

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting April 29 – May 12, 2013

The major incident of the reporting period was an arrest of two independent journalists; one of them, Aliaksandr Yarashevich was detained and arrested twice under the same charges – disobeying police's demands.

On April 29 Henadz Barbarych and Aliaksandr Yarashevich, who were detained after Friday's anti-nuclear demonstration, were **found guilty of disobeying lawful police's demands** (art. 23.4 of the Administrative Code) and sentenced **to 3 days' administrative arrest**. Since they have spent the weekend in Akrestsina detention center, they are to be set free this evening, at 9.45 pm.

The judge **Kiryl Palulekh** heard testimonies of two witnesses - policemen **Reut, Karpovich, Drabliuk**. According to the testimonies, the journalists were detained near a public transport stop point after the demonstration ended. The journalists "behaved in a suspicious way, refused to demonstrate ID cards, resisted to the militia, grabbed them by the clothes and finally were detained." According to the press service of BAJ, the witnesses contradicted each other in the questions of the place of detention and who showed the ID cards and who did not. The journalists claimed they demonstrated their press cards and agreed to proceed to the police department. The court hearing was open for the public. At first everybody was allowed to the court building; however, after the break the court guards forbid entry to anyone with devices, except for the phones. The journalists disagree with the court decision and are going to appeal it.

On April 27 the chair of the Belarusian *Radio Racyja Yauhen Wapa* disseminated a statement in reaction to the **detention** in which he denounced the actions of the police and demanded unconditional release of the journalists Barbarych and Yarashevich.

On April 30 the Council of Ministers adopted a ruling, under which two state-run newspapers *Respublika* and *Belorusskaya Niva* will be reorganized by merging with the *Sovietskaya Belorussia* – the printed outlet of the President's Administration (the document was published on the National Legal Portal on May 4). The Ministry of Information is due to implement the ruling by July 1, 2013.

On May 2 the **Belarusian Association of Journalists** and the **Belarusian Helsinki Committee** filed a **complaint** to the **Ministry of Justice** and to **Hrodna Regional Court**: representatives of the associations were not allowed to the court hearing of Belarus Press Photo case.

The Belarusian law envisages that representatives of public associations and trade collectives can participate in civil litigations. They have the right to put forward their stance and to defend it in court, and it is registered in procedural documents, actions and statements (art. 54 of the Civil Procedure Code).

Besides, according to the Law on public associations of Belarus, they have the right to "defend rights and lawful interests and represent lawful interests of their members in state bodies and other organizations (art. 20).

Defending rights and interests of BAJ members in state bodies is also one of the statute tasks of our association (p. 2.2.1. of the Statute).

On April 17 the court in Hrodna region did not allow Andrei Bastunets, deputy chairperson of BAJ, and Harry Pahaniayla, head of the legal commission of the BHC, to take part in the hearing; in other words, denied them a possibility to perform the organizations' statute activities. The petition asking for their

participation was submitted by the interested parties, all of whom are BAJ members. The petition was objected by the KGB representatives.

In the complaint BAJ and the BHC ask the respective bodies to start disciplinary proceedings concerning the judge Aliaksandr Davydau, and also explain to courts the order of holding civil litigations with participation of representatives from public associations.

On the morning **May 2** in Vialikaya Mashchanitsa (a village in Mahilou region) the journalist and BAJ member **Barys Vyrvich** was visited by the **local police inspector** Andrei Yemialyanau. The inspector **questioned the journalist** for more than an hour about who and how assisted to produce the video report for **Belsat TV** about the local agricultural complex Lebiadzianka. The journalist denied any relation to the report and said he did not know anything about it. The inspector also wanted to know who publishes the small-circulation regional newspaper **Mahilouski Vybar** and the role of Barys Vyrvich in it.

