

Belarusian Association of Journalists (BAJ)

MASS MEDIA IN BELARUS

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A YEAR WITH A NEW LAW "ON MASS MEDIA"

Development of Situation in the Media Field and Statistics

One year passed on **February 8, 2010** since the moment a new law "On Mass Media" had come into force in Belarus. The experts expressed especial concern with the following provisions of the law:

- *re-registration of existing mass media;*
- *registration and regulation of on-line media activity;*
- *increase of mass media and journalists' responsibility* (e.g., according to the new law, a media outlet can be closed down by court even in case of single gross violations of legal norms or after two official warnings for any insignificant violations of the law);
- *introduction of obligatory press accreditation for foreign correspondents and proclamation delegatization of any journalist activity without press credentials.*

At the same time, the experts marked certain simplification of regulations on registration of new printed media outlets (the mass media founders didn't need to get approvals from the local executive authorities anymore).

The Belarusian Association of Journalists has been monitoring the practical application of the law "On Mass Media". Basing upon the findings, it is possible to draw the following conclusions:

- Re-registration of existing media outlets finished on February 8, 2010. Generally, it was held without conflicts. However, in several cases the Ministry refused to re-register media organizations.

At the same time, a large number of media outlets failed to submit documents for re-registration in time.

As of *February 1, 2010*, 67.3% of printed media (733 periodical editions), including 72.1% of non-state printed media (527 periodicals) passed the stage of official re-registration. Situation with broadcasting media appears to be a little bit worse. Thus, as of *February 1, 2010*, 52.8% of radio and TV programs (121 media outlets), including 62.9% of non-state radio and TV programs (39 media outlets) passed the stage of official re-registration. Five news agencies out of six agencies, existing in Belarus, passed the stage of official re-registration. All five news agencies are not owned by the state.

Despite the fact that only more than a half of state-owned media passed the stage of official re-registration a week before the dead-line, no doubt, the majority of them will be able to carry on their activities in the future.

- Problems with registration of new media appeared since August 2009.

The Ministry of Information of Belarus resumed preventing new socio-political media outlets from getting official registration certificates without any good cause seven months after the new media law had come into effect. No less than 7 new periodicals have received

such refusals. Some of them got their applications back several times in a row. The Ministry of Information most often explained its refusals with insufficient competence of Editors-in-chief and improper premises for editorial offices. Surprisingly, the new law “On Mass Media” does not provide for dismissals of applications for registration of media outlets in such cases. Moreover, generally, it is not required to mention this information in the applications, according to the law. However, the Ministry of Information changed the application form for registration of mass media, violating the new Media Law, on *October 7, 2009*. Correspondingly, the applicants were obliged to describe educational background and experience of their Editors-in-chief and present information about the premises of their editorial offices.

Since *February 8, 2009* till *February 1, 2010*, the Ministry of Information of Belarus registered 152 new printed periodical editions, including 119 non-state media and 11 broadcasting media outlets

(4 radio-programs and 7 TV programs), including 7 non-state broadcasting companies.

The majority of registered periodicals deal with entertainment, advertising etc.

According to the BAJ calculations, there aren't less than 30 registered non-state socio-political periodicals in the country nowadays.

The number of state-owned broadcasting companies prevails in Belarus as before (86 state-owned media outlets vs. 46 non-state media organizations).

Regardless of proprietors, all TV and radio broadcasting media in Belarus are strictly controlled by the national and regional authorities.

- The publishing of small-circulation periodicals that can be issued without any official registration has become more complicated.

The new media law complicated publishing of non-registered small-circulation periodical editions in Belarus. (It is permitted to issue periodicals without any registration certificates, in case the print-run doesn't exceed 299 copies.) Presently, the publishers of small-circulation editions are obliged to present the output data and send several free copies of their publications to the responsible state authorities. Thus, e.g., 5 state institutions and organizations have to receive the periodical and non-periodical editions, distributed in 10 – 299 copies on the territory of Belarus. Moreover, it should be mentioned that the Public Prosecutor's Office for Kletsk district warned the publisher of “Boykiy Kletsk” non-registered small-circulation newspaper for failing to have the newspaper editorial registered as a legal entity. The Public Prosecutor's Office for Miensk region and the Prosecutor General confirmed the warning.

- The state authorities resumed executive regulation of Internet activities.

According to the new law “On Mass Media”, the Belarusian government was authorized to work out a standard act on official registration and regulation of on-line media activities. (However, the law does not present any definitions of such media). The legal provision has been severely criticized in Belarus and in the EU. Following a number of round table discussions with participation of governmental officials, OSCE representatives, and the

journalistic community members, the elaboration of governmental provisions on regulation of Internet media activity was suspended. This fact was roundly welcomed in Belarus and abroad.

However, the Belarusian top officials resumed their comments upon the need to regulate the Belarusian Web-segment, starting from the end of 2009. Consequently, Presidential edict No. 60 "About the Measures on Improvement of National Segment of Internet" was signed by A. Lukashenka on *February 1, 2010*. The edict envisages official registration of Web-resources, providing on-line services in Belarus, identification of computers with Internet connection, collection and storage of personal data of Internet-users and information about the provided Internet services in the Internet-cafes in Belarus.

Although on-line media are not mentioned directly in the edict, it is related to them as well, since it provides for disabling the Web-sites that disseminate some unwanted or banned information. The edict will come into effect on July 1, 2010. It will be nearly half a year before the coming Presidential election 2011.

- The new law presented the state authorities excessive opportunities for meddling in the journalistic activity.

The Belarusian Association of Journalists noted that the Ministry of Information didn't misuse its broad authority, related to application of sanctions against mass media, in the first half year of 2009. (It was the Public Prosecutor's office that actively intruded into the journalist activities instead then.)

However, the situation deteriorated by the end of 2009.

Thus, four influential periodical editions ("Nasha Niva", "Narodnaya Vola", "Komsomolskaya Pravda in Belarus", and "Va-Bank") received official warnings from the Ministry of Information on *November 16-17, 2009*. Moreover, "Narodnaya Vola" received another official warning on *December 24, 2009*. It is worth mentioning that two official warnings even for absolutely insignificant faults may lead to closure of mass media by court. Thus, a leading independent newspaper "Narodnaya Vola" appeared under the threat of closure.

The public prosecution bodies and the KGB issued around 20 warnings to journalists within the course of a year. They mainly addressed to the media workers, cooperating with foreign media without valid press credentials. At the same time, the Ministry of Foreign Affairs of Belarus kept on refusing to accredit the "BelSat" and "Radio Racyja" correspondents in the country.

- The Belarusian official authorities continued to prevent the activity of foreign media, broadcasting to Belarus from abroad.

The Belarusian governmental authorities decided to permit opening an office of European Radio for Belarus and accredit 12 journalists and technical assistants, cooperating with the media outlet, in the country on *November 11, 2009*.

However, the activity of "BelSat" and "Radio Racyja" is still banned in Belarus.

Just another time, the Belarusian Ministry of Foreign Affairs refused the “BelSat” TV channel to open its representation in Miensk at the beginning of December 2009.

A group of police officers tried to enter a flat, rented by an official representative of Belsat TV Channel in Minsk on February 3, 2010. As a result of the incident an independent journalist Ivan Shulha, a member of the Belarusian Association of Journalists, was detained. The media worker was brought to court, groundlessly accused of “minor hooliganism” and sentenced to 10 days of arrest on February 4, 2010.

- The law hasn't ensured legal protection of journalists and their access to information.

On *September 9 and 16, 2009* as well as on *October 16, 2009*, the representatives of law-enforcement bodies prevented journalists from implementing their professional duties during protest actions.

Independent journalists Uladzimir Hrydzin and Yulia Darashkevich were detained by police for more than four hours on *October 29, 2009*. The media workers' private belongings were examined. Moreover, Ul. Hrydzin was beaten hard.

The authorities arrested a journalist I. Shulha and made attempts to burst into a private apartment, hired by a “Belsat” representative in Belarus as if in reply to the demands of BAJ to prosecute the guilty in violating journalist rights in the country.

The Ministry of Justice issued an official warning to the Belarusian Association of Journalists on *January 13, 2010*. The Ministry thinks official BAJ IDs illegally contain the words "Press" and "Прэса" ("Press" in Belarusian), as the Association is not a media outlet. Moreover, the Ministry believes that the activity of the Legal Center for Media Protection at BAJ is "not provided for by the statutes of the organization."

The PACE noted with concern in its resolution of January 27, 2010 the official warning addressed by the Ministry of Justice of Belarus on 13 January 2010 to the Belarusian Association of Journalists, “challenging its internationally recognised work in the interests of journalists, media and media freedom.”

- The law hasn't secured the journalists' access and, consequently, the public access to information.

Public servants from different regions quite often refuse to deliver any information to mass media without the local ideological workers' consent. A range of new enactments restrict dissemination of information by civil servants in the country. In particular, certain changes have been introduced in the Belarusian Law “On Public Service”. Accordingly, all public officers are obliged to have their interviews preliminary endorsed by their chiefs. Moreover, the Presidential ordinance No.65 (2009) provides for the appointment of spokespeople, responsible for presenting official information, at all state structures and state-owned organizations. The officers are subordinate directly to the heads of corresponding structures and organizations. Their activity is controlled by the Presidential Office.

- The economic discrimination of independent periodical editions is continued.

As before, the “Belposhta” and “Sayuzdruk” Belarusian state enterprises refuse to distribute practically a half of officially registered independent social and political periodical editions. The positively perceived return of “Narodnaya Vola” and “Nasha Niva” newspapers at the end of 2008 as well as “Bobruyskiy Kuryer” and “Hantsavitski Chas” weekly in 2009 hasn’t solved the problem as a whole.

More than 10 independent periodicals are still deprived of any possibility to be distributed through the state-owned press distribution systems. At the same time, the state-owned media continue to receive subsidies from the state budget (the planned support shrank to USD 58 million in 2010), enjoy tax concessions, and administrative preferences.

Reportedly, the state authorities started exerting pressure on large advertisers, cooperating with non-state media outlets, at the beginning of 2010.

Conclusions:

In general, the application of Belarusian Law “On Mass Media” since the moment it came into effect a year ago has indicated that:

- the official authorities intend to keep the information space of Belarus under control as before;
- the positive changes in the media field at the end of 2008 and at the beginning of 2009 were neither systematic nor irreversible. The following deterioration of situation confirmed the fact;
- the legal base, regulating the media activity, deteriorated even more considerably after the new media law and a range of other coherent by-laws had come into effect. However, firstly, the situation in the media field is determined by the law enforcement policies that largely depend on the *internal political situation* (such as the coming elections), on the one hand and various *foreign policy factors* (the carried on dialogue between the Belarus’ government and the EU structures), on the other hand.

CHANGES IN LEGISLATION

On January 10, 2009 the Ministry of Information adopted the regulation № 4 "**On Organization of Issuance of Permits for Distribution of Publications of Foreign Mass Media in the Ministry of Information**". The regulation determines the operational procedure of departments and officials of the ministry in issuance of these permits (In accordance with article 17 of the Law on Mass Media the distribution of foreign mass media in Belarus is permitted upon authorization of the Ministry of Information only).

On January 12 the Council of Ministers of the Republic of Belarus by the resolution № 24 extended the period of validity of the certificate of establishment of **the representation office of the Federal State Unitary Enterprise "All-Russian State Television and Radio Broadcasting Company"** (Russian Federation) in the Republic of Belarus from January 9, 2009 to January 9, 2012.

On January 23 the Ministry of Information adopted the regulation № 1 "**On Procedure of Re-registration of Mass Media in Connection with Adoption of the Law of the Republic of Belarus "On Mass Media"**".

The regulation established that the re-registration is carried out by the ministry on a notification basis within three working days. In the eventuality that a media outlet does not pass re-registration before February 8, 2010, the previously issued certificate of registration becomes null and void.

On February 6 the President of the Republic of Belarus signed the edict № 60 "**On Some Questions of Re-registration of Mass Media**". In accordance with the edict, the state duty for re-registration of mass media in connection with changes in legislation of the Republic of Belarus is not levied. The mandatory re-registration of mass media is stipulated by the law on mass media which came into effect on February 8, 2009.

On February 6 the President of the Republic of Belarus signed the edict № 65 "**On Improvement of Work of State Agencies, Other State Institutions with Mass Media**".

The edict established that the right to provide official information on the activities of a state agency (organization) to mass media is vested exclusively in its chief executive and his deputies, and also, with the agreement of the chief executive, in persons responsible for the work with mass media who are designated by the chief executive of the state agency.

Coordination and monitoring of activities of persons responsible for the work with mass media is assured by the Administration of the President.

On February 8 the Law "**On Mass Media**" came into effect.

On February 25 the Babrujsk Town Executive Committee approved "**Regulations on Procedure for Accreditation of Representatives of Mass Media at the Babrujsk Town Executive Committee**" by its decision № 5-35.

Applications for accreditation of journalists are considered by the office of ideological work of the Babrujsk Town Executive Committee. Among reasons for denial of accreditation is a warning of the Ministry of Information of the Republic of Belarus made to the editorial board within twelve months which precede the application for accreditation.

On March 26 the Vitsiebsk Region Executive Committee approved "**Regulations on the Regional Expert Commission for Prevention of Propaganda of Pornography, Violence and Cruelty**" by its decision № 166.

On May 5 the Council of Ministers of the Republic of Belarus approved "**Regulations on Procedure for Purchase of Printing Equipment**" by its resolution № 593.

Purchase of printing equipment (with the exception of equipment listed in the resolution) for carrying out typesetting activities is permitted only upon authorization of the Ministry of Information.

On July 6 the Ministry of Information approved "**List of Television Channels Included in the Mandatory Generally Accessible Package**" by its regulation № 12. These channels are mandatory for all operators of cable television.

The mandatory generally accessible package includes the television channels *First Channel*, *Second National Channel*, *Capital City Television*, *Lad*, *Russia-Belarus* and *NTV-Belarus*. The "social package" of mandatory channels did not undergo substantial changes since 2003, apart that the place of the Russian channels *RTR (Russia)* and *NTV* was taken by *Russia-Belarus* and *NTV-Belarus*.

On September 25 Aliaksandr Lukashenka signed the edict № 478 "**On State Support of Television and Radio Companies**" which exempted *Second National Television Channel CJSC (ONT)* and *Capital City Television CJSC (STV)* from the corporate profits tax and the value-added tax for the period from October 1, 2009 to December 31, 2012. Also, the edict recommends to the Minsk City Executive Committee to exempt *STV* from local taxes. *STV* received the "off-shore" status in 2003 ([edict № 92](#) from March 11, 2003). In 2006 it was prolonged till the end of 2009. *ONT* received the state support in 2007 (edict № 6 from January 5, 2007).

On October 7 by its regulations №№ 17 and 18 the Ministry of Information introduced changes in **the application forms for the state registration of mass media and the State Register of Mass Media**, thus introducing additional obstacles to registration of mass media which are not provided for by the law.

The list of information indicated in the application for the state registration of a media outlet and the documents attached are set by the Law "On Mass Media". In accordance with article 12 of the law the Ministry of Information only establishes the form of this application. Nevertheless, the Ministry of Information by its regulation № 17 demanded to include some information which is not provided for by the law in the application for registration of mass media. In particular, about conformance of the editor-in-chief to qualification requirements (five years of work in executive positions and higher education) and about registration of the editorial board of the media outlet at non-residential premises only (whereas the law authorizes registration of unitary enterprises at the residential address of the founder). Similar changes were introduced to the State Register of Mass Media (regulation №18 from October 7, 2009). Besides, the State Register and the application form are complemented by information on sources of financing of mass media.

