

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

Mass Media Week in Belarus

Info-posting June 24 –July 7, 2013

A rare positive change in distribution – the regional non-state newspaper *Borisovskije Novosti* got returned to the subscription catalogue of *Belposhta* in Minsk region. Meantime, it is an exception from the rule – most regional private-run newspapers keep on struggling for their right to enjoy distribution services of the state postal monopolist.

On June 22 the activist from Rahachou Dzianis Dashkevich was questioned in police in relation to a publication on the website **vrogacheve.ru**. The publication dealt with the untimely **death of a local poet Yury Arestau** at the beginning of the year.

“I got a cell phone call from the police and asked if I could appear there to give explanations. I was fishing then and refused. Several minutes later a policeman arrived on a car to the river and asked several questions – where I took the documents for publication, who gave them to me etc.” said Dashkevich.

On June 24 the judicial panel of the **Hrodna regional court** found **no grounds to dismiss the decision** of the court of the first instance in Ashmiany dated April 18, 2013: **Belarus Press Photo 2011** contains extremist materials and is to be destroyed. The judicial panel heard Julia Darashkevich, one of the organizers of the contest, and the lawyers Aliaksandr Birylyau and Larysa Atamanchuk. Hearing the appeal took only half an hour.

“Based on the court decision, only the confiscated 41 copies are named extremist, so it should not result in any bad consequences for owners of other copies of the album. But, bearing in mind the Belarusian reality, it is hard to say how it will end up in practice. A question occurred in the part dealing with paying legal duties and expenses. In my view it contradicts legal procedures because the photographers acted as interested parties, and not as defendants.”

We remind that 41 photo albums were confiscated from photographers Julia Darashkevich, Aliaksandr Vasiukovich, Vadzim Zamirouski on the border in November 2012 after having been exhibited in Belarus and abroad. An expert commission decided that the albums contained photos which showed Belarus in negative light and spoil the reputation of the country.

As reported **on June 25**, the regional non-state newspaper *Borisovskije Novosti* has been **available for subscription in *Belposhta*** in Minsk region **since June 1, 2013**. However, local ideologists do their best that people would not know about it.

The editor-in-chief distributed the ads saying that subscription resumed in postal departments. However, soon the ads started to be taken off the ad boards; in particular, an order to do so was issued by the chief of the ideological department of Barysau district executive committee. The official reason was that the newspaper was larger than A4 format. In this case the newspaper must pay 37 500 rubles a month to every postal office, and the editor is ready to pay; however, neither the regional nor the district post has yet sent the appropriate invoices.

“I signed a contract with the Minsk company Viking-service which deals with distribution,” says Anatol Bukas. “We agreed to sell the paper in 11 shops in Zhodzina and in 4 shops in Barysau. So, only one shop in Barysau took the newspaper to sell. Three weeks later it stopped, and the director annulled the contract, saying it is blocked in all shops.” The editor says the pressure is exerted by ideological departments. They also watch that enterprises would not place their ads in the newspaper.

Borisovskiye Novosti is still not sold in **Minablsayuzdruk** kiosks; the last attempt to get along with the second largest state-run monopolist in press distribution was made in 2011.

On June 26 supporters of the Slonim Community of Democratic Forces held an action for the local independent newspaper *Hazeta Slonimskaya*. Hundreds of leaflets were dropped into people's post-boxes titled "Officials do not care about opinions of Slonim city dwellers!" The leaflets tell how the newspaper has unsuccessfully tried for seven years to return to the subscription catalogues of *Belposhta* and *Sayuzdruk*. The reason is always the same: "It is unreasonable to include the newspaper into the subscription catalogue".

The leaflets call on the people to support the newspaper and to demand its inclusion into the distribution network. The leaflets suggest that people should address to all possible institutions - from the chair of the local district executive committee and to the president's administration.

On June 27 three journalists were detained in Minsk when covering a **businessmen strike**. The correspondent of the *Radio Svaboda* **Ihar Karney**, correspondent of *Narodnaya Volya* **Ales' Sivy**, and the journalist of *TUT.by* **Natallia Kastsiukevich** were preparing a report about the all-national strike of entrepreneurs: sole traders are protesting against the technical regulations of the Customs Union "On safety of light industry" which envisages obtaining a certificate guaranteeing the good quality of goods imported from Russia. Together with the journalists, the police detained the leader of the businessmen organization *Perspective* **Anatol Shumchanka**. They were all dragged from a car by plain-clothed people on their way from the market. They were taken to the central district police department. After their credentials were checked, the journalists were set free.

