

## THE BELARUSIAN ASSOCIATION OF JOURNALISTS

### Mass Media Week in Belarus

June 23 – July 20, 2014

**Several incidents during the reporting period were indicative of the growing negative tendencies in the sphere of mass media and freedom of expression in Belarus. Among them: a citizen faced criminal charges for insulting the president of Belarus; Belsat case over trade mark was remitted for reconsideration; also, there have been increasing cases of using administrative article 22.9 against individual journalists for their work for foreign mass media without accreditation.**

**On June 24** the official representative of **Belsat TV** in Belarus **Mikhail Yanchuk** was informed that the Supreme Court's deputy chair Aliaksandr Fedartsou **ordered to review the lawsuit** of BELSAT Plus company against the TV channel over the use of the trade mark. *We remind that the lawsuit was filed in May 2013, and hearings started in November 2013. On January 27, 2014 the judges' panel of the Supreme Court dismissed the lawsuit as Andrei Belyakou did not provide proofs that his exclusive rights for the trade mark were violated.*

The Belsat case was reviewed again **on June 24** in the Supreme Court. According to Mr Belyakou, his company BELSAT Plus, dealing in sales of satellite and cable equipment, allegedly suffered losses because his company sounds similar to the TV channel. Mikhail Yanchuk once again explained to the judges that the name as well as the logo of the TV channel were registered in Poland in 2006 in compliance with all European legal norms, and could not anyhow violate Andrei Belyakou's rights.

The Supreme Court Presidium sent the lawsuit for review due to insufficient investigation of the matter in previous hearings; the next hearing was scheduled for **September 4**.

**On June 26**, the Judge of the Hrodna Regional Court **dismissed the appeal of Ales' Zaleuski**, staff journalist of **Belsat** who had been fined for "unlawful production of mass media products".

According to Zaleuski, the Judge claimed that this was not the first case of the kind, so he thought that the journalist's fault in violating administrative **article 22.9** had been proved.

On May 27, Ales' Zaleuski, anchorman of two programs on Belsat TV channel, was fined in Karelichy for 30 basic amounts for "unlawful production of mass media products".

As reported **on June 28**, a **defamation case** under criminal article 368, part 2 (defaming the President) was opened against a civil activist **Katsiaryna Sadouskaya**, 68 years of age.

Katsiaryna Sadouskaya received notification about the case **on June 26**. The case was initiated by **the Minsk Investigative Committee** on June 19. The basis for the case became a notice written by the activist in the book of complaints and proposals of the Soviet district court of Minsk on April 28, 2014. The prosecution believes, the written notice has "false, deliberately insulting and offensive information, combined with accusation of serious crimes, against the President of the Republic of Belarus."

According to the notification, the activist encroached on the honor and dignity of the president and publicly insulted him.

Article 368, part 2 of the Criminal Code envisages a fine or correctional works up to two years, or freedom restriction/imprisonment for up to three years.

In October 2006, Katsiaryna Sadouskaya was once found guilty of insulting the president under the same article. Then, she demanded to hold a psychiatric examination of the head of state. She was also found guilty under article 389 (threatening a judge) and article 391 (insulting a judge). Then she was sentenced to two years in colony, but in May 2007 she was granted an early release for good behavior.

As reported **on June 26**, the Judge of Hlybokaye district court Liudmila Vashchanka **banned journalists from taking audio records** of an open hearing. The journalist Zmitser Lupach and his colleague were working at a trial over a murder. On the first day the judge banned using technical equipment. On the second day the journalists started using dictaphones, but the judge warned she would get them out. When the journalists reminded that they had the right to take audio recordings, the judge argued that they could only write or take audio recordings with a tape-recorder, and all other types of records were not envisaged by the Code of Criminal Procedures. Indeed, the Code says about written records and records with a tape-recorder. However, tape-recorders are outdated and nobody uses them for this purpose.

**On June 30, Liliya Ananich** was appointed **Information Minister** of Belarus. Before that, she had been the first Deputy Minister for 10 years. She had been performing the Information Minister's duties since June 4 when Aleh Praliaskouski was dismissed from the post.

Liliya Ananich is famous for her statements that mass media are an important link in state information policy. "Mass media are not the fourth power, but a partner of the authorities," she said in 2011. In 2008 she suggested adopting obligatory registration for Internet mass media, claiming that Belarus suffered from "disinformation streams of foreign websites".

Liliya Ananich graduated from the Belarusian State University (1982) and the Academy of Public Administration under the ageis of the President of Belarus (2000).

She worked as a photcorrespondent of a Minsk newspaper (1982-1984); editor at the Research Institute of Automation Facilities (1984-1992), editor, specialist and deputy chief of the mass media department at the Ministry of Culture and the Press (1992-1996), then deputy head and head of the informational and analytical department of the State Press Committee; then Deputy Minister of Information (2001-2003), and since 2003 - First Deputy Minister of Information.

**On July 16** the civil activist from Khotsimsk **Valery Karankevich** received a **reply** to his complaint to the Ministry of the Interior. The activist asked to find offenders who insulted and defamed him on the website voskresinfo.com. Previously, employees of the local district police department and of the regional police department failed to establish their identity.

The Ministry's reply says that, according to point 1 of part 1 of art. 7.6 of the Administrative Code, the two months' period for issuing an administrative penalty for disseminating insults had expired.

Meanwhile, employees of the local and regional police had made some procedural faults while considering the previous complaints, so an additional check-up was assigned, and Karankevich will be informed about the check-up results.

The activist said he was not satisfied with the reply because the offenders stayed unpunished.

*We remind that the website voskresinfo.com regularly published defamatory articles against local pro-democracy activists before local elections in 2013.*

**On July 18**, the Court of Babruisk completed the **trial of Aliaksei Zhalnou**, son of the local **blogger Aleh Zhalnou**. The 25-year old man was convicted through an incident on September 4, 2013 when he and his father were detained. According to the conviction, he inflicted brain concussion to a police captain Aliaksandr Butouski (allegedly, he hit him on the head, which the young man denies).

Judge Yuliya Beraziuk sentenced him to three years in an open-type penal colony under art. 364 of the Criminal Code (violence or threat of violence against an officer of law enforcement agencies). Aliaksei Zhalnou will also have to pay a fine of 50 million rubles in damages (around \$5000).

We remind that on September 4, 2013 the blogger and his son reported to the traffic police about improper parking of a police's car, and consequently were detained. In January 2014 the blogger's son had a criminal case opened against him under article 364. Meantime, their flat has been several times searched and the blogger fined for insulting the officials.

The young man pleaded non-guilty and appeals the verdict. He says the whole story was made up by the police to revenge for his father's online posts about police.