

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

August 25 – September 21, 2014

Within the reporting period authorities kept on administrative prosecution of freelance journalists for cooperation with foreign mass media without accreditation. A blatant precedent occurred in Mahilow when law enforcement agencies held searches in a journalist's flat, as well as in the flat of the journalist's parents, only on the basis of his online publications on a foreign mass media website.

On August 26 the Central district court of Homel was supposed to consider the **appeal of Mikola Bianco**: the journalist complained against the warning issued by the first prosecutor's deputy of Homel region. The journalist was accused of violating the law by making materials for Poland-based *Radio Racyja* without accreditation. The journalist argued that the official's actions violated his constitutional rights and lawful interests. The **judge rejected the appeal** claiming that the one-month period for appealing against prosecutor's decision had expired.

The warning was issued to Mikola Bianco and his wife Yuliya Sivets on March 5. He first complained against the warning to the regional and the General prosecutor's office. The regional prosecutor's office replied on March 25, the General prosecutor's office replied on May 25 – both appeals dismissed. The appeal to court was filed on May 29, which was within appeal terms, says Leanid Sudalenka, the lawyer of BAJ from Homel. The judge did not seem friendly, as she refused to hold the hearing in the Belarusian language, what the plaintiff had motioned for, and forbade Leanid Sudalenka to speak on the journalist's behalf, although he can be a representative of a BAJ member by law. The judge also forbade taking pictures.

On August 27, an employee of the ideological department of Hlybokaye District Executive Committee prevented a local journalist, BAJ member **Zmitser Lupach** from work at the festival of Christian movies *Magnificat*. The journalist had requested and got accreditation from the organizer of the festival. However, he was not allowed to enter the journalists' bus heading for the venue; the official representative claimed that the journalist did not have accreditation and could not go together with other journalists.

On August 29 an activist of anarchist movement **Raman Khlalilau** was summoned to the police office where the officers presented an administrative report against him according to article 17.1 of the Administrative Code - "production, distributions and (or) storing extremist materials".

On August 28 the activist was released from the first 10-days arrest – for resistance to police officers. The same day police came to his dormitory and confiscated his books, newspapers and leaflets.

On August 29 judge Artiom Biaskishski considered the case and concluded that the **print materials** confiscated from the activist were **extremist**. And sentenced him to **10 days of administrative arrest**.

"From all the materials confiscated, only one leaflet was attached to the case materials; as for the

rest, only their titles were written in the report; there is literature which does not even relate to politics – history books etc. At the trial, all titles were read aloud, and the judge said all of them belonged to extremist materials. And I stored them for distribution, so to say, for which I was arrested,” says Raman Khalilau.

“The Art of War” by Sun Tzu, “Social Anarchism or Lifestyle Anarchism”, leaflets “Nuclear station: all truth about danger. Anti-atom resistance”, “How to make a strike”, “Aims of anarchism in strategic plan”, newspaper Nasha Pruda (Our Truth), the book “Chernobyl Lessons” - these are some of the “extremist materials” mentioned in the report. Also, there was “a leaflet in German”.

The lawyer Pavel Sapielka says that the Law on Counteracting Extremism definitely explains what extremism, extremist actions and materials mean, as well as stipulates the procedure for how to assess print materials in respect of extremist content.

The lawyer claims the judge violated the national legislation. The judge claimed by himself that the confiscated materials were extremist only by reading out titles in a 20-minutes trial. He unjustly rejected the motion where the defendant said he wasn't going to distribute the materials. Besides, the punishment was the harshest in this case, which testifies to the biased attitude of the judge. Lawyer Pavel Sapielka is filing the appeal and he is sure it will be upheld by the Minsk City Court.

On September 3 a group of TV journalists were **detained** near a metro station in Minsk at around 6:30 pm. They were making a TV episode on an action of the organizational committee of the Belarusian Christian Democracy Party: the people were collecting signatures under the petition to stop Russian TV channels being broadcast in Belarus. The activists and the journalists were taken to the police department of the Frunzenski district.

The journalists, among them freelancer Viachaslau Piashko, were set free after interrogation, approximately three hours later. No administrative reports were drawn up.

At the 111th session, held 7-25 July, the **Human Rights Committee of the United Nations** considered the Case “**Maryna Koktysh** against Belarus” (№1985/2010) referring to the obstacles, created to the journalist of the independent newspaper "Narodnaya Volya" Maryna Koktysh in getting accreditation to the House of Representatives of the National Assembly (lower chamber of the Belarusian parliament).

