

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting August 26 –September 8, 2013

Within the reporting period main conflicts included impeded access to information and sanctions for contributing to foreign mass media without accreditation.

On August 26 Yury Liashchynski, program director of the Poland-based **Radio Racyja** was **denied a tourist visa to Belarus**. He was planning a holiday in Belarus and applied for a tourist visa. Instead, he got a “visa denied” mark into his passport. As usually, no explanations followed.

Last time Mr Liashchynski faced with entry problems in 2006: his official visa was cancelled on the border, but later apologies were made for a “technical mistake”, and he was allowed entry.

*We remind that last year the Chairperson of the Board of the Radio Racyja **Yauhen Wapa** was also denied entry: he wanted to visit the Belarusian expats gathering that took place this year.*

On August 27 the Baranavichy city and district **court dismissed the lawsuit** of the civil activist **Viktar Syrytsa** who tried to make **the state-run newspaper Nash Kray bring public apologies** for having published misleading information and pay him a compensation.

The ground for the lawsuit was a publication about an official celebration Milavidy Fest which in fact did not take place. The newspaper announced the soon-coming event, and Viktar Syrytsa made arrangements to order a bus and came to the venue with other amateurs of culture and history only to find that the venue was empty. On June 12 Viktar Syrytsa was summoned to the Baranavichy district executive committee where an administrative protocol was drawn up against him under article 23.34 – organizing and holding an unsanctioned mass event on June 2.

In the first hearing, **on July 26**, the chief editor of the newspaper **Mikhail Shubich** pleaded non-guilty. He explained that the text of the announcement had been sent to them from the culture department of the district executive committee. On August 27 two representatives of the department, acting as co-defendants, confirmed that they did not manage to publish information that the event had been postponed.

So, after three hearings the judge Volha Apanovich fully dismissed the lawsuit of the activist.

On August 27 the prosecutor’s office of the Soviet district in Minsk replied to the Legal Transformation Center (a CSO) that their **complaint against disclosure of sensitive information**, protected by law as part of criminal case materials, **was passed over** to the home affairs department of the Soviet district to investigate it on merits.

*We remind that on August 23 the NGO Center for Legal Transformation filed a **complaint to the General prosecutor’s office** in relation to **publishing closed criminal case materials** in mass media. The complaint addressed the article in **Sovietskaya Belorussia**, issue No155, dated August 21, authored by Ihar Dolin; the article told about **Andrei Haydukou** who had been convicted of espionage.*

The Legal Transformation Center claims that the materials, in particular letters of Haydukou, were part of the criminal case, and were not publicly accessible as they belonged to the sensitive information protected by law. Cases of revealing such information are regulated by articles 198 and 287 of the Criminal Code and of the “Provision on procedure for providing information related to criminal cases of crimes that caused wide public response...”. The organization drew attention to the fact that the sentence had not yet come into legal force.

In this regard, the Legal Transformation Center asked to hold a prosecutor's check-up and hold those guilty accountable.

On August 28 the Minsk City Court (judge Aliaksei Bychko) **dismissed the appeal** of the human rights defender **Tatsiana Reviaka** against a **fine** imposed on her on August 6 for holding **an unsanctioned picket**.

We remind that human rights activists Tatsiana Reviaka and Uladzimir Labkovich were giving out postcards with a portrait of Ales Bialiatski near a shopping center in Minsk. They were detained and brought before court on the same day. The judge sent protocols for revision, and on the next day imposed a fine of three million rubles under article 23.34 of the Administrative Code.

On August 28 the Mahilou regional court **heard a private claim** of the low-circulation newspaper in Krychau Volny Horad, and **dismissed it**, obliging the newspaper to publish a retraction to the earlier article about failure to pay salaries in a Cherykau PMK-280 (local building company).

*We remind that **on June 17** the Krychau district court heard the civil lawsuit, filed by the Cherykau building company against the newspaper Volny Horad. The administration of the enterprise demanded to publish a retraction to the article "Krepostnyje?" in a February issue of the newspaper. The article claimed that workers of the building company had not received salary for several months. The court found that the information was not true and demanded that the newspaper publish a retraction. The editor did not agree with the court ruling, and appealed against it on July 17. However, the appeal was dismissed for the reason that the period of appeal had expired.*

The editor Siarhei Niarouny said that the judge in the court of the first instance informed that the appeal could be filed only after the defendant received the motivational part of the court ruling. "We filed the request to obtain it several days later. I believed the judge, but it turned out that he misled us", said the editor.

The Mahilou regional court dismissed the personal claim and upheld the court ruling of the first instance.

On August 29 the Krychau district court **received another lawsuit** of the Cherykau PMK-280 against the newspaper *Volny Horad*. The lawsuit followed after an article "We'll wait with the retraction", published on August 29. The plaintiff accused the newspaper of discrediting the administration of the enterprise and undermining its business reputation.

