

**Belarusian Association of Journalists (BAJ)**

**MASS MEDIA IN BELARUS  
2007**

**ANNUAL REPORT**

Minsk 2008

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## **1. Results – 2007. Review**

The refusal of state monopolist enterprises “Belposhta” and “Belsayuzdruk” to distribute numerous independent newspapers through their networks continued exerting negative influence on the situation in the Belarusian media field in 2007.

The situation has been remaining unchanged since the eve of Presidential elections at the end of 2005, when most of independent newspapers were excluded from the “Belposhta” subscription catalogues and got pitched out of “Belsayuzdruk” news-stalls.

At the end of 2007, the repressed Belarusian periodical editions were joined by some Russian newspapers (“Kommersant”, “Moskovskiy Komsomolets”, “Novaya Gazeta”, “Niezavisimaya Gazeta”). They weren’t included in the Belarusian monopolist press distributor’s Subscription Catalogue 2008 either.

Like in case with Belarusian periodicals, “Belposhta” explained its actions by “economic inexpediency”. The courts refused to consider the claims against “Belposhta”, filed by the discriminated newspapers’ editorials and the periodicals’ readers. At that, the subscription to newspapers got announced a licensed kind of activity. The Belarus’ Ministry of Communication and Informatization is responsible for issuing the licenses. Surprisingly, the “Belposhta” state enterprise is subordinate to the Ministry.

The Belarus’ state authorities were making use of claims, submitted by top executives, in order to make silent independent mass media in the country.

Thus, the Court of Leninski City District of Minsk obliged the “Narodnaya Vola” newspaper and its journalist Maryna Koktysh had to pay out moral damages to the Chief President’s ideologist in the sum of 27 million Belarusian rubles (around USD 13,000) by decision of October 1, 2007.

An enormously large sum of moral damages, amounting to 51 million Belarusian rubles (around USD 24,000) was exacted by court upon the claim, submitted by a politician, senator and general Mikalai Charhinets against the “Novy Chas” weekly and its journalist Alaksandr Tamkovich.

It has to be noted that initially, M. Charhinets had valued his moral damages at 600,000,000 Belarusian rubles. However, he made up his mind to diminish the demanded sum later on. M. Charhinets’ claim caused large response both in Belarus and abroad that, probably, led to reducing the claimed sum.

The exceeding attention to independent journalists and media outlets on the part of the law machinery, including the police, the Public Prosecutors’ offices and the KGB made another characteristic feature of situation in the Belarusian media field last year. The police officers were detaining journalists and private distributors of independent newspapers in all Belarusian regions during the whole year 2007. Especial public response was caused by an incident in Baranavichy (Brest region), when a number of accredited foreign correspondents got detained by the police, as well as by another event at the Belarusian-Ukrainian border, when a group of journalists got detained on their way back home from “The Right to Be Free” Rock Festival in Ukraine.

A lot of independent journalists were summoned to the KGB offices. The special services pressurized independent journalists and persecuted correspondents and authors,

contributing to the foreign media. The KGB Departments for Homiel and Hrodna regions were especially active in this respect in 2007.

The Internet remained in the focus of attention in Belarus last year. Thus, the Belarusian government issued regulations, concerning the work of Internet cafes and clubs. The web-sites reporting on-line from the opposition protest actions in the spring were temporarily disabled by the state monopolist provider. The head of state mentioned in summer that “the anarchy” in the Internet had to be stopped. “We can’t let turning this technical achievement into the informational rubbish dump”, A. Lukashenka emphasized in his speech. As a follow up, the Belarus’ Ministry of Information announced founding an interdepartmental working group on studying the international experience in the field of putting control over the Internet. China was the first country the Ministry officials referred to.

A politician and a publicist Andrei Klimau was sentenced to two years of imprisonment for publishing his article on the Web. The civil activist was put behind bars on April 3, 2007.

A draft law “On Information, Informatization and Information Security” was adopted after the first reading by the Lower chamber of Belarusian Parliament on December 12, 2008. The independent experts believe it is aimed at restricting the free distribution of information in the country through the traditional media and the Internet.

Simultaneously, the Belarusian authorities made attempts to control installations of satellite dishes in the country. Among other, the local authorities started dismantling the “unauthorized” local computer satellite dishes in Pinsk, Minsk, Hrodna and other Belarusian cities and towns. Independent observers believe these steps were connected with opening the “TV Belarus” (“BelSat” Trademark) satellite TV channel, broadcast from the territory of Poland since December 10, 2007. According to the TV Channel’s Web-site ([www.belsat.home.pl](http://www.belsat.home.pl)), “BelSat” aims at presenting “independent and accurate information about the events in Belarus, Europe and the world.” The “BelSat” TV programs are broadcast in Belarusian.

According to discussions in the press and the Internet, a meeting of the “banned” rock musicians with Aleh Pralyaskouski, the Head of Chief Ideological Department at the Presidential Administration appeared to be the most stirring public event in the year of 2007. It should be reminded that as soon as a group of famous Belarusian rock musicians took part in an opposition protest action in the summer of 2004, all of them appeared in the so-called “black lists”. Consequently, the majority of Belarusian TV and radio stations refused to broadcast their tracks, referring to some private regulations. The musicians weren’t permitted to arrange concerts either. During the meeting with the leaders of the “banned” rock bands, A. Pralyaskouski let them understand that all non-official bans will be lifted if the musicians avoid playing at the opposition protest actions.

The State Budget of Belarus 2008 was approved by the Parliament on December 26, 2007. Accordingly, it is planned to spend around USD 74 million in order to provide financing of state-owned and state-supported media outlets. Just to compare: the sum equaled 60 million USD in 2006, 40 million USD in 2005 and less than 30 million USD in 2004.

The Belarusian Association of Journalists carried out monitoring of situation in the Belarusian media field in 2007. Accordingly, the BAJ experts witnessed the following facts and tendencies in the area:

- the continued economic and legal discrimination of independent media outlets;

- violations of media freedoms, mainly committed by the state institutions and officials, aimed at restricting the circulation of non-censored information in the society;
- restriction of non-censored information flows by means of putting economic pressure upon non-state media outlets and minimizing their distribution possibilities, on the one hand, and providing open financial and administrative support to the state-owned / state-controlled media, on the other hand;

the stimulated by hardships independent journalism in search of alternative ways to their audiences/readerships (foundation of know-how distribution networks; creation of Internet versions of newspapers; development of on-line periodicals without paper versions; broadcasting from abroad; small-circulation non-registered newspapers' publishing; multi-media projects etc.).

## 2. Changes in the Legislation

The Law **“On mitigating extremism”** was adopted on January 4. Article 14 of the law forbids publishing and distribution of extremist materials, also through mass media. Information product containing appeals to extremist activity and propagating such activity shall be confiscated and destroyed on the basis of decision of the court classifying this product as extremist materials.

The **Regulation on operating procedures of computer clubs and Internet cafes** was issued February 10. It was approved by the resolution of the Council of Ministers № 175. The regulation obliges the managers of Internet cafes and computer clubs to keep an electronic log of web sites domain names, which the users accessed and to provide this information to security agencies, law-enforcement and state control bodies.

On February 19 the Council of Ministers adopted Resolution № 205 **“On financing of periodic editions in the year 2007”**. The resolution approves the list of periodic editions to be funded from the republican budget in 2007. The list contains 29 editions. The order of allocation of the grants shall be developed by the Ministry of information as agreed with the Ministry of finance.

A new **Code of administrative offences and Procedural code of administrative offences** came into force on March 1. The sanctions for infringement of legislation on press and other mass media have sharply grown. The sanctions under this clause vary from 20 to 500 basic units (from 325 Usd to over 8,000 USD). The right to draw up the protocols on given clause was given to the Ministry of information of the Republic of Belarus (Article 3.30 of the Procedural code of administrative offences).

On September 10 the Ministry of information adopted Resolution No. 12 **“On authorising the officials of the Ministry of Information of the Republic of Belarus to draw up protocols on administrative offences”**.

The new Law **“On advertising”** was adopted May 10.

On November 12 the Council of Ministers adopted Resolution No. 1497 **“On realization of the Law of the Republic of Belarus “On advertising”**. The Resolution authorizes the Regulation on the order of distribution of advertising production, goods, works and services on the territory of the Republic of Belarus and the Regulation on the order of distribution of advertising of alcoholic drinks and tobacco products in mass media on the territory of the Republic of Belarus.

On June 7 Brest municipal executive committee approved the Regulation on operation of public distributors of printed editions (Decision No. 912). The regulation defines rules and conditions of work of public distributors of mass media. The sanction to sell printed editions through public distributors shall be gives to the editions of the newspapers published in Brest by Brest municipal executive committee.

On June 27 the Chamber of Representatives of the National Assembly adopted in the first reading the amendments to the Law **“On civil service”**. According to the draft law the expediency of publications and statements of civil servants in mass media shall be determined by the chiefs of state bodies. Civil servants were obliged to receive a sanction to speak to press.

On September 17 the Ministry of communications ratified new **Rules of subscription to printed mass media and its delivery**. Besides subscription to printed media carried out by mail operator, the Rules stipulate a possibility of editorial subscription carried out directly by the edition (publisher).

