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MASS MEDIA IN BELARUS

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VIOLATIONS OF FREEDOM OF EXPRESSION IN BELARUS IN 2014 (REVIEW)



In 2014, the official authorities kept to the trend towards considerable limitation of freedom of speech, using legislative restrictions and new methods of pressure on mass media and journalists.

Legal regulation in the field of freedom of expression became more stringent as a result of abrupt introduction of amendments to the already undemocratic law 'On Mass Media' in December 2014.

The legislative amendments:

- **worsened the conditions of traditional media activity;**
- **toughened control over media distributors, obliging them to register in the Ministry of Information of Belarus and entitling the Ministry with the authority to deprive them of their right to distribute the media;**
- **made the owners of news Web-sites responsible for the content of publications on their Web-resources;**
- **entitled the Ministry of Information with the right to block access to online resources without a court order for the alleged one-time violations of media legislation.**

The OSCE Representative on Media Freedom Dunja Mijatovic expressed her view on the changes and amendments to the law 'On Mass Media' [in her letter](#) to the Belarusian official authorities: *"These amendments are based on vaguely formulated legal provisions and give the state the vast right to interfere with any information posted on the Internet...They also impose quasi-censorship functions on disseminators of information."*

Legal practice in mass media field retained the trends since the end of 2012 for a long period of

time. In particular, it remained highly unfavorable for journalistic activity, but lacked repressions in relations to journalists and media, like closure of media outlets, filing of criminal cases against journalists etc. The main problems were as follows:

- **the licensing procedure for mass media registration (according to official data, the Ministry of Information of Belarus rejected 105 applications for registration of media outlets within the period since 2010 till 2011);**
- **detention of journalists by law-enforcement officers;**
- **interference with the activity of journalists, who cooperate with foreign media;**
- **the restricted access to information for journalists;**
- **economic discrimination of non-state mass media.**

The situation began to worsen dramatically in April 2014. The official authorities started applying article 22.9 of Belarusian Code on Administrative Offence for 'Illegal production and distribution of mass media products'. Preparation of materials for presentation in foreign media by journalists without the MFA accreditation was equaled by police and courts to 'illegal creation of mass media production'.

In particular, journalists Andrei Mialeshka and Ales Zaleuski from Hrodna were prosecuted and fined thrice and twice respectively within the year.

The published article by Aliaksandr Burakou from Mahilou on 'Deutsche Welle' Web-site resulted in court hearings, summons to the local tax office, 'inspections' of private apartments, belonging to the reporter and his parents that resembled searches, seizure of his flash-sticks, and computer system units. The searches were conducted on the day, when the





OSCE Representative on Freedom of the Media Dunja Mijatovic paid a visit to Belarus. The journalist was accused of work without accreditation and fined by court some time later.

14 administrative cases for conducting journalistic activity for the benefit of foreign media were filed in Belarus since April 2014. 11 trials resulted in the imposition of fines on the prosecuted journalists. Three remaining cases were closed, since the liability period had expired. It is worth mentioning that it was the mere fact that journalistic materials appeared in foreign media that led to the reporters' prosecution. The content of publications was disregarded at that.

Among the positive developments in 2014, there can be mentioned certain reduction in cases of detention of journalists. The Belarusian Association of Journalists registered 29 cases of the kind last year to be compared to nearly 50 cases of detention of reporters on duty in 2013. The peak of arbitrary detentions took place in 2011, when no less than 160 journalists were put in custody. (It happened due to the crisis period, following the previous Presidential election in the country.)

Several Vitsiebsk journalists and BAJ activists were prosecuted post-factum on administrative charges in November 2014. They were accused of taking pictures against the background of an old building with a famous city graffiti image of newspaper-made birds leaving their cages on November 5, 2014. Actually, the media workers took part in the photo-session in support of 'Stand up for Journalism!' campaign, initiated by the European Federation of Journalists. The photos were posted on Web-sites that led to repressions. Seven activists from the photo-session group were tried and fined for 'taking part in an unauthorized action'.

An officially accredited 'Radio Liberty' correspondent in Belarus Mikhas Karnievich from Hrodna was fined on similar charges. His report from a public action, commemorating a historical hero of Belarus Kastus



Kalinouski, was regarded as 'participation in an unauthorized event' by official authorities. Among other, it was stated in the police report that the media worker had been "present close to the monument and moving in an organized group".

