

Belarusian Association of Journalists (BAJ)

MASS MEDIA IN BELARUS
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VIOLATIONS OF MASS MEDIA FREEDOM IN BELARUS IN 2005 (review)

For Belarus 2005 became the year of preparation for the Presidential elections. This fact significantly influenced situation in the media field that deteriorated even in comparison with 2004 (the year of recurrent referendum and Parliamentary elections).

The monitoring which was held by the Belarusian Association of Journalists reveals that:

Basic violations of journalist and media rights in 2005 were committed as previously by the Belarus' state bodies and organizations as well as by their officials;

The violations were systematical and aimed at minimizing dissemination of uncensored information in Belarus, especially on the eve of Presidential elections;

The goal was achieved primarily by economic means which deprived the independent press of financial sources as well as of the possibility to reach the reader meanwhile the controlled media were explicitly financed and supported administratively by the authorities.

Economic and legal conditions of discriminative character for non-state media led to the further decline in the number of media registered in Belarus. According to the data of the Ministry of Information relevant for January 1, 2006, there were 1,187 periodicals in Belarus (including newspapers, magazines, bulletins, catalogues, literary miscellanies as well as information agencies). This number is fewer for 34 periodicals in comparison with the previous year and for 305 ones in comparison with the end of 2003, i.e. the year before the referendum. Just during the last two months of 2005 the number of periodicals reduced for 70 editions, including 22 newspapers. During the whole year the number of registered newspapers declined for 36 editions (this decline is partially reimbursed by the rise in number of "other" periodicals, such as magazines, catalogues, etc, which usually do not place much emphasis to the social and political issues).

The majority of editions which "exist according to the statistics" are represented either by exclusively commercial projects or appear in print as often as once or twice a year with the only goal to preserve their registration certificates. According to the BAJ calculations, there are only 30 periodicals which highlight social and political issues and do not have either state bodies within their boards of founders or financing from the state budget as well as not being controlled by the central or local authorities in other ways and having periodical circulation of not fewer than 2,000 issues. Two thirds of those periodicals faced problems with printing and distribution on the eve of the election campaign.

At the end of 2005 the list of newspapers which are forced to be published abroad ("BDG", "Salidarnaść", "Tovarishch", "Birzha informatsyi", "Miestnaya gazeta", "Dien") was supplemented by the largest independent newspaper "Narodnaja Vola." Right after the printing house all the state enterprises which hold dominating position in the market of periodicals distribution (i.e. "Belpošta", "Belsajuzdruk" and regional offices of the "Belsajuzdruk") cancelled their contracts with the newspaper editorial. Soon afterwards these enterprises refused to cooperate with other independent media. According to the BAJ data, 16 independent

periodicals have not been included into the “Belposta” subscription catalogues for the first quarter of 2006. According to the data relevant for the end of 2005, it is impossible to buy 19 newspapers in the news-stalls of Belsajuzdruk. The courts refuse to adjudicate the suits brought by the editorial boards and the newspapers’ readers.

One can’t but pay attention to the consistency in the acts of state bodies which represent different branches and levels of government. The same deals with the courts in different regions of the country as well as with state organizations which are submitted to different ministries (the post office enterprises are subordinate to the Ministry of Communication meanwhile the Belsajuzdruk enterprises are subordinate to the Ministry of Information). This consistency reveals that the repressive actions are coordinated from the single center.

Simultaneously in different regions of Belarus there was held the obligatory subscription for the state-owned editions (“Sovietskaya Belorussiya”, regional and district newspapers, “specialized” periodicals). Apart from the administrative support and different kinds of preferences, the state media have also been granted budget financing which is getting higher and higher every year. The national budget of 2006 stipulates \$ 60 000 000 for these matters which is 1.5 higher than in 2005 and 2 times higher than in 2004.

The other most significant violations of journalist and media rights in 2005 are as follows:

- abolition of registration of newspapers within extrajudicial procedure (“Novaya gazeta Smorgoni”, “Kuryer iz Borisova”, “Molodyozhnyi prospect”, “Navinki” etc);
- enforcement of legislation in the sphere of freedom of expression, especially on the eve of elections (in particular, introduction of amendments to the Criminal Code which establish criminal responsibility for the discredit of state);
- prosecution of Hrodna and foreign journalists highlighting situation with “The Association of Poles in Belarus”;
- criminal and administrative prosecution of citizens accused of defamation towards the President of Belarus;
- induction of suits, on behalf of authorities, towards independent periodicals (in particular, in connection with the publication of lists in support of the “Vola naroda” movement in the “Narodnaja Vola” daily) as well as imposing of penalties on the editorial boards of newspapers (“BDG”, “Narodnaja Vola”, “Pressbol”) that imperils the very survival of these periodicals;
- encroachments on the life and health of journalists and the refusals of state bodies to investigate the facts in a fair way;
- large-scale restrictions on access to information.

Changes in Legislation

An updated bill on Media Law was not passed in 2005. It was not introduced to the House of Representatives of the National Assembly of Belarus though it had been constantly inserted into annual schedules of bills confirmed by the President's edicts since 2001. The updated bill on Media Law has not been included in the list of bills for 2006 either.

On December 15, 2005 the Law "On Amendments and Alterations in Some Legal Acts of the Republic of Belarus Aimed at the Aggravation of Responsibility for the Deeds against Person and Public Security" was passed. The Law introduced criminal responsibility for the discredit of the state.

Among other legal acts which were passed in 2005 one should point out the President's Edict #247 "On Additional Arrangements Aimed at Normalizing the Usage of Words "National" and "Belarusian," issued on May 31. The edict entailed the need of recurring registration of some periodicals. Another act of significant consequences was the President's Decree #3 "On Certain Arrangements against Human Traffic" that complicated the media outlets' advertising activity.

On February 26, the Council of Ministers issued **Provision #209 "On the Financing of Periodicals in 2005."** The document confirmed the List of Periodicals which should be granted subsidies from the national budget. The list includes 32 periodical editions.

On May 9, the President signed Decree #3 "**On Certain Arrangements against Human Traffic.**" It was amended and altered on November 22.

Paragraph 1.11 of Decree #3 states that the pandering activity that deals with the collection and distribution of information about individuals (including information on Web-sites) has to be based on special permits (licenses). The licenses have to be issued by the Ministry of Internal Affairs. The media can distribute marriage announcements and pandering blurbs or ads with phones without special permits only under the condition of including the respective amendments (supplements) of the principal subject into the registration certificate. The order of admission, registration and distribution of marriage announcements as well as pandering blurbs or ads with phones in the media is regulated by the Council of Ministers of Belarus.

In accordance with paragraph 2.1 of the Decree the advertising of products, goods (jobs and services), which are produced in Belarus has to be made exclusively with the involvement of organizations and citizens of Belarus.

Paragraph 2.2 states that information (advertising) announcements about job or study offers abroad which are distributed on the territory of Belarus have to be approved respectively by the Ministry of Internal Affairs or the Ministry of Education.