On December 12 the Chamber of Representatives of the National Assembly of the Republic of Belarus adopted in the first reading the draft law “**On information and protection of information**”. Even at the early stages of development of this draft law the experts noted that it is aimed at restricting freedom of information and contains plenty of reference rules, thus creating preconditions for regulation of the information sphere by sub-legal acts. Many remarks of international experts and BAJ were subsequently taken into account by the developers of the administration bill (for example, it was stipulated that the law does not concern relations in the sphere of mass media, and references to Internet were abolished). Nevertheless, the draft law has retained a restrictive character.

The law “**On the budget of the Republic of Belarus**” was adopted December 26. The law allocated 158,981,198 thousand roubles (about 74 mln US Dollars) for financing of mass media, including 121,927,423 thousand roubles (over 56 mln. US Dollars) for financing of TV and radio. 15,899,505 thousand roubles (over 7 million US Dollars) was stipulated for supporting periodic print and publishing houses, and 21,154,270 thousand roubles (about 10 mln. US Dollars) – for miscellaneous costs of mass media. Mainly state media was selected for funding, as well as the media outlets selected by the Ministry of information as a result of a non-transparent procedure.

### 3. Statictic Information

#### 3.1. Printed Media

As of **January 1, 2008** 1,266 periodic printed media outlets were registered in Belarus. In 2007 their number has grown by 42 editions.

Since 1996, 1,214 registration certificates of media outlets have been cancelled, 487 editions were re-registered. According to the minister of information Vladimir Rusakevich, “it is a natural process of registration, deprivation of license and discontinuance of existence”.

As of **February 1, 2008**, 707 newspapers, 523 magazines, 35 bulletins, 3 catalogues, 1 almanac (in total - 1269 periodic printed editions) and 9 news agencies were registered in Belarus. 394 editions were state-owned (including 220 newspapers and 160 magazines). There were 875 non-state periodic editions (including 487 newspapers and 363 magazines). However, the overwhelming majority of non-state editions are entertaining or advertising editions or editions published irregularly. According to the assessments of the Belarusian Association of Journalists, there are about 30 non-state political editions in the country. Half of them were excluded from state systems of distribution by subscription and through kiosks.

Only 79 registered printed editions are published in the Belarusian language. 278 of them use both Belarusian and Russian languages. The majority of the editions - 536 – are published in Russian, and 365 editions are published in Russian and other languages. The number of Belarusian publications in other languages (Polish, Ukrainian, English languages) remains extremely insignificant - 8.

The newspaper “**Sovietskaya Byelorussia**”, published by the Administration of the President has by far the biggest circulation. The printrun of this edition has decreased a little to 418 thousand copies as of January 1, 2008. The printruns of other national state newspapers are much lower - about 30 thousand copies (“**Respublika**” has a printrun of about 50 thousand copies). The total printrun of local state press (136 regional, municipal, district and corporate newspapers) has reached 882,7 thousand copies in the first quarter of 2008. The state press in Vitebsk region has the biggest circulation (181,1 thousand copies), in Grodno – the smallest circulation (108,5 thousand). There is only 1 independent political editions in each Vitebsk and Grodno region (after suspension of publication of the newspaper “**Vitebsky Courier**” in the spring of 2007).

The printruns of non-state editions are much lower (although in some regions independent publications have bigger circulation, than local state editions). The total circulation of all non-state political publications is lower than the circulation of “Sovietskaya Byelorussia” besides, the majority of independent newspapers are weeklies, while “**Sovietskaya Byelorussia**” is published 5 times a week. Only “**Komsomolskaya Pravda v Belorussii**” can compete with it, with its daily circulation of about 40 thousand copies, and Thursday printrun of 350 thousand copies. However, “Komsomolskaya Pravda v Belorussii” remains a transboundary media, founded by Russian capital, most of which content is entertaining materials.

The disbalance of circulations of state and non-state press is caused by legal and economic discrimination of non-state media. State media outlets receive not only administrative support and various sorts of preferences, but also budget financing, which



amounts grow each year. The 2007 national budget allocated about USD 64 million for these purposes, and in 2008 it is planned to allocate about USD 74 million.

Besides, non-state media outlets are strictly supervised both by local executive bodies and by the Ministry of information and Prosecutor's offices.

**In 2007** the Ministry of information has issued 86 written warnings to 76 editions for infringement of media legislation. The operation of three editions – “**Nedelya v Molodechno**”, “**Stolichnye Kwartiry**” and “**Fitness and Life**” was suspended for the period of 3 months for infringement violation of Article 11 of the Law “**On press and other mass media**” (changing periodicity of publication, language, address, and publishing advertising in the volumes above the permissible limits).

## 3.2. TV and radio broadcasting

The situation in television and broadcasting sector essentially differs from the situation with printed medias.

As of **December 1, 2007** there were 216 broadcasting programs registered in Belarus, including 156 radio broadcasting programs and 60 – TV channels. The majority of registered broadcasting media outlets (183) are state-owned, and only 53 of them are non-state. 6 TV programs and 1 radio program (all of them state) have been registered from the beginning of the year. The quantity and structure of registered radio and television media outlets haven't changed for a long time. All broadcasters work on the basis of the license, issued by the Ministry of information of Belarus and are reporting to this state body.

As of **November 1, 2007** there were 129 cable TV operators in Belarus (23 state-owned and 106 non-state), with the appropriate license of the Ministry of communication and information of the Republic of Belarus. The greatest number of them are located in Grodno region (28), the smallest - in Gomel and Minsk regions (11 each). The social package of programs, obligatory for all cable TV operators, includes the Belarusian channels "**First Channel (BT)**", "**Lad**", "**National TV (ONT)**", **STV** , and also "**NTV-Belarus**" and "**Russia - Belarus**".

31 radio stations in Belarus broadcast in FM, of them 15 are based in Minsk.

National State TV and Radio Company of the Republic of Belarus occupies the dominating position in the broadcasting market. It combining functions of a broadcasting organization and a body of state management. The company includes the **First Channel (BT)**, **TV channel "Lad"**, satellite channel "**Belarus-TV**", **First National Channel of the Belarusian Radio**, **Radio channel "Kultura"**, **radio station "Belarus"**, broadcasting to foreign countries, **radio station "Stolitsa"**, **radio station "Radius - FM"** and five regional broadcasters. 99,49 percent of Belarus' population receive the First TV Channel. 97,35 percent of the population can receive two TV programs, 80,58 - three, 58,96 percent - four and more programs.

### 3.3. Internet

According to numerous sociological researches, about 30% of adult population of Belarus use Internet.

According to the nation-wide poll held **May 5-15, 2007** by the Independent institute of socio-economic and political studies (Lithuania), 5,2% of respondents use Internet daily, 9,9% use it several times per week, 10,9% - once a month, 4% - several times a year. 58,3% of correspondents do not use Internet, and 10,5% respondents don't know what Internet is. 24,6% of the Belarusian Internet users go to Russian sites, 20,2% - Belarusian sites, 9,9% – European sites, and 1,3% - American sites.

The importance of Internet for Belarus as a source of uncensored information was confirmed by the data, voiced during the conference “Business Internet” held in Minsk **on October 4-5, 2007**. According to researches, 21% of adult population in Belarus named Internet one of the most preferred sources of information. Although the majority of Belarusian users prefer foreign Internet - resources, the quantity of Belarusian sites is also growing. In 2007 their number has grown by 5 thousand and has reached 25 thousand. The number of web portals has increased to 234 (last year - 82), the number of web-sites of printed editions has increased to 260 (in 2006 - 239). In 2007 the daily audience of Internet users has grown by 29% to 180,000 people. However, according to the data published by the Belarusian web-portal Akavita, a significant part of this audience uses Internet for looking for work, texts of reports and mobile phones.

**In November - December 2007** two Internets radio have started to broadcast in the Internet.

Internet radio station “**NETRadio**” (<http://www.netradio.by/>) started broadcasting in the test mode **November 20**. According to its founders, it is meant to become the first professional Internet radio in Belarus. Internet - radio of the web-portal **TUT.BY (Radio TUT)** started broadcasting **December 6**. Besides musical broadcasting, the channel plans to broadcast on-line news each half hour. Since the technologies of broadband access to Internet are not so common in Belarus, the organizers of “**Radio TUT**” consider its opening experimental.

## 4. Monitoring of Conflicts in the Belarusian Media Field

### 4.1. January – March 2007

#### 4.1.1. Situation Development in the Media Field

The problem of distribution remained to be the most urgent challenge that independent media outlets faced in the first quarter of 2007. The state monopolist enterprises “**Belposhta**” and “**Belsayuzdruk**” refused to distribute more than 30 non-state social and political periodical editions by subscription and through a network of news stalls.

A dramatic situation with the “**Vitebskiy Kuryer M**” newspaper has been in the center of attention of Belarusian independent media community since January 2007. Apart from severe problems with distribution (the newspaper has been expelled from the “**Belposhta**” subscription catalogue and it is not sold at the “**Belsayuzdruk**” news-stalls), the periodical edition faced problems, connected with retaining the location of its editorial office in Vitsiebsk and ensuring its printing in Belarus.