On May 6 the Brest regional court **dismissed the cassation appeal** of the photo journalist and BAJ member **Milana Kharytonava**. *We remind that the first instance court dismissed the honor and dignity lawsuit filed by Milana against another journalist who posted insulting comments about Milana on a local website. The journalist argued that the first instance court declined her motion to hold an independent linguistic examination of the comments; the initial examination was conducted by the people who could be biased. The examination dealt with insult question only, however Milana argued that the comments harmed her honor, dignity and business reputation. She is going to appeal the decision further.*

As became known **on May 6**, the Vitebsk regional executive committee decided **to start** a new socio-political newspaper **Vitesbkije Vesti from July 1**, by “reorganizing” editorial offices of the regional newspapers **Vitsebski Rabochy** and **Narodnaye Slova**. The reorganization is aimed to save up financial means and avoid duplication of information.

On May 7 a blogger **Dzmitry Halko** and a journalist **Aliaksandr Yarashevich** were found guilty of petty hooliganism (art. 17.1) and disobedience to police (art. 23.4) and sentenced to 10 and 12 days' arrest respectively. The journalists were detained **on May 6** in the evening: they worked near the detention center in Akrestsina where civil activists, politicians and other journalists gathered to meet arrestees of April 26th. After the event they were coming close to the nearest subway station, but were detained and brought to the Maskouski district police department.

The trials started at noon and finished only at 7 pm. The judge for Dzmitry Halko was **Yauhen Hatkevich**, and the judge for Aliaksandr Yarashevich was **Tatsiana Matyl**. However, the journalists hired the same defender **Aliaksandr Haliyew**, so the trials took place one after another.

According to the detention protocol, Dzmitry Halko cursed in public and waved his hands; he argued claiming that he performed his professional journalist duties.

The duty officer said that he had compiled one protocol for both the journalists, according to testimonies of the police officers who carried out the detention (**Victor Zharski** and **Aliaksei Haroshka**), and the journalists signed one common protocol of detention. In Yarashevich's case it turned out that a second detention protocol appeared, it was written just before the trial started. The second variant differed from the first one. Testimonies of the two detaining officers also had some discrepancies. In particular, they gave different answers regarding the place of detention and actions of Halko, who in one variant grabbed them by the hands. It should be remarked that judges forbid not only video and photo in court, but also audio recording. The court guards wanted to force three journalists out of the court room (Nasha Niva, Aksana Rudovich; Radio Svaboda, Aleh Hruzdilovich; Barys Haretski, BAJ press service) only because they were holding mobile phones in hands. They had to hand over their

telephones to the guard. Under the instruction of the Ministry of Justice dated to 2006, filming, photo, video recording and live broadcast from court can be carried out only upon permission issued by the judge, with the consideration of all parties involved in the case. However, this instruction says nothing about audio recording, said lawyer of BAJ **Andrei Bastunets**. The Administrative Code and the Code of Executive Procedures says nothing about the use of audio, either. This way, it may be concluded that the decision to forbid all types of recordings contradicted the principles of a public trial.

Dzmitry Halko and Aliaksandr Yarashevich filed appeals to the Minsk City Court.

On May 8 the journalist of *Radio Svaboda* **Aleh Hruzdilovich** was summoned to the **prosecutor's office** "to clarify circumstances regarding a violation of law".

An employee of the prosecutor's office **Natallia Zhukavets** questioned the journalist about how he prepared his book and report "**Who bombed Minsk subway?**" Before the second anniversary of the tragic explosion on April 11, Aleh Hruzdilovich made a security test in the subway and wrote at which stations the police inspected his valise. The journalist agreed to answer all questions, "even in a written form". "After the prosecutor received all answers to her questions, she took out a warning from the table, prepared and signed beforehand, about inadmissibility of violating the law, and handed it over to me," told Hruzdilovich. The **official warning** signed by the deputy prosecutor of Minsk **Uladzimir Ramanouski** reminded about inadmissibility of violating **article 34 of the Law on Mass Media – "distributing biased and deliberately distorted information"**.