It is forbidden to allocate and distribute information (advertising) announcements with the respective information without an official approval.

On May 31, the President issued Edict #247 "**On Additional Arrangements Aimed at Normalizing the Usage of Words "National" and "Belarusian."**

In particular, the Edict states that the right to use the adjectives "National" and "Belarusian" is entitled only to the media, founded by the state bodies or state organizations. The organizations and media, whose names do not fit these requirements, should be re-registered within a three-month term. The activities of organizations and media that have not passed the re-registration procedure are considered to be unauthorized and illegal.

Edict #425 **“On the Usage of Words “National” and “Belarusian” in the Titles of Legal Entities and Media”** gives the right to use these two words to certain legal entities and the media, which names are enlisted in the Appendix to the Edict.

On June 15, the Ministry of Information confirmed **“The Instruction on Certain Aspects of Forming the Tariff for Publishing Advertisements in Non-Periodical and Periodical Publications / Broadcasting Announcements in TV and Radio Programs.”**

The President’s Edict #285 **“On Certain Arrangements Concerning the Regulation of Entrepreneurial Activities,”** issued on **June 18**, modified the conditions of selling periodical editions by retail. Precisely speaking, the edict complicated the taxation mechanism in the field. Before the edict issue, the retailers of periodicals paid a single tax. However after the legal act came into effect, they were made to pay the ordinary taxes that caused the increased circulation of documents.

On June 28, the Council of Ministers approved Enactment #707 **“The Concept of DVB Digital TV Standard Development Program in Belarus until 2015.”** Accordingly, it is planned to start and develop the digital and cable TV broadcasting in Minsk and in the regional centers in 2005-2010. (However, the latter activities are planned to be done at the cable TV operators’ own expense. The alterations in legislature, regulating the electronic and web media field, have to be introduced in 2005-2007.

The concept adoption is officially explained as follows: “the electronic mass media are... the principal instrument of the ideological influence. The information space of Belarus... is constantly threatened from aside, that’s why it is necessary to protect our ideological interests effectively.”

The priorities for the digital broadcasting development include distribution of a set of socially-oriented programs (currently it embraces the First National TV Channel, ONT, “Ład”, STV as well as “Rossiya” and NTV) as well as introduction of regional TV broadcasting. Meanwhile, the concept presumes substitution of foreign (i.e. Russian) channels by new topical channels. As a result, it is planned to set up 6 state channels and 2 regional ones (including one regional and one district channel).

The concept was précised in **“The State Program of Launching the Digital TV and Radio Broadcasting in the Republic of Belarus until 2015,”** approved by the Council of Ministers on **December 8**, 2005.

On June 20, the Council of Ministers approved **“The Complex Program of Periodicals Development in Belarus in 2005-2008.”** The expected result is the creation of favorable conditions, which should ensure the development of the state periodicals. (However, Article 13 of the Constitution of Belarus guarantees equal protection and equal conditions for the development of all forms of property). “In order to protect the state priorities in forming the public opinion” the program prescribes the promotion of “further incline” in the circulation of state-owned political editions, the enforcement of the technical base for the media outlets as well as the amelioration of their contents level “through systematic assimilation and promotion of the state ideological goals.” “In order to enforce the ideological component in the contents of state periodicals,” it is planned to introduce “several arrangements which presume active involvement of Editors-in-chief and editorial members... in the process of information and ideology work.”

On November 21, the Ministry for Emergency Situations approved **“The Instruction on the Procedure of Accrediting Reporters at the Ministry for Emergency Situations of Belarus,**

at the Regional and Minsk City Administrations of the Ministry for Emergency Situations of Belarus.”

Special commissions on accreditation have to be created in order to solve the issues of reporters' accreditation at the Ministry as well as at the Ministry's regional and Minsk city administrations. According to Item 31 of the Instruction, the journalists accredited at the Ministry and its administrations are obliged to present the following materials to the commissions on accreditation for their approval:

The texts of Informational Radio/Video Reports on the day of broadcasting;

The prepared problematic or analytical printed materials as well as texts of radio and video reports having total length of less than 5 minutes (not later than 2 days before the publication or broadcasting);

The scenarios of prepared video reports having total length more than 5 minutes as well as topical programs (not later than 7 days before broadcasting);

The scenarios of documentaries, chronicles, popular science, fiction, cartoon films and social videos (not later than 10 days before the beginning of shooting).

Meanwhile, according to Article 4 of the Belarusian Law “On the Press and Other Media,” the requirement to adjust primary articles and reports with the state bodies, organizations and their officials is forbidden, as it is considered to be a manifestation of censorship. The inadmissibility of censorship is also emphasized in Article 33 of the Constitution of Belarus.

On December 15, there was adopted the Belarusian Law “**On Amendments and Alterations in Some Legal Acts of the Republic of Belarus Aimed at the Aggravation of Responsibility for the Deeds against Person and Public Security**”.

In particular, the Criminal Code of Belarus is amended with Article 369-1 (“Discredit of the Republic of Belarus”). The discredit is interpreted as a deliberate delivery of false information about the political, economic, social, military or international position of Belarus as well as about the legal state of Belarusian citizens, aimed at discrediting the Republic of Belarus or its official bodies, to a foreign state as well as to a foreign or international organization. The Article introduces criminal responsibility either in the form of arrest up to six months or deprivation of liberty up to two years.

The new edition of the Code also introduces Article 361 (“The Appeals for Acts Aimed at the Damage to the External Security of the Republic of Belarus, to its Sovereignty, Territorial Integrity, National Security or Defense Capacity”). Similar acts which have been committed with the usage of mass media are punished by the deprivation of liberty for the term of 2-5 years.

The Belarusian Law “On the Budget of the Republic of Belarus for 2006” was passed on December 31. Appendix 3 to the Law prescribes that 130,300,160 thousand Belarusian rubles (i.e., almost USD 61,000,000) from the national budget only have to be spent for the financing of mass media in 2006. It includes 94,458,611 thousand Belarusian rubles (almost USD 44,000,000) for financing the TV and radio broadcasting as well as 24,818,520 thousand rubles (over USD 11,000,000) for financing periodicals and publishing houses. The other mass media expenses will be covered in the amount of 11,023,029 thousand Belarusian rubles from the budget funds. In comparison with 2005, the financing increased in 1.5 times in general and almost twice in relation to the printed media and publishing houses. The general financing is twice as much in comparison with the year of 2004.

It should be emphasized that the budget financing is aimed at the state-owned / state-affiliated periodicals and broadcasters only.

