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E-NEWSLETTER

MASS MEDIA IN BELARUS

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SPECIAL ISSUE

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Situation in Mass Media Field in November–December 2018

It is necessary to highlight the following events in the Belarusian media field, which took place in the last months of 2018:

- **termination of criminal proceedings in relation to 14 out of 15 journalists, which were indicted on the so-called 'BeTA case' and continuation of criminal proceedings in relation to Maryna Zolatava, the TUT.BY Web-portal's Editor-in-Chief;**
- **the use of legislation on counteraction to extremism for prosecuting people for posts in the social media;**
- **the continued prosecution of freelance journalists for their cooperation with foreign media without accreditations, to be issued by the Ministry of Foreign Affairs of Belarus;**
- **the entry into force of amendments to the media legislation, including the norms, which introduce the mandatory identification of commentators on Web-sites and on-line forums;**
- **the increased funding of state-owned media from the state budget.**

‘The BeTA case’

The Belarusian authorities denied twice to support the petition for termination of criminal proceedings on the so-called ‘BeTA’ case, [submitted by the Editor-in-chief of TUT.BY Web-portal Maryna Zolatava](#) at the end of 2018.

Maryna Zolatava remains to be the last defendant on the case. The TUT.BY Editor-in-chief is blamed for the inaction of an official (article 425 part 2 of Belarus Criminal Code). The sanction provides for the punishment, ranging from a fine to 5 years in prison. The court trial is to take place on February 12, 2019.



Фото Дмитрия Брушко, TUT.BY

The remaining 14 employees of different media, who had the status of defendants on the case, were exempt from the criminal liability with an administrative penalty in the form of a fine. In order to terminate the criminal prosecution, the journalists were obliged to compensate the damages in the amount of 3,000 – 17,000 Belarusian rubles (approx. 1,500 – 8,500 USD).

→ [As TUT.BY reminded](#), "[police searches and detentions](#) took place in the offices of TUT.BY company on August 7, 2018. There were detained Maryna Zolatava, the TUT.BY Editor-in-chief, the TUT.BY editors Hanna Kaltygina, Halina Ulasik, Hanna Yermachonak, the Editor-in-chief of BelaPAN News Agency Iryna Leushyna and the BelaPAN international news columnist Tatsiana Karaviankova, the own correspondent of DW company Pavel Bykouski and the editor of 'Belorusy I Rynok' newspaper's Web-site Aliaksei Zhukau. All of them had to spend several days in the temporary detention centre." The journalists and their editorials were supported by the European Union, the Council of Europe, the United States, OSCE as well as Belarusian and international human rights and journalist organizations.

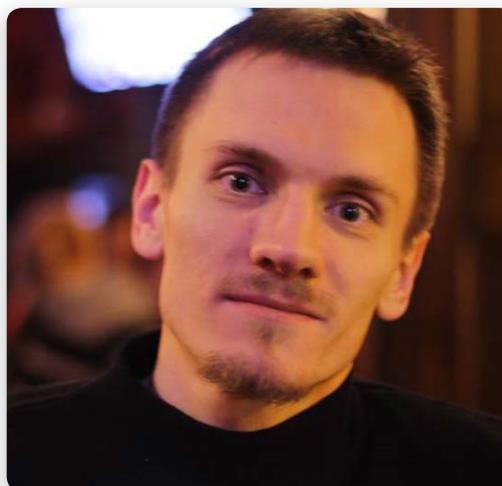
The use of 'anti-extremist' legislation to restrict freedom of expression

There were registered several cases of bringing journalists and activists to administrative responsibility for their publications in the social media at the end of 2018. The accusations were grounded on article 17.11 of the Belarus Code on Administrative Offenses, which establishes responsibility for the dissemination of information products containing calls to extremist activities or promoting such activities.

A freelance journalist Aliaksandr Dzianisau was fined 612,5 Belarusian rubles for [re-posting two video materials](#) about participation of anarchists from Brest in a protest action under the title of 'The Parasites' Rally' in 2017.