On October 23 by his edict № 523 the President of the Republic of Belarus **exempted the National State Television and Radio Company and organizations which enter in its composition from the corporate profits tax and the value-added tax for the period from October 1, 2009 to December 31, 2012.**

On November 11 the Council of Ministers adopted the resolution № 1463 "**On Establishment of a News Office of the *European Radio for Belarus Ltd.* (Republic of Poland) in the Republic of Belarus**".

The authorization to open a news office of the *European Radio for Belarus* is issued for the period of one year.

On December 29 the state budget for 2010 was approved (law № 73-3).

The state budget provides for allocation of 167,185,329.2 thousand rubles (about 58 million USD) for financing of mass media subsidized by the state. The major part is allocated to television and radio broadcasting (130,316,443.3 thousand rubles, or more than 44 million USD). Also, 16,711,223 thousand rubles is allocated for financing printed periodicals and publishing houses and 20,157,663 thousand rubles is allocated to other issues in the sphere of mass media.

In comparison with the "pre-crisis" 2009 the amount allocated for financing of mass media from the state budget was reduced (then the financing amounted to 193,211,376 thousand rubles or more than 90 million USD) and got back to the level of 2006 in the dollar terms.

INFRINGEMENT OF THE RIGHTS OF MASS MEDIA AND JOURNALISTS, CONFLICTS IN THE SPHERE OF MASS MEDIA

Summons to the prosecutor's office, warnings issued by the prosecutor's office and by the Ministry of information

On February 2 it became known that Prosecutor-General of Belarus **Ryhor Vasilievich** had upheld official warnings made on December 16, 2008 to leader of the United Civic Party **Anatol Liabiedzka** and activist of the youth branch of this party "Young Democrats" **Mikhail Pashkievich** in respect of articles 367 and 369 of the Criminal Code (defamation of the President and defamation of the Republic of Belarus, respectively), as well as article 40 of the Law on Mass Media (obligation to verify veracity of information published in mass media).

It will be recalled that the prosecutor's office decided that the politicians had a bearing on publication and provision of information to the unregistered newspaper *Glotok Vozdukha*. The warning was signed by Deputy Prosecutor-General of Belarus **Aliaksiej Stuk**. The article "Secret Arms Sales (Whose Butt Is Covered by the Prosecutor-General's Office)" published in *Glotok Vozdukha* newspaper, № 1 (11) from 2008, served as a pretext for applying the sanction. The politicians, in turn, denied their involvement in this publication and tried to appeal the warning before the Prosecutor-General but to no avail.

On February 24 independent journalist from Homiel **Tatstsiana Bublikava** received a warning from the prosecutor's office about inadmissibility of violation of article 35, part 4 of the Law on Mass Media which forbids professional activity of journalists of foreign mass media on the territory of the Republic of Belarus without an accreditation at the Ministry of Foreign Affairs of Belarus.

The document signed by Deputy Prosecutor of Homiel Region **Hienadz Ramaniuk** states that an investigation had revealed that Tatstsiana Bublikava "had worked as journalist for the Polish satellite television channel *Belsat*" in November 2008 without being accredited as a correspondent of a foreign mass media outlet.

The warning was handed over to the journalist in the prosecutor's office where she had been summoned to with a notice in the capacity of a witness. Prosecutor **Aliesia Rabtsova** said that she was conducting an investigation in view of complaints of citizens **Valiantsina Maisiejenka** and **Natallia Jahorava**. The ladies complained that the television channel *Belsat*, without their consent, had broadcast an interview which they had given to journalists Tatstsiana Bublikava and **Alieh Razhkou**. In reply to that, Tatstsiana Bublikava explained that she worked as a journalist since 2002 and drew the prosecutor's attention to the fact that she did not have the official status of *Belsat*'s staffer and had never spoken on behalf of this TV channel.

On March 4 a journalist from Homiel **Alieh Razhkou** got in the mail an official warning of the Prosecutor's Office of Homiel Region about "carrying out journalistic activities for the Polish satellite television channel *Belsat* without a due accreditation". The document dated **February 24** and signed by Deputy Prosecutor **Hienadz Ramaniuk** said that the prosecutor's office had conducted an investigation in view of complaints of citizens Valiantsina Maisiejenka and Natallia Jahorava. They complained that an interview which they had given to journalists Alieh Razhkou and Tatstsiana Bublikava had been broadcast in

November 2008 by the TV channel *Belsat* which "was not registered in accordance with the established legal procedure".

On March 16 the Ministry of Information sent a letter to the editorial board of the privately-owned newspaper *Bobrujskij Kurjer*, where it demanded from the publication to provide "detailed explanations" about the news story "From Barracks to Slum Quarters" printed in February 2009. The ministry also wanted to know whether the newspaper had in its disposal some documents which supported veracity of information in this publication. According to editor-in-chief **Anatol Sanatsienka**, several reports of the TV channels *ONT* and *Lad* and two stories in *Komsomolskaja Pravda v Belorussiji* were dedicated to this topic. However, it was the publication in *Bobrujskij Kurjer* which induced complaints. The excuse for the Ministry of Information's inquiry was given by another complaint from the Babrujsk District Executive Committee against the newspaper.

On April 29 a journalist from Hrodna **Ivan Roman** received an official warning from Hrodna Region Department of the KGB about inadmissibility of violation of article 369-1 of the Criminal Code of the Republic of Belarus – "Defamation of the Republic of Belarus". Initially, on the same day Ivan Roman got a phone call from a person who presented himself as a staffer of the KGB and offered to meet and "talk". When the journalist refused to meet without an official convocation notice, a car went for him later; he was handed over with the notice and brought to the Department of the KGB.

A KGB staffer Kastsjukievich and another person who did not identify himself familiarized Ivan Roman with the warning but they did not provide him with a copy of the document. It ensued from the document that the sanction was caused by several materials by Ivan Roman in the magazine *Magazyn Polski na uchodźstwie* and on *Radio Racyja* regarding economic situation of enterprises of Hrodna region. The warning said also that this information was received in the result of operational and search activities.

Ivan Roman petitioned the Hrodna Region Department of the KGB demanding to explain what the reason for conducting operational and search activities against him was, and what made state security officers to believe that he was giving inaccurate information to foreign media thus bringing Belarus into discredit. Ivan Roman demanded to quote specific publications in the reply. In his reply (from **July 23**) Head of the Department of the KGB **Ihar Siarhiejenka** ignored these demands and did not explain reasons for issuing an official warning to the journalist. The KGB's officer warned the journalist that the "continuation of these activities may lead to committing the crime stipulated in article 369-1 of the Criminal Code of the Republic of Belarus ("Defamation of the Republic of Belarus").

On May 29 *Radio Racyja's* correspondent **Tamara Shchapiotkina** received an administrative penalty in the form of warning for "public nuisance during a mass event" (part 1 of article 23.34 of the Administrative Code). This decision was taken by the court of Bjarozja district (Brest region) after consideration of an administrative case against the journalist. The court based its decision on the fact that her press card was expired on the day of detention.

Tamara Shchapiotkina was detained on April 26 in Bjarozja on her way home from the action "Candle of Memory" dedicated to an anniversary of the Chernobyl disaster where she was exercising her professional duties. After detention she was brought to the Bjarozja District Office of Internal Affairs where a detention report was drawn up.

On June 9 a civil activist from Klietsk **Siarhiej Panamarou** received a warning of the prosecutor's office about violation of article 1 (paragraphs 5 and 26), article 30 and article 17

(paragraph 1) of the Law on Mass Media. District's prosecutor **Valieryj Karabko** accused the journalist that he, "without being an editor of a media outlet and without having registered as a legal person to which functions of the editorial board are assigned, and without undergoing the state registration ... continues to publish a printed media outlet". The bulletin *Bojkij Klietsk*, whose publication Siarhiey Panamarou received a warning for, had circulation of 299 copies.

A human rights defender **Raman Kisliak**, whom Panamarou asked for legal advice, considers demands of the prosecutor's office as illegal because in accordance with article 13, paragraph 7.1, of the Law on Mass Media the state registration is not required for printed periodical publications whose circulation does not exceed 299 copies. The demand to stop further publication of the bulletin is not based on the law and violates Panamarou's rights, the lawyer believes.

Siarhiey Panamarou appealed the warning.

On July 15 it became known that the Region Prosecutor's Office had recognized as justified the warning made to **Siarhiey Panamarou** – editor of the small-circulation regional bulletin *Bojkij Klietsk* - by the Klietsk District Prosecutor's Office **on June 9**. Prosecutor of Minsk region **Aliaksandr Arkhipau** decided that the warning made by his colleague was "legal and justified". The editor himself believes that the authorities are guided in their actions by desire to terminate publication of the only privately-owned media outlet in the district.

On August 31 it became known that the Prosecutor-General's Office of Belarus had upheld the warning for violation of the Law on Mass Media made **on June 9** to editor of the regional bulletin *Bojkij Klietsk* **Siarhiey Panamarou** by the Klietsk District Prosecutor's Office.

On June 18 it became known that **Ivan Kruk**, a civil activist from Astraviets (Hrodna region), was accused of dissemination of printed media without a duly indicated publisher's imprint. Head of the Legal Department of the Ministry of Information **Lilija Bohdan** believes that he violated article 22 of the Law on Mass Media as well as requirements of the Interstate Standard (GOST 7.5-95) in regard to indication of the publisher's imprint. In particular, according to the report drawn up in the matter of Ivan Kruk, the publications which had been disseminated by him did not indicate names of the founder and the editor as well as the address of the editorial board.

According to Ivan Kruk, accusation was based on the media outlets *Glotok Vozdukha*, *Astravietski Viesnik*, *Mirnyj Atom*, and *Viliejshchyna* with stories about the planned construction of a nuclear power plant in Astraviets district which he had given outdoors to his neighbor (one copy of each) on April 26. Just afterwards the newspapers were confiscated by policemen.

On July 4 the prosecutor's office made an official warning for "illegal" teaching activities with participation of the youth to **Alies Masiuk**, an organizer of "School of Young Journalist" in Slonim. "My only infraction was that lessons were held in an apartment. But I applied to the executive committee on several occasions asking them to provide premises for the school, and nobody gave anything", the civil activist commented on the situation.

It will be recalled that a prosecutor's investigation of activities of the "School of Young Journalist" was launched in April 2009 after **Maksim Maslau**, a staffer of the local Office for Education and Social Work of the Department of Education, visited a lesson. A pretext used

for the "investigation" was that illegal literature was allegedly being actively disseminated in the town lately.

On July 14 the Prosecutor's Office of Minsk region made warnings for "illegal journalistic activities" to two members of the Belarusian Association of Journalist **Aksana Kalinkina** and **Aliaksandr Kalinkin**. Their cooperation with the Russian **Good News Television Channel** without an accreditation at the Ministry of Foreign Affairs of Belarus served as a pretext for the warning (the document was signed by Prosecutor of Minsk region **Aliaksandr Arkhipau**).

On July 27 Hienadz Sudnik, a journalist from Mahilou, visited Prosecutor of Shklou district **I. Snapkou**, whom he had been summoned to with a notice. It emerged that the head engineer of a local pulp-and-paper mill was accusing the reporter in disseminating unfaithful information about situation of this plant through the TV channel **Belsat** and the Internet. In his turn, the journalist informed the prosecutor that he had never heard about the author of the complaint, had never called him, had never seen any publications dedicated to the pulp-and-paper mill, and did not even know where this enterprise was situated.

On July 29 it became known that **Ihar Bantsar**, the editor-in-chief of the magazine *Magazyn Polski na uchodzstwie* (a publication of the Union of Poles unrecognized by the authorities), received a warning from the Prosecutor's Office of Hrodna region. The journalist was warned about violation of the media-related legislation (article 22.9, part 2, of the Administrative Code) — dissemination of printed periodical publications without a publisher's imprint.

Despite the fact that these publications were never distributed, the prosecutor's office warned Ihar Bantsar for intention to do it. The question was of the unregistered publications *Magazyn Polski na uchodzstwie* and *Glos znad Niemna na uchodzstwie* which had been confiscated by the police from journalists from Hrodna who had them in their car **on June 23** not far away from Shchuchyn. On that day, policemen detained the car in which there were members of the Belarusian Association of Journalists **Andrzej Pisalnik**, **Andrzej Paczobut** and Ihar Bantsar as well as Deputy Head of the Belarusian Union of Writers **Miechyslaw Jaskievich**. During a physical inspection of the car they found about fifty copies of *Glos znad Niemna* and several dozens of copies of *Magazyn Polski* in the trunk (the latter had a collage picturing **Aliaksandr Lukashenka** on its cover page).

On August 17 Andrzej Pisalnik, a correspondent of the Polish newspaper *Rzeczpospolita*, received a warning of the Prosecutor's Office of Hrodna region for his intention to disseminate printed mass media without publisher's imprints. The question was of the publications of the Union of Poles unrecognized by the authorities: the magazine *Magazyn Polski na uchodzstwie* and the newspaper *Glos znad Niemna na uchodzstwie* which had been confiscated by policemen from Hrodna journalists on **June 23** not far away from Shchuchyn during an inspection of their car.

It will be recalled that earlier **on July 29** a similar warning for the same incident was given to **Ihar Bantsar**, the editor-in-chief of the magazine *Magazyn Polski na uchodzstwie*.

On August 21 Volha Sharapkina, a journalist from Mahilou, received a warning from the Chavusy District Prosecutor's Office about inadmissibility of repeated violation of article 11 of the Law on Mass Media ("State registration of mass media"). Volha Sharapkina was summoned to the prosecutor's office by a notice. Prosecutor of Chavusy district **Siarhiej Minau** began with asking the journalist whether she knew about publication of information about a Chavusy residential school on the web site of the TV channel **Belsat**. When the girl

answered that she had not seen this information and did not have any connection with it, the prosecutor handed over to her a warning prepared in advance.

According to the document, the warning was founded on a petition of Director of the Chavusy middle-education residential school **M. Liebiadzieu** to the prosecutor's office where he asked to investigate legitimacy of publication of information related to interests of foster children of the educational institution headed by him on the web site of *Belsat* (on April 22, 2009). Further, the warning said that it had been established that Volha Sharapkina had visited the school together with **Vadzim Arshynski** where they had collected information and later they had posted it on the web site of *Belsat* without knowledge of the school' director who is the legal representative of foster children. Such activities without an accreditation are prohibited and publication of this information is a violation of requirements of the Belarusian legislation on mass media, the warning says.

On September 22 independent journalist **Alieh Razhkou** received another warning from the Homiel Region Prosecutor's Office for cooperating as a journalist with the Polish TV channel *Belsat* without a due accreditation at the Foreign Ministry. The journalist received his first warning **on February 24, 2009** with the same wording.

Prosecutor **Aliesia Rabtsava** demanded from the journalist to provide explanations on the petition of **Viktar Matoranka**, the head doctor of the regional psychiatric hospital. The latter complained that Alieh Razhkou together with Tatstsiana Bublikava came to the hospital allegedly with *Belsat* badges and asked for comments on discontinuation of contract with **Dr. Siarhiej Tryfanau**, a member of the organizing committee of the Belarusian Christian Democracy Party. According to the petitioner, he did not know about *Belsat* and thus he agreed to answer questions from the reporters.

