

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting March 31 –April 13, 2014

Within the reporting period, several regional journalists at once faced with sanctions for work for foreign mass media unaccredited. This is an alarming tendency of some recent months, alongside with persecution of distributors of low-circulation press.

On March 31, the Hrodna Regional Court **upheld the decision to ban Ales Bialiatski's book "Asvechanyia Belaruschunai"** ("Enlightened by Belarusian Issue"), having considered a cassation appeal by human rights defender Tatsiana Reviaka.

According to Tatsiana Reviaka, the judges' panel (chairperson Aliaksandr Kalesnik) did not want to evaluate the appeal on merits in terms of how the book could harm political and economic interests, national security, public health and morals. They just limited it to the question of whether the copies had been brought into the country for personal or non-personal use.

40 copies of Ales Bialiatski's book "Asvechanyia Belaruschunai" were taken from human rights defender Tatsiana Reviaka at the Belarusian-Lithuanian border checkpoint "Kamenny Loh" on July 3, 2013. The collection of literary essays, which were published during the author's imprisonment, was sent for examination. On the grounds of two examinations, judge of the Ashmiany district court Tatsiana Yemelianovich ruled on February 11 that the books were to be re-exported to Lithuania.

On March 31 the prosecutor's office of Brest issued a **warning** to a journalist, BAJ member **Yauhen Skrabets**. The grounds for the warning were Yauhen's materials for the Belarusian *Radio Racyja* (based in Bialystok, Poland). On March 21, Yauhen Skrabets was questioned in the city prosecutor's office. The questioning concerned his work for an unaccredited mass medium and if his materials might discredit Belarus. Remarkably, the journalist did not receive a written copy of the document, so he filed a written request to the prosecutor's office asking to get the paper so that he could appeal against it later on.

On April 2 it was announced that **Ales Bialiatski**, founder of the Belarusian human rights organization Viasna, was the recipient of the **2014 Civil Rights Defender of the Year Award**. Ales Bialiatski was arrested on 4 August 2011 and sentenced to 4.5 years in prison for tax evasion in a trial with clear political overtones. The award is given during Civil Rights Defenders' annual conference Defenders' Days on April 4 in Stockholm.

On April 2 the **Beshankovichy** district court started hearing an administrative case of **Georgi Stankevich**, BAJ member, publisher of the low-circulation newspaper *Kryvinka*. According to a police's report dated March 27, he violated a law by distributing the newspaper in the center of Beshankovichy town.

Judge Natallia Reut declined the motion to put off the hearing for another day so that the publisher could talk to his legal representative who was coming from Minsk. The judge also dismissed the motion to have a Russian-Belarusian translator in court (the hearing was held in Russian). The judge expressed her indignation that the publisher only slowed down the process with his motions. The publisher challenged the judge several times, and finally the judge expelled the defendant from the courtroom.

On April 3 the court announced the ruling to **fine** the publisher 50 base amounts (7 million 500 thous. rubles, or approx. \$750) finding him guilty of violating art. 22.9, part 2 of the Administrative Code (distribution and publishing activities).

We remind that Georgi Stankevich was once fined in 2010 for 20 base amounts, and in 2012 for 40 base amounts.

Three **regional activists were fined on April 3** for posting photos with political and national symbolic on the **Internet**. On March 25, the Liberty Day in Belarus, **Viktar Sazonau, Uladzimir Khilmanovich** and **Raman Yurgel** took photos standing in historic sites of Hrodna and holding Ukrainian and Belarusian

national symbolic as a sign of their solidarity with Ukrainians. They posted the photos on the web. On April 2 they received summons to court, and were fined by court for 25 basic amounts (3 million 375 thousand rubles, or approx. 250 euro) for “unsanctioned picket”.

Journalists were not allowed to enter the Leninski district police department, where the trial was taking place. So the information was reported later by the activists themselves. Viktor Sazonau said that three administrative reports had been drawn up against each of them, for every photo separately. The witnesses in the trial were policemen who wrote the reports (they did not see the people taking photos).

On April 3 the Babruysk district court (judge Natallia Charapukha) **fined the blogger Aleh Zhalnou** for 46 basic amounts (6 million 900 thous. rubles, or approx. \$700) under article 23.4 of the Administrative Code – “disobeying legal demands of an official representative in performance of duties”.

On February 4, 2014 the blogger appeared at the summons to the head of the Babruysk department of the Investigative Committee and did not leave some devices with the officer on duty (a telephone, a 3G modem and a memory card) on entrance.

