

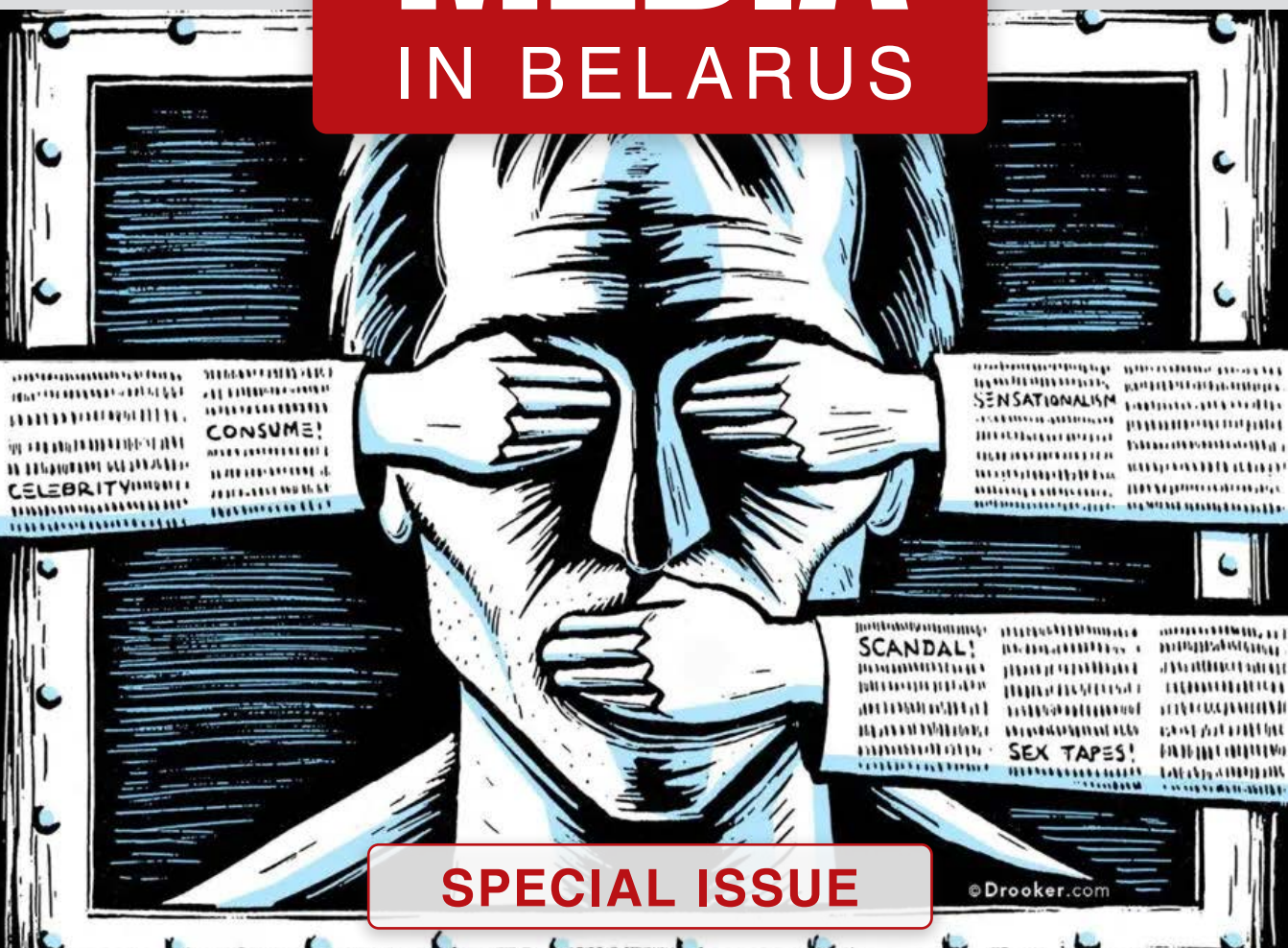
E-NEWSLETTER

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MASS MEDIA IN BELARUS

№ 3 (65) 2021



PERSECUTION OF MASS MEDIA AND JOURNALISTS IN 2021

Part 2

RESTRICTION OF FREEDOM OF MASS MEDIA ON THE WEB
(January – October 2021)



The general situation in the Belarusian media sector has critically aggravated during the year after the Presidential election in 2020. Mass media and journalists have faced the unprecedented tsunami of repressions. Journalists have been detained more than 500 times after the election. More than 130 colleagues have been sentenced to different terms of arrest on administrative charges. 68 colleagues suffered from violence or injuries. More than 60 mass media representatives have been presented criminal charges, 29 of them as of October 2, 2021 were kept in custody.