Discontinuance or suspension of mass-media by authorities

Extrajudicial suspension of activity of mass-media at the decision of a registering body (the Ministry of information) is stipulated by Article 16 of the Law on press in case of infringement of requirements of this law by a mass-media edition. The ministry of information of Belarus demonstrates an extremely wide treatment of this clause, suspending the activity of mass-media even for the slightest violation of the legislation (actually not only for violations of the law on press, but also for violations of the law on advertising, enterprise activity, etc.) . Such practice was widely criticized by international bodies and organizations. On March 10, 2005 OSCE Representative on freedom of mass-media Miklos Haraszti noted in his report on the results of his visit to Belarus that *“the law in force “On press and other mass media» allows arbitrary interference with the activity of mass-media. The ministry of information, given large authority to use of sanctions, resorted to excessive use of this authority within the last two years”, and that “the authority to issue warnings / suspend the activities was used by the ministry exclusively against non-state mass media».*

In 2005 the Ministry of information less often resorted to suspension of activity of mass-media. However, the cases of extrajudicial closing of newspapers have become frequent. On August 24 2005 at the suit of Minsk Regional Executive Committee Minsk District Economic Court liquidated double liability company «Press-service», acting as the founder and the edition of the newspaper “Courier Iz Borisova». Appeal and cassation instances have upheld this decision, and referring to these decisions the Ministry of information on October 24 has annulled the certificate of registration of the newspaper «Courier Iz Borisova». Meanwhile, the liquidation of the founder and edition of the newspaper has not been completed by the end of 2005, which puts the legality of the order of the Minister of information under doubt. Closing of the publisher of the newspaper with a view of termination of publishing of mass-media has been also used by authorities in case of the newspaper «Dien». The printrun of the first issue of the newspaper published in 2005 and printed in Smolensk has been detained by militia in Dubrovno (Grodno region) on May 26. On July 4 Minsk Municipal Executive Committee liquidated double liability company «Dien-Press» (founder and publisher of the newspaper «Dien») charging the enterprise with failure to conduct economic activities.

The newspaper «Molodezhny Prospect» was closed by the Ministry of information on November 11 2005 after two suspensions. According to its managers, the edition of the newspaper has learned about the second order on suspension dated September 16 only from the document annulling certificate of registration of the mass-media. On October 24 2005 the Ministry of information made a similar decision concerning the newspaper «Navinki».

On January 21 the edition of “Novaya Gazeta Smorgoni” received the Order No. 7 of the Ministry of information of Belarus dated December 14 2004, annulling registration of the newspaper since the new year for two violations of the media law. The newspaper had been suspended by the Ministry of information twice - on October 2, 2003 and on August 16, 2004

On August 24 the Economic Court of Minsk district satisfied the suit of Minsk Regional Executive Committee on liquidation of the double liability company “Press-Service», the founder of the newspaper “Courier Iz Borisova” The enterprise should be liquidated by January 1, 2006. The suit on annulling the registration of “Press-Service» was filed by Minsk Regional

Executive Committee on June 17, which quoted rough infringements of legislation during the registration.

The essence of the infringements was that the charter of “Press-Service” didn’t mention aims and goals of the mass media («Courier Iz Borisova»), rights of the labour collective and other things which, according to the law, are should be included in the charter of a mass-media edition. “Press-Service” has waived the claim stating that at the moment of its registration the function of the edition of «Courier Iz Borisova» was fulfilled by another legal entity and, accordingly, the charter of “Press-Service” should not include these provisions. The judge Tamara Benchuk supported the executive committee and ruled to recognize registration of “Press-Service” void, to appoint the liquidating commission and to liquidate the enterprise by January 1, 2006 From the moment of coming into force of the decision the functions of the head of company were passed to the head of the liquidating commission. (Note that the court has appointed the head of department of ideological work of Minsk Regional Executive Committee as the head of the liquidating commission.)

On October 24 the Ministry of information published the order recognising void the certificates of registration of the non-state newspaper «Courier Iz Borisova». The order says that the certificate of registration was annulled on the basis of decision of the Economic Court of the Minsk region and on the basis of an extract from the report of the liquidating commission of on the basis of “Press-Service” dated September 28. The order was signed by the first deputy minister of information Lilia Ananich.

On October 24 the first deputy Minister of information Lilia Ananich signed the Order No. 151 annulling the certificate of registration of the newspaper «Navinki». The registration was annulled on the basis of Article 11 of the Law «On press and other mass-media», according to which mass media is subject to re-registration if it has not been published for more than a year. The edition of the newspaper considers the reference to this article of the law wrongful, since only 11 months have passed from the moment of its suspension in 2004. During the meeting with representatives of the Ministry of information the editor-in-chief of the newspaper «Navinki» Pavel Konovalchik has shown the issues of the newspapers published in October 2005 as the proof of realization of publishing activities,. However, the ministry representatives have not changed their decision.

The ministry of information cancelled registration of the newspaper «Molodezhny Prospect». One of the founders of the edition Vladimir Novosjad has learned about this **on November 17**. He has received by mail notification the Order No. 162 «On annulling the certificate of registration of the newspaper «Molodezhny Prospect». The order was signed on November 11 by the Minister of information Vladimir Rusakevich. The minister motivated his order saying that the edition has not passed re-registration after two suspensions within one year (orders of the Ministry of information No. 160 dated September 20, 2004 and No. 133 dated September 16, 2005), thus violating requirements of Article 11 of the Law «On press and other mass media».

Criminal cases for publications in mass-media

The criminal liability for slander and insult in mass-media is established by six articles of the Criminal Code: No. 188 («Slander»), No. 189 («Insult»), No. 367 («Slander concerning the President of Belarus»), No. 368 («Insult of the President of Belarus»), No. 369 («Insult of a representative of the authority»), No. 391 («Insult of the judge or assessor»).

The maximum punishment stipulated by articles 188 and 189 of the Criminal Code is imprisonment for the term of up to two years. Alternative sanctions are fines, corrective works, arrest and restriction of freedom. Articles 367-368 stipulate higher responsibility for slander and insult concerning representatives of authorities. The maximal punishment under Article 367 is imprisonment for the term of up to 5 years, under Article 368 – imprisonment up to 3 years, under Article 369 - restriction of freedom for the term of up to 3 years. Articles 367 and 368 of the Criminal Code are applied in Belarus rather often.

On December 15, 2005 the Criminal Code was complimented by Article 369-1 establishing responsibility for discrediting of the Republic of Belarus, understood as «granting to a foreign state, foreign or international organization of obviously false data on political, economic, social, military or international situation of the Republic of Belarus, legal status of citizens in Belarus, discrediting the Republic of Belarus or its authorities». The maximum responsibility for such actions is imprisonment for the term of two years. The specified article has come into force in 2006

On February 1 the Public Prosecutor of Central district of Minsk V. Hodotovich considered the materials passed by the Central Electoral Commission concerning distribution of agitation leaflets of some candidates during 2004 elections to the House of Representatives of the National Assembly. The judge has decided to start a criminal case on Article 367 Part 2 («Slander concerning the President of Belarus, related to charges in fulfilment of a grave crime»). **On February 24** Alexander Tsinkevich (candidate from the United Civic Party during 2004 elections), whose election leaflets had been also examined Office of Public Prosecutor, was summoned as a witness for interrogation to the Office of the Public Prosecutor of the Centralny district of Minsk in connection with this case.