On September 24 **Zmitsier Kisiel**, a journalist from Brest who contributes to *Radio Racyja*, received an oral warning from the local prosecutor's office for carrying out journalistic activities without an accreditation. The day before, **on September 23** two plain-clothed persons attempted to penetrate the journalist's apartment. "They said that I had to go to the prosecutor's office with them. Indeed, I got a notice to come there the following day", said the reporter who earlier was getting threats by phone with warnings that he would have problems if he did not cease his journalistic activities.

On September 28 in Mahilou a prosecutor's warning about violation of article 11 of the Law on Mass Media ("State registration of mass media") was given to **Vadzim Arshynski**, a TV cameraman and a photo journalist.

The document was received by registered mail. The reporter did not have previous encounters with the prosecutor. In December 2008 Vadzim Arshynski filmed a concert and a ceremony of gift-giving to foster children of the Chavusy residential school from activists of the trade union of radio and electronic industry and members of the Belarusian Association of Journalists from Mahilou. Prosecutor **Siarhiej Minau** accused Arshynski in talking to children without getting permission from caregivers and in posting these interviews, also without permission, on the web site of the TV channel *Belsat* which is not accredited in Belarus. **On August 21** a similar warning was given to **Volha Sharapkina**, a journalist from Mahilou.

On September 30 the management of the private FM-station *Autoradio* received a written warning from the Ministry of Information for "failure to observe the creative concept of broadcasting in regard to the scope of broadcast of its own making and the thematic content". According to Director-General of the radio station **Juryj Bazan**, **on September 29**

he got a phone call from the ministry with request to provide "for monitoring" sound recordings of the *EuroZOOM* show (a joint project with the *European Radio for Belarus* implemented under the aegis of the European Commission). And already on September 30 a warning was received from the ministry. The Ministry of Information required the management of *Autoradio CJSC* to "take measures for implementation of the declared creative concept" before October 1 and reminded that it was in a position to revoke their broadcasting license (regulation № 726 of the Council of Ministers from May 30, 2003). The *EuroZOOM* show was not broadcast by *Autoradio on October 1 and 2*.

On October 7 journalist **Tatstsiana Bublikava** provided explanations to the Homiel Region Prosecutor's Office regarding a petition of an official of the local Town Executive Committee **Natallia Ratobylskaja**. She accused the journalist in allegedly recording an audio interview on behalf of a staffer of the TV channel *Belsat* and putting it on the air. The prosecutor's office was not able to verify veracity of these facts, and the reporter denied her involvement in this affair. Prosecutor **Aliesia Rabtsava** made an oral warning to the journalist about administrative responsibility in the case when the fact of cooperation with *Belsat* which is not accredited in Belarus would be supported by a true statement of another official. **On February 24** Tatstsiana Bublikava already received a written warning from the Homiel Region Prosecutor's Office for "carrying out journalistic activities for the Polish satellite television channel *Belsat*" without an accreditation.

On October 26 **Alies Jazvinski**, the editor of unregistered small-circulation Niasvizh newspaper *Brama*, received a warning of the prosecutor's office about inadmissibility of violation of article 23 of the Law on Mass Media. According to the document, the warning was made because the editor of the general interest media outlet had failed to send the obligatory free copies to several state agencies as it is required by the law. Alies Jazvinski was summoned to the prosecutor's office in the capacity of witness by a notice which was not signed nor stamped (and without specifying what case it relates to).

On October 30 the Ministry of Information warned the founder of the privately-owned regional newspaper *Volnaje Hlybokaje* for publications in Russian. **Uladzimier Skrabatun** (he is also the newspaper's editor) was accused of violating article 14, paragraph 3, of the Law on Mass Media because he had not notified timely the ministry about change in the language of the publication.

Volnaje Hlybokaje is registered as the Belarusian-language newspaper. However, in two September issues of the newspaper (№№ 36 and 38 from September 3 and 17 respectively) there were advertisement texts in Russian. It became a pretext to issue the warning.

On November 18 the web site of the Ministry of Information reported that this institution had given written warnings to four printed media outlets at once "for violations of requirements of the Law on Mass Media in their publications".

On November 16 the editorial board of the newspaper *Nasha Niva* received a warning in accordance with article 34 of the Law on Mass Media ("Status of a journalist of mass media"). The ministry decided that authors of the story "News Blackout of Flu Caused an Epidemic of Panic" (№ 41 from November 4) had not verified veracity of information they had obtained.

Also **on November 16** the Ministry of Information warned the editorial board and founder of the newspaper *Va-Bank* (a free-of-charge metropolitan advertising and information newspaper) in accordance with article 14 ("Re-registration of mass media"),

article 38 ("Information whose dissemination in mass media is prohibited") and article 49 ("Written warnings").

On November 17 the editorial board of the newspaper *Komsomolskaja Pravda v Belorussiji* received a warning in accordance with article 4 ("Main principles of activities of mass media") and article 49 ("Written warnings") for the news story "Relatives of an Ill Female Dweller of Homiel: "Daughter Is Now under Induced Ventilation, and the Hospital Has No Pharmaceutical Drugs" published on November 14. The Ministry of Information decided that the newspaper had disseminated inaccurate information.

And **on November 17** the editorial board of the newspaper *Narodnaja Volia* was warned in accordance with article 38 of the Law on Mass Media ("Information whose dissemination in mass media is prohibited"). The ministry decided that in the news story "...Do Not Impede Others to Defend Freedom" (№ № 169–170 from 30.10-02.11.09) "there was an appeal to impede legitimate activities of the Central Election Commission as well as an appeal to other activities which are classified as the extremist ones". The publication was signed by **Ihar Drako**, a dweller of Minsk" who shared his own opinion about how opposition should act at the next presidential election.

Later the Ministry of Information found the warning to be justified. It was said in the reply from December 12 signed by Minister of Information **Alieh Praliaskouski** in response to an attempt by the editorial board to appeal the warning.

The warnings made to the newspapers *Nasha Niva*, *Komsomolskaja Pravda v Belorussiji* and *Va-Bank* were also upheld.

On November 25 Tamara Shchapiotkina, an independent journalist from Biaroza (Brest region), received an official prosecutor's warning for journalistic activities without an accreditation for the Polish radio station *Radio Racyja*. Shchapiotkina was summoned to the Prosecutor's Office of Biaroza district by a notice in the capacity of witness. However, when the journalist called to specify what case it pertained to, she was informed that she had been summoned because of her "illegal journalistic activities". The warning was based on written complaints from the head doctor of the district hospital and a battalion chief of the military unit cantoned in the town.

On December 24 the Ministry of Information made a warning to the privately-owned general interest newspaper *Narodnaja Volia* for dissemination of allegedly unfaithful information (article 4 of the Law on Mass Media). The pretext for the sanction was a short story in № 193-194 of *Narodnaja Volia* from December 11 – 14 in which readers could find a list of sale points of *Bielsajuzdruk* in Minsk where one was able to subscribe to the newspaper on more advantageous terms. Such subscription comes out to be cheaper than, for example, through post offices. *Narodnaja Volia* called these conditions a "preferential rate". The Ministry of Information deemed the use of this phrase to be a violation.

It will be recalled that it was the second warning for the media outlet in 2009. The editorial board was warned in written form **on November 17** for the story "...Do Not Impede Others to Defend Freedom". Meanwhile, in accordance with article 51, paragraph 2.2, of the Law on Mass Media, two or more warnings given to the editorial board or the founder of a media outlet during a year may result in suspension of publication of this media outlet.

Attacks on journalists, detentions, attempts of pressure

In mid-January (since January 14, 2009) access was denied to the news web page [Popular News of Vitsiebsk](http://news.vitebsk.cc) (news.vitebsk.cc). The web site's administration maintained that the resource had been blocked artificially, and only for visitors from Belarus. **Siarzhuk Sierabro**, the editor of the web site and a member of the Belarusian Association of Journalists, did not exclude that the blockade was related to an online poll for the topic of the "Person of the Year" conducted on the web site. As a result of the vote, the top places were taken by a local businessman, an entrepreneur – opposition activist, an independent journalist, and the bottom one by Chairman of Vitsiebsk Region Executive Committee **Uladzimir Andrejchanka**.

On February 5 in Hrodna unknown persons cut by a knife the door of the private apartment of **Andrej Paczobut**, a correspondent of the Polish newspaper *Gazeta Wyborcza* and a member of the Belarusian Association of Journalists. It happened when the journalist was on a trip abroad. In the same period his eight-year-old daughter got insistent calls to her mobile phone from an unknown man, including at nighttime. There were also repeated anonymous phone calls to the landline phone. The journalist believes that pressure on the family may be related to his professional activities as well as to his active participation in the work of the Union of Poles headed by **Andzelika Borys** and unrecognized by the authorities. It became known **in March** that the law-enforcement authorities did not see fit to open a criminal case against miscreants. Operative officer of the Leninski District Office of Internal Affairs in Hrodna Captain of Police **Pazniak** explained it by the fact that public order had not been disturbed, no damage to property had been recorded, and anonymous phone calls had been of no real threat.

On March 11 in the village of Varniany in Astraviets district the police made an "inspection of premises" in a private house and household outbuildings of **Mikola Ulasievich**, the leader of the civil initiative *Astraviets Nuclear Power Plant is a Crime*. There was no seizure of materials but policemen photographed all office equipment in the house. The search warrant was issued by the district prosecutor who had received communication from the Head of the Astraviets Branch of the KGB that "on March 4 literature of unknown nature was disseminated in the village of Alkhouka in Astraviets district". "Illegally printed materials and printing equipment may be found ... in the house as well as in household outbuildings of Mikola Ulasievich", the prosecutor's warrant said. The question was of the unregistered (299 copies) bulletin *Astravietski Viesnik* which was published by activists of the above-mentioned civil initiative. In the very first issue of the bulletin there were articles directed against the construction of the Astraviets Nuclear Power Plant.

On March 12 policemen accompanied by witnesses visited the house of another activist of the initiative, **Ivan Kruk**, also for the same reason and with warrant of the district prosecutor.

On April 10 it became known that the Ministry of Information issued order to destroy two copies of *Astravietski Viesnik* which had been seized by the law-enforcement authorities on March 4. "Because they are not of any significant value and were published in violation of requirements of the International Standard GOST 7.5–95 with regard to indication of the publisher's imprint", says the resolution of Deputy Minister **Ihar Laptionak**.

Members of the civil initiative decided to publish *Astravietski Viesnik* when the authorities denied their request to hold pickets against the construction of the nuclear power

plant and the local district newspaper refused to publish materials of members of the organizing committee which criticized the idea of construction of the nuclear power plant.

In late March during three days access was denied to the web site of **Aliaksandr Kazulin**, an opposition politician and former presidential candidate (kozylin.com) According to **Siarhiej Martsaleu**, the site's producing editor, the resource was subject of a DDoS-attack.

On April 26 around 12.30 the premises rented by **Natallia Radzina**, a journalist of the web site of [Charter'97](#), were visited by officers of several divisions of the Leninski District Department of Internal Affairs in Minsk. Policemen said that they were questioning residents of the apartment building in connection with theft of a bicycle from a company located nearby. However, after having seen several computers in the apartment they asked for assistance of several other law-enforcement officers. The premises were inspected by seven police officers from the anti-corruption and economic crimes' division, the division of criminal investigation, and the division of preliminary investigation.

Staffers of the web site of charter97.org were conducting the online translation of the traditional opposition action *Charnobyl Way*. Policemen demanded all staffers to present their passports. They considered the fact that there were many computers in the apartment as suspicious. At first, they wanted to confiscate the office equipment but later, after having consulted their bosses by phone, most of policemen left the apartment. Two officers continued to question journalists for an hour and a half, wrote down their passport data and left the apartment only after 15.00, when the *Charnobyl Way* was over.

The journalists do not exclude that the law-enforcement agencies sought to disrupt their work of giving coverage to the opposition action.

On April 17 in Klietsk policemen detained journalists and members of the Belarusian Association of Journalists **Nastassia Krauchuk** and **Katsiaryna Tkachenka** together with **Siarhiej Panamarou**, the publisher of the regional bulletin *Bojkij Klietsk* (also a member of the Belarusian Association of Journalists). They were held in the police station for several hours and their video recording equipment and tapes with footage were confiscated.

In Klietsk the journalists were producing a TV spot on suspension of repair works in the local Orthodox church which is considered to be a "historical monument of the 1st category". While collecting information, the TV crew visited the Klietsk Prosecutor's Office after what, apparently, they got in the field of attention of the law-enforcement bodies. During external shots of the church they were approached by Captain of Police **Siankievich** who wrote down all data from the press cards and demanded to see an authorization to carry out shots. The journalists said that no authorization was necessary because articles 33 and 34 of the Constitution of the Republic of Belarus guarantees to citizens the right to freedom of thoughts and beliefs and their free expression and the right to receive, store and disseminate information. After the shots were over, they were approached by several policemen who asked them to come to the police station where everybody was questioned and reports were drawn up. The policemen asked what media outlet the journalists worked for and with what purpose. Afterwards, they confiscated the SONY camcorder and a tripod as well as six tapes with footage. At the same time, the policemen refused to give them a copy of the confiscation report. Only after the journalists demanded the book of complaints they were given a "certificate" signed by Acting Deputy Head of the Klietsk District Office of Internal Affairs Lieutenant-Colonel of Police **A. Burak**.

The Belarusian Association of Journalists filed a complaint to the Klietsk District Prosecutor's Office about actions of policemen towards members of the organization.

On May 13 the journalists got back the video recording equipment in the Klietsk District Office of Internal Affairs. And **on June 16** the Belarusian Association of Journalists got a reply to its complaint signed by Head of the Klietsk District Office of Internal Affairs **Mikhail Hrusha**. The head of the Klietsk police stated that violations of the administrative and procedural legislation had been identified in actions of officers who [detained](#) the journalists on April 17, that two policemen had been "severely admonished about having committed serious neglect while carrying out the administrative process" and that "orders had been given to carry out additional training with the personnel of the District Office of Internal Affairs in order to study the requirements of the administrative and procedural legislation on administrative violations".

On June 8 the web site of *Charter-97* was inaccessible almost all day long. According to administrators of the information resource, it happened in the result of a powerful DDoS-attack at the site's server. The press center of *Charter-97* links this kind of attacks to activities of the Belarusian special services.

On July 6 around 17.00 one of the most popular information web sites of Homiel region **odsgomel.org** closed down temporarily. According to administrators of the resource, it was caused by a hacker attack. They tend to associate it with publication of critical articles – in particular, about the [hunger strike](#) of leader of the Homiel coalition of the United Democratic Forces **Uladzimir Katsora** as well as unrest of local entrepreneurs.

On July 8 **Alieh Razhkou**, an independent journalist and member of the Belarusian Association of Journalists, was detained in Homiel. The journalist was giving coverage to a street action of entrepreneurs in the center of Homiel together with his colleague **Tatstsiana Bublikava**. Alieh Razhkou captured events on video and put the equipment to his bag during breaks. The journalists were approached by two plain-clothed men, produced some IDs and ordered Alieh Razhkou to show the contents of his bag. When they saw the camcorder, they said that this equipment was on a search list and ordered to follow them to the Region Department of Internal Affairs. When the journalist objected, he was taken by force. In the result of the forcible detention Alieh Razhkou incurred an intervertebral nerve entrapment, and for some time he could barely walk.

