

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

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There are increasing cases of police issuing warnings to journalists with claims the latter violate the law by contributing to foreign mass media without accreditation. Such journalists are accused of violating article 22.9 of the Administrative Code – unlawful production and distribution of mass media products. Meantime, lawyers of BAJ consider this to be a misinterpretation of law because mass media products are only the final materials created and distributed by an editorial office, and thus this is only the editorial office that can be charged.

On April 15, Sviatlana Stsiapanava, an independent journalist from **Vitebsk**, got a **warning** from the **prosecutor's office** for contributing to the Belarusian service of *Polish Radio for Foreigners*.

The journalist was summoned to the regional prosecutor's office, where she appeared with the legal representative Pavel Levinau. In a 20-minutes talk, prosecutor Pavel Zaitsau was explaining that a journalist of a foreign mass medium cannot work in Belarus without accreditation, and warned that she could be held accountable under art. 22.9, part 2 of the Administrative Code (illegal production and distribution of mass media products).

The warning had already been prepared and signed by the deputy prosecutor of the region Georgi Karanko whom the visitors met on entering the department.

Sviatlana Stsiapanava is going to appeal against the warning to the regional prosecutor.

This is the fifth warning to journalists for three and a half months, with one warning in Brest, two - in Homel and one - in Hrodna region; all under one and the same "violation" - production of informational products without accreditation. Also there is one administrative fine in Brest according to art. 22.9, part 2.

On April 17 the district court of Horki (Mahilou region) **dismissed the lawsuit** of Tamara Kaltunova, chair of the local Belarusian Society of People with Disabilities, against the local independent newspaper ***UzHorak*** and the informational agency *BelaPAN*. The judge said the case needed additional investigation.

We remind that the plaintiff demanded 50 million rubles compensation for libel; such, the plaintiff considered, appeared in information of BelaPAN news agency and was re-published by the newspaper. The information dealt with another lawsuit with the plaintiff's participation.

On April 17, Alena Stsiapanava, an independent journalist in **Vitebsk**, a member of BAJ, was summoned by phone to the Kastrychnitski district department of the city. The journalist was asked to give explanations about an unauthored article "Vitebsk school pupils refuse to learn the hymn" published on the *Radio Svaboda* website in January. The investigation officer said he had started an administrative case under the administrative article 22.9.

We remind that Alena Stsiapanava was brought to court with the same charges in July 2013, but the judge Ina Grabouskaya sent the case for completion, stating that the administrative article did not apply to the facts in accusation. The case did not resume.

In August 2012 the journalist received a prosecutorial warning for contributing to the "Czech editorial office of the Radio Svaboda". The journalist failed to annul the warning on

appeal although such editorial office does not exist.

On April 17 the Smarhon district court **fined** the local activist **Uladzimir Shulzhytski** for 3 million rubles (\$300) for distribution of low-circulation bulletin ***Smarhonski Grak***. Uladzimir Shulzhytski was found guilty of violating art. 22.9, part 2 of the Administrative Code – “illegal distribution of mass media products”. In court’s opinion, the distributor should have concluded a contract with the editorial office for distribution.

The bulletin publisher, as well as lawyers of BAJ and the local human rights defender Aliaksandr Dzerhachou think that such accusation is absurd. Print periodicals with a circulation below 300 copies do not require legal registration, thus their editorial offices do not have to register as a legal entity. So, there was no one to conclude contracts with.

Uladzimir Shulzhytski was detained on March 20 in a town of Smarhon (Hrodna region) with 31 copies of the bulletin. On the same day, the police searched the distributor’s flat where one more copy of the bulletin was found. On March 25, the distributor was questioned and now fined.

On April 19 the human rights defender **Tatsiana Reviaka** received a **decision of the judges' panel** of Hrodna regional court, declaring that the book by **Ales' Bialiatski** “Asvechanyja Belarushchynaj” (Enlightened by Belarusianness) should be “re-exported”.

We remind that on March 21 the Hrodna regional court upheld the decision of the Ashmiany district court to get back to Lithuania 40 copies of the book, seized from the human rights defender on the border. The book is blamed to be harmful for the image of Belarus.

It should be mentioned that the decision is grounded on the results of two linguistic examinations held by teachers of the Hrodna University. The court of first instance did not accept the results of these two examinations, but concluded that “the style and rhetoric of the book might make a reader come to false conclusions and opinions, to create a wrong impression about Belarus, its historic past and the present days, and provokes social and political tension in society.”

On April 20 the journalist for ***Novy Chas*** newspaper **Hanna Azemsha** was stopped at the border point Kamenny Loh: she was made to return to Lithuania and leave there 130 plus 65 copies of **informational bulletins about elections observation**. The journalist’s car was searched for several hours. Nothing was seized, but she was told to go back and leave there the bulletins “Eight facts about elections” and “Observer reports”. Only after doing so, the journalist was allowed to move on. Hanna Azemsha is going to file a complaint against such treatment.

On April 22 the Belarusian Association of Journalists received a **reply** from the **Supreme Court of Belarus**. The reply dealt with a **complaint** filed against Aliaksandr Yakunchykhin, the judge of the Central district court of Minsk, who **forbid using a dictaphone** at an open hearing (March 3, administrative trial over a civil activist Siarhei Finkevich). The deputy chair of the Supreme Court Valery Kalinkovich replied that there were no complaints against actions of the judge on that day. Meantime, journalists who worked at the trial reported that the judge, noticing the recording devices in their hands, declared that audio recording was permitted only with his own permit, and if they disobeyed they could be held liable.

However, the ruling of the Supreme Court Plenum of Belarus dated December 20, 2013 reaffirms that journalists are allowed to enter an open trial and to make audio recordings without requesting for any permits.