On February 4 Andrey Pochobut, journalist of the Internet newspaper «Pahonia» was summoned for interrogation to Leninsky district police department of Grodno, where he was interrogated in connection with the case of setting on fire the car of the chairman of the Union of Poles of Belarus. The official reason for the summons was Pochobut's publications about the conflict in the Union of Poles. Inspector Sergey Savushkin quoted testimonies of Tadeusz Kruchkousky, in which he accused the journalist of threats. A. Pochobut classified them as attempts of revenge for his publications about sexual scandal in the university. (see also «Detentions of journalists, summons to law enforcement bodies. Warnings issued by the Office of Public Prosecutor».)

On February 15 deputy of Malorita district council Vladimir Malej was handed a notification that a criminal case was instituted against him according to Article 188 part 2 of the Criminal Code («Distribution of obviously false data»). According to the Public Prosecutor Mikhail Biletsky, the criminal case was instituted following the appeal of the chairman of Malorita

District Executive Committee. The head of local vertical Kazimir Lapich has named groundless the charges published by V Malej in the information bulletin «Nashe Slovo», when the deputy appealed to the Office of Public Prosecutor to hold Kazimir Lapich responsible for «inactivity» in the case of returning of the office space of the former chairman of the district executive committee Alexander Nehaev. K. Lapich considered these charges groundless and saw in the publication corpus delicti stipulated by the Criminal Code and filed a suit to the Office of Public Prosecutor.

On February 23 Alexey Pikorov, inspector on especially important cases of the Minsk City Office of Public Prosecutor has prolonged for one more month the term of investigation of the criminal case against Deputy Chairman of the Belarusian Helsinki Committee Garry Pogonijlo for slander of Alexander Lukashenka. The reason for institution of the case were the documents on this case submitted to investigation by Mr. Pogonijlo himself. The basis for institution of the criminal case was the interview which the lawyer gave to the Swedish TV channel «TV-4» on May 18, 2004, where Pogonijlo voiced suspicions of involvement of top government officials (including Alexander Lukashenka) in disappearances and possible killing of the leaders of Belarus opposition. When the foreign journalist was leaving Belarus the videotapes were confiscated by Belarusian customs officers. **On February 28** Pogonijlo was informed that investigation of his case was suspended because of lack of corpus delicti. However, **on May 16** the investigation was resumed. In June after appeal of Harry Pogonijlo to Minsk City Office of Public Prosecutor and the court of Centralny district of Minsk the investigation of the criminal case was prolonged for one more month. In his opinion, in February the investigator made «certain formulations», which put under doubt his innocence. In particular, the document said that in his statements Harry Pogonijlo slandered the president, although this information has not been distributed. Eventually the criminal case has been closed for lack of corpus delicti.

On March 28 former businessman and deputy of the Supreme Soviet of the 13-th convocation Andrey Klimov has received a decision on institution of the criminal case against him. A. Klimov was accused of slander concerning the President of Belarus (Part 2, Article 367 of the Criminal Code) and insult of the President of Belarus (Part 1, Article 368 of the Criminal Code). Andrey Klimov was charged with writing, organizing publication and distribution of books and leaflets containing offensive statements addressed to the President of Belarus accusing the head of state of grave crimes. the Office of Public Prosecutor found slander of the president in Klimov's books «Revolt 2005», «Obvious Truths» and «I Have Made the Choice». **On April 6** Pervomaisky district court of Minsk started hearing the case of A. Klimov. The hearing was closed for journalists and for the public (see also «Violations related to access to information»). On this day judge Elena Ananich appointed literary examination of Klimov's books to receive expertise of their contents for availability of insult and slander of A. Lukashenko in them. Because of the appointed expertise and because the state prosecutor repeatedly asked for more time for carrying out additional investigation of the case, the trial was resumed only on July 22. On the same day the trial was stopped, and Andrey Klimov was exempted from criminal responsibility for the reason that the «action has lost dangerous character». Before that, on June 10, 2005 Centralny district court found A. Klimov guilty of the crime stipulated by Article 342 of the Criminal Code (organization of group actions violating public order or active participation in them) for organization of the protest actions in Minsk on March 25, 2005 and sentenced him to one and a half years of imprisonment.

On April 27 the founder and editor-in-chief of the newspaper «Zgoda» Alexey Korol informed that he received a letter from the Office of Public Prosecutor of Partizansky district of Minsk.

The letter said that he could be held responsible for insult of the head of state. A. Korol intended to hold responsible police officers who held a search on March 24 in the office occupied by the edition of the newspaper and confiscated four PCs and collages published in the newspaper. The answer of the Office of Public Prosecutor said that no violations were found in police officers actions during the search. However, the Office of Public Prosecutor have seen signs of the crime stipulated by Article 386 of the Criminal Code of Belarus in the collages found during the search («Insult of the President of Belarus»). **On September 23** Pervomaisky district court of Minsk fined the editor of the non-state newspaper «Zgoda» Alexey Korol and his assistant Alexander Zdvizhkov 100 basic units each (1200 US dollars). The court decided that the journalists committed an offence stipulated by Part 10, Article 172-1 of the Administrative Code (distribution through mass media of false data which offend honour and dignity of the President).

The grounds for such verdict of the court were the collages published in «Zgoda». (See also «Detention of journalists. Summons to law enforcement bodies. Warnings of the Office of Public Prosecutor» and «Most significant litigations with participation of mass-media and journalists».)

On June 16 the court of Borisov found the editor of the newspaper «Borisovskiye Novosti» Anatol Bukas guilty of a crime, stipulated by Part 2 of Article 188 of the Criminal Code (slander in public statement or in mass-media) and Part 2 of Article 189 of the Criminal Code (deliberate humiliation of honour and dignity stated in the indecent form). Judge Elena Samtsevich obliged him to pay a fine of 40 basic units, and 3 million roubles to the editor of the newspaper of Borisov Municipal Executive Committee «Adzinstva» Vera Protasevich in indemnification of moral damages.

The editor of the state newspaper filed a suit after Bukas' publication «Crazy Scamp Has a Finger in Every Pie, or Silence of the Lambs» («Borisovskiye Novosti» No. 12, 18-24 March, 2004) The judge has not satisfied the petition of Bukas and his lawyer to append to the case the conclusion of the expert on linguistics containing the analysis of the disputable text. The petition to appoint psychological-psychiatric and judicial-medical expertise of V. Protasevich has also been rejected. (See also «Detention of journalists. Summons to law enforcement bodies. Warnings by the Office of Public Prosecutor»).

On August 16 the Office of Public Prosecutor of Minsk summoned activists of the initiative «Third Way» Andrey Arbuzov and Pavel Morozov, who posted in the Internet satirical cartoons featuring heads of state and simple citizens. In this connection criminal case on insult of honour and dignity of Alexander Lukashenka was instituted, and Arbuzov and Morozov were summoned as witnesses. However, in the Office of Public Prosecutor they do not deny that activists of the «Third Way» can be reclassified from witnesses to defendants. In this case according to Article 367 of the Criminal Code they can be sentenced to up to five years of imprisonment.

