

# MASS MEDIA

E-NEWSLETTER

# IN BELARUS

№ 2 (55)  
JANUARY – JUNE  
2018



THE BELARUSIAN  
ASSOCIATION  
OF JOURNALISTS

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*The objective (of the new media law) is to defend our people from a flow of unverified, false, and destructive information... Some of you appear on the screen and talk openly and frankly. Everyone sees you. Some people like you, and some people dislike you... But why are some folks hiding behind nicknames? Why aren't they eager to write something frankly on the Web and sign it?*

***Aliaksandr Lukashenka,  
President of Belarus***

”

*It is a fair idea to make the traditional media and on-line media equal in their rights and responsibilities. However, it is unclear, why this has to be done by tightening the regulation of on-line media instead of complete or partial lifting of already existing excessive demands to the traditional media. All of us... suffer from opinions on forums and in the social media. The users are often unfair and rude... Nevertheless... the necessity and the procedures for user identification have to be defined by on-line platforms, not by the law.*

***Yury Zisser, a founder and co-owner  
of the largest Belarusian Web-portal TUT.BY***



# Situation in mass media field in January – June 2018 (review)

A range of amendments was introduced into the Belarusian mass media legislation in June 2018. They tightened governmental control over the media field and the Internet in particular. However, it should be noted that even before that the state regulation in this field had been one of the strictest in the region.

It is worth mentioning the restricted access to a popular Web-site charter97.org in Belarus, criminal cases, connected to the freedom of expression of opinions, and the reinforced pressure on freelance journalists for their cooperation with foreign media among the events and tendencies in the Belarusian mass media field in the first half-year 2018. There were continued arbitrary detentions of journalists and registered other obstacles to their activity.

**All that was taking place against the background of the commenced dialogue between Belarus and the EU and the statements about liberalization in the country, delivered by Belarusian authorities.**

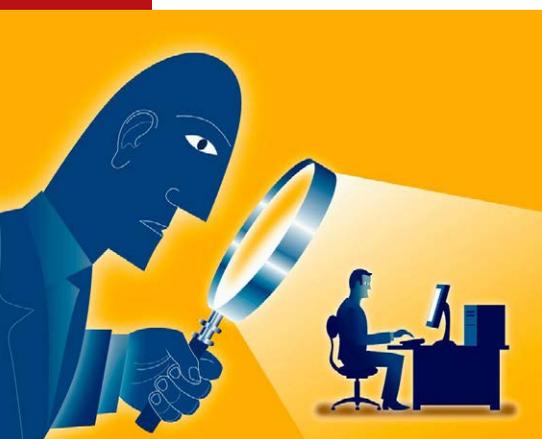




# Main events in mass media field in January – June 2018

## LEGISLATIVE CHANGES IN MASS MEDIA FIELD

In June 2018, the National Assembly of Belarus (the Belarusian Parliament) adopted a **law on introducing amendments to the mass media law** that broadened significantly the governmental control over the Internet space in Belarus.



In particular, according to the law:

- there has been introduced voluntary registration of Web-resources as mass media; however, the unreasonably complicated permitting procedures of this registration were left intact;
- the on-line media that couldn't pass the registration barrier are deprived of media rights and their correspondents are deprived of journalist status; however, the whole scope of legal liability is laid upon them in accordance with the media law;
- there has been kept the extrajudicial procedure of blocking access to Web-resources and introduced additional grounds for the application of this sanction (e.g., a Web-resource may be blocked for implementing the activity, which is forbidden by Belarusian laws);
- The Web-resources are obliged to identify commentators on their pages and in forum sections as well as to filter comments **under the threat of responsibility for them.**



The adopted amendments to the mass media law **have been criticized by the professional media community.**

The OSCE Representative on Freedom of the Media Harlem Désir **expressed concern** following the adoption of the legislative amendments in Belarus. “Many of the provisions are excessive and disproportionate and could result in the curtailing of freedom of expression, including the right of citizens to remain anonymous online,” he said.