He was held about three hours in the Department of Internal Affairs of the Homiel Region Executive Committee. There was no question about the "stolen" camera anymore. Initially, policemen were going to draw up an administrative offense report – for alleged participation of Razhkou in an unauthorized event. However, after having learned that he was a journalist and having looked at the Belarusian Association of Journalist's press card, they abandoned their intentions. Afterwards, investigators proposed to give them the tape with the action's footage because "it may contain information about organizers of the event". Considering that the journalist did not agree, the policemen copied information from the tape to the computer and drew up protocols of confiscation and return of the tape.

Afterwards, Alieh Razhkou was released. The journalist made an entry in the book of complaints about violation of his professional rights. According to a lawyer, Deputy Chairman of the Belarusian Association of Journalists **Andrej Bastuniets**, the police violated the right of the journalist to carry out his professional activities guaranteed by article 34 of the Law on Mass Media.

On July 8 the web site of *Charter-97* published an article [A Russian National Unity's Leader Was Amnestied in Honor of the 65th Anniversary of Liberation of Belarus from the Nazis](#). The news story said that one of the leaders of the so called "Russian National Unity" in Homiel had not incurred the well-deserved punishment for manhandling people but had been

convicted under the article "activities on behalf of an unregistered organization" and amnestied even before the condemnatory judgment in his respect came into effect.

In response to this publication the web site www.charter97.org got a letter of anti-Semitic nature with threats of physical violence from a visitor who signed his name as "Miraslau".

On July 16 around 18.00 police detained **Vadzim Zamirouski**, a photo correspondent of *Belgazeta*, on Kastychnitskaja Square in Minsk. The journalist carried out his professional duties giving coverage to an action of solidarity with Belarusian political prisoners which was [organized in the center of the capital city](#) by youth opposition activists. He was detained together with participants of the action. As the journalist himself said to the press service of the Belarusian Association of Journalists, he had his press card on him which he had presented to policemen in the bus already on the way to the Tsentralny Department of Internal Affairs. Representatives of law-enforcement agencies said that it was invalid.

Later in the conversation with the press service of the Belarusian Association of Journalists Deputy Editor-in-chief of *Belgazeta* **Maryna Huliajeva** refuted this information. According to her, Vadzim Zamirouski received the press card of the [new design](#) together with all staff members.

He spent about three hours in the District Department of Internal Affairs. He was fingerprinted and released around 21.15 without a police record.

On August 15 journalists of the Russian TV channel *NTV* **Alexei Malkov** and **Yuri Babenko**, who shot TV reportage in Minsk about disappeared Belarusian opposition activists, were deported from the country. The journalists were accused of working without an accreditation at the Ministry of Foreign Affairs of Belarus.

On the evening of August 14 plain-clothed security officers took the journalists from the hotel room of the International Education Center where they were staying. According to the hotel's staff, the same persons checked out Malkov and Babenko from the hotel. Later they were taken to Orsha and put on a train to Moscow. Neither the Belarusian authorities nor the NTV television channel made any comments on the incident.

On September 5 policemen of the Orsha District Office of Internal Affairs restricted in collection of information and detained journalists who were giving coverage to the [bard festival Orsha Battle -2009](#) organized on Krapivienskaje field near Orsha since 1991.

Members of the Belarusian Association of Journalists **Palina Stsiepanienka**, **Viktar Tratstsiakou** as well **Larysa Shchyrakova**, a journalist from Homiel, were among the first ones who were detained near Orsha by the police.

Palina Stsiepanienka and Viktar Tratstsiakou were taken to the Orsha District Office of Internal Affairs where reports about failure to carry on flickers were drawn up. Larysa Shchyrakova together with some other detained persons was taken to the train station Kokhanava (half an hour drive from Orsha) where everybody was released.

On the same day a road police officer stopped the car in which **Aliena Stsiapanava**, a journalist and member of the Belarusian Association of Journalists, was driving together with her colleague **Ivan Shulha**. The police officer (Captain of Police **Uladzimir Kompel**) identified himself only after the journalists reminded him about this professional obligation and said that he had an order not to let pass cars in the direction of the village of Hatskaushchyna, the regular site of the festival, because a landmine had been allegedly found

on Krapivienskaje field. He refused to provide any details because it was "confidential" information.

Information about the landmine did not prove true. Instead, it emerged that there was an order not to let pass participants of the bard festival to the regular site, and the organizers of the event had to use another spot to hold the festival.

Ivan Shulha was detained when he was transporting an electric power generator in his car at the request of local activists. The police also detained the car in which there was **Juryj Koptsik**, a member of the Belarusian Association of Journalists and coordinator of the bard festival.

Ivan Shulha and Jury Koptsik spent three hours at the police station – till 10 pm. They provided written explanations about cargo in their cars and were released. Policemen did not draw up administrative reports but insistently recommended not to go to the festival under the threat of new detentions.

Officers of the Region Department of Internal Affairs had a "preventive conversation" with Aliena Stsiapanava. Having met the journalist near the building of the Orsha District Office of Internal Affairs where her detained colleagues were held the policemen recommended her not to give coverage to "opposition" events and not to attend them in order to "avoid problems".

On September 9 on Kastychnitskaja Square policemen impeded journalists to give coverage to [protest action](#) of some democratic organizations which demonstrated against the Russian-Belarusian military exercise *West-2009* and entry of Russian troops on the territory of Belarus.

Despite the fact that all journalists had press cards, some plain-clothed law-enforcement officers literally attacked photo and TV correspondents. One of them damaged the television camera of member of the Belarusian Association of Journalists cameraman **Uladzimir Kostsin**. There were attempts to take away photo cameras from photo correspondents **Vasil Siamashka** and **Artsiom Liava**. Plain-clothed persons stroke down to the ground photo correspondent of [Nasha Niva](#) **Julija Darashkievich** while seeking to impede her to take pictures.

On September 16 journalists of Belarusian and foreign mass media were again impeded in their attempts to take pictures of events on Kastychnitskaja Square in Minsk where a remembrance action for politician **Viktar Hanchar** and businessman **Anatol Krasouski** who had disappeared ten years ago was taking place.

There were two plain-clothed persons per each journalist who covered their photo cameras and camcorders and pushed journalists away from protesters despite the fact that the journalists had press cards.

Around 18.00 several dozens persons stood alongside Independence Avenue on Kastychnitskaja Square holding pictures of the disappeared persons and a banner "We remember". They were blocked at once by riot police officers who secluded them from the avenue's roadway. At the same time a group of plain-clothed persons came running to the square who "took care" of the journalists preventing them from taking pictures.

According to journalists' estimations, on September 16 all journalists who were carrying photo and video equipment suffered coercive pressure from law-enforcement personnel. Among them were correspondents of *Associated Press*, *Russian service of BBC*, *Reuters*,

France Presse, Radio Liberty, web site of Charter-97, Nasha Niva, Belgazeta, BelaPAN news agency and other mass media.

Practically all journalists noted a team play in actions of plain-clothed men who acted in accordance with a previously worked out scheme.

On September 23 the Belarusian Association of Journalists [sent petitions](#) to Prosecutor of Minsk **Mikalaj Kulik** and Minister of Internal Affairs **Anatol Kuliashou** regarding the obstructions made to journalists during the above-mentioned actions.

The journalists' organization exhorted the top management of the law-enforcement community to "find out who gave and implemented orders to impede professional activities of journalists and to bring the perpetrators to justice" as well as to "convey again to officials and other officers of the law-enforcement agencies that the journalists carry out their professional activities during mass actions just as the police do".

The Main Directorate for Internal Security of the Ministry of Internal Affairs [gave an answer](#) to the Belarusian Association of Journalists' petition to the Prosecutor of Minsk in the end of October. "It has been established that the Main Department of Internal Affairs of the Minsk City Executive Committee had carried out a comprehensive investigation of the similar petition of yours (to the Internal Ministry — editor's note), and you have been informed on the outcome of this investigation in the manner required by the law", the letter stated shortly.

However, the Belarusian Association of Journalists did not receive any letter about the outcome of the investigation. Deputy Chairman of the Belarusian Association of Journalists **Andrej Bastuniets** was reassured in the Ministry of Internal Affairs that a reply had been mailed on October 9 already. However, despite repeated requests of the press service of the Belarusian Association of Journalists for a copy of this letter, the Ministry of Internal Affairs' employees responsible for drafting it were saying invariably that "there was no such possibility for the time being".

On October 16 the story repeated itself – officers of law-enforcement agencies impeded again the work of the journalists who were giving coverage to the development of the street [Action of Solidarity](#) in Minsk.

As during the previous action on September 16, persons were "assigned" to each photo correspondent and cameraman who did not let them to take pictures of dispersal of the action by covering the equipment.

On September 23 two plain-clothed men attempted to penetrate to the apartment of **Zmitsier Kisiel**, a journalist from Brest who works for *Radio Racyja*. The persons were saying that the journalist should follow them to the prosecutor's office. Indeed, Mr. Kisiel had got a notice but for September 24, and for this reason he did not open the door. Earlier, Zmitsier Kisiel got phone threats with warnings that he would have problems if he did not cease his journalistic activities.

On September 30 near the entrance of the Minsk Tractor Works policemen detained **Hienadz Kiesner**, a correspondent of the newspaper *Novy Chas* who was giving coverage to an action of distribution of the newspaper *Tovarishch* by activists of the Belarusian Party of Communists. Despite the presentation of his press card, he was held in the Department of Internal Affairs of Partyzanski district for about an hour and released after intervention of the management of the Belarusian Association of Journalists.

On the same day **Dzmitryj Janienka**, Deputy Editor-in-chief of *Tovarishch*, who was also giving coverage to an action of distribution of the newspaper by party activists, was detained near the entrance of the Minsk Automobile Plant. Despite the fact that Dzmitryj Janienka had his press card on him, he was taken to the Zavadski District Department of Internal Affairs where his documents, mobile phone and photo camera were taken away. All pictures taken by Janienka at the action were deleted from his photo camera and he was released three hours later.

On the night of October 9 to October 10 unknown persons broke with a bottle a window of the apartment of **Hienadz Barbarych**, a journalist of the newspaper *Bielarusy i Rynak*, and then tried to recuperate it – in order not to leave fingerprints, as the journalist thinks. Around midnight the journalist heard a powerful blow on the window-ledge — a bottle got stuck in the window pane, and a young man in a black jacket and a black knitted cap was running away from the window.

It was already the second similar incident — the first provocation against Barbarych happened in 2002 when the journalist working for the BelaPAN news agency wrote an article about the murder of an activist of the unregistered faction *Russian National Unity* near his windows.

On October 30 independent journalists **Tatstsiana Bublikava** and **Alieh Razhkou** were detained in Homiel.

The incident happened when they were carrying out a video polling in the streets of the city about the "swine flu" epidemic. Policemen **Maksim Ihnatchyk** and **Ihar Tarasau** demanded to see an authorization to carry out shooting. The policemen did not take into account the press cards as well as explanations of journalists that they were carrying out an editors' task and it was not necessary to have permission to shoot in this part of the city.

The policemen had doubts about validity of press cards and gave voice to suspicion about "anti-constitutional activities" of the detained. The journalists were questioned in the street for about twenty minutes and then taken to a police station "to establish their identities". In the strongpoint №1 of Chyhunachny district where Tatstsiana Bublikava and Alieh Razhkou were taken, they were informed literally few minutes later that their identities were established and they were free to go. No detention reports were drawn up.

On the evening of October 29 the police detained photo correspondents and members of the Belarusian Association of Journalists **Julija Darashkievich** (*Nasha Niva*) and **Uladzimir Hrydzin** (a stringer for *Radio Liberty*) for taking pictures of white-red-white flags [flown on Independence Avenue in Minsk](#) by activists of the campaign *European Belarus*.

Uladzimir Hrydzin did not have time to take a single picture. After 19.00 he got out of a car in the neighborhood of Uruchcha and was about to start taking pictures when policemen run to him, put an arm lock on him and put him in a car by force. The policemen were not paying attention to the press card (a badge of the Belarusian Association of Journalists) of Uladzimir Hrydzin. On the way to the Department of Internal Affairs of Piershamajski district he was beaten at the back of his head and threatened with bodily harm. In the police station his photo camera was taken away forcibly; in the meantime he received several blows on his body and the equipment was scratched. Besides, he was searched, fingerprinted and photographed and videotaped — all this without any reports being drawn up.

The journalist was held in the District Department of Internal Affairs for more than three hours, and then he got his equipment back and was released. On October 30 Uladzimir

Hrydzin filed a complaint on actions of policemen in the Department of Internal Affairs of Piershamajski district in Minsk.

Julija Darashkievich was detained on Independence Avenue around 19.20 when she was taking pictures of the flags. Policemen got to her in a car, threw her rudely in the car without paying any attention to her press card and took her to the Department of Internal Affairs of Piershamajski district.

As Julija told to the Belarusian Association of Journalists, all detained were assembled in a "prevention room" with eight policemen present among whom nobody identified himself. Some of them were holding machine guns.

All detained had their phones taken away. As in the case of Uladzimir Hrydzin, the policemen took away the photo camera of Julija Darashkievich. The journalist demanded that a confiscation report was drawn up thus provoking laughter and plebeian jokes at her address from the policemen. The policemen ordered her to take all things out from her handbag and made a list of them. "I was convinced that I would be taken to the detention center on Akrestsina Street — even the shoe laces and the wedding ring were taken away".

They also were going to fingerprint Julija and register her on a "video file". However, the journalist demonstrated good knowledge of her rights. Having declared that only those against whom administrative proceedings are instituted should undergo the mandatory fingerprinting, she demanded a report to be drawn up— "to know, at least, what I am charged with".

According to the journalist, she was not demanded to sign the list of her belongings. Julija Darashkievich was released after almost four hours of wandering through different offices – around 23.30. According to the journalist, her personal car which she had left on the site of detention had been towed to the Department of Internal Affairs of Piershamajski district, and she got her documents back only after a full inspection of the car was made.

On November 6 in Biarozauka (Hrodna region) policemen detained for an hour and a half journalists **Aliaksandr Dzianisau** and **Aliaksandr Khilimon** who were shooting video at the glass factory *Nioman*. According to Aliaksandr Khilimon, they were preparing materials about situation at the factory for the web site of the newspaper *Obozrievatel* and regionby.org. They were let on the factory's premises without any problem because a preliminary arrangement was made with the factory's management. Having done their work, the journalists were going to leave the building but were noticed by the Deputy Director for Security of the enterprise who called the police at once.

Policemen from the Biarozauka station of the Lida District Office of Internal Affairs received explanations of the detained about goals of their visit to the factory and took the videotape with footage for expertise.

In late November Iryna Khalip, a renowned Belarusian journalist, got threats by e-mail and over the phone. In particular, **on the evening of November 24** an unknown person called her who "recommended" to the journalist to curb her journalistic zeal and not to go outside. Iryna links the threats to her journalistic activities.

On November 26 in Marjina Horka **Valiantsin Dounar**, a local distributor of independent mass media and fifty-one-year old member of the Belarusian Popular Front Party, died in a hospital of a traumatic brain injury. The police consider it to be a misfortunate accident, and believe that Valiantsin Dounar had fallen on his own and had hit his head at the

pavement. Dounar's friends are convinced that he was murdered and link the assault to his civil activities including distribution of privately-owned mass media.

The incident took place **on the evening of November 20** in the town center near the district police office. Dounar was brought to the intensive care unit where he died several days later without regaining consciousness.

