

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting January 27 – February 16, 2014

Within the reporting period, the monitoring service has registered a large scope of incidents: court hearings with journalists involved, creating obstacles to journalists' professional activities, detentions, threats, restrictions on mass media distribution, summons to the prosecutor's office, information denied and seizure of printed products.

On January 27, the Judges' Panel of the **Supreme Court of Belarus dismissed the suit** of the private company Belsat+ against the satellite television **Belsat**. The Court decided that plaintiff Andrei Beliakou, head of the private company Belsat +, failed to prove his exclusive rights for the trademark "Belsat" in the territory of Belarus. The decision has come into legal force and cannot be appealed in a cassational court, only in exercise of supervisory powers.

*We remind that the legal action was started by Andrei Beliakou in **November, 2013**: the director of the Belsat+ company, specializing in selling satellite and cable TV equipment, claimed that the satellite channel Belsat TV used the trade mark "Belsat" unlawfully. The company did not claim for damages, but wanted the satellite Astra to stop transmitting Belsat TV. Later on, the plaintiff changed the claim, asking the TV only to stop using the trademark "Belsat".*

The satellite TV Belsat is registered and administered in Poland, though its media materials are aimed mainly for Belarusian viewers.

On January 28 the website **spasemstranu.com** (Sober View) was **hacked**. The website belongs to the civil campaign "Stop drinking – start living!" The website admin **Kastus Zhukouski** said that hackers had changed the logo and published materials about people of non-traditional sexual orientation. The campaign activists suspect Belarusian special services: the attack occurred on the day of funerals of Mikhail Zhyzneuski, the murdered activist of Euromaidan in Kyiv; the website reported on the person and related events.

On January 29, journalists faced with **obstacles** when covering shooting of the **movie Avel** in Independence Square. A dozen of people in plain clothes were turning up in front of journalists' camera and shielded the shooting scene. The bad-reputed movie Avel includes scenes of mass events in December 2010, the fact stirred many negative responses in independent media and social nets. **On February 1 Vasil Siamashka**, a cameraman for BelaPAN news agency, was **detained** by people in plain clothes. The incident took place after the journalist took an interview from two students, participants of a crowd scene of the movie. Three people came up to the journalist at 22.45 pm. They asked him what questions he had asked in the interview; also, they tried to detain the students. Vasil Siamashka recorded it on the video – the plain-clothed people asked him to delete the video and never to restore it.

As of **January 31**, the **blogger** from **Svetlahorsk Henadz Zhuleha** had not seen his professional **equipment** for **five months** already after his flat was searched and police officers seized his computer and modem. The searches were sanctioned by local prosecutors. Henadz Zhuleha was noted for publishing a video blog about the condition of roads and a house belonging to the chairperson of the local executive committee. The chairperson's wife was offended by the video and filed a complaint to the police.

A similar situation happened in Rahachou where the editor of the website **vrogacheve.ru** **Dzianis Dashkevich** had his two computers and a modem seized **on November 19**. The Investigative Committee searched his flat within criminal proceedings initiated with a complaint of Vasil Kavalchuk, the chair of the local executive committee. The chairperson was offended by a publication on the website vrogacheve.ru.

On February 4 in Babruysk, the blogger **Aleh Zhalnou** was **detained for almost twelve hours** “under suspicion of preparing an explosion”. On February 4, in the morning, the blogger came to a personal meeting to the head of the local department of the Investigative Committee. He left his personal belongings in the cloakroom, including a key to his car. The duty officer imagined that the key could be a remote control for a bomb, and arrested the blogger. He was searched and then placed into a camera, then questioned. A lawyer was invited.

After the questioning and watching surveillance camera records, he was set free “taking into consideration that the grounds for further detention were dismissed”. Unfortunately, the police decided to seize all information carriers – three flashcards, three telephones and a 3G modem with a 16 GB memory card.

On February 4, the Lenin district court of Hrodna heard a **case to defend honor and dignity** filed by **Iryna Saley** against journalists if the **state-run TV channel Hrodna Plus**. In December 2013, Iryna Saley saw a TV report which showed a detention of a suspected rapist; after the detention scene the camera showed a close-up of her son, Aliaksei Saley. This way a spectator might think that the detainee was her son. She called it a provocation and demanded moral compensation.

The cameraman Siarhei Pecharytsa and author of the report Halina Davydzik claimed they were not guilty and that the photo was accidental in the report – they were just shooting a corridor in the police department where the placard “Wanted by police” was hanging on the wall.

We remind that the independent journalist Aliaksei Saley is officially wanted by police. He has been prosecuted for professional activities, and in May 2011 a criminal case was started – allegedly for producing and distributing porn materials. After that, the journalist left Belarus.

On February 6, in the evening, journalists **Siarzhuk Kruchkou**, **Nasta Reznikava** and cameraman **Aliaksandr Patseyeu** were **detained for several** hours in the regional town **Miory** (Vitebsk region).

The journalists were made to write explanations, and after that were recommended to leave the town. They were escorted out of the town.

The journalists came to Miory to make a report about problems with heating of people’s houses – it was said to have been switched off for a week in the temperature of minus 15 – 20°C. The journalists were detained “to check their IDs”. They were explained they were in a restricted territory of military drills.

On February 6 the journalist for **TUT.by** **Katsiaryna Siniuk** received a **threatening SMS** after the portal published an article about a criminal case being handled over a businessman possibly involved in debauchery of youth.