On *January 10, 2007*, the Economic Court of Vitsiebsk region met a claim, submitted by the “**Elsan**” enterprise that demised premises for the “**Vitebskiy Kuryer M**” editorial office. Consequently, the rental agreement was declared invalid. (The newspaper editorial had come across similar situations, when it had to change its office on the landlords’ requests twice in the year of 2006.) Just in a week afterwards, on *January 17, 2007*, the Ministry of Information sent a letter, signed by a Deputy Minister L. Ananich to “**Vitebskiy Kuryer M**”. The state official urged the newspaper editorial to inform her about its new legal address within two months. Otherwise, she promised to suspend the newspaper from publishing.

The Board of Appeals at the Economic Court of Vitsiebsk region, dismissed an appeal, submitted by the “**Vitebskiy Kuryer M**” editorial against the court verdict on *February 12, 2007*. As a result, the court decision came into power. The editorial team was obliged to leave the editorial premises within 10 days. However, it filed another appeal to the Supreme Economic Court of Belarus that suspended implementation of all previous court verdicts and returned the case for a new consideration on *March 26, 2007*. However, the newspaper editorial faced another serious problem four days before the positive court decision.

The “**Vitsiebsk Regional Printing House**” state enterprise refused to continue a contract for printing services with “**Vitebskiy Kuryer M**” on *March 22, 2007*. The news arrived, when a fresh newspaper issue had been laid out and prepared for publishing. Consequently, the editorial had to re-compose the newspaper make up from format A2 to format A4 and made use of ordinary printers in order to get a fresh newspaper issue. The editorial was planning to continue the newspaper printing in Smolensk (Russia), where such Belarusian independent newspapers as “**Tovarisch**” and “**Narodnaya Vola**” we made to go. However, finally, the editorial managed to sign a contract with Vitsiebsk Regional Printing House till May 2007.

Independent journalists from Homiel came across some other problems within the first quarter of 2007. No independent periodicals can be found in this regional center. Therefore, the journalists contribute to media outlets in Minsk or/and abroad.

A lady journalist Yulia Salnikava received an official warning from the Public Prosecutor's Office in Homiel region on *February 5, 2007*. The state officials notified the young media professional that she couldn't work as a foreign correspondent without an official accreditation. Moreover, the journalist was warned about her responsibility "for contributing biased information to foreign media".

On *March 17*, the Public Prosecutor's Office in Homiel region composed a protocol about an administrative tort in relation to an independent journalist Anatol Hatouchyts, who works for the Belarusian "**BelaPAN**" News Agency. The actions were caused by publication of several articles by A.Hatouchyts at the "**Radio Liberty**" Belarusian Service's Web-site – [www.svaboda.org](http://www.svaboda.org).

The case was filed by the KGB Department in Homiel region that had taken explanations from the officials, interviewed by A.Hatouchyts, and directed the statements to the Public Prosecutor's Office. Among other, the KGB-men wondered if the state officials gave their consent for being interviewed by a **US radio station RL/RFE**.

Consequently, the Central City District Court of Homiel penalized the journalist with two base amounts (around USD 30) on *March 26, 2007*. A. Hatouchyts appealed against the court verdict. Particularly, he referred to article 19 of the International Pact on Civil and Political Rights in his claim. It states that every person has the right to get and distribute diverse information and ideas irrespective of state borders.

Public prosecutors issued notifications to journalists in other Belarusian regions as well. Thus, e.g., Piotr Huzayeuski, Deputy Editor-in-Chief of "**Hantsavitski Chas**" non-state newspaper (Brest region) received an official notification from the Public Prosecutor's Office in Hantsavichy district on *January 9, 2007*. It was reasoned by his newspaper article "The Election to the District Council Will Be Held without Any Choice", where the journalist analyzed the recent local election in the area. Among other, it was stated in the warning that the newspaper might be suspended from publishing if a similar breach would take place. The journalist appealed against the notification to the Public Prosecutor's Office of Brest region. Nevertheless, it was upheld by the higher authority. Moreover, Alaksei Bely, Editor-in-Chief of "**Hantsavitski Chas**" newspaper received another notification from the same Public Prosecutor's Office on *February 26, 2007*. It was stated again in the warning that the newspaper might be suspended from publishing if the publisher would violate the media legislation further on. The notification was reasoned by critical articles by P. Huzayeuski about the local election and its results in the Hantsavichy district.

The Ministry of Information was issuing official notifications to non-state newspapers as well. The "**Pressball**" non-state sport newspaper received a warning from the Ministry on *January 17, 2007*. It was blaming the publisher for having the other person than the Director of "**Pressball**" Unitary Enterprise as the newspaper's Editor-in-Chief.

Also, the Ministry of Information issued to official notifications at a time to the editorial and the founder of "**ARCHE. The Beginning**" artistic, literary and popular science magazine on *February 12, 2007*. The Ministry blamed the editorial for publishing three magazine issues at a time in December 2006. It happened after a three-month suspension from publishing in October, November and December 2006, given by the same Ministry on *September 19, 2006*. At that time, the Ministry accused the periodical of publishing social and political articles, being officially registered as an artistic, literary and popular science magazine.

On March 10, 2005, the OSCE Representative on Freedom of the Media Mr. Miklos Haraszti noted in his report, depicting the results of his visit to Belarus that the Ministry of Information has broad credentials for implementing sanctions in relation to media outlets and that it often abuses its power. However, the Ministry didn't pay any attention to the OSCE representative's advice to terminate administrative interventions in media activities. Just on the contrary, as soon as a new Code on Administrative Torts got adopted on March 1, 2007, the Ministry's credentials in relation to media outlets became much broader. It received another tool for treating the media. Nowadays, the Ministry can compose protocols on the Press Law violations. It should be emphasized that the envisaged punishment within article 22.9 **"Violations of Legislation on the Press and Other Mass Media"** is quite tangible: from USD 1,500 to USD 7,000 (article 22.9, part 3).

One more discriminative legal act, related to the freedom of information was adopted within the reporting period. The Council of Ministers issued a provision No. 175 of February 10, 2007 **"On the Ways of Work of Computer Clubs and Internet Cafes."**

Among other, it obliged the heads of Internet cafes and computer clubs to hold an electronic register of all domain names of Internet sites, visited by their clients and to present the data to the KGB, the police and the state control authorities on their request.

An attempt to exert the state control over the Internet space took place at the technical level as well. Practically all popular Belarusian Internet resources that might cover a public action of Belarusian democratic opposition, dedicated to the Freedom Day on *March 25, 2007* were temporarily blocked.

## 4.1.2. The Main Problem

*The problem of distribution* has been remaining a top trouble for Belarusian independent media since the end of 2005.

The distribution of newspapers by subscription was declared a licensed activity in May 2004. The licenses are issued by the Ministry of Communications and Informatization. The “**Belposhta**” Unitary Enterprise that holds the domineering position in the country’s subscription market is directly subordinate to the Ministry. Thus, the governmental officials decide on the possibility of letting potential competitors of their own enterprise enter the Belarusian subscription market. As a result, the majority of non-state economic entities that appealed for licenses to the Ministry received refusals there.

The “**Belposhta**” National Unitary Enterprise excluded 16 independent periodical editions from the subscription catalogue on the eve of Presidential election 2006. The “**Belposhta**” management pleaded “the obligation to include printed periodical editions in the catalogue wasn’t envisaged in the legislation”. Therefore, “the choice of printed periodical editions to be included in the catalogue for their further distribution through subscription belongs to “**Belposhta**” National Unitary Enterprise. The courts refused to consider claims, submitted by the readers and editorials of ousted periodical editions.

The problem wasn’t solved at the end of the Presidential election 2006. 13 non-state periodical editions weren’t included in the “**Belposhta**” subscription catalogue for the first half-year 2007.

The situation with the retail sale of independent newspapers is similarly desperate. The state monopolists in the field – “**Belsayuzdruk**” and “**Belposhta**” refused to distribute a large number of independent periodical editions. 19 newspapers couldn’t be found at the news-stalls in Belarus at the beginning of 2006. Presently, “**Belsayuzdruk**” is not distributing 16 social and political periodicals. The diminished number of repressed newspapers is not explained by some improvement of general situation. Just on the contrary, separate printed editions terminated publishing. Some of them were closed down by the authorities (e.g., “**Zhoda**”, “**Telescope**”). Others terminated their existence on the publishers’ initiative (e.g., “**Salidarnasc**”, “**BDG. Delovaya gazeta**”). Being deprived of any possibility to get printed and distributed in Belarus, they had to move to the Internet.

The situation is getting worse. The “Minskablsayuzdruk” Department in Niasvizh District notified the “**Niasvizhski Chas**” non-state newspaper on *January 17, 2007* it would cancel its distribution contract with the periodical edition, starting from March 20, 2007. Luckily, the newspaper editorial managed to seek the contract continuation later on.