The Belarusian journalists and press distributors paid around 105,000,000 Belarusian rubles (approx. USD 10,000) in fines within the year's course. Among other, 52,050,000 Belarusian rubles were imposed on freelance foreign correspondents for their work without accreditation. 21,450,000 Belarusian rubles were paid by media workers in fines for their alleged 'participation in unauthorized events'. The independent press distributors were charged 25,500,000 Belarusian rubles for their activity.

SEVERAL CRIMINAL PROCEEDINGS ON FREEDOM OF EXPRESSION ISSUES TOOK PLACE IN 2014

A criminal case against a blogger Aleh Zhalnou was filed by Babruysk Public Prosecutor's office for his posts that, allegedly, 'offended public officers' (article 369 of Criminal Code of Belarus) in February 2014. Among other, the Department of Internal Affairs at Mahilou Regional Executive Committee stated that a series of offending materials in relation to a police officer had been published on the personal Web-site under the title of 'Aleh Zhalnou's blog' in 2012-2013.



Two criminal cases were filed against the blogger's wife and son some time later. The blogger's son was prosecuted on article 364 of Belarus Criminal Code for 'Violence or threat of violence in relation to an officer of the Interior' and sentenced to three years of imprisonment in the open-type penal colony. Also, he was obliged to pay a fine in the amount of 50 million Belarusian rubles (approx. EUR 3,500).

The international organization 'Reporters without Borders' [expressed protest](#) on the score of the repressive verdict of Babruysk City Court.

“Unable to silence Aleh Zhalnou, the authorities are now targeting his son,” said Johann Bihl, the head of the Reporters Without Borders Eastern Europe and Central Asia desk. *“We deplore this verdict, which preserves the impunity of the local police, and we call on the courts to overturn it on appeal.”*

The ‘Reporters without Borders’ underscored that Belarus was ranked 157th out of 180 countries in the [2014 Reporters Without Borders press freedom index](#).



A criminal case was filed in relation to Katsiaryna Sadouskaya, 68, for ‘insulting’ the President of Belarus (article 368, part 2 of Belarus Criminal Code) on June 19, 2014. The criminal proceedings were grounded on Ms Sadouskaya’s note in the Book of Comments and Suggestions of Savietski City District Court in Minsk. In particular, she was accused of ‘using offensive words, collocations, and phrases, containing indecent and humiliating remarks in relation to the President of the Republic of Belarus’, while expressing her indignation at groundless arrests of civil activists on the eve of the Ice Hockey World Championship in Minsk.



On November 25, 2014, the Belarusian special services detained Aliaksandr Alesin, a military expert and a columnist of ‘Belarusians and Market’ weekly. Reportedly, the journalist was charged with treason (article 356 of Belarus Criminal Code) and establishing cooperation with foreign secret services or intelligence agencies (article 356-1 of Belarus Criminal Code). A. Alesin was released from custody on his recognizance on December 10, 2014. The charge of treason was withdrawn from him at that. However, he was still suspected of cooperation with foreign intelligence services. The criminal case evoked a broad public response in the country.

The situation with the Internet deteriorated in 2014. (The Web still remains the freest segment in the Belarusian mass media space.). According to the adopted amendments to the Belarus law ‘On Mass Media’, the Ministry of Information was authorized to block access

to online resources without a court order for publishing the materials which are forbidden for spreading. The information ban list has been broadened at that. Presently, it includes the materials, which can potentially cause damage to the interests of Belarus.



Even before the amendments to the law 'On Mass Media' coming into force, there was blocked access to more than 10 news Web-resources in Belarus.

It was only in one case that the state assumed responsibility for blocking access to the Onliner.by Web-portal. The Web-site owners were accused of violating the rules of e-commerce.

Apparently, the blocking of access to the Web-sites was initiated by the Belarusian official authorities.

Most probably, the serious attack was caused by a sudden increase of public interest in the unbiased information about the deepening currency crisis in the country.

Also, experts note that the restriction of access to the Web-sites could be regarded as a kind of 'training' on the eve of the coming Presidential election campaign 2015.

Thus, the situation in Belarusian mass media field aggravated at the end of 2014. Not only was it connected to the tightening of law enforcement practice that has a cyclical nature and depends on election campaigns and other events of public importance, including economic crises. It was also linked to the systemic legislative changes that facilitated the reinforcement of state control in the field. The control area expanded at that, embracing the traditional media, the Internet, book publishing, and distribution of printed products.



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