Dozens of legal entities of media organizations have been liquidated or face the perspective of liquidation in near future.

The info production of mass media, Web-sites, and bloggers has been broadly recognized as extremist material with a ban on its distribution by other actors in the media field.

More than 140 searches and inspections have been conducted in the offices of the majority of independent national and regional media organizations as well as at the apartments of their employees. They were accompanied with the seizure of technical equipment, documents, and cash.

The authorities have restricted access to more than 100 socio-political Web-sites as well as Web-resources of mass media in the country.

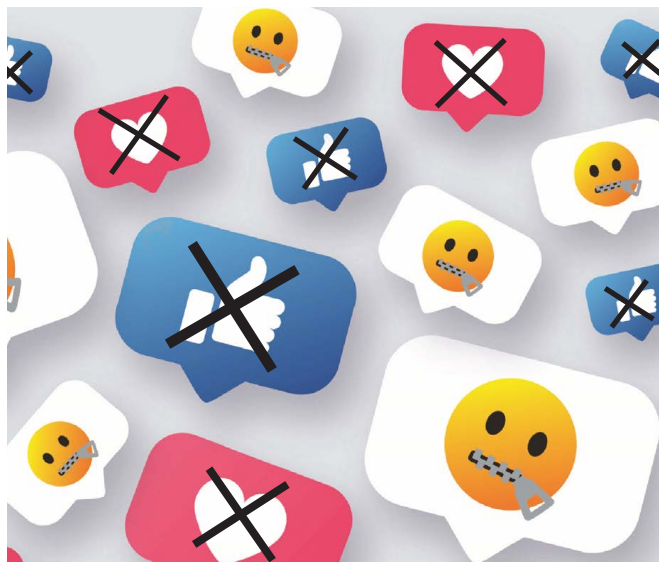
Most of national and regional independent newspapers were forced to suspend their publication in the print form. However, they continue to exist online.

The media organizations that provide assistance to journalists and mass media have faced repression as well. Thus, the official authorities deprived more than 270 NGOs of their legal status, including the Belarusian Association of Journalists and the Belarusian PEN-Center, led by a Noble laureate Sviatlana Aleksiyevich. The representatives of Press Club Belarus were presented criminal charges. The organization was liquidated as well.

The pressure on mass media and their employees continues and grows.

Restriction of mass media freedom on the Web

The general trend of Belarusian state on restriction of freedom of speech has included on-line media, social media, and other sources of information and communication on the Web. Subject to the narrowed possibilities of getting information through the traditional mass media (more than 80 informational Web-sites were blocked for public access in 2020), the Belarusian audience started using more frequently the messengers, particularly Telegram, and social media, particularly YouTube.¹



Consequently, the official authorities started regarding the Internet as the main source of 'oppositional' ideas, i. e. any ideas that differ from the official standpoint. The official discourse started referring to the notion of 'information war' as a component of the 'hybrid

war' that was allegedly started against the Belarusian state with the use of modern info technologies.

¹ <http://www.infopolicy.biz/?p=16285>



“The easy access to the Internet for a wide audience has made the global Web a leading source of information. The virtual environment is the most powerful factor influencing the population nowadays. At the same time, the information disseminated on the Internet is not always aimed at the development of society and the state. The Internet has become a tool of information wars aimed at destroying public foundations and moral values, and sometimes entire states,” – noted the Minister of Information Ihar Lutski, presenting a draft law on mass media activities on April 2, 2021.²

▼ *Since the time of Presidential election, the state has made numerous attempts to restrict access to information online. Among other, the authorities applied such measures as blocking public access to the Web-sites of independent mass media and civil society organizations, the forced deletion of critical content, recognition of publications on independent media resources as ‘extremist materials’, and prosecution for distribution of the alleged ‘extremist materials’.*

According to the global rating list on Freedom on the Net 2021 that was compiled by the Freedom House human rights organization, Belarus appeared next to Myanmar and Uganda among the countries with the registered most significant aggravation of Web freedom. In comparison with the previous year, Belarus lost 7 positions on the list and got only 31 out of 100 possible points.³