Фото: Ольга Комягина, TUT.BY



[Aliaksandr Horbach](#) and [Mikalay Dziadok](#) were fined for posting materials in the social media, which condemned neo-nazism. The depiction of extremist symbols in the criticizing publications was used as a formal reason for bringing the media workers to legal responsibility. In particular, M.Dziadok was fined for a post in the social media, where he condemned taking pictures of Belarusian famous public figures with the members of a group, which emblem had been recognized as the extremist one in Belarus.

Fines for Cooperation with Foreign Mass Media

The Belarusian official authorities continued prosecution of freelance journalists for their cooperation with foreign mass media without the accreditation from the Ministry of Foreign Affairs of Belarus. The courts imposed fines on the media workers on the bases of article 22.9 part 2 of the Belarus Code of Administrative Offenses.

→ *In particular, paragraph 2 of article 22.9 of the Code of Administrative Offenses envisages legal responsibility for the illegal production and/or dissemination of media products. According to BAJ, journalists cannot be presented the charges, since the editorials make the only subject of responsibility under this article.*

Freelance journalists were fined 23 times for their cooperation with foreign media in November – December 2018. All in all, the journalists were brought 118 times to administrative responsibility under this article. (The quantity of fines in 2018 exceeded the amount of fines, imposed under the article on journalists within four previous years taken together.) [The total sum of fines](#) exceeded 100,000 Belarusian rubles (approx. 50,000 USD) in 2018.

It should be underscored that the freelance journalists, who contributed to [the 'Belsat' TV channel](#) were the main target of prosecutors in 2018. 'Belsat' is a constituent part of TVP (Poland). However, it is positioned as the first independent TV-channel of Belarus.



The entry into force of amendments to the media legislation

[A range of amendments to the Belarusian mass media legislation](#) came into force on December 1, 2018. They reinforced the state control over the Belarusian Internet segment.

[In particular](#), according to the amendments to the mass media law:

- there has been introduced voluntary registration of on-line resources as media outlets with the retained unreasonably complicated authorization procedures;
- the online resources that failed to pass the registration barrier have been deprived of the mass media rights and their correspondents have been deprived of their journalist status while extending to them all the measures of legal liability, stipulated by the Mass Media;
- there has been retained the extrajudicial procedure of blocking access to on-line resources by the Ministry of Information of Belarus and introduced additional grounds for taking this measure;
- the on-line resources have been obliged to identify the commentators of their publications.



The increased funding of state mass media

The Belarus Law 'On the National Budget 2019' was adopted on December 30, 2018. According to the law, the state-owned media were granted 151 211 151 Belarusian rubles (around 75 million USD) from the state budget.



The sum exceeds nearly by one third the budgetary support to the state-owned media in the previous years. The allocation of funds takes place on the non-competitive basis.

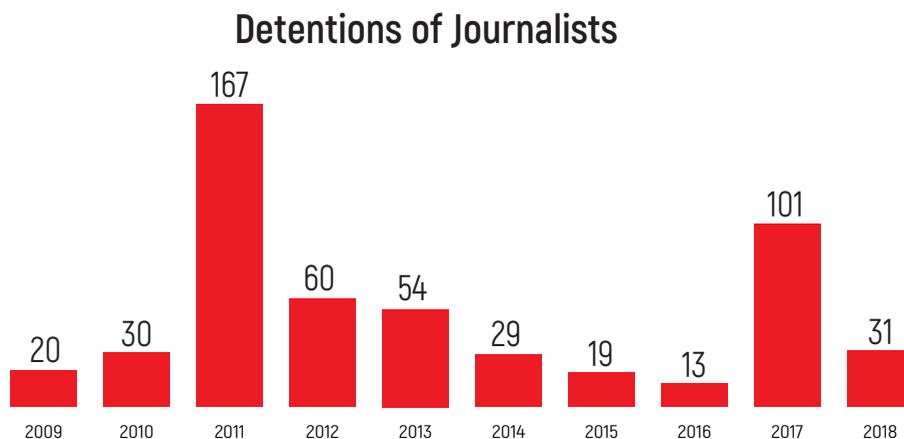
Results of the Year 2018 in Figures

15 journalists have been charged in the [BelTA case](#)