Before this KGB officers had searched the apartments of the members of the civil initiative «Third Way» uniting students of various educational institutions. During the searches they confiscated twelve computers dozens of disks and other data carriers. Besides, they have taken away all documents and even school graduation certificates from them.

On August 18 an influential international organization «Reporters without borders» condemned the actions of the Belarus law enforcement bodies concerning activists of the civil initiative «Third Way» and authors of the satirical cartoons posted in the Internet. «Any sarcasm or criticism of the authorities is severely punished. In the recent years three journalists have already been sentenced to imprisonment for «insult of the president», and it is inadmissible, that young Internet users should expect similar faith», state «Reporters without borders».

Attacks on journalists and media

In 2005 the number of attacks and threats addressed to journalists and mass-media has not decreased. As well as in the previous year, a significant part of attacks on journalists (beating, damage of property) has been performed by representatives of power structures.

The greatest resonance was caused by beating of Svetlana Zavadskaya, widow of the missing journalist Dmitry Zavadsky by a riot policeman, and murder of the non-staff correspondent of the newspaper «Narodnaya Volya» Vasily Grodnikov. In both cases of authorities have refused to institute criminal proceedings.

The murderers of the journalist of the newspaper «Salidarnasc» Veronica Cherkasova, killed in late 2004, have not been found in 2005.

According to Kirill Zhivolovich, journalist of “Belorusskaya Gazeta», **on January 10** employees guards of central post office in Minsk in reply to his request for an interview have used physical force against him. (see also «Detention of journalists. Summons to law enforcement bodies. Warnings by the Office of Public Prosecutor»).

On March 28 Natalia Volokida, journalist of the newspaper «Zgoda», has addressed the Minister of Internal Affairs of Belarus Vladimir Naumov with an open letter. In her letter the journalist has addressed attention of the minister to the infringements of his subordinates during the mass action on March 25. On this day riot policemen knocked her down in spite of the fact that the journalist has notified them that she carried out her official duties. The riot policemen pushed her, stepped on her feet and hit her in the temple. According to the journalist, in reply to her demands to stop violent actions, riot policemen and militiamen answered with obscene language. The journalist asked the Minister of Internal Affairs to deal with these cases and demanded to ensure strict observation of the rights of journalists by employees of law enforcement bodies.

On April 13 Olga Klaskovskaja, journalist of «Narodnaya Volya» submitted an appeal to the Office of Public Prosecutor with the request to give a legal assessment of the cases of infringement of the rights of journalists by police during the street action on March 25 in Minsk. The appeal lists numerous facts of infringement of the laws «On press and other mass-media» and «On militia» by police. O. Klaskovskaja demanded to launch proceedings on disciplinary responsibility concerning the commander of riot police of the Municipal Department of Internal Affairs of Minsk Municipal Executive Committee Jury Podobed. According to the journalist, he has refused to settle the situation in which militia employees prevented the journalists from carrying out their official duties on covering the mass action. In particular, the journalist noted, that on March 25 riot policemen forced her to leave the square where the mass action took place, which coverage was her editorial task. Her appeal also says that on March 25 while forcing her to leave the square the policemen applied force (in particular, they pushed her in the back several times), offended the journalist by using obscene language and repeatedly threatened to detain her in case she does not obey their demands to leave the venue of the action.

On July 8 Svetlana, the spouse of the missing cameraman of the Russian TV channel ORT Dmitry Zavadsky filed an appeal to the Office of Public Prosecutor on the fact of her trauma **on July 7** during dispersal of the “Chain of Concerned People”. During the action on

Oktyabrskaya Square in Minsk one of the riot policemen in the rank of the foreman has strongly hit the woman on the face. On the same day in the evening Svetlana felt sick and decided to go to the hospital to register the fact of beatings. According to physicians, Svetlana Zavadskaya had a craniocerebral trauma. The fact of beating has been recorded by the cameraman of the First Russian TV channel and repeatedly shown on air. The complaint filed against the riot policeman by Zavadskaya has not been considered in the 10-days term stipulated by the law. The response which the spouse of the missing cameraman received only in the end of the month said that she had provoked the policeman to strict measures in relation to her. On these grounds the criminal case has not been instituted.

On October 18 Vasily Grodnikov, non-staff correspondent of the newspaper «Narodnaya Volya» (born in 1938) was found dead in his house in Zaslavl (Minsk district). According to the conclusion made by forensic experts of the Minsk regional clinical hospital, the main cause of death was a craniocerebral trauma, «contact with a blunt subject in unknown circumstances». According to Grodnikov's relatives, many subjects and walls in the house were covered in blood. Neither money nor valuables were stolen. Already **on October 21** the investigator of the regional Office of Public Prosecutor in Zaslavl Dmitry Kirilchik, who conducted the investigation of the case, declared that the Office of Public Prosecutor did not have any bases to open a criminal case on the fact of Grodnikov's death (the house was locked from inside, the windows were not broken and there were no traces of breaking in). **On November 28** it became known that Minsk regional Office of Public Prosecutor decided not to open a criminal case in connection with Grodnikov's death. **On November 29** the Office of Public Prosecutor of the Republic of Belarus cancelled this decision and returned the materials of the case to the Minsk Interdistrict Office of Public Prosecutor for additional investigation. After the additional investigation inspector Dmitry Kirilchik once again came to the conclusion that Grodnikov «could receive physical injuries due to his own careless actions». **On December 14** the investigator of Minsk Interdistrict Office of Public Prosecutor Dmitry Kirilchik issued a repeat decision on refusal in opening of criminal case on the fact of death of Vasily Grodnikov, non-staff correspondent of «Narodnaya Volya» newspaper.

On November 3 non-state newspaper «Brestsky Courier» ran a story about robbery in the edition of the regional state newspaper «Zarya» (founded by Brest regional Council of Deputies, Brest Regional Executive Committee). The robbers got into the accounts department of the edition and stole components of three computers. Law enforcement bodies have begun investigation of this incident. In the opinion of «Brestsky Courier», the robbery has not created any problems for «Zarya», since «they had copies of all programs and current updates».

Ales Abramovich, human rights activist and journalist of the independent newspapers «Borisovskiye Novosti» and «Zgoda» was beaten in the evening of **November 8** in Borisov. The incident happened near the house of the journalist. The unknown person attacked A. Abramovich, beating him on the face, neck, and body with his fists. Two young guys who came to help A. Abramovich have seized the assailant and delivered him to a police station. However, police has soon released malefactor, having said his name to Mr. Abramovich and having mentioned that he was an employee of one of Minsk private companies. Abramovich's colleagues and adherents connect the incident with his professional and public activities.

Detentions of journalists. Summons to law enforcement bodies. Warnings by the Office of Public Prosecutor

In 2005 journalists and mass-media were repeatedly exposed to pressure from law enforcement bodies. The bodies of the Office of Public Prosecutor, militia and KGB of Grodno and Grodno region were especially active. The reason for this was the conflict around the Union of Poles of Belarus inspired by the authorities. Not having recognized the results of a congress of this public organization, authorities have prosecuted not only the newly elected management of the Union, but also the journalists of printed editions published by the organization, as well as correspondents (including foreign ones), covering the events in Grodno.