In autumn 2007 Maryna Koktysh, who had previously been accredited at the House of Representatives of the National Assembly, was denied accreditation for the first time. The refusal was explained by a decision of the Presidential Security Service. From then on, the newspaper and the journalist tried to appeal against the refusal in courts of different levels, but to no avail.

Considering this case, the Human Rights Committee concluded that by creating obstacles to the journalist in obtaining information the **Government violated Article 19 (2)** of the International Covenant on Civil and Political Rights (the freedom to seek, receive and impart information).

On September 4, the Supreme Court of Belarus **forbade the Telewizja Polska S.A.** to use the name for **Belsat TV** when broadcasting for the territory of Belarus and on the website which is also accessible from Belarus. The court found that the TV channel violated the copyright of Mr Andrey Belyakow. The court ordered the Belsat TV to stop using the trade mark “Belsat” in their satellite transmission and on the website. The court also ordered the respondent to pay legal expenses of 9 998 800 BR (around 1000\$). Belsat TV representatives underlined that they operated from another

country and did not have any official offices or bank accounts in the territory of Belarus.

We remind that the legal action over the trade mark Belsat was brought by Belarusian company dealing in satellite equipment against Belsat TV (Telewizja Polska S.A.) in May last year. The owner of the company Andrey Beliakow said his company suffered losses because names of the company and the TV sound alike. On January 27 the Supreme Court of Belarus dismissed the claim saying the plaintiff did not prove that he had exclusive rights for the trade mark. However, five months later the Presidium of the Supreme Court sent the claim for review because of insufficient investigation into the matter of the case.

As reported **on September 5**, the Radio France Internationale for the first time received accreditation in Belarus. The Belarusian MFA issued accreditation to the correspondent Henadz Sharypkin.

As reported **on September 9**, a resident of Hrodna paid 3million rubles (almost 300\$) as a compensation for **insulting** a customs office employee in an **online comment**.

According to a press release of the customs office, on June 24 a blog S.13.r republished an article from Onliner.by about a dispute on the border. A visitor left a comment under the blog mentioning the head of the customs office. The latter got resented and filed a complaint to the police. The identity of the commentator was revealed, and on August 4 the Kastychnitski district court of Hrodna received application on initiating a criminal case under art. 189 of the Criminal Code (insult). In first hearings, the defendant pleaded guilty, paid the compensation (the money was spent for charity), and asked for pardon in a city newspaper. On August 27 the case was closed by a conciliation of parties.

On September 15, the police informed a journalist of the *Radio Racyja* that an **administrative case** against him was closed, which came as a little surprise. **Vital Siamashka** made some reports about life in Lida district several months ago. The notification from the police of the Lida District Executive Committee informed that the administrative case against him was over because the term for administrative prosecution had expired (two months from the events). The case was about **article 22.9** – work without accreditation. So, the journalist found out about the case *postfactum*.

On September 16, BAJ members and freelancers Natallia Valakaida and Ales Barasenka, as well as *BelaPAN* correspondent Siarhei Satsiuk **detained** for three hours after they were taking an interview from the Homel activist Yury Rubtsow before his administrative trial over insulting a judge. The detention was performed by plain-clothed police, according to one of the detainees. They wanted to verify if the journalists were accredited. The journalists were set free three hours later, without any protocols.

On the morning **September 16**, police came to Aliaksandr Burakow, an independent journalist from Mahilow, and announced they were going to **search the flat**. Five police officers and two witnesses entered the flat without waiting for invitation. The process lasted for around an hour and was recorded with a video camera. The searches were sanctioned by the prosecutor's office of Mahilow city. The searches followed three publications on the website **DW.DE** authored by Aliaksandr Burakow. As a result the police seized two laptops belonging to the journalist's wife and two flashcards, ignoring the argument that the computers were not used by the journalist. Aliaksandr Burakow refused to sign the searches report.

The same day, the journalist was questioned by police; the questioning lasted around an hour and

a half and was recorded with a video camera. He was accused of violating **article 22.9** of the Administrative Code – unlawful production and distribution of mass media products, and of article 35, part 4 of the Law on Mass Media – work for foreign mass media without accreditation. The journalist filed a complaint to the prosecutor's office against the police – for that they seized four computers (two from his flat and the other two from his parents' flat).