On *February 1, 2007*, the “**Mahileusayuzdruk**” department in Babrujsk refused to distribute the “**Bobrujskiy Kuryer**” non-state newspaper through its news-stalls, referring to its low sales rate and a large percentage of written off unsold copies. However, in reality, the newspaper’s sales figures increased in the recent months and the per cent of written off copies was quite small.

There were also other complications with distribution of independent periodical editions within the first quarter of 2007.

Local state authorities are insistently advising businessmen to abandon distributing non-state periodical editions and threaten them with negative consequences otherwise. The police detain private distributors of registered and non-registered newspapers every now and then.

The “**Brestskiy Kuryer**” newspaper editorial received a letter from Brest City Executive Committee, signed by the Deputy Head Viachaslau Khafizau, on *March 12, 2007*. The local official informed the independent publisher that “Brest City Executive Committee didn’t consider possible to permit the newspaper editorial to sell the periodical through private distributors”. At the same time, the letter didn’t contain any complains or questions to the editorial that had been disseminating the newspaper through private distributors for 15 (!) years by then.



## **4.2. April – May 2007**

### **4.2.1. Situation Development in the Media Field**

A range of new facts of prosecution of citizens for expression of their opinions took place in April – May 2007.

A publicist and a politician Andrei Klimau was arrested in Minsk on *April 3, 2007*. The Public Prosecutor's Office accused him of public appeals to overthrow the political system (article 361 of Belarus' Criminal Code). The criminal case was caused by an Internet publication, signed by A. Klimau. The Board of Belarusian Association of Journalists expressed decisive protest in connection with the criminal prosecution of A. Klimau on *April 10, 2007*. BAJ appealed to the authorities to release the political from the police ward and stop the practice of criminal prosecution for expression of private opinions. **“Reporters without Borders”** condemned the arrest of Andrei Klimau in their statement of *April 23, 2007*.

It became known that a legal accusation in accordance with article 189 of Belarus' Criminal Code (“Offence”) got presented to a journalist and human rights defender Valery Shchukin on *May 7, 2007*.

The legal investigation found the journalist guilty of distributing leaflets with “offensive information” during the recent local election campaign in December 2006. In reality, the leaflets informed the public that the members of District Election Committees in Vitsiebsk were violating the legislation. A criminal case against V. Shchukin was filed by Public Prosecutors' Offices for Piershamayski and Chyhunachny City Districts in Vitsiebsk in December 2006.

A newly introduced Code on Administrative Torts of March 1, 2007 was widely applied in April – May, 2007. Journalists and private distributors of independent press were penalized accordingly in Vorsha (Vitsiebsk region) and Svietlahorsk (Homiel region).

Police officers detained three journalists and two independent press distributors during a student protest action against cancellation of discounts and benefits on *May 22, 2007*. However, they were released in an hour.

Several media outlets managed to uphold their rights in April – May 2007.

On *April 18, 2007*, Siarhei Zamara, Public Prosecutor for Hantsavichy district urged the **“Hantsavitiski Chas”** non-state newspaper editorial to direct “control copies” of this periodical, verified with the editorial stamp to the Public Prosecutor's Office. The state official had officially warned Aliaksei Biely, the newspaper's Editor-in-chief and Piotra Huzayeuski, the newspaper's Deputy Editor-in-chief in the past.

The **“Hantsavitiski Chas”** editorial claimed against the Public Prosecutor's demand.

Consequently, the Public Prosecutor's Office in Brest region satisfied the editorial's claim and sent a written instruction to S. Zamara to withdraw his demand. In particular, A. Tachko, Deputy Public Prosecutor for Brest region asked S. Zamara to take decisions in precise accordance with the current legislation. As a result, the Public Prosecutor for Hantsavichy district called back his demand.

The renewal of publishing a non-state social and political newspaper “**Novy Chas**” should be mentioned among the positive events in the Belarusian media field in the spring 2007. The periodical’s Editor-in-chief Alaksei Karol had been editing the “**Zhoda**” newspaper, closed down upon a claim, submitted by the Ministry of Information in March 26, 2007. A presentation ceremony of “**Novy Chas**” was to take place on *May 25, 2007*. However, it was upset because of the renter’s refusal.

A draft law “On Information, Informatization and Information Defense” was considered precisely by the Belarusian journalist community in April 2007. The Belarusian Association of Journalists addressed to the Chamber of Representatives with a request to get the text of the draft bill for expert revision. Consequently, BAJ received the draft law and an invitation to review the document on *April 2, 2007*. The BAJ media experts held a press-conference, dedicated to the draft law on *April 12, 2007*. A range of significant remarks and proposals on changes in the draft law was presented during the event. The BAJ lawyers noted the draft law contained a large number of reference rules (109 references to other legal acts in 58 articles). They drew the public attention to the fact the draft law was introducing restrictions on information receipt, storage and distribution and, thus, it had to be revised. Having regarded the draft law and the submitted notes to the document, the Committee at the Chamber of Representatives agreed with BAJ and sent the draft bill back to the law elaborators for revision.

## 4.2.2. The Main Problem

Problems with distribution of information in Belarus from abroad as well as legal troubles of foreign correspondents in the country were domineering in April – May 2007.

A Homiel journalist Anatol Hatouchyts was called to account for continuation of “activity in the interests of foreign media”. He claimed against the verdict of Central City District Court of Homiel. However, a superior Homiel Regional Court dismissed his appeal on *April 27, 2007*. Finally, the journalist was fined for preparing audio materials for Radio Liberty/RFE without a proper accreditation. It should be mentioned, the Public Prosecutor’s Office in Homiel region had officially warned the correspondent for similar actions in the past.

On April 19, 2007, it became known that the Department on Ideology at Mahileu Regional Executive Committee ordered to stop broadcasting a Russian TV channel “TV-1000” through the cable network and to replace it with the “**Blagoviest**” (‘Annunciation’) Orthodox TV channel (Russia). The decision was reasoned with “TV-viewers’ requests”. Allegedly, the latter were irritated with erotic programs, presented during the night hours.

The mechanism of obligatory approval of TV programs, transmitted by cable operators, on the part of local ideological authorities is an efficient means of putting control upon the contents of TV broadcasting and cable networks, widely available to Belarusian TV-viewers.

Another means of restricting the information flow to Belarus from abroad is formed by a permissive procedure of distribution of printed media, registered in foreign countries (except Russia). The distributors of such periodical editions have to obtain a special license at the Ministry of Information of Belarus.

The Belarusian state authorities paid especial attention to the satellite broadcasting in April 2007. Almost simultaneously, local state administrations in several cities disseminated a demand to uninstall satellite dishes from facades and roofs of houses. In particular, the local ‘anti-satellite’ campaigns were started by local authorities in Lida (Hrodna region), Pinsk (Brest region) and Minsk. The state officials explained their demands with a necessity of keeping city streets tidy and aesthetically-looking. The local dwellers that refused to follow the instructions were threatened with fines. Article 21.13 of the newly adopted Code on Administrative Torts envisages responsibility for installing satellite dishes and other receivers at facades, balconies, loggias, and roofs (this norm was absent in the previous version of the Code).

A lot of people connected the state campaign on uninstalling satellite dishes with the introduction of “**BELSAT**” satellite TV channel, aimed at the Belarusian population and prepared by Belarusian journalists.

### 4.3. June – August 2007

#### 4.3.1. Situation Development in the Media Field

Numerous detentions of non-state journalists and individual distributors of independent press took place in June – August 2007. The KGB showed increased “attention” to the press as well.

Thus, four youth activists were detained by the police for distributing non-registered bulletins “**The Right to Freedom**” and “**6 Square Metres**” on *June 6, 2007*.

A distributor of non-registered small-circulation newspapers was detained in Vorsha (Vitsiebsk region) on *July 8, 2007*. The police seized 70 copies of newspapers from him.

A correspondent of “**Salidarnasc**” Internet-newspaper Alena Yakzhyk was detained for taking photos of the house, belonging to the president Lukashenka’s wife, in Shklou district (Mahileu region) on *July 12, 2007*. Police officers made her delete the photos.

Police officers detained several journalists, who covered an auto-rally, arranged by the activists of “**Young Front**” non-registered organization. The list of detained journalists included Lyubou Lunyova, a correspondent of Belarusian Service at the Radio Liberty, Hienadz Barbarych, a journalist of “**Belarusians and Market**” newspaper, Maria Karol, a correspondent of Polish Radio and Stanislau Kavaleuski, the Editor of Mahileu-located small-circulation “**BUM**” newspaper. The media workers were convoyed together with the action participants to Dziarzhynsk District Department of Internal Affairs in Minsk region. They were kept in the police department for nearly two hours.

The Editor, the Technical Editor and an individual distributor of non-registered “**Our Mahileu**” newspaper were detained in Mahileu on *July 27, 2007*. 109 newspaper copies were seized from the distributor.

Representatives of KGB Department for Minsk region conducted a search in the apartment, belonging to a journalist and the Press Secretary of non-registered “**Young Front**” organization Barys Haretski on *August 23, 2007*. A fixed computer disk and a filing of non-state “Nasha Niva” newspaper were confiscated from the premises.