After an educational seminar for journalists, organized in Mogilev on January 21 and 22 by the Belarusian Association of Journalists and Belarus representation of the Ebert Foundation, KGB have become interested in its participants. In particular, **on January 23** Vitaly Rugajny, pupil of the 11th grade of one of Mogilev secondary schools, was summoned to director's office, where he saw a person in the civilian clothes who presented himself as KGB officer, but refused to call his name. The anonymous officer asked the teenager in details how he got on the seminar, what were they talking about there, who conducted it, what topics were most interesting for the participants of the discussion and in which «ideological direction» the conversation proceeded. Approximately 30 people participated in the educational seminar «Legal and ethical aspects of journalist's activity» - employees of state and non-state mass-media, as well as young men who are going to devote themselves to journalism. The preparation for the seminar was open, and the seminar itself has passed without any incidents.

On January 25 the Office of Public Prosecutor of Leninsky district of Minsk has put forward charges to Kirill Zhivolovich, journalist of the non-state weekly «Belorusskaya Gazeta» according to Article 363 Part 2 of the Criminal Code («Resistance to police officer or another person protecting public order»). According to Jury Voronko, investigator of the Office of Public Prosecutor, on January 10 near the building of the Central Post Office in Minsk the journalist «incited a scandal» and «conducted violent actions» against employees of a security service. The journalist gave an obligation not to leave the country and the case that was started on this fact was sent to court. According to the journalist, the conflict started during his preparation of a material about the activity of security service employees. According to him, after he tried to make an interview with the security guards, they invited him to an office where they first threatened the journalist, and then used physical force against him. The victim - employee of «Belpochta» security service Jury Nazarchuk said in his interview with BelaPAN correspondent that the journalist was in a state of intoxication and he has beaten him. However, the medical expertise has not confirmed neither the fact of alcoholic intoxication of K. Zhivolovich, nor the fact of beating of the security service employee.

On January 27, 2005 the court of Grodno region upheld the decision of a district court to find Romuald Ulan guilty of a road accident which happened in 2003 (automobile-bicyclist incident) and sentenced him to 1 year of imprisonment. (first the court of Smorgon district has passed the decision to sentence him to three years of imprisonment, despite the expert conclusion on the lack of violation of traffic rules by the driver). In April 2005 the Supreme court upheld the verdict of the first instance. In the end of April 2005 R. Ulan has got in a hospital. The Law «On amnesty in connection with the 60th anniversary of victory in the Great Patriotic War of 1941-

1945» came into force on May 6, 2005. This law reduced the terms of punishment for people who have committed their crimes due to imprudence by 1 year. On May 10 R. Ulan returned to Smorgon and already **on May 11** he was detained and delivered to Smorgon police department where he spent two days. He was set free only on May 13, thanks to lawyer's efforts.

On January 28 the editor Krichev non-registered edition «Volny Horad» Sergey Nerovny was summoned for conversation to the Interdistrict KGB department. The conversation was about certain materials printed in the newspaper, in particular, about the conflict in Krichev regional organization of veterans. As Mr. Nerovny found out, local authorities wanted to hide this conflict during preparation for celebrating 60-th anniversary of victory in the Great Patriotic War.

Andrey Pochobut, journalist of the Internet-newspaper «Pahonia» was summoned for interrogation in Leninsky district police department of Grodno **on February 4**. The reason for this were his articles about the conflict in the Union of Poles of Belarus. The investigator Sergey Savushkin, who carried out the investigation on setting on fire the car of Tadeusz Kruchkousky, chairman of the union of poles, was interested in personal relations between the journalist and chairman of the Union of Poles. Sergey Savushkin noted Kruchkousky's testimonies, in which he accused A. Pochobut of threats. The journalist commented on it as a way to revenge him for his publications about a sexual scandal in a university involving Kruchkousky. The Internet-newspaper «Pahonia» has drawn large attention to this scandal, having conducted an independent journalistic investigation. (see also «Criminal cases for publications in mass-media».)

On February 14 Krichev regional Office of Public Prosecutor issued a warning to Vladimir Kudryavtsev, founder of an unregistered newspaper «Volny Horad». Kudryavtsev was warned that certain newspaper publications under certain circumstances can become a reason for holding him criminally responsible.

In the evening **of March 1** Ekaterina Tkachenko, employee of the press-service of the United Civic Party was detained in Minsk after the rally of private businessmen which took place on this day on Oktyabrskaya Square in Minsk.

E. Tkachenko's and UCP activist Marina Bogdanovich were detained in the underground crossing near Komarovsky market. People in the civilian clothes approached the women, asked M. Bogdanovich to present documents and then declared that she was detained. E. Tkachenko was not detained, but they have suggested her to accompany Marina Bogdanovich to the Centralny police station. In the police station women were invited to different offices. E. Tkachenko was also told to give written testimonies. The journalist refused to do so, having presented the ID of UCP press-service. After this she was released.

In the evening of **March 3** Grodno police detained Andrey Pochobut, journalist of the information Internet-site pahonia.promedia.by. On March 3 before the beginning of the action of Grodno businessmen he was approached in the street by the chief of Leninsky police department of Grodno colonel Sychevsky. He asked the journalist to come into the police department to give additional testimonies about a transport incident with participation of the car of Sergey Skrebets. (A. Pochobut was a witness of this incident.) Sychevsky explained his request by «new circumstances» in the case. A. Pochobut answered that he would come later when the

action of businessmen is over, since he had to cover it. After the action as promised A. Pochobut came to the police station. One and a half hours later he called from there and said that they have made a report for participation in an unsanctioned street action against him. On March 4 Andrey Pochobut was sentenced to 10 days of administrative arrest according to the decision of Leninsky district court of Grodno. (see also «Most significant litigations with participation of mass-media and journalists».)

In early March the editor of Krichev unregistered newspaper «Volny Horad» Sergey Nerovny was summoned to Krichev Interdistrict Office of Public Prosecutor, where he received from the public prosecutor Rozantsev a warning «for placing in the newspaper the articles containing appeals to overthrow the existing authorities, insults of the president and local authorities». According to Nikolay Rozantsev, the warning was issued on the basis of appeal of the chairman of Krichev district executive committee Ivan Prokopov. The public prosecutor has not given Mr. Nerovny any specific examples, and has not named the publications containing them.

On March 20 during elections to the House of Representatives of the National Assembly three Polish journalists were detained in Grodno central constituency: press photographer of Polish edition of Newsweek Adam Tuhliniski, journalist of the same publication Mihal Kotsevich and Martin Smelovski (TV channel «Polsat»). The journalists were delivered to Oktyabrsky police station in Grodno and were accused of having worn-out seals at their accreditation certificates. The journalists were kept until 11PM, and during this time all video materials shot by Smelovsky during his business trip to Belarus were erased. (See also «Conflicts related to reception and distribution of foreign information or activity of foreign mass-media».)