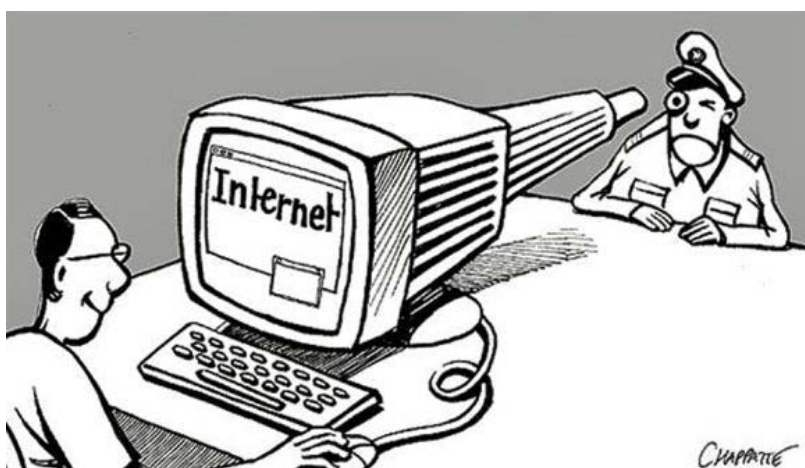
² <https://www.belta.by/society/view/lutskij-virtualnaja-sreda-moschnejshij-faktor-vlijanija-na-naselenie-435481-2021/>

³ <https://freedomhouse.org/country/belarus/freedom-net/2021>

Changes in the Internet Regulation

A number of adopted changes in the national legislation in 2021 was aimed at facilitating the interference of the state into the activity of Web-resources and introducing stricter punishment for expression of thoughts online.

- As a result of amendments to the Law 'On Mass Media', the Prosecutor General, as well as the prosecutors of Belarusian regions and the city of Minsk have been given the right to restrict access to Internet resources and online publications that disseminate information aimed at promoting extremist activities or information that contains calls for such activities, as well as information that may harm the national interests.
- Legal grounds for restricting access to Internet resources and terminating the mass media operation started to include the decisions of Interdepartmental Commission on Information Security on the presence of information messages that may harm the national interests if disseminated.
- The duty to present hyper-links on information sources was stated in the law 'On Mass Media'. Obviously,



CHAPATTE



it was done in order to prevent the publication of information from the allegedly 'extremist' sources.

- Article 198-1 was introduced into the Criminal Code of Belarus ('Violation of Mass Media legislation'). It envisages legal responsibility for the owners of online resources that haven't been registered as mass media for the dissemination of banned information. (The definition of 'banned information' is very vague and depends on the understanding of law-enforcement agencies.) In case of repeated violation of the law, the Web-site owner may be sentenced to up to two years of imprisonment.

The State Interference in the Online Media Activity and Prosecution of their Employees

A broad range of searches was conducted at the editorials of nation-wide and regional online media in 2021. Their employees were interrogated. The police searches were held in their apartments as well. Some of the employees were prosecuted on administrative and criminal charges.

In particular, there were searched editorial premises of 'Binokl' ('Binocular') online media (Brest), 'Ranak' Web-site (Svetlahorsk), 'Intex-Press' (Baranavichy), 'Media Palessie' (Pinsk – Luninets), 'Motsnya Naviny' ('Strong News')

Web-site (Brest), Radio Liberty and others. As a result of police searches, there were seized documents and technical equipment that made the editorial work more complicated.

The official authorities took regular planned steps on restricting access to the leading online-media, including TUT.BY, nashaniva.by and naviny.by that ended with their blocking and filing of criminal cases against their employees.

On May 18, 2021, the Belarusian authorities started the unprecedented attack on Tut.by, which is the most influential independent info resource of Belarus. (This step was preceded by a court decision on deprivation of 'TUT BY Media' LLC of its mass media status on January 19, 2021.)



The Department of Financial Investigations filed a criminal case against its employees under Article 243 (2) of the Criminal Code (large-scale tax evasion). Mass searches were conducted on that day in the TUT.BY offices in Minsk, Brest, Vitsiebsk, Mahilou,

and Hrodna, in the offices of affiliated companies Hoster.by, Av.by and Rabota.by as well as in the private apartments of TUT.BY employees. (Consequently, 14 of them were placed in custody or under house arrest.)