**According to the new norms, additional responsibility has been laid upon the owners of Web-resources, and new amendments have been introduced into the Code on Administrative Offenses (article 22.9 “Violation of Mass Media Legislation”). In particular, there has been introduced a fine for distributing the banned information by registered Web-resources that totals 200 base amounts (over 2000 EUR). The unregistered Web-resources may be fined 100 base amounts in this case. The police have been entitled with powers to control the compliance of Web-site content with media legislation.**

## **RESTRICTION OF ACCESS TO WEB-RESOURCES**

The Ministry of Information **took a decision to restrict access to Charter'97** Web-site on January 24, 2018.

The ministerial decision **was grounded on the allegedly registered banned information** on the Web-resource.



The **Belarusian Association of Journalists** noted that the blocking of access to charter97.org Web-site was the second decision on restricting access to popular news Web-resources in Belarus within a month’s term. (In particular, there had been taken a decision to disable access to the **‘Belarusian Partisan’** Web-site at the end of December 2017.)



In both cases the extrajudicial decisions on restriction of freedom of expression were taken in a non-transparent way without any prior notice sent to the owners of the Web-sites as well as without any explanation of legal reasons for blocking access to the Web-resources.

## **CRIMINAL PROSECUTION**

### **‘THE CASE OF REGNUM AUTHORS’**

On February 2, 2018, Minsk City Court issued a guilty verdict in a criminal case against three Belarusian authors – Yury Paulavets, Dzmitry Alimkin, and Siarhei Shyptenka, whose materials had been published on the Web-site of ‘REGNUM’ News Agency (Russia) as well as on other Russian Web-resources. **The court found them guilty of committing deliberate acts** aimed at inciting ethnic enmity or discord committed by a group of people (part 3 of article 130 of the Criminal Code of Belarus), and imposed a sentence of five years’ imprisonment with a three-year suspended sentence. The convicts were released in the courtroom. They can be released from serving their sentences, if they do not commit violations of public order and comply with the court orders.

**‘The case of REGNUM authors’ was filed by the Legal Investigative Committee upon a claim from the Ministry of Information of Belarus on the presence of manifestations of extremism in the authors’ publications. The indicted persons spent 14 months in custody since the moment of their detention in December 2016.**

“These sentences would be appropriate for dangerous criminals, to deter them from reoffending, but not for bloggers who were prosecuted for expressing controversial views,” **said Johann Bihr, the head of RSF’s Eastern Europe and Central Asia desk.** “Under international standards on freedom of expression, there is no justification for such disproportionate sentences. We call for their convictions to be overturned on appeal.”



Y. Paulavets and S. Shyptenka appealed the verdict, but the Supreme Court of Belarus upheld it.

## CRIMINAL CASE AGAINST THE HEAD OF BELAPAN NEWS ALES LIPAI

On June 12, 2018, there was filed a criminal case against Ales Lipai, the head of the leading independent 'BelaPAN' news agency. The case was instituted by the Financial Investigations Department on the fact of deliberate evasion of income tax in an especially large amount in 2016-2017 (part 2, article 243 of Criminal Code of Belarus). **The Belarusian human rights organizations underscored the political background of the case** and associated it with the general trend of increasing pressure on non-state media and Internet resources in Belarus.



## THE REINFORCED PRESSURE UPON FREELANCE JOURNALISTS FOR COOPERATION WITH FOREIGN MEDIA

In 2017, **the Belarusian Association of Journalists expressed anxiety** in connection with the abrupt reinforcement of prosecution of freelance journalists for their cooperation with foreign mass media. In particular, the journalists were fined 69 times on the grounds of part 2 of article 22.9 of the Code of Administrative Offenses last year. The number of fines in 2017 exceeded the number of penalties, imposed on freelance reporters on similar charges during the preceding three years taken together.