On March 24 the editor of Krichev non-state newspaper «Volny Horad» Sergey Nerovny was summoned to the regional Office of Public Prosecutor, where he was asked to give explanations regarding leaflets with his portrait, and an appeal to go to Minsk to support A. Klimov's street protest action on March 25. S. Nerovny explained, that he sees this leaflet for the first time and has no relation to it, but he did not deny, that his edition printed materials about A. Klimov. S. Nerovny called the leaflets a «provocation» and demanded that Krichev Office of Public Prosecutor dealt with the situation.

On March 24 employees of Partizansky police department of Minsk have inspected the premises rented by the editor-in-chief of a non-state newspaper «Zgodna» Alexey Korol. The militiamen did not have the documents necessary for carrying out the search. During the search the militia has taken away computers on which employees of the edition worked, because of which publishing of one issue of the newspaper «Zgodna» was disrupted. They also confiscated the collages which hung on the walls of the apartment among which there were faces similar to the head of state. The editor-in-chief of «Zgodna» sent a complaint about illegal withdrawal of computers to the Office of Public Prosecutor of Partizansky district of Minsk. However, on expiration of ten days, allowed by Law for the answer, Alexey Korol has not received any answer from the Office of Public Prosecutor. There was no answer to the complaint about the illegal confiscation, addressed to acting chief Partizansky district police department Sergey Bely. In late April Mr. Korol received a letter from the Office of Public Prosecutor of Partizansky district which talked about the possibility of opening of a criminal case on the fact of public insult of the President (Part 1, Article 368 of the Criminal Code) by means of collages.

On May 30 Alexey Korol's apartment was visited again by yet another employee of Partizansky district police department, who presented the warrant for carrying out examination of the premises. Judging by the document, the initiative of the search originated in the Office of Public

Prosecutor of Partizansky district of Minsk. However, the discrepancy in registration of the warrant allowed A. Korol to prevent carrying out the search. He told the militiaman, that the documents which the Office of Public Prosecutor demanded to present, could be presented without carrying out of the search. It was the question of a copy of the certificate on Korol's registration as individual businessman, copy of the contract with the printing house «Plutos-market» and samples of printed matter (newspaper «Zgoda»). **On May 31** Mr. Korol personally delivered all these documents to Jury Filimontsev, investigator of the Office of Public Prosecutor of Partizansky district entrusted to carry out the check. As a result, the Office of Public Prosecutor has returned to the editor two out of four confiscated computers, while two other computers remained in KGB for yet another year. (see also «Criminal cases for publications in mass-media»)

On May 30 Igor Maslovsky, coordinator of an unregistered movement «Will of People» in Brest region was summoned to the Office of Public Prosecutor of Brest region and handed over an official warning about inadmissibility of infringement of the law. The reason for the warning were publications in the newspaper «Narodnaya Volya» about the activity of the public initiative «Will of People», according to which Mr. Maslovsky was the coordinator of this initiative in Brest region.

On April 26 Russian journalists were detained in Minsk during a street action, including Mikhail Romanov («Moskovsky Komsomolets») and Alexey Ametov («Russian Newsweek»). The journalists were charged with infringement of Article 167-1 of the Administrative Code of Belarus (violation of the order of organization or carrying out of mass actions). (See also «Conflicts related to reception and distribution of foreign information or activity of foreign mass-media».)

On April 26 Grodno journalist Irina Chernjavko was summoned to the Office of Public Prosecutor of Grodno region. The reason for the call was a complaint sent to the regional Office of Public Prosecutor by Vasily Kamenko, deputy minister for taxes and tax collection. In the complaint the state official declared, that Irina Chernjavko in her article «Check-ups in tax inspection» («Narodnaya Volya», April 5, 2005) had revealed the secret of preliminary investigation. The article talked about an unprecedented criminal case, in which Tamara Stasevich, chief of tax inspection of Volkovysk district and her former assistant Anna Misko were charged with a number of criminal offences. Vasily Kamenko asked the Office of Public Prosecutor whether Irina Chernjavko had a sanction of investigation for this publication. In the Office of Public Prosecutor senior assistant to the public prosecutor of Grodno region Vyacheslav Ignatik talked to the journalist. Ms. Chernjavko gave written explanations, in which she emphasized that during preparation of the material she used only public sources and had no access to materials of investigation at all.

In the morning of **June 21** a squad of policemen came to the private apartment of Andrey Pochobut, a well-known Grodno journalist and editor of the magazine of the Union of Poles of Belarus «Magazyn Polski». The journalist was forcefully delivered to a police station where he was told that this was connected with the complaint filed against him by Tadeusz Kruchkousky, former head of the Union of Poles. An employee of Devjatovsky police station Natalia Gajdash declared that T. Kruchkousky had complained of Andrey Pochobut's articles, which offended him. As A. Pochobut refused to talk on this topic, it is not known, which publications she was talking about. Not having received any explanations, the militiamen have released the journalist. According to A. Pochobut, on June 21 he received a phone call from a police station of

Oktyabrsky district of Grodno, and was told, that one more complaint was filed against him. The journalist answered that he would come to a police station only after receiving official summons.

On July 4 employees of law enforcement agencies detained two journalists - Sergey Grits, press photographer of Associated Press and photo correspondent of the newspaper «Nasha Niva» Julia Doroshkevich. They were present at the performance organized near the building of the Art museum by a well-known artist Ales Pushkin. The journalists were kept in the municipal police department for three hours, they were not allowed to go outside and were released only after one of police officials arrived. In the opinion of press photographers, militiamen have abused their authority, because the photographers have presented all the necessary documents.

On July 6 five journalists were detained in Grodno: acting editor-in-chief of the newspaper «Glos znad Niemna» Andrzej Pisalnik, editor of the edition «Magazyn Polski» Andrey Pochobut, Inessa Todrik, Ivan Roman and Igor Bantser. The journalists came to the city centre (Lenin Square), put up a tent near the building of the Municipal Executive Committee and unwrapped a poster in the Polish language: «Return «Glos znad Niemna» to the Poles!» and «Protest to the Union of Poles of Belarus». The unauthorized picket appeared in protest against publishing of three issues of the newspaper «Glos znad Niemna», by someone other than the editorial team and the organization-founder of the newspaper («the Union of Poles of Belarus»). The court of Leninsky district of Grodno fined the journalists: Andrey Pochobut was fined 5 million 125 thousand roubles and Igor Bantser - 510 thousand roubles. Andrzej Pisalnik, correspondent of the newspaper «Salidarnasc» and Ivan Roman, the editor-in-chief of the newspaper «Glos znad Niemna» were fined 100 basic units (2 million 550 thousand roubles) each. The employee of the newspaper «Glos znad Niemna» Inessa Todrik was fined 20 basic units (510 thousand roubles).