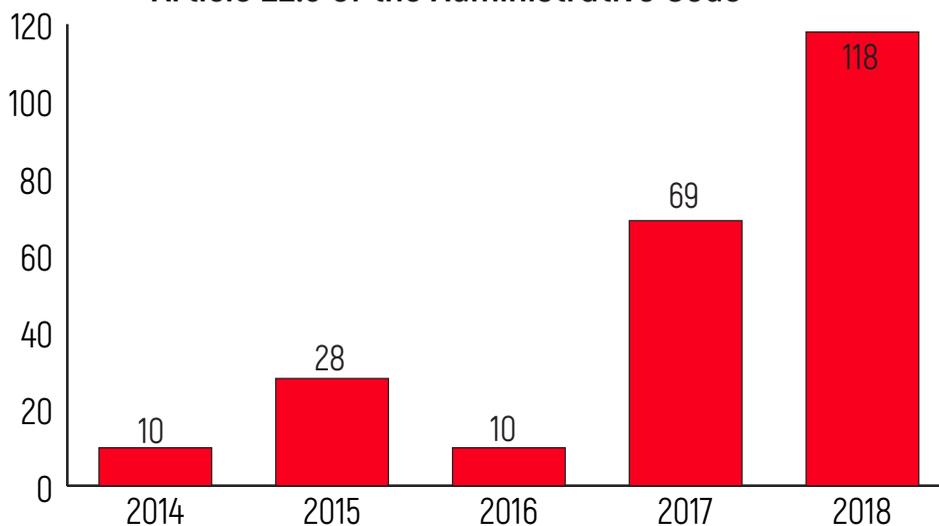
14 MONTHS in custody spent by [Regnum case](#) defendants before trial on charges of inciting ethnic and social hatred or discord

10 detentions led to placement journalists in custody for up to 3 days

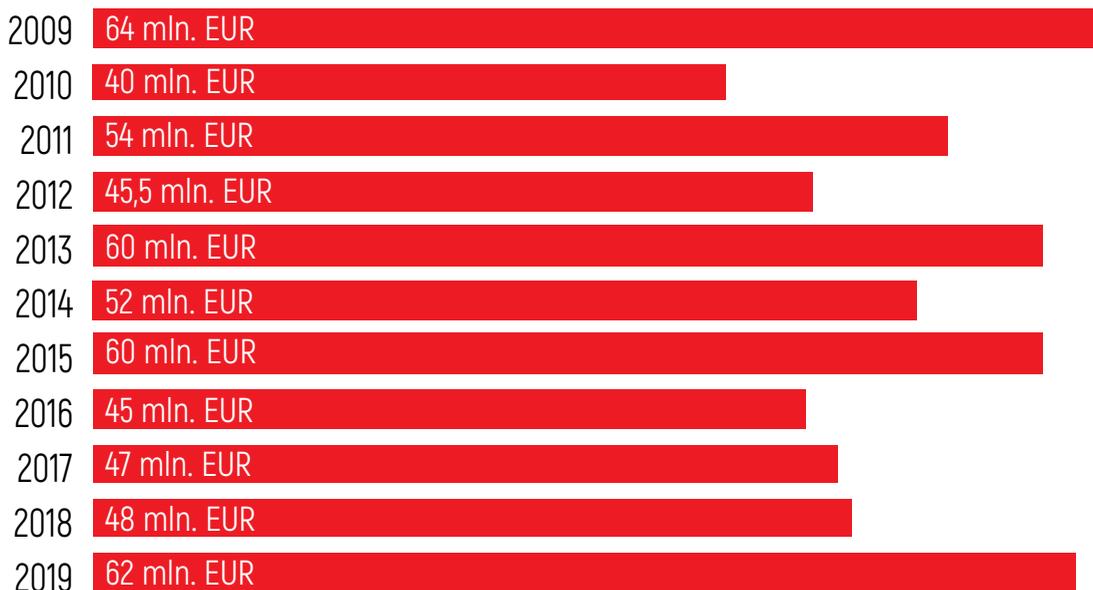
26 searches in journalists' and bloggers' apartments, and media offices