The KGB implemented a series of interrogations of young regional journalists at the end of August.

Two young journalists, who desired to stay undisclosed, were urged to come to a local KGB office in Hrodna on *August 28, 2007*. The KGB representatives were trying to figure out the reasons for their frequent visits to Poland as well their possible relation to the Polish “**Belsat**” satellite TV channel that is going to start satellite broadcasting to Belarus in the nearest months. The KGB officers threatened the journalists with responsibility for spying and discrediting the Republic of Belarus. Also, they promised to summon their parents to interrogations as well.

A legal investigator of KGB Department for Mahileu region urged a journalist, who desired to stay undisclosed, to come “as a witness” to an interrogation on *August 29, 2007*. However, the interrogation got postponed for unknown reasons.

A Hrodna journalist Ivan Roman was summoned “as a witness” to the Public Prosecutor’s Office for Leninski City District of Hrodna on *August 29, 2007*. However, the Public Prosecutor started asking questions about I. Roman’s professional activity instead. In particular, he was highly interested in some articles, as if “discrediting a state institution,” which appeared at the “**Radio Ratsyja**” Web-site in *July 2007*.

Independent periodical editions came across another kind of problems within the period under review.

Thus, law enforcement officers seized 7 computer monitors, a copier and other office equipment from the non-state “**Narodnaya Vola**” newspaper’s editorial office on *August 10, 2007*. They referred to the necessity of implementing a court verdict. Accordingly, “**Narodnaya Vola**” was to pay out ‘moral damages’ that totaled around 2 million Belarusian rubles (around EUR 700) to the chief manager of some enterprise. The technical equipment was returned to the newspaper editorial as soon as the penalty got paid out to the plaintiff.

Access to information remained to be a serious problem for Belarusian media within the reporting period. The Belarusian authorities made an attempt to have it restricted by law. The Chamber of Representatives at the National Assembly of the Republic of Belarus adopted a corresponding bill after its first reading on *June 27, 2007*. In particular, it states that the appropriateness of publications and statements of state officials in the media will be settled by the heads of corresponding state authorities. State officials will have to get special consents for having a say in the media.

The Belarusian Association of Journalists adopted a decisive protest appeal against the amendments to the Belarusian law “**On the State Service**” on *June 28, 2007*. Among other, it was stated in the appeal that the introduction of amendments to the law would lead to further infringement of press freedoms, much more closed activity of the state authorities as well as to the restriction of state officials’ constitutional right to express their opinion. BAJ called upon the MPs to exclude the faulty provisions from the bill.

The continued criminal prosecution of people for expressing their opinion should be pointed out among other events during the summer period.

On *June 8, 2007*, the Court of Piershamayski City District of Vitsiebsk found a journalist and a human rights defender Valery Shchukin guilty of insulting (part 2, article 189 of the Criminal Code) members of election committees during the recent local election 2007 and sentenced him to a fine. Vitsiebsk Regional Court rejected V. Shchukin’s appeal against the court verdict on *July 25, 2007*.

The Central City District Court of Minsk found a politician and a publicist Andrej Klimau guilty of making appeals to a violent overthrow or the change of the Constitutional government with the use of mass media (article 361 of the Criminal Code). Consequently, he was imprisoned for two years in a high security colony. The news appeared in a month after the conviction came into power. The court process was closed and kept in secret from the civil community. The court acknowledged A. Klimau guilty of placing his publications in the Internet. Thus, being an active opponent of the regime in power, A. Klimau has been kept behind bars since *April 3, 2007*. He had spent 4 years in prison as if for conducting economic crimes. Later, he was sentenced to 15 months of custodial restraint for the arrangement of street protest actions in 2005. “The International Amnesty” admitted Andrei Klimau to be a prisoner of conscience.

A criminal case against Siarhei Panamarou, the founder of a samizdat weekly bulletin **“Boyki Kletsik”** was resumed on *August 14, 2007*.

The criminal case had been filed in accordance with part 2, article 188 of the Criminal Code (libel in the media). However, it was terminated on holding a linguistic expertise for the lack of any corpus delicti. S. Panamarou believes the resumed criminal case is connected with his application for a picket in defence of a convicted ex-candidate for Presidency A. Kazulin as well as other political prisoners.

### 4.3.2. The Main Problem

The Internet appeared in the area of especial attention in Belarus during the summer 2007.

The president Lukashenka stated on *August 2, 2007* as follows: “The anarchy in the Internet has to be stopped. It cannot be tolerated that the technical achievement gets transformed into the information garbage dump. A law should be adopted, where the status of electronic mass media is described”.

Consequently, the Reporters without Borders (RSF) delivered a protest statement on *August 3, 2007*. The international human rights organization expressed deep concern with A. Lukashenka’s words. “The main threat to the Belarusian Internet lies in its slow suffocation as a result of repressions, arranged at the top governmental level. The control, imposed by Belarusian authorities on the Internet news and information is one of the strictest among the countries of the former USSR,” – the RSF representatives noted.

The Reporters without Borders reminded about a governmental instruction of *February 10, 2007* that introduced additional control over the work of Internet clubs, promoted the practice of blocking the Internet resources during elections and informed the public about other facts of pressure upon mass media in Belarus.

Just on the contrary to the governmental thesis about the lack of control over the Internet, there have taken place such cases in the Belarusian history. The most recent case of the kind is connected with the conviction of a politician and a publicist A. Klimau for his Internet articles.

A. Lukashenka’s expressions about the need “to stop anarchy in the Internet” activated the activities of different state structures and officials.

The state authorities have resumed work on a bill “**On Information, Informatization and Information Security**”. It was planned the draft law would be revised again in autumn in order to avoid its consideration at the Parliamentary session to come. Among other, the draft law regulates the Internet activities.

A Deputy Minister of Information Alaksandr Slabadchuk told about the creation of a nation-wide working group on studying and solving a problem of legislative regulation of the Internet-space.

While referring to the experience of foreign states in the field of regulating the Internet space, A. Slabadchuk firstly noted “the Chinese option”. He emphasized that it includes strict control of Web resources with a direct link to the national traditions.

Media experts believe that the attempts of legal regulation of Belarusian internet-space are aimed at restricting the freedom of distributing information in the Belarusian Internet segment. Presumably, the Internet resources will be given the status of mass media. Therefore, they will have to get re-registered by the Ministry of Information in order to be present in the Belarusian web-segment. Also, most likely, the state authorities will broaden the legislative base for bringing to responsibility the people/organizations, running Web-sites that irritate the Belarusian authorities.

## 4.4. September – October 2007

### 4.4.1. Situation Development in the Media Field

Numerous facts of counteraction to professional journalist activity and out-of-court seizures of print-runs of independent newspapers by the police took place in Belarus within the period of **September 01 – October 31, 2007**. They were supplemented with the widespread cases of economic and legal discrimination of non-state media outlets.

There continued persecution of journalists, contributing to foreign media outlets that broadcast to Belarus in different regions. Thus, the Public Prosecutor's Office for Hrodna region issued official warnings to free-lance journalists Natalia Makushyna and Ivan Roman on *September 3, 2007* for their cooperation with foreign mass media without valid journalist accreditations. A free-lance journalist from Homiel Ales Karniayenka received a similar warning from the Public Prosecutor's Office for Homiel region on *September 21, 2007*.

The state authorities carried on counteraction to distribution of the independent press .

Police officers conducted a double search of the house, belonging to Ales Yazvinski, the Editor of non-registered **“Brama”** newspaper in Niasvizh (Minsk region) on *September 19, 2007*. They seized 170 copies of this periodical edition and made an attempt to seize the Editor's personal computer.

The police officers from Zhlobin District Department of Interior (Homiel region) detained two cars with a part of print-run of **“Tovarisch”** newspaper (around 7,000 copies) on *September 26, 2007*. Moreover, 10,000 copies of this periodical were seized by the police at Minsk-located editorial office of **“Tovarisch”** newspaper on *September 27, 2007*. The newspaper issue was dedicated to the oppositional ‘Social March’, planned to be held in November 2007. The newspaper copies were returned to the publisher at the end of November 2007, in reply to a special request to the Public Prosecutor's office.

The police seized around 400 copies of **“Narodnaya Vola”** non-state social and political newspaper from the Conservative and Christian BPF Party activists Ales Pazniak and Ales Yemielyanau in Vitsiebsk on *October 30, 2007*. Reportedly, the private distributors were detained by the police as soon as they took the copies of **“Narodnaya Vola”**, passed from Minsk for distribution on the territory of Vitsiebsk region, from a left-luggage office at the railway station. Among other, the police officers were interested if the newspaper issue contained any information about the coming oppositional ‘Social March’ in Minsk. While seizing the newspaper copies, the policemen started calculating their quantity; then they got tired and made up their minds to weigh the arrested copies instead. ‘They got 15 kilos,’ – Ales Paznyak said.

As before, the majority of non-state social and political periodicals are excluded from subscription catalogues of **“Belposhta”** state monopolist press distributing enterprise for the year to come.