On the same day, the Ministry of Information of Belarus blocked public access to TUT.BY Web-site from Belarus and from abroad. The decision was grounded on the note of General Public Prosecutor's office that, allegedly, registered 'numerous facts of violation of Mass Media Law', in particular, publication of BY SOL materials. (It is a civil society initiative that deals with raising funds in support of victims of political repressions in Belarus. The Belarusian legislation bans distribution of materials on behalf of unregistered organizations.)⁴

On July 8, 2021, according to another decision of Ministry of Information of Belarus, there was blocked access to the Web-site of 'Nasha Niva' (nn.by) online weekly. The decision was grounded on the note of General Public Prosecutor's office that registered the alleged 'publication of information that is banned for distribution by article 38 part 1 of Mass Media law'. Consequently, police searches were conducted at the office premises and private apartments of four 'Nasha Niva' officers. Two of them – Yahor Martsinovish and Andrei Skurko – were accused of causing property damage without signs of theft (article 216 of the Criminal Code). They allegedly paid for the office utilities at the rate for housing utilities. Both of them were placed in custody until the trial.⁵

On August 18, 2021, there were conducted searches at the office premises of BelaPAN independent News Agency as well as at the BelaPAN employees' private apartments in Minsk. The searches were conducted within legal investigation of a criminal case on article 342 part 1 of Belarus Criminal Code (arrangement or preparation of actions that grossly violate public order or active participation in them).

⁴ <https://savetutby.info/en>

⁵ <https://baj.by/en/content/authorities-block-nasa-nivas-website-arrest-its-editor-chief-updated>

The BelaPAN Web-sites (belapan.by and belapan.com) were totally blocked for public access. Six BelaPAN employees were interrogated at the Legal Investigation Department. On the same day in the evening the Legal Investigation Committee published a statement that the initiated tax audit of BelaPAN activity showed violations of tax legislation.⁶ The BelaPAN Director Iryna Leushyna and the former Director Dzmitry Navazhylau were taken to custody as suspects on the criminal case, grounded on article 243 part 2 of Belarus Criminal Code ('Tax evasion').⁷

▼ *Huge fines were imposed on a number of independent media Web-sites for the published content.*

Thus, the 'Media Palesse' Web-site owner was fined 5771 Belarusian rubles (around USD 2300 in equivalent) for the alleged distribution of incorrect information, in particular, the phrase 'The judges from Pinsk refused to conduct the trial. Therefore, the accused were transferred to Brest'.⁸



The authorities continued the practice of blocking access to the Web-sites of independent mass media. The definition of 'copies of

⁶ <https://t.me/skgovby/5061>

⁷ <https://baj.by/ru/content/obyski-i-doprosy-sotrudnikov-belapan-zaderzhany-buhgalter-i-byvshiy-direktor-informagentstva>

⁸ <https://media-polesye.by/news/nevidannaya-shhedrost-mogli-oshtrafovat-na-200-bazovyh-no-dali-199/>



online resources' was introduced into the national legislation in March 2021. Consequently, the blocking practice was extended to the so-called "mirror" Web-sites, which are created to bypass the blocks of targeted Web-resources.⁹

Thus, there was restricted access to a number of "mirror"

Web-sites of independent mass media, including the Naviny. online Web-resource of BelaPAN News Agency,¹⁰ Blstv.eu Web-site of 'Belsat' TV channel,¹¹ euroradio.pl Web-site of 'European Radio for Belarus', Zerkalo.io Web-site of TUT.by and other.

Since the autumn of 2021, there was started a new wave of blocking access to online news resources, including Media-Polesye.by,¹² the Web-site of 'Belarusian Radio Racyja',¹³ belaruspartisan.by,¹⁴ the Web-site of 'Komsomolskaya Pravda in Belarus' and other.

On November 4, 2021, in line with the decision of the Ministry of Information of Belarus, there was blocked access to the Web-site of the Belarusian Association of Journalists, which is the largest independent journalists' organization in the country.¹⁵

⁹ <https://reform.by/212475-v-belarusi-budut-blokirovat-kopii-internet-resursov>

¹⁰ <https://naviny.online/new/20210412/1618258965-vlasti-zablokirovali-dostup-k-saytu-navinyonline>

¹¹ <https://baj.by/ru/content/zablokirovano-zerkalo-osnovnogo-sayta-telekanala-belsat>

¹² <https://media-polesye.by/news/dostup-k-media-polesye-by-zablokirovalo-ministerstvo-informaczii/>

¹³ <https://baj.by/be/content/u-belarusi-zablakovali-sajt-radyyo-racyya>

¹⁴ <https://belaruspartisan.by/politic/546239/>

¹⁵ <https://baj.by/ru/content/vlasti-zablokirovali-sajt-belorusskoy-associacii-zhurnalistov-chitayte-nas-v-telegram>

Persecution of bloggers



Since the time of presidential election campaign 2020, the Belarusian authorities have regarded the critical bloggers as a dangerous source of information. Practically all popular bloggers,

who expressed their opinion on the socio-political issues, were arrested during that period of time.

