

E-NEWSLETTER: MASS MEDIA IN BELARUS

No.5 (November – December 2007)



Court session on M. Charhinets' claim



Belarusian Association of Journalists

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The print-runs of newspapers will be seized and the journalists' activity will be hindered. I treat these hardships in cold blood as the trade outlay and the production costs. Even the policemen, who come to seize the "Tovarisch" print-runs, can't help laughing and regard all this as a parody. There is no reason to expect any positive changes in the field.

Siarhei Vazniak,

"Tovarisch" newspaper Editor-in-Chief (about his New Year 2008 expectations)

Cover Photo: Court session on M. Charhinets' claim

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1. Mass Media in Belarus. Results – 2007

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 the majority 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 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

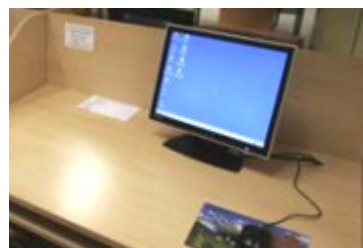


media field last year. The police officers were detaining journalists and private distributors of independent newspapers in all Belarusian regions during the whole year 2007. Especial public response was caused by an incident in Baranavichy (Brest region), when a number of accredited foreign correspondents 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» satellite dishes in Pinsk, Minsk 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), «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.

On the eve of the meeting with the oppressed rock-musicians with Aleh Pralyaskouski, a court verdict on the claim, initiated by the top state official, came into force. Accordingly, the «**Narodnaya Vola**» newspaper and its journalist **Maryna Koktysh** had to pay out moral damages to the Chief President's ideologist in the amount of 27 million Belarusian rubles (around USD 13,000).

The enormously large sum of moral damages — 51 million Belarusian rubles (around USD24,000) 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.

Thus, **Christina Gallah**, spokeswoman for Xavier Solana, the EU High Commissioner for Foreign Policy and Security stated that the EU Council «was following attentively the case development." In her opinion, the plaintiff's claims were exaggerated and proved true the case was politically motivated and aimed at the closure of «Novy Chas» weekly.

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. Statistics

1264 printed periodical editions (710 newspapers, 515 magazines, 35 newsletters, 3 catalogues and 1 almanac) and 9 news agencies were officially registered in the Republic of Belarus on December 1, 2007. 13 printed periodical



editions were officially registered in November 2007. Thus, the number of periodicals had risen by 40 publications since the previous year start. However, the quantity of registered newspapers decreased by 8 publications within the same period under review.

The number of registered state-owned printed periodical editions totaled 393 publications, including 219 newspapers and 160 magazines. The number of non-state printed periodical editions amounted to 871 publications, including 491 newspapers and 355 magazines.

However, the overwhelming majority of non-state media in Belarus have the exceptionally entertaining or advertising character. Some of them appear irregularly.

According to the **BAJ** statistics, the number of social and political non-state printed media outlets in Belarus totals around 30 publications. Nearly a half of them have been excluded from the state-owned press distribution systems. Consequently, it is impossible to subscribe to the oppressed periodicals in the usual way. Also, the publications cannot be found at the state monopolist's news stalls.

Only 79 officially registered printed periodical editions are published in Belarusian. 280 more publications use both Belarusian and Russian. Still, the majority of printed periodical editions in Belarus (525 publications) are published in Russian. The number of Belarusian media in other languages (Polish, Ukrainian, English) is nine only.

The «**Sovietskaya Byelorussia**» daily, founded by the Presidential Administration, has the largest circulation in Belarus. It amounted to around 500,700 copies in the 4th quarter of 2007. Circulations of other nation-wide

state newspapers are much smaller — around 30,000 copies (newspaper «**Respublika**» is published in around 50,000 copies).

One-time print-run of all state-owned local media in the country (136 regional, city, district and inter-district newspapers) in the 4th quarter of 2007 totaled 844.4 thousand copies, i.e. 24,000 copies less in comparison with the beginning of the year under review.

The state-owned regional press had the largest total print-run in Vitsiebsk region (173.5 thousand copies) and the smallest total print-run in Hrodna region (108.1 thousand copies). There is only one independent social and political periodical left on the territory of Hrodna regions. The only survived «**Vitsiebskiy Kuryer**» weekly got suspended from publishing in the spring 2007.

Total weekly print-run of all non-state social and political press is less than the daily print-run of «**Sovietskaya Byelorussia**» only. (It should be stressed that the overwhelming majority of non-state printed periodical editions are weeklies and «Sovietskaya Byelorussia» is published five times a week.)

60 TV and 156 radio broadcasting media outlets had the officially registered status in Belarus *on December 1, 2007*. The majority of officially registered TV and radio broadcasting media (183) belong to the state. The number of non-state broadcasting media outlets totals 53 only. Six new TV companies and one radio company have been registered since the beginning of 2007. All of them belong to the state. It should be emphasized that all TV and radio companies act in line with regulations of corresponding licenses, issued by the Ministry of Information of Belarus. Consequently, they are strictly controlled by the state authority.

129 cable TV operators worked *on November 1, 2007*, including 23 state-owned organizations and 106 non-state companies. All of them have corresponding licenses, issued by the Ministry of Communication and Informatization



of Belarus. The largest number of cable TV operators can be found in Hrodna

region (28 companies). The smallest number of cable TV operators is located in Minsk (11 companies) and Homiel region (11 companies).

The obligatory social TV package the cable TV operators have to propose to the clients includes the following Belarusian TV channels: «**The First Channel**», «**Lad**», «**All-national TV**», «**The Capital TV**» as well as «**NTV-Belarus**» and «**Russia-Belarus**».

31 FM radio stations broadcast their programs in Belarus. 15 of them are located in Minsk.

3. Situation Development in the Belarusian Media Field (November 01 – December 31, 2007)

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 «**Vitsiebskiy Kuryer**» **Publishing House Ltd.** on November 12, 2007. The organization acted as the publisher and the editorial of «**Vitsiebskiy 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. («**Vitsiebskiy Kuryer M**» got administratively suspended from publishing in the spring 2007.)

The Ministry of Information issued an official warning to the «**Bobruyskiy Kuryer**» newspaper (Bobruysk, Homiel 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, 4th 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.)



Photo image: M. Charhinets in a court room

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.



Photo image: A. Tamkovich

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 Kletsk» 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 Kletsk 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**»™) 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.