Fines to Journalists for Violating Article 22.9 of the Administrative Code

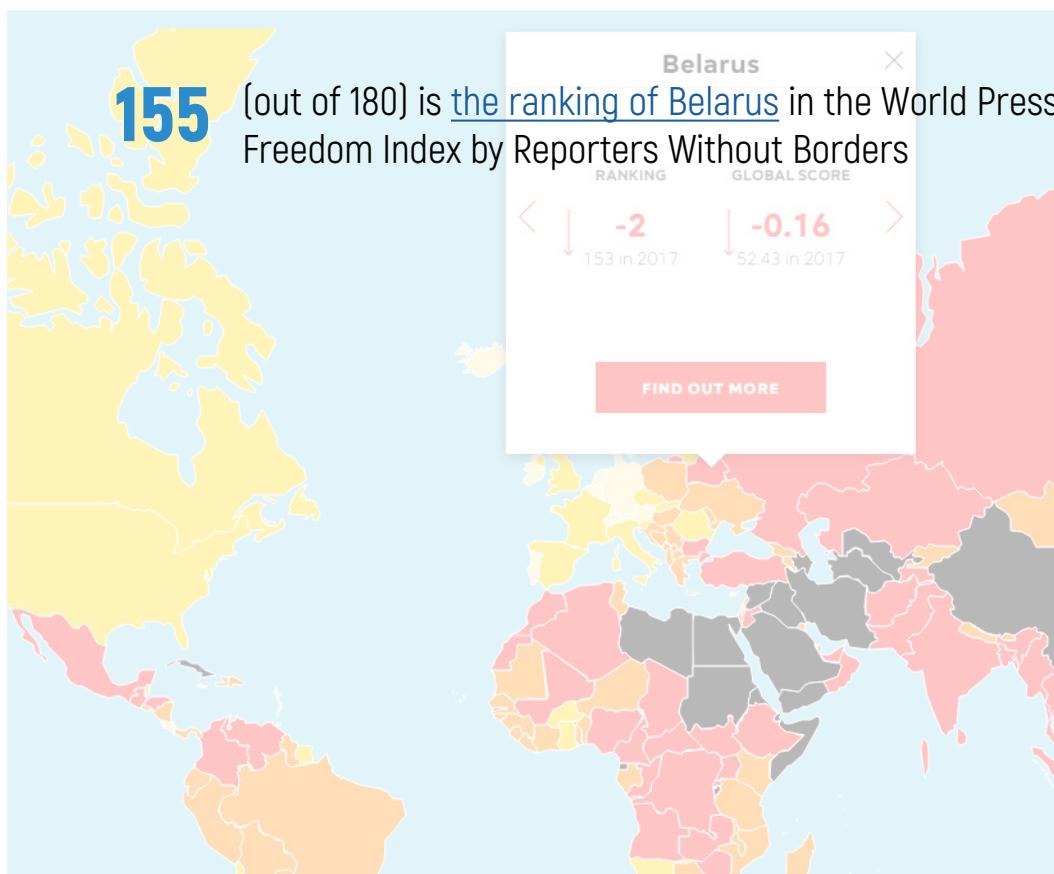


State Budget Support to Mass Media in Belarus



43,000
EUR is the total amount [of fines imposed on journalists](#) working with foreign media without accreditation

118 [fines](#) imposed on freelance journalists for collaborating with foreign media without accreditation





**THE BELARUSIAN
ASSOCIATION
OF JOURNALISTS**

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