▼ *On September 11, 2021, the head of 'Belaya Rus' pro-governmental public association Henadzi Davydzka noted that bloggers had to be strictly controlled:*

"There is a huge danger coming from the Internet community and the so-called bloggers nowadays. Actually, they are the actors that mould the public opinion."¹⁶

Several oppositional bloggers were put on trial in 2021. All of them had been detained during the Presidential election campaign 2020 and presented criminal charges. All of them were sentenced to different terms of imprisonment:

Uladzimir Niaronski – 3 years of prison, article 342, part 1 of Criminal Code (arrangement and preparation of actions that

¹⁶ <https://www.belta.by/society/view/davydka-vse-blogery-dolzny-nahoditsja-pod-zhestkim-kontrolem-459387-2021/>



grossly violate public order or active participation in them) and article 369 of Criminal Code (insulting a governmental official);¹⁷

Pavel Spiryn – 4.5 years of penal colony, article 130 of Criminal Code (Incitement to racial, national, religious or other social hatred);¹⁸

Siarhei Piatrukhin – 3 years of jail, article 342, part 1 of Criminal Code (arrangement and preparation of actions that grossly violate public order or active participation in them) and article 391 of Criminal Code (insulting a judge or a lay judge);

Aliaksandr Kabanau – 3 years of jail, article 342, part 1 of Criminal Code (arrangement and preparation of actions that grossly violate public order or active participation in them).¹⁹

In March 2021, there were filed two criminal cases against a popular blogger Anton Matolka, who covered the events, connected with the Presidential election 2020, on article 130, part 3 of Criminal Code ('in connection with the commission of intentional actions aimed at inciting social hatred on the grounds of professional affiliation in relation to government officials and law enforcement agents') and article 3611, part 1 of Criminal Code ('creation of an extremist formation'). The Legal Investigation Committee representatives stated that Matolka united extremist groups (the so-called 'backyard chats'), founded an extremist formation, and led it.²⁰

Legal investigation on the criminal case against bloggers Raman Pratasevich (kept under house arrest) and Stsiapan Putsila, the

¹⁷ <https://baj.by/ru/content/pervyy-prigovor-po-delu-tihanovskogo-blogeru-neronskomu-dali-tri-goda>

¹⁸ <https://euroradio.fm/ru/blogera-pavla-spirina-osudili-na-45-goda-kolonii-obshchego-rezhima>

¹⁹ <https://baj.by/be/content/brestskim-blogeram-petruhinu-i-kabanovu-vynesli-prigovor-v-mogileve-ih-samih-v-sud-tak-i-ne>

²⁰ <https://sk.gov.by/ru/news-usk-gminsk-ru/view/usk-po-gorodu-minsku-vozbuzhdeno-ugolovnoe-delo-v-otnoshenii-antona-motolko-9757/>



founders of a Telegram-channel that played a crucial role in the coverage of post-election protests and became the most popular in Belarus as well as against the editor of 1863x.com Eduard Palchyts (kept in custody) was continued this year. (The criminal case had been filed in 2020).²¹

On August 16, 2021, a blogger Vadimati (Vadzim Yermashuk) was arrested in Hrodna. He expressed protest against violence, supported political prisoners, and attended court sessions on 'political' cases. As it became known later, two criminal cases were filed against him on article 368 of Criminal Code ('insulting the President of Belarus') and article 370 of Criminal Code ('defamation of state symbols').²²

The use of legislation on struggle counter extremism

The legislation on struggle counter extremism has been applied on a large scale in order to restrict the freedom of speech in the Internet. In particular, all critical statements and activities have been regarded as 'extremist' activities.

