

## THE BELARUSIAN ASSOCIATION OF JOURNALISTS

### Mass Media Week in Belarus

*Info-posting August 19 –25, 2013*

BAJ has started a campaign for unimpeded access to information from official sources. “This is one of the most acute problems for practicing journalists, no matter from state-run or from independent mass media,” says the chairperson of BAJ Zhanna Litvina. “The campaign is long-term, and at present we are collecting data and explore real cases. Our aim is to get a special law adopted which would precisely outline the rights of journalists in each particular situation when they need some information from official sources. It should also define responsibility of those who provide such information.”

On August 19 the correspondent of *Radio Svaboda* Ihar Karnei was not accredited to a press conference at *Belaruskali*, one of the major exporting companies in Belarus. The press conference followed a split-up between *the Belarusian Potash Company* and the Russian concern *Uralkali*.

On August 16 the correspondent phoned to the HR and ideology manager of *Belaruskali* Anatol Makhlay; the latter responded he needed to get approval from the director general Valery Kiryjenka. The director general declined the request. He explained that *Svaboda* presence at the press conference was undesirable, since the “radio did not deserve trust”.

As became known on August 20, the former video engineer of the *BelMusTV* channel was found guilty of producing and distributing pornography materials (article 343, part 2 of the Criminal Code). He was sentenced to two years of jail in minimum security colony with enforced measures of security and treatment. The 28-year old man pleaded guilty, explaining that on that day he quarreled with his girlfriend. *We remind that the incident took place on April 13 during the day.*

On August 20 in Mahilou an independent journalist, BAJ member Ales Asiptsou was briefly detained near the pass-through to *Mahiloukhimvalakno* (chemical enterprise). The journalist was holding an opinion poll among workers of the factory. “A man came up to me, he did not introduce, only said he was a representative of the ideological department of the enterprise, and asked to proceed with him,” told the journalist.

In one of the service rooms, a policeman took explanations from the correspondent. He did not draw up any protocols, but said it was forbidden to take photos or carry out opinion polls on the premises of the factory, which also included the ground in front of the factory.

It was reported on August 20 that the website of the writer Sviatlana Alexievich [alexievich.info](http://alexievich.info) was inaccessible in Belarus. Meantime it could be accessed via proxy servers, and opened easily in other countries. The writer said she knew that the problem existed: “It has lasted for more than a week. First I thought it was a timely technical error. I asked the responsible person to check it out. In nine countries people responded that everything was fine. So it turned out that only in Belarus it was blocked.”

On August 20 the correspondent of *the European Radio for Belarus* Pavel Sviardlou got an annual accreditation from the Ministry of Foreign Affairs.

*We remind that in November 2012 Pavel Sviardlou was denied accreditation, under the grounds that he had violated Belarus legislation (sanction envisaged by article 15.2 of the Provision on accrediting journalists of foreign mass media). On August 22, 2012 the journalist was arrested near his house by plain-clothed policemen and was sentenced to 15 days' arrest, so to say for swearing in public, which is*

*minor hooliganism under article 17.1 of the Administrative Code. Courts of higher instances, including the Supreme Court, upheld the court ruling on appeal, although the journalist later found a witness of the arrest who disproved the testimonies of the policemen.*

**On August 20** the **prosecutor's office of Salihorsk region**, having considered a citizen's **complaint**, issued **an official warning to the local TV channel** against violating the law on citizens' petitioning.

A citizen **Victor Malochka** complained that in March 2013 the state-run TV channel **refused to broadcast congratulations** on the occasion of 95<sup>th</sup> anniversary of proclaiming **the Belarusian People's Republic**, and the channel replied to the citizen's correspondence in the Russian language, although Victor Malochka was writing to them in Belarusian. The language of replies became the ground for the warning, as the law on citizens' petitioning demands that officials must reply in the language of the petitioner.

The fact that the channel refused to broadcast the congratulations stayed without comments. The prosecutor D.Savanovich thinks that these actions must be complained against in higher instances, that is in the **Salihorsk District Executive Committee**.