Brest Branch of **“Belposta”** state enterprise refused again to include a non-state **“Hantsavitiski Chas”** newspaper in its Subscription Catalogue. The monopolist distributing company considered cooperation with the non-governmental periodical edition to be “inexpedient”. The Branch Director G. Tsitova signed a letter in reply with this statement, dated by *October 3, 2007*.



It should be mentioned that the newspaper was among three periodicals for Hantsavichy district with the largest circulations in the year of 2005. However, on the eve of Presidential elections at the end of 2005, “**Belposhta**” terminated cooperation with the newspaper editorial. “**Hantsavitski Chas**” was excluded from the state distributor’s subscription catalogue 2006.

The newspaper publisher “**IntexPress-Region**” Private Unitary Enterprise addressed to the “**Brestabsayuzdruk**” state enterprise with a request to resume distribution of “**Hantsavitski Chas**”. No reply has been received so far.

The Monitoring Service of Belarusian Association of Journalists witnessed several cases of compulsory subscription for the state-owned press within the current subscription campaign 2008.

Baranavichy city authorities obliged the heads of all local enterprises and organizations to arrange subscription of their subordinates to a local state-owned 'Nash Kraj' newspaper "in connection with the complicated financial state of the media outlet" and "in order to foster the workers' spiritual and moral development". A corresponding official instruction was signed by the Head of Baranavichy City Executive Committee on *September 6, 2007*. The state official explained his instruction by the necessity "to increase the newspaper's circulation by 20%" as well as "to broaden the information field".

State-financed organizations and state-owned enterprises in Karelichy, Hrodna region, made their employees subscribe to a package of state-run papers for the final quarter of 2007, threatening not to pay them their bonuses otherwise

The package for compulsory subscription included *Sovetskaya Belorussia*, a district paper *Polymia* and the so-called ‘trade’ periodicals: *Meditinskiy Vestnik* (“**Medical Newsletter**”) for doctors, *Nastaunickaja Hazeta* (“**Teachers’ Newspaper**”) for teachers, etc.

“**Miascovy Chas**”, an independent newspaper circulating in Pinsk region, said goodbye to its readers on *September 27, 2007*. The weekly covering social and political issues had been published for four years. It had to close down for financial reasons.

The periodical was launched on September 25, 2003. Alaksiej Biely, its Editor-in-Chief, said “**Miascovy Chas**” had been facing problems ever since it opened its office in Pinsk. The weekly had been denied accreditation, which entailed complications not only with renting an office, but also obtaining information from official institutions.

In 2003 the managers of a state-owned printing house in Pinsk refused to print “**Miascovy Chas**”. The paper had to be printed in Baranavichy and then transported from there. The same year the managers of ‘Brestabsajuzdruk’, the state monopolist delivering periodicals, refused to include ‘Miascovy Chas’ into its subscription catalogue or to sell the paper via the state newsagents.

‘Some top officials did not like the region to have a paper that tells the truth, centers on social problems, interviews prominent public and political figures, whose views differ from those of the government,’ said Alaksiej Biely, “**Miascovy Chas**” Editor-in-Chief to BAJ monitoring service. ‘Even private businessmen, whose problems ‘Miascovy Chas’ covered more than once, have decided against taking the risk of signing contracts to sell our newspaper.’

According to Alaksiej Biely, even those who considered the MC readers their target group and were longing for social transformations were scared to advertise in ‘Miascovy

Chas'. 'But a newspaper is a business. If it receives no revenues from adverts, it is very difficult to survive,' says the Editor-in-Chief. It all led to a dramatic fall in circulation from 2500 to 1300 copies.

Problems with printing and distribution were worsened with the pressure upon newspapers with the use of legal tools.

The Leninski district court of Minsk ruled to exact 25 million BRB from the newspaper "**Narodnaya Vola**" and another 2 million from its journalist Maryna Koktysh in favour of Aleh Praliaskouski, the head of the Central Ideological Department of the presidential administration on *October 1, 2007*. This decision was rendered on October 1 by judge Zhulkouskaja, who considered Praliaskouski's claim for the protection of his honour, dignity, business reputation and moral damages.

The claim was provoked by an article named "Vladimir Holod is still under custody" published in "**Narodnaya Vola**" on August, 2 2007. The article was placed in the "Sensational Cases" section and covered the detention for bribery of a high-ranking official of the presidential administration.

According to Maryna Koktysh, Praliaskouski's complaints stem from the fragment which reads about the hearsay in the power lobby, related indirectly to his personality.

On *October 2, 2007*, the Board of Appeal at Minsk City Court left unchanged the sentence to Andrei Klimau, a politician and a writer of political essays. The court session was closed to public.

#### 4.4.2. The Main Problem

The problem of **arbitrary detentions of journalists** was especially acute in September – October 2008.

The journalists of non-state periodical editions – Vasil Fiadosenka (Reuters), Viktor Drachou (“**France-Presse**”) and a free-lance “**Nasha Niva**” correspondent Arsien Pahomau were detained in Baranavichy on *September 10, 2007*. They had come to Baranavichy City Court in order to cover a trial over a youth democratic activist Jaraslau Hryshchenia.

The journalists were preliminary accused of “participation in an unauthorized meeting and rowdy behaviour”. All of them, apart from a free-lance correspondent Arsien Pahomau, were released on showing their press cards to the police authorities.

Arsien Pahomau, a “**Nasha Niva**” free-lance photographer was kept at Baranavichy regional police station for about 7 hours, despite the fact that his journalist certificate and passport were on him. Policemen drew up a report blaming him for “petty hooliganism”. Being presented the framed-up charges, the journalist was fined on *September 21, 2007*.

On *September 23, 2007*, when independent journalists were coming back from ‘The Right to Be Free’ rock festival, the Belarusian customs officers at the Belarus-Ukrainian border copied information from their cameras and listened to the tape records without the journalists’ permission.

The Leninski City District Court in Hrodna sentenced an independent journalist Ivan Roman to 5 days of administrative arrest on *October 10, 2007*. The media worker was allegedly accused of committing misdemeanor (article 17.1 of Belarus’ Code on Administrative Torts). The press representatives weren’t permitted to attend the court session.

Ivan Roman believes he has been included in the police ‘black list’ since the recent Presidential election. On the eve of mass public actions, the authorities usually detain their potential participants. It should be reminded that Ivan Roman was arrested twice on similar charges after the Presidential election 2006 and the Freedom Day on March 25, 2006.

Leninski District Court in Hrodna sentenced Ihar Bancar, Editor of “**Magazyn Polski na uchodźstwie**”, published by the Independent Union of Poles in Belarus, to a 10-day arrest, allegedly, for ‘cursing’ on *October 11, 2007*. As soon as the sentence got pronounced, the journalist declared he was going on hunger strike.

The court session was close to public. Neither journalists nor civil representatives were permitted to enter the courtroom.

Ihar Bancar got released from jail ahead of time on *October 17, 2007*. The journalist’s colleagues are sure it was done in order to prevent a mass protest action in support of Ihar Bancar, planned to be held near the prison building.

The police detained about 27 people, who gathered at the place of mass murders of Stalin times near the village Palai close to Vitsebsk on *October 30, 2007*. Some journalists and BAJ members were detained as well: Alena Stsiapanava, Leanid Svetsik, Vadzim Barshchousky, and Siarhej Piatrenka.

Reportedly, the requiem action participants, having commemorated the victims of Stalinism, were preparing to get back to Vitsiebsk, when policemen detained their bus and drove it off to a building of the regional police department. The detained were informed there that they were suspected in participation in an unauthorized public action.

The police released Alena Stsiapanava and Vadzim Barshcheusky just after they had shown their BAJ membership cards.

Transcripts of interrogation were drawn up in relation to freelance correspondents Siarhej Piatrenka and Leanid Svetsik, who hadn't press cards with them.

Detentions of journalists on duty are quite frequent in Belarus nowadays. 46 Belarusian and foreign journalists were detained on far-fetched charges after the Presidential election campaign 2006. Only one of them was released without punishment. All the other detained media workers were either sentenced to up to 15 days of administrative arrest or fined.

It should be stressed that arbitrary detentions and arrests of journalists grievously violate their professional rights, enlisted in article 39 of the Belarus' Law **“On the Press and other Mass Media”** that permits media workers to be present on sites of socially important events, including meetings, rallies, incidents, natural disasters, military actions etc., to make audio, video, photo and other records and to pass freely the prepared information from the places of events to their editorials.

## 4.5. November – December 2007

### 4.5.1. Situation Development in Media Field

A number of important events in the Belarusian media field took place *in November – December 2007*. All of them attracted general public attention.

Vitsiebsk Regional Executive Committee cancelled its previous decision on re-registration of **“Vitebskiy Kuryer” Publishing House Ltd.** on November 12, 2007. The organization acted as the publisher and the editorial of **“Vitebskiy Kuryer M”** weekly. Consequently, the renewal of the newspaper publishing was jeopardized. The Head of Vitsiebsk Regional Executive Committee **Uladzimir Andreychanka** noted that the newspaper editorial hadn't coordinated the allocation of its office premises with the local authorities. Moreover, the regional state official declared the editorial premises didn't meet the requirements of President's Directive No.1 «About the Efforts on Strengthening Social Security and Discipline». The newspaper editorial is planning to appeal against the latest decision of Vitsiebsk Regional Executive Committee. If the appeal is not satisfied, the newspaper will lose any opportunity of resuming its publishing. (**“Vitebskiy Kuryer M”** got administratively suspended from publishing in the spring 2007.)