The criminal prosecution of online media was repeatedly grounded on the legal norms of anti-extremist legislation. It became a usual practice for the authorities to persecute online media for

²¹ <https://naviny.online/new/20210913/1631512082-sk-v-dele-protasevicha-palchisa-i-putilo-bolee-600-tomov>

²² <https://baj.by/be/content/grodnenskogo-blogera-vadimati-zaklyuchili-pod-strazhu>



re-posts of publications, which were labeled as 'extremist' at a later stage (in particular, the content of Telegram-channels).

The law 'On the Amendment of Laws on the Issues of Counteraction to Extremism' came into force on June 14, 2021.

It broadened the already existing possibilities for persecution for expression of opinion. In particular, the following kinds of 'extremist activity' were included into the list:

- insulting or discrediting public authorities or government officials;
- dissemination of knowingly false information about the political, economic, social, military or international state of the Republic of Belarus;
- illegal actions against public order and public morality, the order of government, life and health, personal freedom, honor and dignity, as well as the property, committed in order to incite hostility.

Certain definitions were amended in the new version of the law. In particular, not only the media production that contains extremist calls and promotes extremist activity is regarded as

'extremist materials', but also the media production that 'fosters' extremist activities, and contains 'extremist symbols and attributes' is considered like this. Also, there was broadened the list of forms, in which the 'extremist materials' can exist. In particular, it was de-facto banned to publish portraits of people, who have been punished on 'extremism' charges, in mass media.





▼ *There appeared the notion of ‘extremist formation (grouping)’ as ‘a group of citizens that indulges in committing extremist activities or fosters extremist activities or acknowledges the possibility of applying them in their work or funds extremist activities’. Unlike an «extremist organization», its existence is determined out of court by the Ministry of Internal Affairs or the KGB.²³*

New articles were introduced into the Criminal Code of Belarus. They defined liability in the form of restriction of liberty or imprisonment for any “facilitation of extremist activities” (Article 361-4) and “creation of or participation in an extremist formation” (Article 361-1). The maximum penalty under the latter article is up to 10 years of imprisonment.²⁴

▼ *The innovations of the Law on Counteraction to Extremism have been actively applied to independent media. Another massive attack on the independent press and civil society of Belarus took place in July 2021.²⁵*

On July 30, Aliaksandr Lukashenka named the alleged “information attacks” as one of the tactical directions of attempts to destabilize the Belarusian society: “Everyone should understand now the purposes of creating the biased media resources, such as Websites, Telegram-channels, video blogs, groups in social media, and messengers. The whole Belarus was covered with this network. [...] Thus, the freedom of speech that we defend constitutionally has grown into extremist activity nowadays. And we will fight against this fiercely and resolutely. We will not retreat.”²⁶

²³ <https://pravo.by/document/?guid=3871&p0=h10700203>

²⁴ <https://pravo.by/document/?guid=3871&p0=hk9900275>

²⁵ <https://baj.by/ru/analytics/elektronnyy-byulleten-smi-v-belarusi-no2-64-2021-presledovanie-cmi-i-zhurnalistov-v-2021>

²⁶ <https://www.belta.by/president/view/shest-takticheskikh-napravlenij-lukashenko-rasskazal-o-popytkah-rasshatat-belorusskoe-obschestvo-452931-2021/>



Following the Telegram-channels, the authorities started to regard the content of independent online media as 'extremist materials'. Thus, they recognized the Belsat TV Web-site, Telegram channel and pages in the social media as 'extremist materials' on July 27, 2021.²⁷

Then, they recognized as 'extremist materials' the content of Tribuna.com sports online media,²⁸ the content of the leading news portal TUT.BY and the content of zerkalo.io Web-site that substituted TUT.BY after the blocking.²⁹

Taking into account that practically any Belarusian media used TUT.BY publications, all of them faced the risk of prosecution for the alleged 'dissemination of extremist materials'

▼ *Thus, a range of independent media wasn't included in the list of extremist materials. However, the public access to their Web-sites was restricted for publishing the re-posts that had been regarded as 'extremist' materials. In particular, the Public Prosecutor's office for Brest region restricted access to the 'Media Palessie' Web-site for 6 months on these grounds.³⁰*

Since the summer of 2021, the number of court decisions recognizing extremist materials has dramatically increased. 71 court rulings on recognizing 115 publications as 'extremist materials' were returned in June – July 2021. It was three times more in comparison with the period since the beginning of April till the end of May 2021. 84 court rulings on recognizing 129 publications as 'extremist materials' were returned in August – September 2021. The overwhelming majority of