On December 7 photo correspondent of *Nasha Niva* **Julija Darashkievich** was detained in Minsk for an inspection of her car when he was going to a meeting with activist of the *Youth Front* **Dzmitryj Dashkievich**.

She was detained near the Red Church in the center of Minsk. The car was stopped by a man in the uniform of road police who said that he had information which should be checked and that the journalist would have to go with him to the road police's city office on Dziarzhynski Avenue. The photo correspondent spent there about half an hour and then she was told that "everything was in order and she might go". To her request to explain what she or her car were suspected of, the police officer replied with a smile: "We were just checking the license plates; you understand everything, don't you?"

On December 9 the Russian *Novaja Gazeta* published an investigative article of **Iryna Khalip** "[A War for Oligarch's Inheritance](#)" dedicated to the events around the inheritance of Georgian billionaire **Badri Patarkatsishvili** and the arrest in Minsk of American lawyer **Emanuel Zeltser**.

On the eve of the article's publication the journalist got several explicit threats from unknown persons — over the phone, by e-mail and even by telegraph. (The texts of threats were published by *Novaja Gazeta* alongside with Iryna's article. In one of them, for example, they promise to the journalist to "organize a meeting with **Anna Politkovskaya**" if the article is published).

Iryna Khalip believes that the threats come from "those who are able to read other persons' mail" – i.e. special services. Threats' authors demonstrated in every way that they knew the content of her phone conversations (including the personal ones) as well as about her son's health. "But in these cases publicity and publication are the only security guarantee", the journalist believes.

On December 15 the web site [charter97.org informed](#) that it was subjected to a DDoS-attack. According to the communication, it started after 13.00, when [the draft law "On measures to streamline the use of the national segment of the global computer Internet network"](#) was published on the site. The site's administrators do not exclude that the attack may also be related to recent publication of several other critical news stories.

On December 16 **Nastassia Shamrej**, a member of the Belarusian Association of Journalists and journalist of *Nasha Niva*, was detained by the police in the proximity of the Iranian embassy in Minsk. The journalist was giving coverage to an action in defense of ten gays from Iran [who were sentenced to death in that country](#).

The journalist was brought to a police strongpoint near the Savietski District Department of Internal Affairs together with the detained participants of the action; she was released half an hour later and no report was drawn up. Policemen wrote down her passport data and the number of her Belarusian Association of Journalists' press card, and also asked other detained whether the journalist was indeed only giving coverage to the action.

On December 22 policemen took away a voice recorder from **Volha Khvojn**, a journalist of the weekly *Novy Chas*, when she was giving coverage to an action of Belarusian human rights defenders who [submitted a petition to the Chamber of Representatives of the National Assembly of Belarus](#).

The human rights defenders who were disguised in Santas and Snow Maidens were heading off to the Government House when they were approached by a group of plain-clothed men headed by Deputy Head of the Main Directorate of Internal Affairs of the Minsk City Executive Committee **Uladzimir Navitkievich**. Police officers expressed displeasure with participants of the action saying that they looked like an "unauthorized manifestation". Correspondent of *Novy Chas* Volha Khvojn was nearby and was recording everything to a voice recorder with an external microphone.

Suddenly the journalist felt that someone snatched the equipment from her. She began to demand the return of the equipment but the policemen at first were trying to pretend that nothing unusual was happening. Only after her insistent demands and also due to the support from the human rights defenders she got back the equipment.

Censorship. Interference in professional independence of editions

On January 22 Deputy Minister of Information **Aliaksandr Slabadchuk** signed a letter addressed to the Belarusian FM-stations which the ministry sent out to the stations' top managers in late January. The letter implied that the Ministry of Information had conducted a special monitoring and had found out that some stations were not implementing the order to broadcast 75% of Belarusian music in prime-time. In this connection the ministry demanded that the radio stations "submit till February 1 their creative concepts with necessary changes which take into account the 75% "Belarusian quota" and "abide rigorously by the broadcasting grid of musical compositions of Belarusian authors and performers". The document implied that the grid was worked out with participation of the Ministry of Information. The top managers of the radio stations were warned that they would face "strong measures" in case of non-compliance, up to the termination of employment.

It was the Ministry of Culture which in 2005 got the idea to introduce the 75% quota for compositions of Belarusian performers to promote domestic music.

On March 22 *Projectorparishilton*, a popular show of the Russian *First Channel*, which is retranslated by the Belarusian TV channel *ONT* was broadcast in an abridged form. Belarusian audience did not see the part of the show where the hosts were discussing in sarcastic manner a visit of the Belarusian president to Yerevan where the youngest son of Aliaksandr Lukashenka, Kolia, was sitting in his father's lap during the official talks. In particular, the humorists arrived at conclusion that the Belarusian leader "saves on baby-sitters in the time of crisis" and called him a "mustachioed male nurse". A similar incident of interference of domestic censors in the contents of this Russian show happened in October 2008 when the hosts made fun of the six-month suspension of the ban on Lukashenka's travel to Europe.

On March 27 Metropolitan of Minsk and Slutsk, Patriarchal Exarch of all Belarus Philaret at a meeting with Aliaksandr Lukashenka proposed to begin regulating the content of the Belarusian web sites on the legislative level. In this connection the priest made reference to experience of many countries, including China. In the Metropolitan's opinion, the main

problem is that "immoral information of different nature is now accessible to the most *vulnerable* layers of population – children and teenagers". In Philaret's opinion, the Chinese experience is of interest because "when it is used, the brunt of the problem is not born by the state; those who provide access to the Internet bear all responsibility". The Metropolitan pointed out that the Church did not suggest any particular technical solution to the problem but raised the issue and "toll[ed] the alarm bell".

On June 8 a founding meeting of the **Public Council on Morality** took place in Minsk. The Council's founders were the Belarusian Orthodox Church and the Union of Writers of Belarus with support of the country's president. The Council is made of leaders of all traditional confessions of the country (Orthodoxy, Catholicism, Lutheranism, Judaism, and Islam) as well as several dozens of public figures (writers, scientists, artists, and sportsmen). The goal of the Public Council is to "contribute to spiritual recovery of the nation and entrenchment of high moral principles in Belarusian society. This goal is planned to be achieved through adoption by the Council of conclusions, recommendations, appeals to TV companies, printed mass media, theaters, cinemas, publishing houses, and educational, cultural and scientific institutions", the BelTA news agency reported. As it was announced, "the Council may make judgments regarding literary and artistic works, mass media's activities, particular publications, TV and radio programs, information on the Internet and other materials, events and public phenomena".

Representatives of the journalistic community spoke with skepticism about the idea of the public council pointing out that issues of morality are not within jurisdiction of public or state institutions, and that it was an attempt to create another system of control over public consciousness.

On September 14 the editorial board of the Internet resource odsgomel.org had to take off the site an article about **Dyjana Hromava**, a participant of the finals of the national children competition "Song for Eurovision" from Homiel. In a video interview posted on the web site on September 11 she said that it "was decided in advance who would win" in the competition. The editorial board of the site took off the article on the request of the singer's producer. On September 14 he got in touch with the correspondent who had produced the material and said that he was under pressure from the National Television and Radio Company which threatens him to go to court for "slander of the competition".

Since **October 1** the Belarusian FM-station *Autoradio* (105.1) ceased to broadcast the *EuroZOOM* show produced by the *European Radio for Belarus*. **On September 29** *Autoradio* got a phone call from the Ministry of Information with request to provide "for monitoring" sound recordings of the *EuroZOOM* show aired on September 28. And **on September 30** the management of the radio station received a written warning from the Ministry of Information for "failure to observe the creative concept of broadcasting".

The Ministry of Information required the management of *Autoradio* CJSC to "take measures for implementation of the declared creative concept" before October 1 and reminded that it was in a position to revoke their broadcasting license (regulation № 726 of the Council of Ministers from May 30, 2003).

The *EuroZOOM* show is a joint project of *Euroradio* and *Autoradio* implemented under the aegis of the European Commission. The one-hour program which is made of [several information and music units](#) produced by the *Euroradio*'s staff was broadcast by *Autoradio* for the first time in summer 2009 and appeared daily except for Saturdays and Sundays.

On October 31 in the village of Haroshkau in Rechytsa district (Homiel region) members of the Belarusian Association of Journalists from Homiel **Tatstsiana Bublikava** and **Alieh Razhkou** encountered an attempt to prevent them from videotaping the ceremony of laying of wreath and flowers on the grave of **Anatol Sys**. When the journalists switched the camcorder on they were approached by a plain-clothed man who ordered to stop the recording explaining that the Rechytsa TV studio would film everything adequately, and footage could be loaned from them. At the journalists' request to identify himself the man introduced himself as **Ivan Dziekaviets**, a staffer of the ideological office of the Rechytsa District Executive Committee. Chairman of the Homiel branch of the Belarusian Association of Journalists **Anatol Hatouchyts** demanded from Mr. Dziekaviets to explain on what grounds he tried to prohibit the journalists to carry out their professional duties. "No comments", the answer of the district ideologue was.

On November 3 First Deputy Minister of Information **Lilija Ananich** said that the Ministry of Information "in accordance with legislation would stop any attempts to misinform the country's population" regarding the situation with incidence of flu. According to Mrs. Ananich, the Ministry of Information "analyses with attention" the work of mass media looking closely not only at printed and electronic media but also at the Internet versions of registered mass media. "The Ministry of Information's statement sounds as a warning to mass media", Deputy Chairman of the Belarusian Association of Journalists **Andrej Bastuniets** commented on this declaration. "Mass media began to publish documents which bear evidence of provision of incomprehensive information to co-citizens by officials. Attempts to reassure people by measuring out information take nowhere. And now the authorities attempt to use other familiar mechanisms – pressure on media and threats. (Before long the Ministry of Information gave warnings to several privately-owned general interest media outlets after all - see the respective chapter).

On November 20 the *BelaPAN* news agency announced that it refused to send its correspondent to a meeting with Russian President Dmitri Medvedev who had invited more than a dozen of Belarusian mass media to an interview at his residence in Barvikha on November 23. "The conditions for participation in the interview and reporting on it set by the Kremlin's press service disagree dramatically with objectives the agency has – to provide information to its subscribers in an expeditious manner", said the communiqué on this subject which was published on the site of *BelaPAN*'s Internet newspaper **naviny.by**. In particular, the question was about the condition set to the journalists to prepare their reports on the basis of the official verbatim record of the meeting. Also, the date of publication of texts in Belarusian media outlets had to be set by the Kremlin's press service. Twenty minutes after the [publication unpleasant to the Kremlin](#) was posted on **naviny.by** web site, the office of the news agency received a call from Medvedev's press service which agreed to swift transmission of information from Barvikha.

On December 14 at a conference on dealing with the most pressing issues of the social and economic development of Belarus in 2010 **Aliaksandr Lukashenka** said that it was necessary to review the work of state mass media because he considered the ideological work carried out in the country as insufficient. He drew special attention of Head of the Presidential Administration **Uladzimir Makiej** to this issue. "Mass media do not work at all today. You have nothing to watch on television – in our country as well as abroad. Nobody listens to radio in Belarus anymore. And they watch music video on TV. It is entertainment, it is not interesting. And I have an impression that the executives there have already forgotten that they should carry out ideological work", Aliaksandr Lukashenka said. He also added that it was necessary to pay special attention to the work of mass media in the regions. Regional mass media should not eulogize the local authorities, and if there are facts for criticism, they should not pass them over in silence..."

Infringements related to access to information (refusals to grant information, restrictive use of the institute of accreditation)

On **January 9** the correspondent of the non-state newspaper "Hantsavitsky Chas" Iryna Damaratskaya was not allowed to be present at the ceremony of awarding the best schoolchildren and teachers of the district, which was held in the municipal House of culture. When the journalist arrived, an employee of the district department of education closed doors to the hall and declared that the event had a closed character. She has refused to identify herself.

On **January 24** ideologists have not let the head of information department of the non-state political newspaper "Borisovskiye Novosti" Anatol Mazhou to attend the joint extended session of Barysau district executive committee and regional council of deputies. On **January 25** "Borisovskiye Novosti" correspondent Alena Brytskaya was not admitted to a regional assembly of parents, which was held in the Palace of culture in Barysau.

On **February 1** Hantsavichy regional council of deputies and Hantsavichy regional executive committee refused accreditation to the journalists of the non-state newspaper "Hantsavitsky Chas". The correspondents Iryna Damaratskaya and Sviatlana Malyshka have addressed local state bodies with the request for accreditation on January 17. The journalists have received an answer in 2 weeks. The letter signed by the chairman of the Hantsavichy regional executive committee Uladzimer Stoliar informed that they were refused accreditation without explanation of reasons.

On **February 15** the correspondent of the newspaper "Intex-Press" Ruslan Harbachou was not admitted to the regional seminar on the operations of bodies of local administration held in Baranavichy municipal executive committee. The seminar was covered by the journalists of regional TV and regional newspapers, mainly state ones. The chief of department of ideological work of Baranavichy municipal executive committee Tatsiana Zhytko told Ruslan Harbachou that he had to leave because he hadn't passed accreditation in the regional executive committee.

On **February 28** the executive committee of the National Olympic Committee has stripped the non-state sports newspaper "Pressbol" of accreditation to the Olympic Games - 2008 in Beijing. According to the National Olympic Committee, many of the publications of the edition were biased and "were not in any way directed on propagation of Olympic ideals". The chief editor of "Pressbol" Uladzimer Berazhkov, in his turn, "didn't see any grounds" for such a decision.

On **April 3** the chief editor of "Pressbol" Uladzimer Berazhkov stated that the National Olympic Committee, to which the sports newspaper had sent a complaint against the refusal to accredit it to the Olympic Games in Beijing, kept silent. According to Berazhkov, it represented a violation of rules of business correspondence and legislation.

On **March 3** it became known that the deputy chair of the regional department of education Jana Klishevich attempted to oust the correspondent of the newspaper "Niasvizhski Chas" Natalia Jarmoshanka from the students' contest carried out in the local House of culture with participation of the management of road police of Minsk regional executive committee. The official insisted that the journalist had no accreditation.

On **March 24** road police officers in Bobruisk deleted photographs made by the non-staff correspondent of the non-state newspaper "Bobruiski Kurier" at a place of a car crush. A

45-year's old director of the factory of large tires "Belshina" Yauhen Hvastun died in the accident.

On **March 25** police detained the Vitsebsk resident Elvira Safiulina, who was filming on video the action dedicated to the Day of Freedom. She was kept in the police department for 2,5 hours. The tape was erased.

On **April 1** the press photographer of "Nasha Niva" Julia Darashevich was removed from the courtroom of Tsantralny district court of Minsk, where the trial of the youth activist Andrey Kim was about to start. The decision on interdiction of photo and video shooting was made by the judge Elena Iljina.

On **April 8** the newspaper "Narodnaya Volya" received a refusal of the Chamber of Representatives of the National Assembly to accredit the deputy editor of the newspaper Maryna Koktysh. The chairman of the Permanent commission on human rights, national relations and mass media Yury Kulakouski has offered to the edition to offer another candidate for accreditation. The denial was argued by the fact that Maryna Koktysh was refused admission to the building of the House of Government. There was no information on who, when and on what basis made such a decision. The journalist declared that the refusal was illegal, since it violated her rights, the Law "On press and other mass media" and Rules of accreditation of correspondents of mass media in the Chamber of Representatives of the National Assembly.

