

MASS MEDIA

in Belarus

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The “Hour of Silence”

on-line protest action,

initiated by BAJ

against hasty adoption

of a highly restrictive media law

(June 25, 2008)

“Not content with controlling traditional media, with this legislation, Belarus is now seeking to restrict online publications”

*Robert Mahoney,
CPJ Deputy Director*

“I deplore the adoption by Belarus parliament of a new Media Law that will further restrict the freedom of the press in Belarus. This is a missed opportunity for the Belarusian authorities to improve the media conditions in Belarus and thus take a step towards democratisation”

*Benita Ferrero-Waldner,
European Commissioner for External Relations
and European Neighbourhood Policy*

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Publisher: Belarussian Association of Journalists (BAJ) PL Svabody 17-304, 220030 MINSK, Belarus
Phone: +375 17 203-63-66, 226-70-98 Fax: +375 17 203-63-66., 226-70-98 E-mail: baj@bai.by Web: www.bai.by

Contact: Mr. Andrei Bastunets, BAJ Deputy Chairman

Contents

1. STATISTICS	5
2. DEVELOPMENT OF SITUATION IN THE BELARUSIAN MEDIA FIELD (JULY – AUGUST 2008)	5
3. THE MAIN PROBLEM: A NEW MEDIA LAW GOT ADOPTED IN BELARUS	8

1. STATISTICS

1286 printed periodical editions (683 newspapers, 559 magazines, 39 newsletters, and 5 catalogues) as well as 9 news agencies had official registration certificates in the Republic of Belarus on September 1, 2008. All in all, the Belarus' Ministry of Information has cancelled 1252 media registration certificates since 1996.

The number of registered state-owned printed periodical editions totals 397 publications, including 219 newspapers. The number of non-state printed periodical editions amounts to 889 publications, including 464 newspapers.

According to the BAJ statistics, the number of social and political non-state printed periodical editions in Belarus does not exceed 30 publications. Nearly a half of them have been excluded from the state-owned monopolist systems of press distribution by subscription and through the news-stalls.

The majority of printed periodical editions are published in Russian (561) and in Russian and other languages (347). Only 70 periodicals are published in the Belarusian language. 300 more publications appear in Belarusian and other languages. Thus, the Belarusian language is noted as a language of publishing in 370 registration certificates. At the same time, Russian is declared as a language of publishing by 908 media outlets. 16 more periodicals appear in other languages.

The linguistic situation is much worse on TV and radio. It should be noted that TV and radio broadcasters in Belarus are fully controlled by the national and regional authorities. Only 5% of registered TV and radio programs are presented in Belarusian.

65 TV and 156 radio broadcasting media outlets had the officially registered status in Belarus on July 1, 2008. The situation in the broadcasting media market hasn't changed significantly for a long period of time.



photo.bymedia.meit

2. DEVELOPMENT OF SITUATION IN THE BELARUSIAN MEDIA FIELD (JULY – AUGUST 2008)

Mainstream events in July – August 2008 were as follows: the beginning of election to the Chamber of Representatives of Belarus, the official approval of a new law "On Mass Media" (see more "The Main Problem") and interrogations of journalists in relation to a blast during official celebrations in Minsk at night on July 4, 2008.

Moreover, there have to be emphasized refusals of courts to consider the claims, submitted by the “Narodnaya Vola” newspaper editorial and its journalist Maryna Koktysh against a refusal of state authorities to provide accreditation to the independent media worker at the Chamber of Representatives.

2.1. Election to the Chamber of Representatives



The election to the Chamber of Representatives of the National Assembly of Belarus was appointed by Presidential ordinance No.344 on June 24, 2008. During the period under consideration, there were formed election committees and nominated the parliamentary candidates. Independent observers have already named the election as “mute”. Thus, it was noted in the 1st progressive report for the period from August 12th till August 30th, prepared by the BDIHR OSCE Parliamentary election observers in Belarus that there “had been found hardly any outer signs of the election in progress”. This information is proved true by the BAJ [monitoring](#) on the coverage of the election by media, carried out by the Belarusian Association of Journalists. According to its results, the state media draw the public attention neither to the election process, nor to any of its subjects, apart from the Central Election Committee.

According to a Central Election Committee’s regulation of July 31, 2008, there was created the Supervisory Council on Controlling the Order of Electioneering in the Media during the election to the Chamber of Representatives. The body consists of 7 people, including the Chief Deputy Minister of Information Lilia Ananich, the state media representatives as well as representatives of the pro-Presidential Belarusian Union of Journalists.

Surprisingly, the independent press and the BAJ representatives were not included in the Supervisory Council.

2.2. Interrogations of Journalists in Connection with a Blast in Minsk on July 4, 2008

A home-made explosive device burst during a concert, dedicated to the Republic Day, in the city center of Minsk on July 4, 2008. More than 50 people were wounded. Lots of people have been interrogated on the case, including journalists. A 7-hour-long police search was held in the apartment, owned by a BAJ member Nina Shydouskaya (A. Kazulin’s press secretary in 2006) on July 8, 2008. Reportedly, the KGB officers seized the journalist’s private computer equipment, photos, old stickers etc. The



journalist's husband was interrogated in the KGB Department for Minsk and Minsk region.

