Union State.

The court didn't decide what to do with the seized 151 copies of *Vitebskiy Kuryer* though.

In the meanwhile, a new incident with the arrest of *Vitebskiy Kuryer* newspaper copies occurred on **January 13, 2012**. First, the traffic police stopped and searched the car of the Editor-in-chief of *Vitebskiy Kurier* **Aleh Barshcheuski**. As there were no newspapers in the car, the policemen made up a police report on the dirty car number. A little bit later the car of the newspaper Director **Viktar Ramniou** was stopped where the police found 10 thousand newspapers. The car was arrested and sent to the car pound and the newspapers were confiscated.

The website **www.charter97.org** underwent a cyber-attack at 5 p.m. Minsk time on **December 29, 2011**.

The criminals got access to the administrative part of the content management system, deleted some materials and posted a fake article about Iryna Khalip and her husband Andrey Sannikau, an imprisoned ex- presidential candidate.

According to the technical support of the website, the server and the software component of the website were not cracked. Examination showed that the hackers used a password to the administrative part. A part of the archive was erased for several months in December 2011.

Note: www.charter97.org is based in Lithuania, where its Editor-in-chief Natallia Radzina has been granted political asylum. She faced criminal prosecution for the alleged participation in mass riots in Minsk on December 19, 2011.

On **December 30, 2011**, BAJ received an official refusal from the Ministry of Home Affairs to hold a meeting between journalists and law-enforcement agencies to discuss professional security measures. The letter signed by **K. Shalkevich**, Head of the Information and Public Relations Board of the MHA, says that the Ministry “finds it unnecessary” to hold such a meeting.

*Note: on **December 12** BAJ sent a letter to the Minister of Home Affairs **Anatol Kuliashou**, asking to arrange a meeting between law enforcement representatives and journalists to discuss the problem of “relations between journalists and police officers, the police ‘information group’ activities, the need to single out mass media representatives from the crowd during street protest actions etc.”*

As reported on **January 3, 2012**, the management of Luninets District Social-Pedagogic Center and Orphanage refused to cooperate with the ‘Inform-progulka’ local non-state weekly. Traditionally, the newspaper journalists had arranged Christmas charity actions for the orphans from the Center in the past. However, the Center’s director Natallia Tsikhaya refused to continue cooperation with the periodical edition this time, referring to the received ban from the anonymous official authority.

On **January 5, 2012**, the judge Volha Bielavus from Beshankovichy District Court fined the founder and the publisher of ‘Kryvinka’ small-circulation newspaper Heorhi Stankevich 1,400,000 Belarusian rubles (approx. EUR 130) for distributing the periodical edition without the output data.

Heorhi Srankevich refused to take part in the trial and left the courtroom in protest against violation of his rights. The judge declined the petition of the lawyer to represent the plaintiff in the court hearings at that.

It is worth mentioning that Heorhi Stankevich was detained by police, while delivering the newspaper copies to the readers on November 5, 2011. According to the police, the anonymous phone complainants were angered by the fact that they had not subscribed to the newspaper, but found it in their mail-boxes.

Internet-related amendments to the Code on Administrative Offences of Belarus and the Procedural Executive Code on Administrative Offences came into effect on **January 6, 2012**.

Correspondingly, the Internet service providers may be fined for failing to restrict access of Internet service users to the banned information.

Also, administrative penalties will be applied in relation to data transmission operators, cybercafés and computer clubs in case they fail to identify the subscribers’ devices and/or users of Internet services in cybercafés, or fail to record and store information about the subscribers’ devices, the Web-users’ personal data, and information about the provided Internet services.

The responsible officials from the Ministry of Internal Affairs, the KGB, the State Controlling Committee, and the Tax Inspectorate have been authorized to draw up reports on legal breaches in case of need.

A journalist Tatsiana Bublikava was detained for contempt of court in Pershamayski District Court of Minsk on **January 6, 2012**. The media worker was kept in custody for three hours. As soon as the reporter was released from detention, the law enforcement agents notified her about their intention to send a summons to appear in court to her by post.

The incident took place at a court's hearing of a civil case against the Belarusian TV and Radio Company.

"I was angered by the whole judicial process, and finally I expressed aloud my indignation and left the courtroom."

Just after that a court clerk came out and told her that the judge had decided to punish her for contempt of court.

As reported on **January 6, 2012**, the 'BeISel' Joint Venture Company Ltd. (DIALOG™) started disabling the users' access to a number of independent news Web-sites.

It should be underscored that filtering of Web-sites for natural persons can be done exclusively on the Web-users' requests. The provider's unauthorized disabling of access to Web-resources is illegal.

As reported on **January 6, 2012**, nobody else apart from the Editor-in-Chief of **Intex-Press** independent newspaper Uladzimir Yanukevich (Baranavichy, Brest region) was accredited to take part in sessions of Baranavichy City Executive Committee this year. It is the first time such a strict limitation is imposed on journalists of *Intex-Press* weekly.

The editor's board was informed about the innovation by a letter dated January 4 and signed by the head of the Ideological department Tatsiana Zhytko.

Also the newspaper found some unexpected complications in relation with Baranavichy City Department of Internal Affairs. On **January 6, 2012** the correspondent Natallia Semianovich, who specializes in police reporting, was told that the newspaper would not be provided with information from the police department. She was told unofficially that this is the City Executive Committee that insisted upon the cooperation breakup between the local police and the independent news outlet.

An independent cameraman Ales Barazienka was detained, while reporting from a solidarity action with political prisoners near the KGB premises in Minsk on **January 8, 2012**. Firstly, the journalist was taken to the KGB building. Then, he was convoyed to the Central District Police Department and the Pre-trial Detention Center in Akrestsin Street in Minsk.

On **January 9, 2012**, the journalist Ales Barazienka was sentenced to 11 days of administrative arrest for "participation in an unauthorized action" (Article 23.34 of the Code on Administrative Offences of Belarus) by the Central District Court of Minsk. As soon as the verdict was announced, the media worker went on hunger strike.

On **January 12, 2012**, the journalist's attorney submitted an appeal against the initial verdict to Minsk City Court.

It is worth mentioning that Ales Barazienka was also detained on December 19, 2011 near the KGB while making video of the street action, conducted by the Femen female movement activists (Ukraine). The reporter was detained only for three hours and then released on that day.

At the end of October 2011, Ales Barazienka was summoned to the General Prosecutor's Office to have a talk concerning his journalist activity. The justice counselor Pavel Yelisseyeu questioned Ales about his relations to Belsat, but the journalist refused to answer the questions.

On **January 12, 2012**, Homiel riot police detained two members of the United Civil Party of Belarus Vasil Paliakou and Uladzimir Niapomniashchykh in the city of Homiel. The latter were distributing the party newsletter “Golos Razuma” (‘The Voice of Sense’) at the moment. The politicians were convoyed to the Central District Police Department of Homiel. The police drew up a report against the detainees and accused them of breaking the law (article 22.9, the Code on Administrative Offences of Belarus).

The newsletter issue contained the New Year and Christmas greetings, the party leaders’ speeches as well as information about the economic situation in Belarus. The newsletter output data was duly indicated at that.

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