According to the plaintiffs, the officer on duty acted in compliance with the decree of the Home Affairs Ministry № 185 (labelled “restricted”) stipulating that a police department is a regime object and visiting citizens are not allowed to carry some things and devices listed in a special instruction.

The blogger argued that rulings and decrees of Ministries do not apply to usual citizens. Since the Ministry’s decree is not registered in the Register of State Acts, it is not a legal document and is not obligatory for citizens. Besides, the blogger argued that there is a ruling by the Council of Ministers demanding that all legal acts related to citizens must be open for public access and cannot be “restricted”.

We remind that on March 17, Aleh Zhalnou was also fined 45 basic amounts under analogical charges. In that case, on January 30 the blogger brought a recording device while meeting the head of the police of the Babruysk City Executive Committee and later published a video about the visit on YouTube.

On April 3, Maryna Malchanava, journalist of *Bobruyskij Courier*, received a **reply** from the prosecutor’s office saying that administrative charges against her had been dismissed; however, her claim to investigate prosecution for professional activities were left unconsidered.

The journalist filed a complaint on March 19 to the supervisory agency against the police major Siarhei Rudzko. The journalist asked to hold an investigation claiming she was prosecuted for professional activities. However, the prosecutor’s office informed her that her case had been closed on March 19. According to the reply (dated March 26), if she wanted her complaint to be considered further, she had to pay a duty of one basic amount.

We remind that on March 12, Maryna Malchanava was summoned to the police department of the Babruysk City Executive Committee. She was questioned and informed that she could be held liable according to article 23.34 of the Administrative Code “Violating the procedure of organizing or holding mass events”. On March 6, the journalist was covering an antimilitarist picket held in Babruysk by local activists. Maryna Malchanava underlined that she was performing her professional duties and had all rights to attend the event. In the end, the police officer Siarhei Rudzko issued her a summons to appear on March 17 – to draw up an administrative report. However, on March 17 she was told she would be summoned later.

On March 4 the regional journalist **Ales Dzianisau** was **fined** 30 basic amounts (4 million 500 thousand rubles, or approx. 330 euro) for violating art. 22.9, part 2 of the Administrative Code – illegal production and/or distribution of mass media. The trial took place on April 4 in the Leninski district court of Hrodna. The trial concerned a video interview on *Belsat* (registered in Poland satellite channel) about a premiere of a play “Faust. Dreams”. At the questioning before the trial (on April 3) the journalist admitted having talked to the director of the puppet theater, but underlined that he was not a *Belsat* correspondent. He

pleaded non-guilty and motioned to call a witness – the theater director Aleh Zhugzhda, but the judge dismissed the motion.

On April 4 in Brest an independent journalist **Maxim Khliabets** was summoned to the Soviet district police department as a witness in an administrative case. However, the **questioning** did not relate to the case under consideration – the journalist was questioned about his professional activities.

“Maxim Melnik and another officer who refused to introduce claimed that they knew everything about my journalistic activities and thought it was unlawful. They showed photos which, in their view, prove my work for Belarusian Radio Racyja.” The journalist said at the end of the talk the police officers tried to induce him to cooperation and threatened with liability.

On April 8 the **Hlybokaye** district court (judge Andrei Tarasevich) **fined** the regional independent newspaper *Prefect-Info* for 25 base amounts (3 million 750 thous. rubles, or approx. \$370) for violating the advertising law.

According to a report from the department on trade and services of the Vitebsk Region Executive Committee, the newspaper had several violations in one of its October issues.

The editorial office do not know where to find the money for the fine as they in fact stopped publishing due to financial difficulties. “I often see such violations in our district newspaper, and not only,” says the editor Zmitser Lupach. “Sadly I must state that further publishing of the newspaper is impossible. We survived only for the finances from advertising. The authorities hampered us by all means. The heads of banks were banned to place their ads with us, businessmen were also told: “Think whom you entrust your ads, this is opposition, see that you don’t have any problems further. And many of them refused from advertising with us.”

On April 11 the editorial office of the independent newspaper *Intex-Press* received a **reply** to their **complaint to the Central Electoral Committee**. The reply signed by the chair of CEC Lidziya Yarmoshyna says the CEC did not reveal any violations of IP journalists’ rights during the local elections held in March.

The editorial office complained their correspondents faced with many obstacles. On the first day of early vote a journalist was allowed access to polling station No47 “only with the signature of the chair of CEC”; at polling station No27 the chair of the electoral commission banned taking photos while the ballots were counted. The CEC consider that the violations did not occur because further on the mistakes were corrected, and also the correspondents had a possibility to go to seek information at other polling stations. A similar reply was also given by the Brest regional electoral commission on April 8 signed by the chairperson Natallia Grygoryeva.