On **April 16** deputy editor of "Narodnaya Volya" Maryna Koktysh sent a complaint to the chairman of the Chamber of the Representatives of the National Assembly Vadzim Papou in connection with refusal in accreditation in this structure. In the complaint she asked the chairman to instruct the commission to annul its decision and said that she would appeal to court otherwise.

On **June 6** it was announced that the edition of the non-state newspaper "Narodnaya Volya" and its deputy chief editor Maryna Koktysh decided to hold judicially responsible for violation of the Law "On press" the whole Chamber of Representatives of the National Assembly and the Security Service of the President. The edition has sent a corresponding appeal to Maskouski district court of Minsk on behalf of the journalist.

On **June 16** the edition of the newspaper "Narodnaya Volya" and its deputy chief editor Maryna Koktysh, who tried to hold judicially responsible the security service of the president and the Chamber of Representatives of the National Assembly for refusal to accredit the journalist, received the official answer to the complaint from Maskouski district court of Minsk. The judge V.A. Husakova has refused them in this right.

On **July 17** the board of Minsk municipal court has rejected the appeal of the deputy chief editor of "Narodnaya Volya" Maryna Koktysh against the decision of Maskouski district court of Minsk, which in June has refused the journalist's right to appeal in court against the Chamber of Representatives for refusal in accreditation.

On **April 22** journalists representing non-state media were removed from the court room of Maskouski district court of Minsk, where hearings of the case of the leader of Vitsebsk businessmen Siarhei Parsiukevich were held. First the judge removed from the courtroom the political observer of the weekly newspaper "Belorusy I Rynok" Henadz Barbarych for "numerous violations", and 10 minutes later he ordered to leave the correspondent of Radio Liberty Aleh Hrudzilovich for making an audio recording.

The lawyers of the Centre of legal protection of mass media in BAJ stressed that the actions the judges violated the rights of journalists stipulated by the Criminal Procedural Code of the Republic of Belarus (people present at an open trial have a right to make written and audio recordings").

On **May 9** policemen banned the editor of the non-state newspaper "Cherykauskie Naviny" Mikola Tsarkou and press photographer Siamen Panizoutsau from making photos of the participants of the meeting on the Victory Day. A police major argued his actions by saying that the journalists allegedly interfere with the event. The policemen have left the reporters alone only after Mikola Tsarkou explained that he was not only a journalist and BAJ member, but also a participant of the war and consequently he had the right to attend the event and to make photographs".

On **May 14** journalists of the non-state newspaper "Hantsavitsky Chas" were denied accreditation in Hantsavichy regional council. Earlier they have been also denied accreditation in the presidium of a local district council and then in Brest regional council of deputies. The chairman of the regional council explained that "a state body is not obliged to issue accreditation to a journalist".

On **May 15** representatives of mass media were banned from the court of the city of Salihorsk hearing the case of the leader of movement "For Freedom" Aliaxandr Milinkevich without explanation of the reasons of the ban. The politician was detained after meetings with local inhabitants at the city market and found guilty of violating Article 23.34 of the Administrative Code. He was fined 20 basic units.

On **May 17** it became known that Brest regional executive committee has not found infringements in the actions of the management of Luninets district executive committee, which had refused to accredit the correspondent of the non-state newspaper "Inform-Progulka" (Luninets). "The Law does not stipulate obligations of a state body concerning accreditation, which entitles Luninets district executive committee to determine mass media for covering its activity... ", the letter signed by the deputy chair of Brest regional executive committee Leanid Tsupryk says.

Meanwhile, Article 42 of the Law "On press and other mass media" stipulates that the editions have the right to accredit correspondents in state bodies, organizations and establishments. This article does not stipulate the right of state bodies to refuse accreditation.

On **May 28** journalist Aliaxei Minchonak was officially denied accreditation as the correspondent of "Radio Racyja" in the Belarusian Ministry of foreign affairs. This decision was based on the fact that he "was previously engaged in journalistic activity for foreign mass media without accreditation in the Foreign ministry". The correspondent decided to send the documents for accreditation himself after the searches conducted in late March this year. On May 30 international journalists organization "Reporters Without Borders" condemned the decision of the Belarusian Foreign ministry.

On **June 18** own correspondent of the newspaper "Inform-Progulka" (Luninets, Brest region) Halina Samujlik was not admitted to the session of Mikashevichy municipal council of deputies. According to the newspaper editor Sviatlana Harda, until recently there have been no obstacles to the work of her correspondent in the neighbouring Mikashevichy. According to the journalist, the order not to let representatives of non-state mass media to the official events was given by the deputy chair of Luninets district executive committee Viktor Rafalovich. Halina Samujlik had been accredited in Mikashevichy district executive committee since 2003.

On **June 19** about 20 journalists could not get to the hearings of the criminal case against road police officers who in March 2008 organized a "live shield" on the highway Minsk - Mikashevichy. The hearings were held in Minsk district court and in Zaslavl. Only 3-4 journalists could get there. Police stopped all the others at the entrance, referring to an overcrowded courtroom. On the first day of the hearings correspondents of Belarusian and foreign media, both state and non-state ones, were left outside, including journalists of the TV and radio company "Mir", TV channel STV, newspaper "Avtobusiness", Internet resource "Salidarnasc", press photographers of "Nasha Niva", "Komsomolskaya Pravda" v Belorussii and "BelGazeta".

On **July 7** it became known that journalists of the non-state newspaper "Bobruisky Kurier" were denied accreditation to the press conference of the Israeli diplomats organized within the framework of celebrating 500 years anniversary of the Jewish community of Bobruisk and 60 years anniversary of independence of Israel. The Jewish community leaders first offered to the edition to cover the event, but on the eve of the press conference denied accreditation without explaining the reasons

On **July 14** it became known that the independent Kletsk journalist and BAJ member, publisher of the low-circulation non-state bulletin "Boikij Kletsk" Siarhei Panamarou was not admitted to the meeting of officials with businessmen, which was carried out in the local regional executive committee. The security guards used physical force to push the journalist out of the building. As a result of violent actions of police the journalist hit his face against the wall and it started to bleed.

On **July 15** the chief of the correspondent office of the non-state edition "Niasvizhsky Chas" Ihar Evtuh addressed the military conscription office with the request to tell the edition about the results of military conscription campaign in the region. Deputy military commissioner of Niasvizh military conscription office Andrey Marozau has refused to answer his questions, motivating his refusal by the fact that the journalist didn't have accreditation. At the same time, Andrey Marozau could not explain what kind of accreditation was necessary in this case.

On **August 6** correspondent of the regional non-state newspaper "Bobruisky Kurier" Liudmila Liubimtsava informed that she had repeatedly addressed the municipal centre of hygiene and epidemiology for information on interdiction to swim in local lakes and rivers. On July 24 she sent a list of questions to the employees of the centre. However, having called them on the appointed day, the journalist has received a categorical refusal in granting the information to "Bobruisky Kurier". The officials motivated their refusal by saying that the medical establishment cooperates only with state editions. Liudmila Liubimtsava was recommended to address all questions to the department of ideological work of Bobruisk municipal executive committee.

On **August 8** Vadzim Zamirouski, press photographer of the non-state weekly "BelGazeta" was detained in Minsk when making photographs near the House of Government on the Independence Square. According to the photographer, the security service officers referred to some instruction and forced him to delete the pictures from the camera. After that the journalist was released without a protocol of detention.

On August 20 the chief of department of ideology of Hantsavichy regional executive committee Lidia Zanko refused to talk to the deputy chief editor of the independent weekly newspaper "Hantsavitsky Chas" Piotr Huzaeuski. Not even having listened to the question of the journalist, she immediately advised him to write a letter of enquiry. The journalist wanted

to ask for information on the results of formation of local electoral commissions for the elections of deputies of the Chamber of Representatives.

On **September 3** the chief of department of ideology of Navapolatsk municipal executive committee Sviatlana Turanok denied official accreditation to the correspondent of the local Internet project ximik.info Aliaxandr Muzhdabajeu to the festivities dedicated to 50-years anniversary of Navapolatsk. "This refusal is a clear demonstration of formalism and traditional attitude of Mrs. Turanok to "Himik" – a non-state newspaper, which used to be published in Navapolatsk and now publishes on a web site, which has been working after the newspaper was closed", the chief of the project Andrey Aliaxandrau commented.

The newspaper "Himik" has stopped publishing in July, 2006 due to a difficult financial situation, which resulted from exception of the newspaper from the subscription catalogue of "Belpochta" and termination of the contract for distribution with "Vitebskoblsoyuzpechat".

On **September 23** the press photographer of the non-state newspaper "Narodnaya Volya" Yury Dziadzinkin was not permitted to make photographs of the early voting at the Minsk polling station №398. The journalist came there with the editorial assignment, but members of the electoral commission have not permitted him to work, referring to the interdiction of the commission chairman Elman Hasieu. The secretary of the Central Commission for elections Mikola Lazavik has explained this refusal to BAJ by saying that the journalist had failed to build "human relations" with the members of the electoral commission.

On **October 27** representatives of the Bobruisk Palace of arts, where the Chinese circus performed, confused the correspondent of the local municipal executive committee newspaper "Bobruiskaya Zhizn", who came there to cover the event, with the reporter of the non-state edition "Bobruisky Kurier". At the entrance to the hall the administration has unexpectedly stopped him, explaining that an order had just arrived from the department of ideological work not to admit employees of "Bobruisky Kurier" to cultural events. As soon as the mistake was found out, the journalist of the state newspaper was freely admitted to the hall.

On **November 13** it became known that the journalists from Belarusian non-state editions had not been accredited to the international film festival "Listapad", which is annually carried out in Minsk. According to some sources, the order to give accreditations only to representatives of state media had arrived from the Administration of the President. Back in 2007 the journalists of non-state mass media have also been refused accreditations to the festival.

Conflicts related to reception and distribution of foreign information or activity of foreign mass media

On **January 25** the Ministry of Foreign Affairs of Belarus denied accreditation to two correspondents of *Radio Racyja*. The decision was based on the fact that the journalists worked earlier without an accreditation. According to *Radio Racyja*, another correspondent got a similar denial in the beginning of 2009 but the radio station did not identify him or her.

On **February 24** Tatstsiana Bublikava from Homiel received a warning from the prosecutor's office "for carrying out journalistic activities for the Polish satellite television channel *Belsat*". The document signed by Deputy Prosecutor of Homiel Region **Hienadz Ramaniuk** stated that she had violated article 35, part 4 of the Law on Mass Media which

forbids "carrying out professional activity of journalists of foreign mass media on the territory of the Republic of Belarus without an accreditation".

On March 2 representatives of *Polish Television JSC* (Telewizja Polska S.A.) received a letter from the Ministry of Foreign Affairs of Belarus. The letter stated that the Foreign Ministry had suspended consideration of documents for opening of a representation office of the television channel *Belsat* in Belarus (on the ground that the documents were not drawn up correctly).

On March 3 the Ministry of Foreign Affairs of Belarus denied accreditation of **Ivan Roman**, an independent journalist from Hrodna, as a correspondent of *Radio Racyja*. The decision was based on the fact that "earlier he was carrying out journalistic activities on the territory of Belarus on behalf of a foreign media outlet without an accreditation at the Ministry of Foreign Affairs".

Withdrawal of accreditation of correspondent of *Gazeta Wyborcza* Andrzej Paczobut

On March 4 policemen from Hrodna drew up an administrative offence report in respect of Andrzej Paczobut — journalist of *Gazeta Wyborcza*. According to the report, he took an active part in an unauthorized meeting which was held on January 17 near the premises of the pro-government Union of Poles in Belarus.

On March 17 Judge of the Leninski District Court in Hrodna **Natallia Koziel** fined the journalist on the basis of this report for 525 thousand rubles.

And **on March 3** the Ministry of Foreign Affairs of Belarus withdrew the accreditation of Andrzej Paczobut in his capacity of correspondent of *Gazeta Wyborcza*. Members of the commission who considered his application for extension of accreditation came to conclusion that he was giving biased coverage to events in the Republic of Belarus and wrote about the head of state in negative fashion.

On March 4 **Alieh Razhkou** from Homiel got in the mail an official warning of the Prosecutor's Office of Homiel Region about "carrying out journalistic activities for the Polish satellite television channel *Belsat*". The document signed by Deputy Prosecutor Hienadz Ramaniuk said that the Prosecutor's Office had conducted an investigation in view of complaints of citizens **Valiantsina Maisiejenka** and **Natallia Jahorava**. They complained that the interview which they had given to journalists Razhkou and **Bublikava** had been broadcast in November 2008 by the TV channel *Belsat* which "was not registered in accordance with the established legal procedure".

On March 17 director of the television channel *Belsat* **Agnieszka Romaszewska** was suddenly dismissed from her post. According to her, "such political forces which try hard not to harm Aliaksandr Lukashenka" should have been involved in it. Executive Director of the Polish Public Television (TVP) Piotr Farfal explained the dismissal of the journalist by the "public disregard of the Board's decisions" and "statements to mass media without getting previous approval". However, already **on March 24** she was reinstated in the post of director of *Belsat*.

On April 1 broadcasting of the TV channels *Ren TV*, *First. Worldwide Network*, *RTR-Planeta*, *TVC-International* and *NTV-Mir* was terminated in Belarus. Head of Programming Department of the air and cable television operator *Kosmos TV* **Aliena Kliujkova** explained this step by the need to implement decisions of the Council of Ministers and the Law on Mass

Media according to which a foreign television channel must obtain permission to broadcast on the territory of Belarus.

On April 17 in Klietsk policemen detained independent journalists **Nastassia Krauchuk** and **Katsiaryna Tkachenka**. They were held in a police station for several hours and asked questions what media outlet they worked for and with what purpose. Afterwards, the policemen confiscated the video equipment and tapes with footage from the journalists who were producing reportage on suspension of repair works in the local Orthodox church which is considered to be a "historical monument of the 1st category".

On May 13 the journalists got back the video recording equipment after a complaint of the Belarusian Association of Journalists to the Klietsk District Prosecutor's Office.

On April 21 journalists **Tatstsiana Bublikava** and **Alieh Razhkou** were prevented from shooting a stand-up on the premises of an art gallery of **Hauryla Vashchanka** in Homiel. Harassing of reporters began due to an article in the state-owned newspaper **Homielskaja Prauda** which stated that "the region prosecutor's office gave an official warning about inadmissibility of violating the law to two young persons who called themselves independent journalists".

On April 29 journalist from Hrodna **Ivan Roman** got an official convocation notice of the KGB and later was taken to the Hrodna Region Department of the KGB. There he was familiarized with a document according to which Ivan Roman was warned about inadmissibility of violation of article 369-1 of the Criminal Code of the Republic of Belarus – "Defamation of the Republic of Belarus". The question was of several materials in the magazine *Magazyn Polski na uchodźstwie* and on *Radio Racyja*.

On August 11 Head of the Department of the KGB **Ihar Siarhiejenka** did not explain reasons for issuing the official warning to journalist Ivan Roman who cooperated with *Radio Racyja* and other media resources. The journalist demanded to explain why operational and search activities were conducted against him, and what made state security officers to believe that he was giving inaccurate information to foreign media thus bringing Belarus into discredit.

On May 29 *Radio Racyja's* correspondent **Tamara Shchapiotkina** received an administrative penalty in the form of oral warning for "public nuisance during a mass event" (part 1 of article 23.34 of the Administrative Code). This decision was taken by the court of Biaroza district (Brest region).