“Hello from “Davydovich’s boys”. We will soon talk to you informally in an unexpected place. Are you sleeping well?” The SMS was sent from a website of a mobile operator.

“The phone has been ringing every five minutes since the article was published. There were many phone calls from unknown and hidden numbers. The SMS was sent at midday from the Internet. So I even have no one to answer to,” said the journalist.

The article told about Viachaslau Davydovich, former head of an international charity fund. At that moment, he was facing charges over illegal entrepreneurs' activities bringing large profit. According to the report on TUT.by, the police's department on counteracting drugs trafficking and human trafficking had information about Davydovich's sexual relations with under-aged boys.

On February 6, the Legal Transformation Center (Lawtrend, NGO) published results of **monitoring 45 websites of official Belarusian agencies**. Information to be published on such websites is defined by a number of legal acts so that the resources enabled access to information provided by these agencies.

According to the report, the websites under consideration failed to comply with the national legally established standards, let alone international ones. The websites mostly represented a limited channel of one-sided informing instead of being an efficient instrument of getting information provided by the agencies.

The monitoring found that none website offered the full range of the information categories obligatory for publishing. Also, none website had fully supported pages in both official languages of Belarus. The monitoring results were sent to the official agencies under consideration.

On February 7 the prosecutor's office of Babruysk initiated **a criminal case** against the blogger **Aleh Zhalnou** according to article 369 – “public insult of an official representative on duty”. A report of the police of the Mahilou Region Executive Committee states that in 2012 – 2013 the blogger posted several insulting articles against a police officer in his blog and on other online resources.

The blogger says he learnt about the proceedings from the Internet. He views the actions as pressure on his blogger activities. “I think that the main task of the militia officers is to deprive me a possibility of writing something online,” he said.

We remind that on September 4, 2013 Aleh Zhalnou, together with his son, got in an incident with the traffic police. They wanted to register wrong parking; instead, the police officers who arrived to his phone call drew up an administrative report against him. On October 24, his flat was searched. The searches, which lasted seven hours, were initiated with a complaint of a police mayor Yauhen Serashtanau who had been insulted by the blogger on the Internet. The Investigative Committee did not initiate any proceedings then, but seized all information carriers.

Article 369 of the Criminal Code envisages fine, correctional work up to two years, a six months' arrest, or freedom restriction up to 3 years.

On February 19, an independent journalist Yury Dziashuk was summoned to the Lida district prosecutor's office to provide explanations. The prosecutors drew attention to his professional activities and his possible work for foreign media without **accreditation**. The journalist refused to answer and to sign the questioning report.

On February 10, the Homel-based human rights defender and BAJ member **Leanid Sudalenka** received a **reply** from the Home Affairs Ministry: he had requested **to define the person** or the entity who posts defamatory and insulting information against him and other democratic activists, using Belarusian **IP-address**. The head of the department on hi-tech crimes Ihar Charnenka replied that they “did not have a technical possibility” to do it.

Leanid Sudalenka had also filed the same request to the police of the Homel Region Executive Committee, but to no avail. He thinks that the officials have all possibilities to find the author, they just don't do anything. He filed a complaint to the Chyhunachny district court of Homel.

On February 11, the book by **Ales Bialiatski "Asvechanyja Belaruschynaj"** (Enlightened by the Belarusian Issue) was **banned** from Belarus by a judge of the Ashmiany court: the human rights defender Tatsiana Raviaka was ordered to take it abroad.

On July 3, 2013 the book was seized from Tatsiana Raviaka by the Ashmiany customs office when the human rights defender was transporting it from Lithuania to Belarus. The book was examined by two expert commissions which concluded that the book had no extremist content, but included facts that could damage the image of Belarus. The human rights defender was recommended to bring the book back abroad.

Tatsiana Raviaka complained against the decision to the court; however, judge Tatsiana Yemelyanovich ruled that the book should be prohibited in Belarus. Now the decision is to be appealed to the higher instance court.

As reported **on February 12**, the **Vitebsk regional library refused to subscribe** to non-state newspapers *Nasha Niva*, *Narodnaya Volya* and *Belgazeta* for 2014. The librarians explain it was an order of the regional department on ideological work, culture and youth. The head of the library Aliaksandr Siomkin said it was because of the budget cuts. However, in 2014 the library has subscribed to a bigger number of periodicals than in 2013. Some readers of the website *Narodnyja Naviny Vitsebska* informed that a similar situation happened in other city libraries, for instance, in the Maxim Gorki Central City Library. This makes people assume that the libraries ignore the independent outlets for ideological reasons.

On February 12, the head of the **Brest housing services Pavel Zahray avoided an interview** with a correspondent for *BelaPAN* informational agency Ales Liauchuk. A group of people filed a complaint to the prosecutor's office demanding to start a criminal case against the housing services because they failed to maintain a house that is inappropriate for living now. The correspondent wanted to hear the other side, however, Pavel Zahray just told his secretary he would not comment. Ales Liauchuk left a notice in a book of complaints and suggestions.

On February 13, the yearly **report of the Platforma Innovations was seized** on the Lithuanian-Belarusian border and sent to an expert **examination** to reveal if it contains **extremist or libel contents**.

On the evening February 13, customs officers of Kamenny Loh border point searched the car of Andrei Bandarenka, head of Platforma Innovations. Several copies of the yearly report were found and seized for examining. Andrei Bandarenka underlined that the report had been published on the official website of the organization, and caused no objections from the authorities.