The Ministry of Information issued an official warning to the **“Bobruyskiy Kuryer”** newspaper (Babruysk, Mahilou region). The periodical edition was accused of “distributing incorrect information”, as its journalist regarded an official outdoor public event, dedicated to the anniversary of October Revolution, arranged by Babruysk City Executive Committee, as a “meeting” in his newspaper article. As soon as “The holiday that has gone to the past” publication appeared in **“Bobruyskiy Kuryer”**, the Head of Ideology Department at Babruysk City Executive Committee summoned the newspaper's Editor-in-Chief *Anatol Sanatsienka* and threatened him with possible sanctions and, in particular, the possible response to his appeal to the Ministry of Information. Consequently, the Chief Deputy Minister of Information *Liliya Ananich* sent an official warning to the newspaper editorial *on December 11, 2007*. Among other, the governmental official noticed that “no meetings were held in the framework of the public event.”

The strict control of state authorities over the state media content resulted in the change of management of **“Minsk Courier”** state-owned newspaper and **“Minsk-News”** Information Agency.

The Head of Minsk City Executive Committee **Mikhail Paulau** dismissed **Ryhor Novikau**, Director General of «Minsk-News» Information Agency, founded by Minsk City Executive Committee and **Natallia Biazviershanka**, the **“Minsk Courier”** newspaper's acting Editor-in-Chief on December 12, 2007. The dismissals got apparently reasoned by an interview with an opposition politician and a former sportsman *Uladzimir Parfianovich*, published in **“Minsk Courier”** on December 4, 2007. The interview titled “I Saw Victory in a Dream” was taken on the occasion of Mr. Parfianovich's birthday.

It should be mentioned that the **“Minsk Courier”** newspaper and the **«Radio-Minsk»** radio program are subordinate to the **“Minsk-News”** Information Agency.

The Pershamaisky City District Court of Minsk resolved to exact 50 million Belarusian rubles from the **“Novy Chas”** weekly and 1 million Belarusian rubles from the journalist

**Alaksandr Tamkovich** in order to cover moral damages of a Belarusian general, writer and senator **Mikalai Charhinets** on *December 20, 2007*. Among other, the list of phrases in a “**Novy Chas**” newspaper article about the general, which were treated by him as offensive and declared by court as contradicting the reality, included the journalist’s personal opinion about the quality of stories by M. Charhinets, his political aspirations etc. Initially, the claimant demanded the unprecedented for Belarus sum of moral damages (600 million Belarusian rubles, i.e. around USD 280,000) from the respondents that made numerous independent experts believe the claim aimed at the closure of “**Novy Chas**”. It should be emphasized that “**Novy Chas**” published the literary pages of the independent Belarusian Writers’ Union. (M. Charhinets is the head of the “official” alternative of the mentioned Union.)

M. Charhinets’ claim caused high response and public protest both in Belarus and abroad. The Council of Europe, the Committee to Protect Journalists (New York) and other international and Belarusian NGOs and structures stood up against the enormous claim, filed by the Belarusian top executive, who used to manage A. Lukashenka’s Election Campaign Headquarters in 2001.

Apparently, the broad public response led to the diminishment of the claimed sum of moral damages, as during the court hearings, M. Charhinets reduced considerably the requested sum to 50 million Belarusian rubles from the newspaper editorial and 5 million Belarusian rubles from the journalist.

The court satisfied the corrected claim almost in full, having diminished the sum to be exacted from A. Tamkovich to 1 million Belarusian rubles.

However, even the claimed 50 million Belarusian rubles jeopardize the “**Novy Chas**” newspaper existence, as like many other Belarusian independent periodicals, it is excluded from the state monopolists’ press distribution systems. The verdict on the claim hasn’t come into force yet, as the respondents decided to file an appeal against it to a superior court.

Among the positive moments within the period under review, it is worth mentioning the termination of a criminal case in relation to Siarhei Panamarou, the “**Boyki Klets**” non-registered small-circulation newspaper publisher.

The criminal case in relation to **S. Panamarou** was initiated in accordance with article 188, part 2 of the Criminal Code of Belarus (libel, contained in a public statement or published in media) in May 2007, and it was suspended and resumed 6 times since then. Last time, it was resumed by the Public Prosecutor’s office for Klets district (Minsk region) on *November 21, 2007*. However, the case got finally closed owing to the absence of corpus delicti by a court decision on *November 28, 2007*.

The news about the beginning of broadcasting of two Internet radio stations appeared in November — December 2007.

The “**NETRadio**” Internet radio station started its work in the test mode on *November 20, 2007*. Its founders claim that it will be the first professional Internet-radio in Belarus. The “**TUT.BY**” Web-portal’s Internet radio, named as “**Radio TUT**” started broadcasting its programs on December 6, 2007. Apart from presenting music, the radio channel is planning to broadcast the news on-line every half an hour. Taking into account the restricted opportunity of wide-band access to the Internet nowadays, the «Radio TUT» founders regard its operation as an experiment.

The “**TV Belarus**” (“**BelSat**”<sup>TM</sup>) satellite TV channel began broadcasting its programs in the test mode *on December 10, 2007*. During the test period that may last for a couple of months, the TV channel will operate three hours a day. Afterwards, it will present its programs 16 hours a day.

An agreement on founding the “**TV Belarus**” satellite TV channel was signed between the Polish Civil TV and the Foreign Office of Poland. 16 million PLZ (around EUR 4 million) were issued by the Polish government in 2007 in order to fund the “**TV Belarus**” broadcasting.

The approved State Budget of Belarus 2008, adopted *on December 26, 2007*, envisages 158,981,198 thousand Belarusian rubles (around USD 74 million) for financing the state-owned mass media work in the country. The sum includes 121,927,423 thousand Belarusian rubles (around USD 56 million) for funding TV and radio broadcasters, 15,899,505 thousand Belarusian rubles (around USD 7 million) for backing the state-owned periodical press and publishing houses and around 21,154,270 (around USD 10 million) for the coverage of all other possible expenses of state-owned and state-supported media outlets. It should be emphasized that the state subsidies are predominantly directed to the state-owned media as well as to the non-state media, chosen by the Belarus’ Ministry of Information without free and fair selection procedures.

Among other documents, considered by the Chamber of Representatives at the National Assembly of Belarus, here should be mentioned a draft law “**About Information, Informatization and Information Security.**” It was approved after the first reading *on December 12, 2007*.

At the beginning of work with the legal draft, independent experts noted that it was aimed at restricting the freedom of information and contained a large number of reference rules that created the necessary pre-requisites for holding regulations in the information field with the use of by-laws.

It has to be admitted that the draft law elaborators accepted numerous notes and remarks, delivered by international experts at the BAJ media lawyers. Thus, e.g., it was secured that the prospective law wouldn’t apply to relations in the media field, including the Internet. Nevertheless, the draft law retained its restrictive core.

## 4.5.2. The Main Problem

At the end of 2007, there was suddenly resumed a criminal case against the former Deputy Editor-in-Chief of “**Zhoda**” newspaper Aliaksandar Zdvizhkov on charges of re-printing the scandalous Mohammed cartoons from the Danish press.

The cartoons appeared in the “**Zhoda**” weekly (No.6 of February 18-26, 2006). The court didn’t take into consideration the fact that the newspaper print-run had never been distributed.

The Ministry of Foreign Affairs of Belarus delivered a statement *on February 21, 2006*. Among other, it was declared that the Ministry “*decisively condemned any purposeful actions, which could lead to stirring up religious hatred*”.

The KGB representatives held a search in the “**Zhoda**” editorial office *on February 22, 2008*. On the same day, there was filed a criminal case in accordance with article 130, part 1 of Belarus’ Criminal Code (‘stirring up racial, national or religious hatred’). The case was initiated by the State Committee on Religions and Nationalities as well as the Muslim Communities of Belarus. It was cleared out later that the officials from the Committee showed a xero-copy of the newspaper issue to representatives of Muslim communities and proposed them to go to the law. The Head of Muslim Religious Group in Belarus Ismail Varanovich made this speech during the court session. According to the mufti, he disagreed with the prison penalty to A. Zdvizhkov. Moreover, he didn’t know anything about the closure of “**Zhoda**” newspaper that reprinted the caricatures.

It should be reminded that the newspaper was closed down by verdict of Belarus’ Supreme Economic Court *on March 17, 2006*. The Ministry of Information had submitted a corresponding claim to the court.

The Public Prosecutor’s Office of Belarus accused A. Zdvizhkov of re-printing the caricatures. However, the case was suspended, as legal investigation couldn’t find out, where A. Zdvizhkov was residing at that time.

A. Zdvizhkov was arrested *on November 18, 2007*, when he came to visit his father’s tomb. Since then, the journalist was kept in the KGB investigatory ward.