**On August 21** the human rights defender **Ales Bialiatski had a meeting with his wife Natallia Pinchuk and sister Volha**. This is the first two-hour meeting since December 2012. According to Natallia Pinchuk, Ales said he was doing well and had a good mood. "However, it is hard to call it a normal condition his being in the colony for two years" added the prisoner's wife. She said that the prisoner works in sewing production, as earlier, reads a lot and knows about main events beyond prison. This year the prisoner will have two more meetings with relatives, a long-term and a short-term one. *We remind that on August 7 he received a 30-kilogram food parcel, the first in the last eight months.*

**On August 21** the Belarusian Association of Journalists, within **the campaign for unimpeded access to information** for journalists, **sent letters to 40 state agencies**, both national and regional. BAJ asked to name documents that set guidelines for issuing accreditation to journalists for events at each of these institutions. BAJ also asked if there were any legal acts that classify some kinds of information as sensitive, and if there is any advantage for journalists of state-run mass media. "The idea came when BAJ surveyed journalists about which state agencies tend to frequently deny information," said the spokesperson of BAJ Barys Haretski. "The survey showed that problems occur when working with the vast majority of state agencies. That's why BAJ decided to clarify the issue in official correspondence with state agencies."

**On August 21** the **administration** of the Vitebsk region **psychiatrist clinic refused to give an interview to Vitebskij Courier**. The journalist **Uladzimir Zhyhulou** tried to arrange an interview with the chief doctor Alena Martynava about the fate of **Ihar Pastnou** (Igor Postnov), a doctor who used to work in the hospital but now is undergoing treatment in this establishment himself.

"We have many times given word to Pastnou on the pages of our newspaper; he criticized the condition of medical establishments in Vitebsk. As it became known on August 16 he was placed for treatment to the same psycho hospital where he had worked. Before that he said that he had been threatened many times with compulsory treatment for criticism. So I wanted to show both sides, including the administration of the hospital which thinks that Pastnou acts unethically. First Martynava agreed to meet with me, then several times postponed the meeting. Finally on August 21 her secretary phoned to me and invited for a talk, but Alena Martynava turned out to be busy again."

The chief doctor's deputy Ihar Svirkunou agreed to talk instead of Alena Martynava, but having learnt what edition the journalist represented, he refused. He claimed that the edition was not registered in Belarus; the journalist argued that it was registered in Russia, and we are part of the Customs Union. He

anyway refused, adding that the journalist did not have accreditation. Also the doctor banned taking photos saying that it was a closed establishment.

**On August 23** the NGO *Center for Legal Transformation* filed a **complaint to the General prosecutor's office** in relation to **publishing closed criminal case materials** in mass media. The complaint addressed the article in *Sovietskaya Belorussia*, issue No155, dated August 21, authored by Ihar Dolin; the article told about **Andrei Haydukou** who had been convicted of espionage.

The *Legal Transformation Center* claims that the materials, in particular letters of Haydukou, were part of the criminal case, and were not publicly accessible as they belonged to the sensitive information protected by law. Cases of revealing such information are regulated by articles 198 and 287 of the Criminal Code and of the "Provision on procedure for providing information related to criminal cases of crimes that caused wide public response...". The organization drew attention to the fact that the sentence had not yet come into legal force.

In this regard, the *Legal Transformation Center* asked to hold a prosecutor's check-up and hold those guilty accountable.

**On August 23** it became known that the **Department of Sentence Execution** of the Ministry of the Interior **denied access to a correctional colony** in the Vitebsk region to an independent journalist **Kastus Mardzvintsau**. The journalist was making a report about conditions in places of freedom restriction, and filed an official application according to the procedure.

The first deputy of the Department Siarhei Pratsenka replied that he found this visit of a journalist "unreasonable", and referred to article 22, part 2 of the Code of Criminal Procedure ("Representatives of mass media and other persons have the right to attend establishments that execute punishment with the consent from the administration of such establishment or respected governing bodies of such establishment").

The journalist is sure that this decision was not based on law. The journalist thinks that by this refusal, the officials violated his right to receive and disseminate information, provided by article 36 of the Law on Mass Media.

**On August 24** in Minsk a **cameraman** of the news agency *BeLaPAN* **Vasil Siamashka** was **detained** while preparing a report. He was taken to the Kastychnitski district police department where he spent around two hours; a **video was deleted** from his camera (it was an interview with **Andrei Dzmitryjeu**, the deputy chair of the *Tell the Truth!* campaign). The policemen told the journalist that the video had to be deleted because there was a building of a police department in the background. No procedural documents were drawn up.

The journalist was detained when he was recording an interview with *Tell the Truth!* activists on their way out of the police department. They had been detained in the campaign headquarters in the first half of the day.