When BAJ legal service made a phone call to the police department, the duty officer categorically denied having received any detainees.

As reported on June 28, more than 30 non-governmental organizations in Poland **nominated Ales Bialiatski for the Václav Havel Human Rights Prize**. The initiative was created by the Stefan Batory Foundation. The Vaclav Havel Prize is awarded once a year by the Parliamentary Assembly of the Council of Europe jointly with the Vaclav Havel Library and the Charta 77 Foundation. The Václav Havel Human Rights Prize is awarded each year by the Parliamentary Assembly of the Council of Europe (PACE) in partnership with the Václav Havel Library and the Charta 77 Foundation to reward outstanding civil society action in the defense of human rights in Europe and beyond.

On June 28 Ihar Siarheyenka, deputy chair of the KGB, officially announced that **the teddy bear drop case had been closed**. "When answering the question about the case in which citizens **Basharymau** and **Surapin** were charged, the KGB representative answered: "Yes, it is closed." And refused to give any more comments," wrote *BelTA*.

On June 11 BAJ sent **an official inquiry to the KGB chair Valery Vakulchyk asking about the procedural status of the BAJ member Anton Surapin**. BAJ asked if the case had been closed, and if yes, then what the grounds were to close it. "We think that the information does not make any secrecy of investigation, and making it publicly available would enhance the citizens' right to obtain full, truthful and timely information from state bodies, as regards crimes which prompt broad public response," was written in the letter of BAJ. "The official statement has not been announced yet, so we are waiting for the answer to our letter," commented the deputy chair of BAJ **Andrei Bastunets**. No answer had been sent.

On July 1 BAJ received an official reply from the Hrodna regional court regarding **Belarus Press Photo case**.

In April the judge of the Ashmiany district court **Aliaksandr Davyday**, when hearing the Belarus Press Photo case, **did not allow lawyers of BAJ and of the Belarusian Helsinki Committee to take part in the hearing as public representatives** – to which they were entitled to by the law on public associations.

BAJ and the BHC filed a **complaint** to the Hrodna regional court that the judge denied them the right to perform the organization's statutory activities. The associations demanded that the decision on Belarus Press Photo should be reversed and the judge should be brought to account under disciplinary procedures.

The reply dated **June 28** says that the chair of the regional court **addressed a letter to the chair of the Ashmiany district court warning** that "it is inadmissible for judges to violate the procedural law when hearing civil cases" and asking to prevent similar incidents.

However, the judge of the regional court **decided not to start a disciplinary action** against Aliaksandr Davydau, "taking into account his previous conscientious attitude to performing professional duties".

As it became known **on July 2**, an activist from Baranavichy **Viktar Syrytsa filed a lawsuit** against the **state-run newspaper Nash Kray**. The ground for the lawsuit was a **publication** about an official celebration Milavidy Fest which in fact did not take place. "I ordered a bus on June 2 for a group of history amateurs for the announced culture event," said Viktar Syrytsa. "We arrived to the Milavidy venue, but there was no one there. We put flowers to the monuments of the 1863 uprising and sang the *Mighty God* (anthem of the Catholic Church). There were witnesses who saw that there was no any event – the road police officers. Then, after having compiled an act that the event did not take place, we left."

On June 12 Viktar Syrytsa was summoned to the Baranavichy district executive committee where an **administrative protocol** was drawn up against him under article 23.34 – **organizing and holding an unsanctioned mass event** on June 2.

Viktar Syrytsa disagrees with the facts stated in the protocol, as he did not organize the event, but only participated in an event previously announced in the newspaper, an official print outlet of the executive committee. The activist demands that the editorial office **must bring apologies to the readers for false information** and cover losses from the rent of the bus.

On July 2 an independent TV journalist and BAJ member **Larysa Shchyrakova was briefly detained in Rechytsa** when attending a meeting of businessmen of the local market. The police captain Dzmitry Svirydzenka asked her on what grounds she had been recording video and demanded her credentials. She presented BAJ press-card. The policeman copied her data and phoned to the Minsk office of BAJ. After that Larysa Shchyrakova was set free. The same captain Svirydzenka checked documents of another BAJ member and head of the regional branch in Homel Anatol' Hatochyts.