²⁷ <https://t.me/pressmvd/3237>

²⁸ <https://baj.by/be/content/internet-resurs-tribunacom-i-socseti-priznany-ekstremistskimi>

²⁹ <https://baj.by/be/content/materyyaly-tutby-i-zerkaloio-pryznali-ekstremistskimi>

³⁰ <https://prokuratura.gov.by/ru/media/novosti/zashchita-sotsialnykh-prav-grazhdan/v-nykh-sferakh/po-postanovleniyu-prokuratury-brestskoy-oblasti-ogranichen-dostup-k-resursu-media-polesye-bu/>



them was connected with Telegram-channels. However, it was registered for the first time during the whole history of observations that not only the Telegram-channels were banned, but also the bots of some of the Telegram chats. As of August 21, 2021, 174 Telegram channels and chats were recognized as 'extremist materials' by the authorities, most of them in 2021.³¹

▼ *Apart from the Telegram channels, the authorities continued to include the accounts of independent media in other social media into the list of 'extremist materials' – Facebook, VK. It was registered for the first time in history during the period under review that the authorities also banned pages of mass media in 'Odnoklassniki', Instagram, and TikTok.³²*

Also, the authorities started applying innovations of legislation on counteraction to extremism in the form of 'extremist formations' in order to prosecute representatives of online media. At the beginning, the charges were presented to the creators and administrators of oppositional Telegram-communities. With the time passing, the authorities started presenting them to journalists, too. Thus, two criminal police searches within a month's term were conducted at the private apartment, owned by a famous Belarusian TV- and radio presenter Katsiaryna Pytleva in September 2021. The searches took place as soon as she became the Program Director and presenter of a popular Youtube-project 'Malanka Media' in relocation in Lithuania.

It was only after the second search that she managed to learn that they had been connected with the legal

³¹ <https://euroradio.fm/ru/174-telegram-kanala-i-chata-priznany-v-belarusi-ekstremistskimi>

³² <https://humanconstantia.by/en/the-fight-against-extremism-with-fatal-outcomes-an-overview-of-trends-for-august-and-september-2021/>



investigation on the criminal case that was filed for the creation of an extremist formation.³³

On November 3, 2021, the Ministry of Internal Affairs took a decision to recognize 'a group of citizens, who are united through the 'Belsat' Web-resources' as an extremist formation. At that moment of time, the List of organizations, formations, and individual entrepreneurs, connected with extremist activities, included 11 initiatives and groups that were united through Telegram-channels and chats. The Ministry of Interior emphasized in its statement that the founders, managers, and participants of such formations would be presented criminal charges on article 361, part 1 of Criminal Code ('establishment of an extremist formation or participation in them') that envisages up to 10 years of imprisonment.³⁴

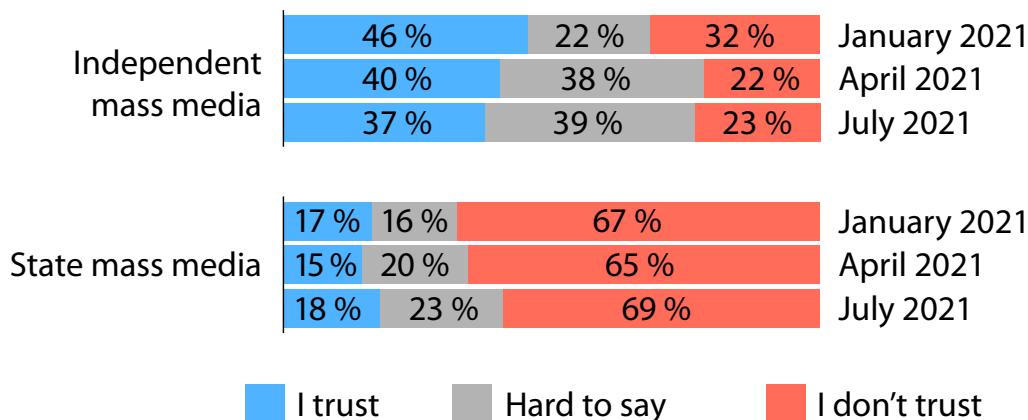
Moreover, in order to limit the influence of independent media, the authorities began to apply the anti-extremist legislation as the grounds for prosecution of Web-users for dissemination of media content that had been recognized as 'extremist materials'. The forms of punishment on administrative charges include not only fines, but also different terms of administrative arrest.