On June 30 Press Secretary of the Ministry of Internal Affairs **Sviatlana Barouskaja** refused to provide information to **Zmitsier Paniamonau**, a correspondent of the *European Radio for Belarus*, who expressed interest in situations when policemen themselves provoked citizens into committing offenses. She not only refused to provide such information but also to speak to the reporter altogether citing her busyness for a reason.

On July 8 independent journalist **Alieh Razhkou** was detained in Homiel. He was held about three hours in a police station and policemen copied footage from his tape. The reporter was giving coverage to a street action of entrepreneurs in the center of the city. It should be noted that in the result of the forcible detention Alieh Razhkou incurred an intervertebral nerve entrapment, and he could barely walk for several days.

On July 14 the Prosecutor's Office of Minsk region made warnings for "illegal journalistic activities" to two members of the Belarusian Association of Journalist **Aksana**

Kalinkina and **Aliaksandr Kalinkin**. The pretext for the warning was their cooperation with the Russian *Good News Television Channel* without an accreditation at the Ministry of Foreign Affairs of Belarus.

On July 27 Hienadz Sudnik, a journalist from Mahilou, was summoned to the Prosecutor's Office of Shklou district. It emerged that head engineer of a local pulp-and-paper mill was accusing the reporter of disseminating unfaithful information about situation of this plant through the TV channel *Belsat* and the Internet.

On July 29 Ihar Bantsar, the editor-in-chief of the magazine *Magazyn Polski na uchodźstwie*, received a warning from the Prosecutor's Office of Hrodna region. The journalist was warned about violation of the media-related legislation (article 22.9, part 2, of the Administrative Code) — dissemination of printed periodical publications without a publisher's imprint.

On August 17 Andrzej Pisalnik, a correspondent of the Polish newspaper *Rzeczpospolita*, received a warning of the Prosecutor's Office of Hrodna region for his intention to disseminate printed mass media without publisher's imprints. The question was of the publications of the Union of Poles unrecognized by the authorities: the magazine *Magazyn Polski na uchodźstwie* and the newspaper *Głos znad Niemna na uchodźstwie* which were found by policemen during an inspection of the journalist's car in June.

On August 15 journalist of the Russian TV channel *NTV Alexei Malkov* and **Yuri Babenko** were deported from Belarus. The journalists who shot a documentary about disappeared politicians and **ORT's cameraman Dzmitryj Zavadski** were accused of working without an accreditation at the Ministry of Foreign Affairs of Belarus. On the evening of August 14 security officers took the journalists from their hotel room. They were put in a van, taken outside of the city and interrogated. Their tapes and SIM-cards of their phones were confiscated. Then they were taken to Orsha and put on a train to Moscow.

On August 21 journalist from Mahilou **Volha Sharapkina** received a warning from the Chavusy District Prosecutor's Office "about inadmissibility of repeated violation of the Law on Mass Media". Prosecutor **Siarhiej Minau** began with asking the journalist whether she knew about publication of information about the local residential school on the web site of the TV channel *Belsat*. When the reporter answered that she had not seen this information and did not have any connection with it, the prosecutor handed over to her a warning prepared in advance.

On August 29 Zmitsier Kisiel, a journalist from Brest who contributes to *Radio Racyja*, got a phone call from an unknown person to his home number. The latter called himself "Ihar, a staffer of the KGB" and reminded to the journalist that he did not have accreditation which was necessary to work for a foreign media outlet. The man gave a warning that the prosecutor's office would soon deal with this matter and recommended to Zmitsier Kisiel either to suspend his journalistic activities or to leave for the Polish town of Bialystok where *Radio Racyja* is located.

On September 12 in Hrodna reporter **Ivan Roman**, journalist of *Radio Liberty* **Siarhiej Astrautsou** and correspondent of the Polish *Rzeczpospolita* **Piotr Koscinski** were not allowed to attend the 7th congress of the "official" Union of Poles in Belarus.

On September 22 journalist from Homiel **Alieh Razhkou** received another warning from the Region Prosecutor's Office for cooperating with the Polish TV channel *Belsat* without an accreditation. Prosecutor **Aliesia Rabtsava** demanded the journalist to provide

explanations to the petition of Head Doctor of the regional psychiatric hospital **Viktar Matoranka**. The latter complained that Alieh Razhkou together with **Tatstsiana Bublikava** came to the hospital allegedly with badges of *Belsat* and asked for comments on discontinuation of contract with psychiatrist **Dr. Siarhiej Tryfanau**, a member of the Belarusian Christian Democracy Party.

On September 23 two plain-clothed persons attempted to penetrate the apartment of **Zmitsier Kisiel**, a journalist from Brest who contributes to *Radio Racyja*. They said through the door that he had to go to the prosecutor's office with them. Earlier the reporter was getting threats over the phone with warnings that he would have problems if he did not cease his journalistic activities.

On September 24 Zmitsier Kisiel received an oral warning from the prosecutor's office for carrying out journalistic activities without an accreditation.

On September 25 the Ministry of Foreign Affairs denied accreditation to Hrodna correspondent of *Radio Racyja* **Viktar Parfionak**. The refusal was based on clause 10 of the Regulations for the accreditation of foreign journalists in Belarus (earlier the reporter worked on behalf of a foreign mass media outlet on the territory of the country which constitutes grounds to deny accreditation).

On September 28 in Mahilou a prosecutor's warning about violation of article 11 of the Law on Mass Media was given to **Vadzim Arshynski**, a renowned TV cameraman and photo journalist, for having cooperated with *Belsat*. It was sent to the reporter by registered mail.

On September 30 the management of *Autoradio* received a written warning from the Ministry of Information of Belarus for "failure to observe the creative concept of broadcasting". It happened after the radio station began broadcasting the *EuroZOOM* show (a joint project with *Euroradio* implemented under the aegis of the European Commission).

On October 7 journalist from Homiel **Tatstsiana Bublikava** provided forced explanations to the Homiel Region Prosecutor's Office regarding a petition of an official of the local town executive committee **Natallia Ratobylskaja**. The latter accused the journalist in allegedly recording an audio interview on behalf of a staffer of the TV channel *Belsat* and putting it on the air. The prosecutor made an oral warning to the journalist about administrative responsibility in the case when the fact of cooperation with the TV channel would be supported by a statement of another official.

On November 4 it became known that director of *Belsat* **Agnieszka Romaszewska** who was going to come to Belarus on the invitation of the organizers of the 12th Minsk Forum had been denied the Belarusian visa without giving any explanations. The journalist was going to attend the event in the capacity of a guest of honor.

On November 25 **Tamara Shchapiotkina**, an independent journalist from Biaroza (Brest region), received an official prosecutor's warning for working without an accreditation for *Radio Racyja*. She was summoned to the Prosecutor's Office of Biaroza district by a notice in the capacity of witness. However, when the journalist called to specify what case it pertained to, she was informed that she was summoned in connection with her "illegal journalistic activities".

On November 30 the Ministry of Foreign Affairs of Belarus accredited twelve journalists and technical staffers of *Euroradio*. On November 11 *Euroradio* was authorized to open a news bureau in Belarus for one-year term.

On December 8 it became known that the Belarusian Foreign Ministry denied application for registration of a representation office of the TV channel *Belsat* in Belarus. The official reason was that the prosecutor's office had made warnings to "several citizens of the Republic of Belarus who worked on the territory of the Republic of Belarus on behalf of the Polish television channel *Belsat* in absence of accreditation at the Ministry of Foreign Affairs".

On December 20 the Belarusian Foreign Ministry accepted documents for registration of a representation office of the TV channel *Belsat* as a part of the **Polish Television (TVP)** in Belarus. It happened after a personal conversation with Head of the Press Service of the Ministry of Foreign Affairs **Maryja Vanshyna**. She told that a decision in respect of *Belsat* would be taken at the level of the Council of Ministers.

Economic pressure, obstacles to printing and distribution

In the beginning of 2009 thirteen privately-owned newspapers of general interest and one magazine had problems in cooperation with the state systems of distribution *Belposhta* and *Sajuzdruk*.

They are *Novy Chas*, *SNPlus*, *Svobodnyje Novosti Plus*, *Rehijanalnaja Gazeta, Tovarishch*, *Bobrujskij Kurjer*, *Borisovskije Novosti*, *Vitebskij Kurjer-M* (suspended publication from the beginning of the year), *Volnaje Hlybokaje*, *Gazeta Slonimskaja*, *Gazeta Dlia Vas*, *Hantsavitski Chas*, *Intex-press*, *Niasvizhski Chas*. The magazine *ARCHE* was distributed by subscription but was not sold on newsstands.

Most of them were turned down both by *Belposhta* and *Sajuzdruk*. Some publications had contracts with *Belposhta* but not with *Sajuzdruk* (*Bobrujskij Kurjer*, *Niasvizhski Chas*) and vice versa (*SNPlus*, *Svobodnyje Novosti Plus*). A small number of newspapers (*Rehijanalnaja Gazeta* and *Gazeta Dlia Vas*) cooperated with both *Belposhta* and *Sajuzdruk* but the territory of their distribution was smaller than they wanted and than the one which is indicated in their registration certificates.

In the end of 2008 many publications approached these state enterprises with proposals to renew cooperation but faced refusals or silence. The only case when the request was granted was [situation with *Gazeta Dlia Vas*](#) - a certain number of copies of this newspaper were allowed for sale on newsstands of *Sajuzdruk* in Ivatsevichy, Biaroza, and Pruzhany.

Two publications (*Rehijanalnaja Gazeta* and *Gazeta Dlia Vas*) asked the enterprises of *Belposhta* to expand the territory of their distribution by subscription but got refusals.

Vitebskij Kurjer-M suspended its publication since January 2009 for economic reasons resulting from problems with distribution and printing. The newspaper *Tovarishch* announced temporary suspension of publication for the same reasons in February. The latter was able to publish only a several issues during the year but the newspaper managed to keep the registration certificate.

Some privately-owned general interest publications met systematic hindrances in their work in 2009 – for example, *Borisovskije Novosti* (Minsk region).

Already in the end of 2008 (**since December 30**) the Barysau District Executive Committee, acting on a recommendation of the tax inspection, took away the license on retail

sale of periodicals from the publisher of the newspaper the private unitary enterprise *Bukas-Media-Center*.

On January 9 the private printing house **Plutas-Market** (Minsk) where the newspaper was printed during recent years stopped its cooperation with the publication's editorial board. Officially, the enterprise cited the "global economic crisis" for a reason. However, in a private conversation the owner of the printing house explained to Anatol Bukas that he had received a visit of plain-clothed men who had said that if the printing house continued its cooperation with *Borisovskije Novosti* it would have problems with the fire department and the sanitary and epidemiological station. In his conversation with the press service of the Belarusian Association of Journalists Deputy Director-General of the printing house Ihar Vishnieuski asserted that the contract had been rescinded for exclusively economic reasons. Besides, the Ideological Office of the Barysau District Executive Committee, from which the local entrepreneurs have to get approval of their range of goods, did not allow them to sell *Borisovskije Novosti*. Thus, individual entrepreneur **Sviatlana Volkava** was not able to formalize the documents necessary for work because she had this publication in her range of goods.

On January 13 the Economic Court of Minsk region found the publisher of the privately-owned newspaper *Borisovskije Novosti* — the private unitary enterprise *Bukas-Media-Center* - guilty of exercising "illegal entrepreneurial activity" and decided that it must pay more than forty-eight million rubles (about eighteen thousand dollars) to the state. The decision was taken on the ground of a report made in December by tax inspectors of Barysau district. It stated that in November 2008 during an inspection at Barysau market where a sale point of *Bukas-Media-Center* is located the tax inspectors established an infraction — a retail sale of printed materials without designation of location of the "sales facility". As director of the company and editor-in-chief of *Borisovskije Novosti* **Anatol Bukas** explained to the press service of the Belarusian Association of Journalists, according to documentation, his sales point in the market is not considered to be a "sales facility" but only a "sales site" because it is a part of the building. The difference is that this status does not obligate to indicate the location of the sale point in the license. Nevertheless, Deputy Chairman of the Region Economic Court **Eduard Maksimovich** did not take this point into account and found *Bukas-Media-Center* guilty of violating article 12.7, part 1, of the Administrative Code — "Illegal entrepreneurial activity". The punishment is a fine in the amount of five basic units and confiscation of the revenue received in exercise of this activity.

On February 23 the High Economic Court invalidated the order of the court of primary jurisdiction. However, soon after, the supervision commission of the High Economic Court acting on a complaint from the tax inspection invalidated the decision of the cassational instance and sent the case for reconsideration.

On June 9 Judge of the Economic Court of Minsk region **Natallia Molastava** again found *Bukas-Media-Center* guilty of exercising "illegal entrepreneurial activity" and ordered to collect to the revenue of the state the revenue for January – November 2008 (the revenue amounted to 15,200,000 rubles). Besides, *Bukas-Media-Center* was fined for 175,000 rubles for having violated the law.

Alongside with problems in distribution through the system of the state monopolies, some newspapers also faced difficulties in cooperation with sales outlets and commercial companies which were under pressure from the local authorities.

On July 7 *Borisovskije Novosti* was excluded from the range of goods of the network of shops of *DorOrs* Company which is owned by the Belarusian Railways. Director of the

company **Tatstsiana Zaihrajeva** told to editor-in-chief of the publication Anatol Bukas over the phone that *DorOrs* suspended the sale of the newspaper but failed to explain reasons for abrupt suspension of cooperation.

And in **October** and **December of 2009** the Barysau District Executive Committee refused to approve range of goods of the supermarkets *Viesta* and *Almi* with which the editorial board had signed contracts for sale of the publication. District officials required the supermarkets to present a written authorization of the Ministry of Information to sell the newspaper.

In **January 2009** sales persons of *Bielsajuzdruk* newsstands refused to take additional issues of the privately-owned newspaper *Narodnaja Volia* for sale citing high incidence of write-offs for a reason. **Iosif Siaredzich** said that information of sales persons about write-offs was biased: to his knowledge, the write-off of *Narodnaja Volia* in December 2008 was only 0,052%. The journalist asserts that it is a very small figure against the background of write-off percentage of state-owned newspapers. *Bielsajuzdruk* refused to provide specific figures on write-offs of state-owned newspapers to journalists saying that it was inside information. In January 2009 about four thousand copies of *Narodnaja Volia* were sold in Minsk but Iosif Siaredzich is confident that the sales volume could be twice of that.

In **early January 2009** the editorial board of *Nasha Niva* was not allowed to place advertisement posters of A4 format in subway cars in Minsk. Already in December 2008 journalists approached the advertisement office of the metro service but they were directed to the Ideological Department of the City Executive Committee to get approval. In January Head of the Division of Public and Mass Events of the Department of Ideological Work of the Minsk City Executive Committee **Eduard Tamilchuk** said to the editorial board that there was no free advertising space in the metro. At the same time, the advertisement department confirmed availability of advertising space.

On **January 12** *Brestabsajuzdruk* refused to conclude an agreement on distribution of the newspaper *Intex-press* through newsstands. Deputy Director of the enterprise **Tatstsiana Zinievich** explained in a letter that it was not practical to conclude an agreement with the newspaper because the *Brestabsajuzdruk* was overloaded and also on the basis of article 391 of the Civil Code of the Republic of Belarus. This reply was received by the newspaper a month and a half after the inquiry – the editorial board sent letters to *Brestabsajuzdruk* and *Belposhta* on November 28, 2008 after *Nasha Niva* and *Narodnaja Volia* were permitted to re-join the systems of distribution. *Belposhta* did not give any written answer at all. On **January 12** Head of the Subscription Office of *Belposhta* **Maryja Varabiova** said in a phone conversation with lawyer of *Publishing House Intex-press Ltd.* **Aliena Shostak** that she did not understand why the newspaper had asked again to conclude an agreement. "If something have changed, we would have called you ourselves", Maryja Varabiova stressed.