**Part 2 of article 22.9 of the Code of Administrative Offenses envisages responsibility for illegal production and/or distribution of media products. The Belarusian Association of Journalists insists on the irrelevance of making journalists legally accountable with a reference to this article, since mass media production is produced by editorials**



**and distributed by distributors. The Code of Administrative Offenses doesn't provide for any kind of responsibility for work without press accreditation.**

The situation got even worse in 2018. **The number of fines on the ground of part 2 of article 22.9** totaled nearly 60 in the first half year of 2018. And the total amount of fines nearly reached the sum of 50,000 Belarusian rubles (around 20,000 EUR).



The journalists, cooperating with the 'Belsat' TV channel are prosecuted in most cases. The 'Belsat' TV is a part of the Polish TV Broadcasting Company. However, it presents itself as the first independent TV channel of Belarus.

The problem of prosecution of freelance journalists has been actively discussed in the framework of the Dialogue on Human Rights between the EU and Belarus. However, instead of changing the practice of applying part 2 of article 22.9 of the Code of Administrative Offenses, the authorities have introduced additional penalties for distribution of 'banned information' on the Web (see above – Legislative Changes in the Mass Media Field).

## **DETENTIONS, INSPECTIONS, AND OTHER OBSTACLES TO JOURNALISTS' AND BLOGGERS' ACTIVITIES**

**The Belarusian Association of Journalists registered more than 70 cases of violation of journalist rights**, including 11 cases of detention and several cases of searches at journalists' and bloggers' houses, within the first half year of 2018.

A journalist Andrus Koziel was beaten hard at a polling station in Minsk on the main voting day of Local elections on February 18, 2018. He was video-streaming the process of counting votes to his Facebook account as a trustee of one of the candidates. The police officers on duty obliged the



journalist to stop taking video records, attacked him with the use of physical force and detained him on the charges of disobedience to the police. A. Koziel spent a night in a pre-trial ward. Consequently, **the Court of Central City District of Minsk sent the case back to the police for revision** and released A. Koziel in the court room.

On March 7, 2018, A.Koziel was fined 735 Belarusian rubles (over 300 EUR) for disobedience to the police (article 23.4 of the Code of Administrative Offenses).

On February 22, 2018, the police inspected a private apartment, owned by the parents of a blogger from Minsk Stsiapan Sviatlou aka Nexta, 19 y.o. As a result of inspection, there were seized a laptop and a video camera from the private apartment. The blogger was studying at a University in Poland at the moment, when the inspection took place. The police officers explained the seizure of technical equipment by the need to check it, following the received personal claim, submitted by an individual, **about the presence of insults in relation to the President of Belarus** on the Nexta channel in YouTube.



**At least 10 cases of arbitrary detention of journalists on duty were registered** during the public events on March 25th, dedicated to the 100th anniversary of declaration of Belarusian People's Republic, which is traditionally celebrated by the democratic forces of Belarus as Freedom Day.

Around 10 drones, which were used for video broadcasting of festive events on March 25th, disappeared without a trace. The owners of the technical equipment as well as the media representatives are convinced that **their loss is connected with interference on the part of law enforcement agencies.**

The Minister of Internal Affairs of Belarus **Ihar Shunievich informed journalists** that he didn't know anything about the fate of the drones: 'It might have been the operator's technical mistake or a system malfunction. They might have been stolen. I do not exclude anything. We are investigating the cases.'



Reportedly, the police inspected a private apartment, owned by a blogger **Siarhei Piatrukhin** from Brest on May 12, 2018. Following the inspection procedures, the police seized the blogger's laptop, tablet, mobile phone, and photo camera.

## Rating lists, indexes, statistics



The international human rights organization **Freedom House** has placed Belarus on the list of non-free countries in their **Freedom in the World 2018** rating list. Also, the human rights defenders rated minimally the degree of media freedom and Internet freedom in the country (score 1 out of 4). The 'Press Freedom Status' and 'Net Freedom Status' of Belarus were defined as 'Not Free' at that.



Belarus was ranked 155 out of 180 countries of the world in the **World Press Freedom Index 2018**, presented by the 'Reporters without Borders' international organization in **April 2018**. Thus, the country dropped two positions in comparison with the previous year.



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**2018**