The court hearings started *on January 11, 2008*. They were declared private in a short while. The Public Prosecutor demanded to sentence A. Zdvizhkov to 4 years of imprisonment, according to article 130, part 2 of Belarus’ Criminal Code. Finally, a judge of Minsk City Court Ruslan Aniskievich sentenced the media worker to three years of imprisonment in a high security colony.

The Committee to Protect Journalists (CPJ, New York), the OSCE Representative on Freedom of the Media Miklos Haraszti, the ‘Reporters without Borders’ International Organization, the Danish Journalist Union as well as other journalist and human rights organizations and officials expressed their deep concern with the prison sentence to A. Zdvizhkov.

The Supreme Court of Belarus regarded A. Zdvizhkov’s appeal at a closed session *on February 22, 2008*. Consequently, the term of imprisonment was reduced to three months. The judges took into account the journalist’s poor state of health and the necessity to support his elderly mother. At the same time, the Supreme Court considered the journalist’s guilt to be



proven. On the same day, A. Zdvizhou was released from jail, as three months of imprisonment had ended by then.

## 5. Ratings and Events

On *January 3, 2007*, the Moscow Media Law and Policy Institute (Russia) presented the results of analysis of media legislation in the CIS countries and the Baltic States as far as the insurance of media freedom is concerned in 2006.

Belarus took the 13<sup>th</sup> position among the former USSR republics with Kazakhstan and Turkmenistan at the bottom of the list.

On *March 6, 2007*, it became known that the independent Belarusian-language social and political newspaper “**Nasha Niva**” and the unregistered youth magazine on compact disks “**CD-mag**” became laureates of the Gerd Butserius “Young Press of the Eastern Europe” Award – 2006.

Beginning from the year of 1999, the “**Zeit-Shtiftung**” **Foundation** has been presenting this award to journalists and newspapers from transition countries in Eastern Europe, which stand for freedom of speech and democracy development in their work.

Belarusian authorities continued to restrict freedom of press in 2006, – informed the annual report about human rights in the world, presented by the US Department of State on *March 7, 2007*.

According to the document, “Belarusian authorities arbitrarily confiscated printed materials from public community activists and closed independent newspapers or limited their distribution. Few survived independent editions were often fined, usually according to the defamation incrimination or for not fulfilling strict registration procedures.”

A regular exhibition “**Mass Media in Belarus**” started its work on *May 2, 2007*. The state press of social and political as well as entertaining character as well as the state radio stations and TV companies were widely represented at the event. The non-state social and political newspapers and magazines have not been exposed at the special exhibition for several years already

On *May 2, 2007*, it became known that a human rights organization “**Freedom House**” put Belarus to the list of countries with the lack of press freedom in its annual report 2006. Belarus is holding the 186<sup>th</sup> position out of 195 countries of the world. “Freedom House” states that the Belarusian authorities make use of the state monopoly on printing and distribution of periodical editions. In comparison with Belarus, the situation with the freedom of speech and freedom of press is still worse in North Korea, Turkmenistan, Libya, Cuba, Eritrea, Uzbekistan, Zimbabwe and Equatorial Guinea.

On *May 3*, the Editor-in-chief of National non-state social and political newspaper “**Narodnaya Vola**” J. Syaredzich became a laureate of Ihar Hiermienchuk Honorary Diploma “For adherence to principles of freedom of speech” in 2007. The award had been founded by the Belarusian Association of Journalists in cooperation with the Norwegian PEN-center and a Norwegian human rights organization “**Human Rights House**”.

Andrei Dynko, the “**Nasha Niva**” Chief Editor was awarded a highly prestigious Natalie Lorenzo prize 2006 for writing a prison diary that got published in “**Nasha Niva**” weekly before his release from jail. (Andrei Dynko was baselessly sentenced to administrative arrest during the protest actions that took place after Presidential election 2006.)

A seminar on “**Interaction of Mass Media and Press Services in a Democratic Society**”, arranged by the OSCE, was held in Minsk on *June 5, 2007*. The session was authorized by the local authorities.

According to Miklos Haraszti, the OSCE Representative on Freedom of the Media, the chosen topic for discussion shows how far the Belarusian authorities are ready to go, as for the issues of mass media activities in the country.

On the eve of the seminar M. Haraszti had a meeting with journalists. He noted then that the situation with the media freedom in Belarus hadn't changed, as there was still present practically complete monopoly of the state on the newspaper printing and distribution services to be crowned by total state control over TV broadcasting in Belarus. M. Haraszti said the existing media law restricted media activities and got used as a means of punishment.

A solemn ceremony of awarding the laureates of Gerd Bucerius Prize, issued by the ZEIT Foundation, took place in the city of Oslo on *June 21, 2007*. The award is presented to the best periodicals from the Eastern Europe. The “**Nasha Niva**” newspaper and the “**CDmag**” youth multimedia project have been awarded Gerd Bucerius Prize this year. A former Editor-in-Chief of “**Nasha Niva**” newspaper Andrei Dynko stated that the award could be regarded as a sign of appreciation of the editorial activity, when the independent press found itself on the verge of survival.

The Belarusian Association of Journalists arranged a memorial action to commemorate Dzmitry Zavadski, the “**ORT**” TV channel's cameraman, who had disappeared seven years ago, on *July 7*. The action was held near the block of flats, where Dzmitry used to reside. D. Zavadski's mother took part in the action.

D. Zavadski disappeared, when he went to Minsk airport to meet his colleague Pavel Sheremiet on *July 7, 2000*.

Later on, several officers from the “Almaz” riot police troop were accused of kidnapping D. Zavadski and sentenced to long terms of imprisonment. However, D. Zavadski's fate has still remained unknown.

A round-table discussion devoted to questions of preserving historic and cultural heritage of Belarus was arranged by BAJ in Minsk on August, 14. The action was held within the framework of a media campaign “**Journalists for Historical Heritage**”, organized by the Belarusian Association of Journalists.

The goal of the round-table discussion was to give possibility for experts to exchange opinions on the issues, which are closely related to preservation of historic and cultural heritage and restoration of architectural monuments in the presence of journalists.

Representatives of the Ministry of Culture of the Republic of Belarus, historians, art critics, teachers, architects, restorers from Minsk and Hrodna participated in the round-table discussion.

It was a year on *September 4, 2007*, since the first issue of *Ezhednevnik* had appeared. It is the first and so far the only e-newspaper in Belarus, which is distributed via the Internet exclusively.

At the end of October 2007, the number of [www.ej.by](http://www.ej.by) subscribers reached 19,000 people.

Three Belarusian journalists – Hienadz Barbarych, Anatol Hatouchyts and Natalia Makushyna received Dzmitry Zavadski Memorial Awards **“For Courage and Professionalism”** on *September 10, 2007*. The award is annually presented to the most worthy media professionals by the First Channel (Russia) and the Belarusian Association of Journalists.

Moreover, Ihar Hiermianchuk Memorial Diploma **“For Adherence to the Principles of Freedom of Speech”** was presented to Iosif Syaredzich, the **“Narodnaya Vola”** Editor-in-Chief. The Honorary Diploma was founded by the Norwegian PEN-center and the Norwegian Human Rights House together with BAJ.

Owing to the witnessed systematic violations of media freedoms in Belarus, **“Reporters without Borders”** placed the country on the 151<sup>st</sup> position out of 169 available in the **Worldwide Press Freedom Index 2007**. The same poor record of Belarus had been stated by the international organization a year before. The report was published on *October 16, 2007*.

A current report of **“Human Rights Watch”** international human rights NGO was published *in January 2008*. Among other, the report highlighted reinforcement of repressive control over the media freedom and other political liberties in Belarus. **“Human Rights Watch”** noted the Belarusian government’s attempts to regulate the Internet space in Belarus, a two-year term of imprisonment to Andrei Klimau for a Web publication, detentions of journalists, who covered court processes in relation to young leaders in the autumn 2007, the arrest of **“Tovarisch”** newspaper print-run *in September 2007* and the exclusion of Yuras Aleynik (an excellent student and a BAJ member) from the Academy of Public Administration at the President of Belarus for his active participation in the social life.

A large part of **“Attacks on the Press in 2007”** annual report, prepared by the **Committee to Protect Journalists** (CPJ, New York) was dedicated to Belarus. Among other, it was stated in the report that the authorities had been enthusiastically strengthening control over the Internet, destroying the remnants of independent non-state printed periodical editions, while the KGB agents and the police had arrested journalists on framed-up charges.

The authors mention police searches and seizures of the printed production among the facts, which manifest deterioration of situation with the freedom of speech in Belarus. Simultaneously, they emphasize the absence of any progress in legal investigations upon D. Zavadski and V. Charkasava murder cases.

It became known *on February 27, 2008* that the **“Gazeta Slonimskaya”** regional independent newspaper (Slonim) and the **“Yezhednevnik”** e-newspaper won **“The Free Press of Eastern Europe 2007”** Gerd Bucerius Prize, founded by **‘ZEIT’ Foundation** (Germany). The awarding ceremony will take place *on May 19, 2008*.