Attempts of readers to intercede for the privately-owned publications before the enterprises-monopolists brought the same result.

In **early February** a member of the Movement for Freedom **Alies Zarembiuk** (town of Masty in Hrodna region) received a reply to his letter to Director-General of *Belposhta* **Aliaksandra Charniak** in which he had asked to include the newspapers **Novy Chas** and **Gazeta Slonimskaja** in the subscription catalogue. Ms. Charniak refused to do so citing the Constitution: "Article 58 of the Constitution of the Republic of Belarus says: "No one shall be compelled to discharge duties that are not specified in the Constitution of the Republic of Belarus and its laws or renounce his rights". "As the law does not impose obligation to include printed publications in the catalogue, *Belposhta* has the right to select printed

publications for inclusion in the catalogue for their further distribution by subscription and exercises this right in accordance with the law", the reply to the letter says. Members of the Movement for Freedom from Barysau **Alieh Matskievich** and **Siarhiej Salash** got a similar answer from Ms. Charniak to their inquiry about distribution of the newspaper ***Borisovskije Novosti***.

In March 2009 there was a change in the management of *Belposhta* – Aliaksandra Charniak was replaced by **Juryj Komar** in the position of the director-general of the enterprise. Nevertheless, several publications who wrote him about distribution got the same results. Already **on March 12** he refused to include the regional publications *Gazeta Slonimskaja* and *Otdushina* to the subscription catalogue for the second half of 2009 traditionally citing "inexpedience" for a reason.

On March 22 *Volnaje Hlybokaje* **Uladzimir Skrabatun**, the editor and publisher of the newspaper, got another letter from the management of *Belposhta* which said that it was "inexpedient" to include the publication in the subscription catalogue, and that the selection of publications for the catalogue was the right of *Belposhta*. Uladzimir Skrabatun wrote his letter to the management of *Belposhta* on recommendation from Head of the Hlybokaje District Communications Center **Alieh Puchkouski** whom he had approached in the first place.

On April 10 the editorial board of the privately-owned general interest newspaper ***Bobrujskij Kurjer*** received a letter signed by Head of the Babrujsk branch of *Belposhta* **Nina Sheliekh** who informed that the agreement on sale of the publication through the post offices of the town and district would be terminated from May 1, 2009 "in connection with low sales". Literally ten days earlier editor-in-chief of *Bobrujskij Kurjer* **Anatol Sanatsienka** got from the same enterprise documents on prolongation of the agreement on sale of the newspaper for signature. He signed them and sent to the other party for approval.

On May 22 7th congress of the Belarusian Association of Journalists adopted an appeal to Prime Minister of Belarus Siarhiej Sidorski in connection with refusals of the state enterprises-monopolists to distribute privately-owned publications. "The refusals to distribute privately-owned publications are usually explained by economic reasons, the appeal said. However, many publications among those which had been taken off the subscription catalogues had ranked among bestsellers in their respective regions. The refusal of real money by the enterprises *Belposhta* and *Sajuzdruk* under conditions of economic crisis as well as attempts to cite freedom of economic entities in conclusion of agreements for a reason are hard to understand. This situation leads to conclusion about deliberate economic and legal discrimination of privately-owned general interest mass media.

On June 4 the second meeting of the Public Coordinating Council in the Sphere of Mass Media established in autumn 2008 was held. In January 2009 [several representatives of privately-owned mass media were invited to enter the Council](#), including Chairperson of the Belarusian Association of Journalists **Zhanna Litvina**, editor-in-chief of *Narodnaja Volia* **Iosif Siaredzich** and editor-in-chief of *Komsomolskaja Pravda v Belorussiji* **Aliena Mironava**. On the initiative of Zhanna Litvina the Council considered the issue of reinstatement of several privately-owned printed mass media in the state system of distribution. As a result, the members of the Council decided to forward letters to chief executives of the enterprises *Belposhta* and *Sajuzdruk* as well as to editors-in-chief of the publications which had problems with distribution with recommendations to discuss once again opportunities for cooperation.

In late June and early July a number of mass media informed that they had received such letters signed by Head of the Public Council Paviel Jakubovich. It was noted in the

letters that the Council "decided to recommend to the management of the Trade Republican Unitary Enterprise together with the management of the editorial board of the newspaper ... (names of specific enterprises and publications are indicated in blank space — note of the Belarusian Association of Journalists) to reexamine issues related to distribution of the above-mentioned media outlet".

The editorial boards began to get in touch with representatives of *Belposhta* and *Sajuzdruk*.

Few publications succeeded in attaining positive changes.

Thus, certain progress appeared in negotiations between editor-in-chief of *Volnaje Hlybokaje Uladzimir Skrabatun* and *Vitsiebskabsajuzdruk* – in phone conversation staffers of the enterprise expressed their willingness to come back to the discussion of this issue. However, the publication could be offered again for sale on newsstands only in **November 2009** because Uladzimir Skrabatun was re-registering the newspaper's form of ownership. Cooperation with *Belposhta* was not resumed in 2009 – in late December the Hlybokaje District Communications Center recommended to the newspaper to contact the Vitsiebsk branch of *Belposhta* directly regarding this issue. Uladzimir Skrabatun sent them a letter but never got any reply.

On July 2 editor-in-chief of *Bobrujskij Kurjer Anatol Sanatsienka* talked to the Deputy Head of *Mahiliouabsajuzdruk* and reached a preliminary agreement on resumption of cooperation. (Earlier the editorial board negotiated with the Babrujsk town branch of *Mahiliouabsajuzdruk* which [refused to cooperate with the publication](#). Now its powers passed to the regional branch). **On July 8** the agreement with *Mahiliouabsajuzdruk* was signed, and since **July 15** the newspaper can be bought again on newsstands of the town.

The situation with retail sale of the newspaper *Hantsavitiski Chas* also got off the ground - however, only in the very end of 2009. **On December 7** the publication [received](#) a letter from the Brest branch of *Belposhta* saying that in order to be included in the subscription catalogue the editorial board should submit information about the publication and also transfer 274 thousand rubles. (The editorial board did everything but the newspaper did not appear in the catalogues in late 2009 or in early 2010. Staffers of *Belposhta* assured that the problem was of technical nature and it was related to the compilation of a new catalogue. An agreement with *Brestabsajuzdruk* on sale of the publication on newsstands was concluded by the editorial board only in late January 2010).

There were no changes in the situation of other publications.

This is how the situation with distribution of publications on the "list of thirteen" made by the Belarusian Association of Journalists looked like in late 2009 – early 2010:

Bobrujskij Kurjer — [back on newsstands](#) in July 2009; subscription is possible

Borisovskije Novosti — subscription is [not possible](#); cannot be found on newsstands.

Vitebskij Kurjer-M — suspended publication and lost registration. [Vitebskij Kurjer](#) which is registered in Russia is a sort of successor. (However, it inherited [problems with distribution](#) from the predecessor).

Volnaje Hlybokaje — [back on newsstands](#) since November; no subscription is possible yet. (It applied to the Vitsiebsk branch of *Belposhta* in December but has got no reply yet).

Gazeta Dlia Vas — back on newsstands in 2009; available for subscription in the district but a problem remains — the publication [wishes to expand the territory of distribution](#) (besides Ivatsevichy district, it wants to be distributed by subscription in Biaroza, Pruzhany, and Drahichyn districts of Brest region). Editor Lidzija Tsalujka approached *Belposhta* with this request but has got no reply yet.

Gazeta Slonimskaja — subscription is [not possible](#); cannot be found on newsstands.

Hantsavitcki Chas — an agreement in principle on the comeback to the system of distribution was reached; however, no documentary proof was given.

Intex-press — subscription is [not possible](#); cannot be found on newsstands.

Niasvizhski Chas — subscription is possible; [cannot be found](#) on newsstands.

Novy Chas — subscription is not possible; cannot be found on newsstands.

Rehijanalnaja Gazeta — available on newsstands; subscription is limited to Minsk region. The newspaper wants to be included in the nationwide catalogue and made a relevant application to *Belposhta*. However, in October 2009 the application was denied on the basis of "inexpediency" of cooperation.

SNPlus. Svobodnyje Novosti Plus — available on newsstands; subscription is not possible.

Tovarishch — subscription is not possible; cannot be found on newsstands. Printed abroad (in Smaliensk), publication is suspended (last issue appeared in November 2009)

The situation with distribution of the magazine *ARCHE* remains unchanged (registered as a general interest, popular science and belles-lettres publication): distributed by subscription but cannot be found on newsstands.

The Slonim newspaper *Otdushina* produced by the team of *Gazeta Slonimskaja* was added to the "problematic" list in 2009. Earlier *Otdushina* was distributed as a supplement to *Gazeta Slonimskaja* but now it exists as a newspaper on its own (in 2009 was re-registered as a general interest publication). It is not able to get on newsstands and in the subscription catalogues.

The following newspapers registered by the Ministry of Information of Belarus are not distributed neither by *Belposhta* nor *Sajuzdruk*:

1. *Borisovskije Novosti*
2. *Gazeta Slonimskaja*
3. *Intex-press*
4. *Novy Chas*
5. *Otdushina*
6. *Tovarishch*

Distributed by *Belposhta* only or by *Sajuzdruk* only or on a limited territory:

1. *1.Volnaje Hlybokaje*
2. *Gazeta Dlia Vas*

3. *Niasvizhski Chas*

4. *Rehijanalnaja Gazeta* 5. *SNPlus. Svobodnyje Novosti Plus*
(+ magazine *ARCHE*)

On several occasions during 2009 journalists got evidence that state-owned mass media were in a privileged position versus privately-owned media.

First of all, in autumn 2009 the head of state signed two decrees which extended the tax-exempt status of some national television channels.

On September 25 Aliaksandr Lukashenka signed the edict № 478 "**On State Support of Television and Radio Companies**" which exempted *Second National Television Channel CJSC (ONT)* and *Capital City Television CJSC (STV)* from the corporate profits tax and the value-added tax for the period from October 1, 2009 to December 31, 2012. Also, the edict recommends to the Minsk City Executive Committee to exempt *STV* from local taxes. According to the document, the television channels should spend these means on development of their technical facilities, purchase of rights on television broadcast and development of their own programming. The decision to extend the off-shore status of the television channels was not triggered by the crisis – *STV* obtained it in 2003 ([edict № 92](#) from March 11, 2003) and in 2006 it was prolonged till the end of 2009. *ONT* received the state support in 2007 (edict № 6 from January 5, 2007).

On October 23 Aliaksandr Lukashenka signed the edict № 523 "**On Some Issues of Taxation of the National State Television and Radio Company**". According to the document, the television and radio company and organizations which enter in its composition (these are regional television and radio companies *Homiel, Vitsiebsk, Hrodna, Brest, and Mahiliou*), are exempted from the corporate profits tax and the value-added tax (except for the value-added tax which is levied upon importation of goods to the customs territory of the Republic of Belarus) for the period from October 1, 2009 to December 31, 2012. Means which are released in consequence of this exemption are committed to development of technical facilities, purchase of rights on television and radio broadcast and development of own programming. The Chairman of the National Television and Radio Company and top managers of the regional structures which enter in its composition are personally liable for the intended use of means. In case of improper use of these means the taxes will be levied in accordance with the legislation.

Vasil Zdaniuk, editor of nationwide newspaper *SNPlus. Svobodnyje Novosti Plus* **commented on the situation in the following way:** "Even earlier one could not speak about equal economic conditions for activities of state-owned and privately-owned mass media and now even less so. A major state-owned enterprise is exempted from taxes — it is a serious cutdown in spending for an economic entity. If our newspaper — a private enterprise — is exempted from taxes for three years, we could direct almost fifty per cent of earned money to development of the publication. It stresses that in today's Belarus conditions of existence are not equal for mass media. The authorities treat privately-owned mass media as a drudge and the state-owned ones are "nourished" by all possible means.

Besides, on many occasions journalists got in their disposal documents which bear evidence of use of administrative leverage in organizing subscription to state-owned media

In mid-March heads of state institutions and enterprises of Slonim (Hrodna region) received a letter from editor-in-chief of the state-owned district newspaper *Slonimski Viesnik*

Maryja Daniuk with request to subscribe each employee to this publication. "At the expense of employees, the trade union or the organization", the letter said. As the letter stated, it was done "in order to execute an order of head of the district Iosif Pauliukievich and to implement the nationwide and district programs of development of the state-owned newspaper *Slonimski Viesnik* to ensure the subscription circulation for the second quarter of 2009". Head of all state institutions were instructed to submit information in writing to the ideological office of the district executive committee before March 25 specifying the number of workers and the number of subscribers to *Slonimski Viesnik*.

On December 15 editor-in-chief of the privately-owned newspaper *Bobrujskij Kurjer* **Anatol Sanatsienka** received a phone call from the local tax inspection with a categorical demand to subscribe to the revue *Nalogi Bielarusi* (a publication of the Ministry for Taxes and Duties of Belarus). According to an inspector, the staff of the tax inspection is now required to ensure subscription of all economic entities to this publication. In response to that Anatol Sanatsienka made a counter-proposal — to ensure subscription of all tax inspections to *Bobrujskij Kurjer*. "I was outraged by the commanding tone in which tax inspectors take the liberty to speak to private enterprises as if coercive subscription is a normal thing. I told it to my interlocutor", Anatol Sanatsienka told in his conversation with the monitoring service of the Belarusian Association of Journalists.

On December 15 Head of the Ideological Office of the Slonim District Executive Committee **Ihar Lapikau** sent a letter to heads of departments and offices of the executive committee with a request to provide information before December 24 on subscription of staffers to *Sovietskaja Bielorusija* and *Slonimski Viesnik* "for further verification of this information through the communications center and submission of information to the Chairman of the Slonim District Executive Committee". Another list must be made of the executive committee's staffers who did not subscribe to these newspapers. A copy of this document got to journalists and was published by mass media.

On December 16 head of the advertisement office of the newspaper *Bobrujskij Kurjer* **Lilija Sanatsienka** called *Krasnyj Pishchievik JSC* with a proposal to publish advertisement of this Babrujsk enterprise. A trade union staffer told her that they were not against it but the matter had to be agreed upon by the ideological worker of the enterprise. **On December 17** Lilija Sanatsienka addressed the same proposal to the ideological worker of *Krasnyj Pishchievik*. The answer was: "Our" newspaper is *Babrujskaje Zhytstsio*. As well as the town's radio (*both of them have been founded by the Babrujsk Town Executive Committee — editorial note*). This is an order of the town executive committee. And we do not work with other mass media..."

On December 18 chairman of the Viliejka District Executive Committee (Minsk region) circulated a similar document in which he demanded from directors of local enterprises to "reestablish circulation" of the newspaper *Sovietskaja Bielorusija* for the first half of 2010 by institutional subscription urgently. A copy of this document got to journalists. A director gave six days to execute the order of the district boss – a report about results of the work was due by 14.00 on December 24. Besides, all top managers of enterprises were instructed to ensure subscription to the district newspaper *Shliakh Pieramohi* by their staff.