A KGB search was held in the apartment, where Mikhail Sharamiet, the husband of a BAJ Board member Alena Sharamiet is registered. On the same day, M. Sharamiet was called to the KGB as if for interrogation as a witness on the blast case. However, he got arrested as soon as he came to the KGB office. M. Sharamiet was released from jail on July 18th. However, he was warned that he was treated as a suspect on the case.

A search was held in the apartment, owned by Zhanna Papova, the Head of "Vitebskiy Kuryer M" Publishing House that publishes the "Vitebskiy Kuryer M" independent weekly, on July 23, 2008. The KGB officers seized Zh. Papova's floppy discs, CDs and flash cards. After the search, Zhanna Papova was delivered to the regional Police Department on Struggle against the Organized Crime in order "to provide the state of her evidence".



Stanislau Sudnik, the Editor-in-chief of "Nasha Slova" weekly, published by the Belarusian Language Association was summoned "for a talk" to a local KGB office in Lida (Hrodna region) on July 30, 2008. He was inquired on the blast case, mentioned above. During the interrogation, the KGB workers took the Editor's fingerprints.

Siarhej Malinouski, the Editor-in-chief of "Antenna" entertaining newspaper was interrogated as a witness within the criminal case on the explosion in Minsk on August 19, 2008. The legal investigators took the journalist's fingerprints and saliva samples.

But for that, under the pretext of legal investigation on the blast case, journalists from Cherykau and Klimavichy (Mahilou region) Siamion Panizoutsau and Siarhei Arzhantsau as well as journalists from the "Volny Horad" non-state small-circulation newspaper (Krychau, Mahilou region) Siarhei Niarouny, Mikalay Herdziy and the newspaper founder Uladzimir Kudrautsau were interrogated in the local KGB offices.

2.3. Refusal of Cognizance of Claims against Rejections to Issue Journalist Accreditations

On July 17, 2008, Minsk City Court rejected an appeal, submitted by Maryna Koktysh, the "Narodnaya Vola" daily's Deputy Editor-in-chief against a court decision, taken by Minsk-located Maskouski City District Court. The judicial authority had refused to consider the journalist's claim against the Chamber of Representatives of Belarus, as in the judges' opinion, Maryna Koktysh "had no right to appeal to court" in this case. It should be explained that Maryna Koktysh was trying to claim against the refusal of the lower chamber of Belarus' Parliament to accredit her as a media representative at the legislative body. In its turn, the Chamber of Representatives referred to a ban, issued by the President's Security Service. Accordingly, M. Koktysh was forbidden to

enter the Governmental Premises, where the Chamber of Representatives holds its sessions.

On July 24, 2008, Minsk City Court dismissed an appeal, submitted by the “Narodnaya Vola” independent weekly. The newspaper editorial had been trying to convince the court to oblige the President’s Security Service to explain the reasons for the ban to the newspaper’s journalist Maryna Koktysh to enter the Chamber of Representatives premises. The Security Service had ignored the editorial’s written inquiry. Then, Minsk-located Maskouski City District Court and Minsk City Court refused to consider the newspaper’s appeal as in the judges’ opinion, the editorial “had no right to appeal to court” in this case.

At the same time, it should be emphasized that the right to judicial protection is guaranteed by the Constitution of Belarus.

3. THE MAIN PROBLEM: A NEW MEDIA LAW GOT ADOPTED IN BELARUS

Alaksandr Lukashenka signed a new law “On Mass Media” on July 17, 2008. The legal act will come into force on February 7, 2009.

The draft law was approved by the Council of Republic on June 28, 2008. It had been backed by the Chamber of Representatives after two readings on June 17 and June 24, 2008 respectively.

The Belarusian Association of Journalists was repeatedly addressing to the MPs with a request to direct the document to international experts for holding its independent legal examination. (Starting since 2002, the Belarusian authorities had promised to forward the draft law to the Parliamentary Assembly of the Council of Europe.



However, they failed to keep their word.)

The draft law was hastily finalized at private sessions. Nevertheless, the BAJ lawyers managed to hold its legal examination and fostered the deletion of some repressive norms in it. However, the minor changes didn’t influence the essence of the law in general, as it retained its regressive and restrictive core.

Among other, the new law will regulate the activity of on-line media outlets by governmental regulations and restrict the percentage of foreign investments to media from abroad. All media outlets will have to get re-registered as soon as the law comes into force. Generally, the legal act will simplify the procedure of closing down periodical editions and decrease the level of legal security of journalists and media outlets.

Numerous international organizations were repeatedly addressing to the Belarusian state authorities in June and July 2008 with an appeal to abstain from adopting the law in the present form. The organizations’ experts proposed their assistance, aimed

at the improvement of the draft law. The list of protestors included the following organizations and officials:

Miklos Haraszti, the OSCE Representative on Freedom of the Media, Andrea Rigoni, special rapporteur on Belarus in the Council of Europe Parliamentary Assembly (PACE), the International Federation of Journalists, Article19, “The Reporters without Borders”, the Human Rights House Foundation (Norway), the Norwegian Helsinki Committee, the Norwegian Union of Journalists, the Norwegian PEN, the Danish Union of Journalists, “The Committee to Protect Journalists” (USA), and other authoritative institutions and personalities.

As soon as the new media law was adopted, “Reporters without Borders” noted in their statements as follows: “We are extremely worried about the evolution of the press freedom situation in Belarus. This law is an additional step in the eradication of the independent media. It also enables the authorities to step up their control of the Internet. By signing this bill, President Lukashenko has legalised censorship in a country where the media are already under close surveillance.”