On September 3 the journalist from *Vitebskij Courier* **Uladzimir Zhyhulou** received a **warning** from the regional **prosecutor's office** against work for a mass medium without accreditation in Belarus.

The journalist was summoned to give explanations, but he refused to say anything referring to the constitutional right not to testify against oneself. The prosecutor then took out the ready-made official warning.

We remind that several years ago the editorial office of Vitebskij Courier made a lot of efforts to register in Belarus. After several refusals, the newspaper registered in the Russian city of Smolensk. We also remind that the journalist was summoned to the prosecutor's office after publishing an article about a doctor Ihar Pastnou from a psychiatric hospital who was placed in the establishment where he had worked and subject to forced treatment.

On September 3 the Baranavichy city police department **refused to provide statistical figures** to the local independent newspaper *Intex-press*.

The correspondent of the newspaper **Tatsiana Nekrashevich** was preparing a report about restrictions on selling alcohol at night. She filed a request to the press service of the police department – the statistics about the number of drunk violations, facts of moonshining, bootlegging etc.; and an inspector

promised to get it ready, but the whole following week excused that the computer was down and they could not compile the data. On September 2 the answer became more distinct: the administration of the police department banned providing information to the newspaper *Intex-press*.

The same day the journalist arranged a talk with the head of the police's sub-department of law and order and prevention of crime Eduard Sudnik. But the next day he replied they would not have the talk because they "had been banned to give any information to the outlet". According to Eduard Sudnik, the order was sent to them from the Baranavichy city executive committee.

On September 4 the Belarusian journalist **Iryna khalip** and her little son were **briefly detained in Minsk airport**. The wife of Andrei Sannikau, the leader of European Belarus civil campaign and 2010 presidential candidate, Iryna was denied boarding by the airport security service. Security officers also took away her documents and said to Iryna Khalip she needed to have approval of the KGB to go abroad because she was **on the KGB restrictive list**. Iryna Khalip and her son had to wait for 30 minutes for their trip to be permitted by the KGB. They were allowed to board in the end.

On September 5 the journalist of **TUT.by Katsiaryna Siniuk** was **summoned to the Investigative Committee** in relation to her recent article about the detention of the former head of the international charity association "To help orphan kids".

The former head of the charity organization Viachaslau Davydovich was detained on August 29 under suspicion of illegal entrepreneur's activities. The journalist requested for official information from the law enforcement agencies. After the article was published on the day of the detention, the journalist started receiving demand not to write about the detainee.

The same demand came today from the investigative officer Andrei Yeulash. He announced that the journalist had been **involved in the case as a witness**.

"I was warned that if I make materials of the criminal case public, I might be fined or arrested up to six months. But I had not seen any case materials; so if I get some information that I will deem important for people, I will publish it," said Katsiaryna Siniuk.

On September 4 in Babruysk the police detained the **local blogger Aleh Zhalnou** and his son while the latter were making a recording of parking violations on the pavement near the road police department. The blogger said that the cars belonged to the drug control department located at the same address. He addressed to a road inspector who at the same time was there. The inspector replied that his working hours had already ended, and called his colleagues. The colleagues arrived and ordered to stop making video. When the blogger ignored the demand, the road officers detained him and his son, who was with him at that time too, and accused them of creating obstacles to road movement.

According to Mr Zhalnou, in the department he had his hands chained in handcuffs; he was knocked down to the floor, some personal belongings (a phone, a video camera, a smartphone, a bank credit card, a work pass, passports) were taken away.

The detainees were set free three hours later, after giving explanations. The things were given back the next day, but without the memory cards which contained the video.

According to Mr Zhalnou, he was threatened to be jailed for disobeying the police demands and for beating a police officer.

The blogger says that after the brutal treatment he **needed to ask for medical assistance**. He went through a forensic examination and filed complaints to the prosecutor's office and to the Home Affairs Ministry.

The blogger has been three times sued by law enforcement agencies. Two times the court acquitted him in administrative trials; the third time complainants withdrew their claims at the beginning.

On September 5 journalists of *Belsat* **Aliaksandr Barazenska** and **Aleh Razhkou** were **forced out from the first night of the Vitaut ballet** in the National Academic Opera and Ballet Theatre of Belarus, although they **had obtained accreditation** in advance.

Journalists started recording of guests of the event, among others there were the Minister of Culture Barys Sviatlou, the Chairperson of the Central Electoral Committee Lidziya Yarmoshyna and some other officials.

"We were allowed to enter, and we started to make the recording. But when we approached the Minister for a comment, frightened administrators appeared and told us to leave the event," said Aleh Razhkou.

The journalists had obtained accreditation by the phone, providing their names and the channel which they represented. They even pre-arranged an interview with the play director. As it turned out they were crossed out from the lists the last minute - the deputy head of the theatre said sorry but "the Belsat does not have accreditation of the Foreign Affairs Ministry so it cannot attend the event."

We remind that Belsat is an independent satellite TV channel broadcasting from Poland in the Belarusian language. They have been denied accreditation since its start in 2007.