On May 7, 2021, the Belarus Prosecutor General's Office issued a statement that prosecutors monitor messages on the Web on the daily basis. At the same time, it was emphasized that "any step on the Internet, whether visiting a certain Web-resource, or rating certain images or messages in the social media, or posting or commenting on them, are recorded."³⁵

³³ <https://baj.by/en/content/police-trash-apartment-former-tv-presenter>

³⁴ <https://naviny.online/new/20211103/1635923429-mvd-internet-resursy-belsat-priznany-ekstremistskim-formirovaniem>

³⁵ <https://www.belta.by/society/view/organy-prokuratury-ezhednevno-monitorjat-soobschenija-v-internete-440468-2021/>



The Web-users are even punished for ‘distribution of extremist materials’ in private correspondence. Thus, e.g., Pavel Smirnou from Minsk was sentenced to 15 days of arrest for sending a message from TUT.by Telegram channel to his friend as soon as the police officers got access to his mobile phone.³⁶

The large scale of non-stop interference of the state in the independent online journalism activity as well as in the use of social media and messengers prove true that the authorities consider the freedom of speech on the Web as a form of oppositional activity.

However, in spite of all repressive measures, the influence of independent news and information sources continues to grow.³⁷

As before, the independent news Web-sites hold leading positions in the national media space. The state-owned news Web-sites lag behind. Although the majority of

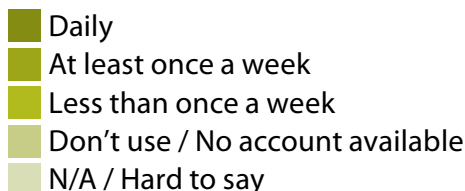
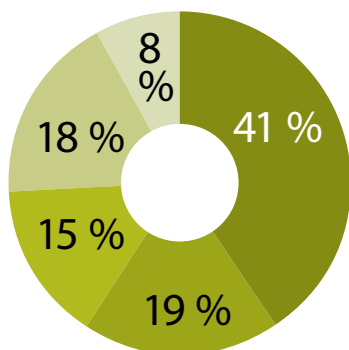
³⁶ <https://baj.by/be/content/za-repost-z-tg-kanala-tutbay-minchuka-pakarali-15-sutachnym-aryshtam>

³⁷ <https://baj.by/ru/content/nezavisimye-smi-polzuyutsya-gorazdo-bolshim-doveriem-redi-belarusov-chem-gosudarstvennye>

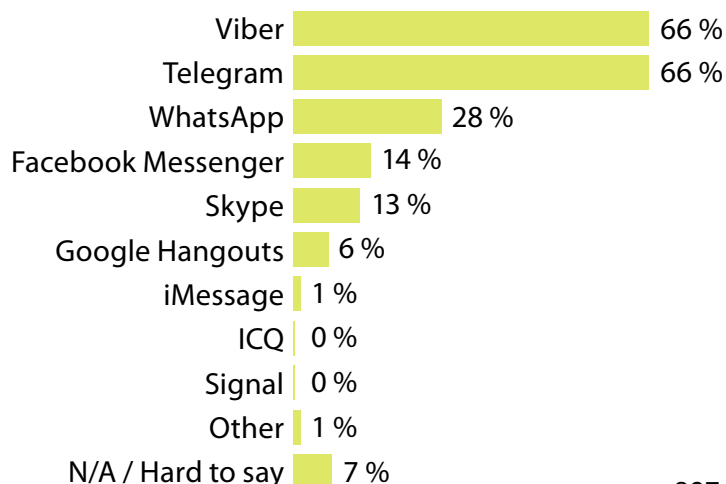
THE MESSENGERS USED FOR GETTING INFORMATION

How often do you use the following information sources?

What messengers do you use most frequently in order to learn the news or find the needed information?



75% of respondents actively use messengers, mostly Viber and Telegram



897

independent news Web-sites were blocked for public access in 2020-2021, they managed to diversify their channels of information distribution in the social media and messengers and kept the trust of their audience.³⁸

³⁸ <https://www.allyoucanread.com/belarus-newspapers/>
<http://www.infopolicy.biz/?p=18008>
<http://www.infopolicy.biz/?p=18082>
<http://www.infopolicy.biz/?p=18106>



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Contact:
Mr. Andrei Bastunets

E-mail: press@baj.by
Web: www.baj.by