On July 4 the website **Charter'97** reported its **blocking for corporate clients** and blamed it on the Internet provider **Beltelecom** (trade mark **ByFly**). According to the website, it is blocked not only for state-run enterprises and organizations (which is made under the presidential edict No60), but also for users in private companies.

The **Beltelecom** press-service replied to **Charter** correspondent that they **had no relation to it**, and **refused to comment** the situation to BAJ press-service and recommended to file an official inquiry.

As became known **on July 4**, an activist **Viktar Malochka filed a lawsuit against the Salihorsk TV channel**. The reason for the lawsuit was that the channel refused to broadcast an invitation on the occasion of 95th anniversary of the Belarusian People's Republic (BNR) and wrote their refusals in Russian, although he had addressed his request in Belarusian. The activist thinks that the administration

of the channel violated the Law on Citizen's Petitioning and also the Constitution of Belarus which establishes equality for the Belarusian and the Russian languages.

On July 5 the chief editor and correspondent of the online newspaper *Narodnyja Naviny Vitebsku* **Siarhei Serabro** faced with a **threat of physical assault**. He was preparing a report about consequences of heavy rainfall in the city center and tried to take a photo of soil chasm in the place where a passage has been built for several years. At that moment the head of the construction venue, representative of a Minsk constructing enterprise Aliaksandr Balokhin came up to him, shouted with foul language and threatened to hit the journalist with a paving tile which he was holding in the hand. He also shouted that "the mayor ordered to [teach you a lesson]" because they [had already brought many problems].

On July 5 the activist from Bialynichy **Valery Vusik** sent a letter to the Mahilou regional court **appealing** against the Bialynichy district court ruling that imposed on him **a fine for libeling** an official representative and for violating the order of distributing a mass medium (the ruling had already come into legal force).

*We remind that on March 29 the chairperson of the Bilaynichy district court Uladzimir Huz **fined** Valery Vusik to **30 basic amounts** (around 250 euros) for "**libeling** Piotr Bialou, the head of the agricultural complex "Lebiadzianka", and to **20 basic amounts** "for **violating** art. 17 of the Law on Mass Media" regulating **distribution requirements**. The judge found that the article under consideration about the work of the aforementioned complex, published in the low-circulation newspaper Mahilouski Vybar, libeled the head of the complex. Also the judge found that Valery Vusik libeled the head of the complex in comments to Belsat TV. The judge did not give a possibility for Valery Vusik to invite a lawyer and witnesses.*

On July 7 it turned **13 years** since the tragic day when the cameraman and BAJ member **Dzmitry Zavadski was abducted**. The journalist disappeared in mysterious circumstances on the way to the Minsk airport.

Dzmitry Zavadski worked in the press-pool of A.H. Lukashenka from 1994 up to 1997. In 1997 Dzmitry Zavadski went to work with the Public Russian TV ORT. In the spring of 1997 he was arrested together with another journalist of ORT Pavel Sheremet for the report about transparency of Belarusian-Lithuanian border, and got a year and a half of suspended sentence. From October of 1999 until May of 2000 he was working in Chechnya, where together with Pavel Sheremet was shooting a film Chechnya's Diary.

Upon the disappearance, a criminal murder case was started, and later reclassified into abduction. Starting from October 24, 2001 four people (V.Ihnatovich, M.Malik, A.Huz and S.Savushkin) were on a closed trial for the abduction of Dzmitry Zavadsky. On March 14, 2002 they were sentenced to long penalty terms, among other things, on the basis of the digging tool with blood of Zavadsky, which had been found in Ihnatovich's car. Valery Ignatovich and Maxim Malik were sentenced to life imprisonment; Aliaxey Huz and Siarhey Savushkin were sentenced to 25 and 12 years in prison respectively. It was reported that the convicts kept pleading not guilty, calling the legal trial a farce.

On November 27, 2003 Frunzenski District Court of Minsk made a decision to acknowledge the disappeared journalist to be a dead one.

On December 10, 2003 The Prosecutor Body of The Republic of Belarus resumed the investigation of the case of Zavadsky's disappearance. It is not inconceivable that the resumption of the case was connected with a visit of Christos Pourghourides, Special Rapporteur of The Parliament Assembly of European Council, who wrote a report about disappeared people in Belarus and in November-December of 2003 visited Belarus twice.

Investigation has resumed several times due to newly revealed circumstances, but it did not contribute to solving the case. Each time the case was suspended with the indication that the body of the abducted person has not been found.