At around 21.00 on **July 26** the car with Andrey Pochobut, Deputy Chairman of the Union of Poles of Belarus Yuzef Paszecky and chairman of Grodno organization of the Union of Poles of Belarus Mechislav Yaskevich was stopped by police in the city of Shchuchin, allegedly for checking the documents. Pochobut, Paszetsky and Yaskevich were delivered to the regional department of internal affairs for identification. According to the officer on duty of Shchuchin police department, they were charged with «participation in an unauthorized action on July 3 in Shchuchin and resistance to militia employees». Until the administrative trial the arrested persons were placed to the pre-trial jail of Shchuchin police department. Pochobut and Pazhetsky were detained four hours later, when they refused to come for a conversation to the regional Office of Public Prosecutor of Grodno, because the courier has delivered the summons to them only 15 minutes prior to the appointed time. On July 27 the Court of Lida district sentenced A. Pochobut to 15 days of administrative arrest. The journalist was found guilty of «participation in an unauthorized action on July 3 in Shchuchin and resistance on the same day to militia employees». The editor-in-chief of «Magazyn Polski» has served his sentence in Lida.

On July 27 the court of Leninsky district of Grodno made a decision on prohibition of foreign trips to A. Pochobut, editor-in-chief of «Magazyn Polski» in connection with his «evasion from paying the fine». The court has not taken into consideration that A. Pochobut physically could not pay the fine since at this time he served a 15 days arrest in Lida.

Late at night **on July 27** in Grodno police broke into the building of the Union of Poles and detained two journalists of the newspaper «Gazeta Wyborcza» Vaclav Radzivinovich and

Robert Kovalevsky, the head of the Grodno branch of BAJ Pavel Mozhejko, press photographer of «Associated Press» Sergey Grits, correspondent of the Internet-site www.euramost.org Irina Chernjavko, editor of the newspaper «Glos znad Niemna» Andrzej Pisalnik and journalist of the same edition Inessa Todrik, journalist of «Nasha Niva» Julia Doroshkevich, journalist of «Pressbol» newspaper Maxim Guborevich and journalist of the Internet-site www.pahonia.promedia.by Olesya Sidljarevich. After the detention the militiamen have forbidden the journalists to use the dictophones, cameras and mobile phones. The press IDs presented by the journalists have not worked on militia in any way. The representatives of press, just like all the others, had their documents data copied, and then they were invited one by one for «giving explanations» and signing the protocol of detention. According to BAJ, many of the journalists have refused to sign any papers. Employees of «Gazeta Wyborcza» declared that they would talk to police only in presence of the consul. After that the Polish journalists were taken to another room, and their Belarusian colleagues haven't seen them any more on that day. Police have destroyed all pictures which the journalists had managed to take during the storm of the building of the Union of Poles or inside the police station. The journalists were kept in the police station about 2,5 hours and then released together with others, detained in the Polish house. (see also «Conflicts related to reception and distribution of foreign information or activity of foreign mass-media».)

On August 1 Andrzej Pisalnik, acting editor-in-chief of the newspaper «Glos znad Niemna» was detained in Grodno. People in the civilian clothes have pushed him into a «Mercedes» and drove away in an unknown direction. All police departments stated that no journalists were taken to them. It became known a little later, that Andrzej Pisalnik was seized by police, allegedly for bringing him to a court in Shchuchin. However, the trial of the journalist took place only **on August 4** in the court of Lida district. A. Pisalnik was charged with violating Article 167 Part 1 of the Administrative Code for organization and participation in celebrating the Day of independence on July 3 near the Polish house in Shchuchin and also Article 166 of the Administrative Code for insubordination to militia.

For this the editor of «Glos znad Niemna» was punished by 10 days of administrative arrest. During the trial the facts of offences of Andrzej Pisalnik have not been proven. The witnesses-militiamen, in their turn, were confused in their testimonies. The lawyer asked the court to stop hearing of the case, but the judge Valentin Shevchik decided otherwise. From the date of detention, on August 1, until the day of trial Andrzej Pisalnik was on hunger strike in sign of protest against actions of the authorities.

On August 8 the Office of Public Prosecutor of Borisov invited Anatoly Bukas, editor of «Borisovskiye Novosti» for explanations regarding publication of the article of Alexander Abramovich «The Trial Was in One Goal» in his newspaper. The article talked about litigation over A. Bukas (he was found guilty of insulting Ms. Protasevich and slandering her). Ms. Protasevich filed an appeal to the Office of Public Prosecutor charging Mr. Bukas with alleged violation of Article 5 of the Law on press by publishing materials of a criminal case without a written sanction of the judge before the trial. Alexander Abramovich was also present in the Office of Public Prosecutor and explained, that he had not been admitted to the materials of the case, and that he prepared his material based on his personal tape records which he made during the open litigation. **On August 25** the Office of Public Prosecutor of Borisov issued an official warning to the editor-in-chief of the newspaper «Borisovskiye Novosti» A. Bukas. The warning said that if the revealed infringements continue, the Office of Public Prosecutor «will consider the issue of filing a suit about discontinuance of activity» of the edition. A. Bukas appealed

against this warning, referring that the publications did not contain any quotations from the materials of the case, while the journalist simply described with his own words what he had seen and heard during the open trial.

On September 29 the Office of Public Prosecutor of Minsk region waived Mr. Bukas' appeal against the warning issued to him by the public prosecutor of Borisov. The letter from the Office of Public Prosecutor signed by the assistant public prosecutor of Minsk region Mr. Kompanets says that the journalist has no right to publish not only materials of proceeding, but also his opinion about the court. Mr. Kompanets believes that Article 5 of the Law «On press and other mass media» forbids distribution of the information received during hearing of a criminal case, and «delivering to the readers personal opinions of the author» The letter also says that «no written sanction to publish any articles about the specified litigation before the verdict comes into validity» was given neither to the author of the publication, nor to the edition of «Borisovskiye Novosti».

On August 11 it became known that the editor and publisher of the newspaper «Dien» Nikolay Markevich received an answer from the Office of Public Prosecutor of Dubrovno district regarding his complaint against confiscation of the printrun of the newspaper «Dien» by local police. The incident happened on May 26, 2005 on «Minsk-Moscow» highway. The letter signed by the assistant public prosecutor of Dubrovno district A. Buzikov says that «the address of the edition specified in the newspaper is wrong since the newspaper was not based at the specified address». In this respect «employees of Dubrovno Interior department found in the actions of the responsible persons of «Djenpress» signs of an administrative offence stipulated by Article 172 of the Administrative Code of Belarus - distribution of printed editions produced with violation of the established order without a dateline. According to the Law «On press and other mass media» distribution also includes delivery of printed production. For information regarding returning of the confiscated printrun A. Buzikov suggested «to address directly Dubrovno Interior department or the Department of Internal Affairs of Vitebsk Regional Executive Committee».

On August 24 the administrative commission of Grodno's Leninsky district reconvicted journalists A. Pisalnik and A. Pochobut for their participation in the protest action in protection of «Glos znad Niemna» on July 6.

On August 25 Grodno journalist Andrzej Pisalnik was summoned to the Grodno regional Department of Internal Affairs and was handed over the writ that he was suspected in committing a criminal offence. The criminal case was instituted according to Article 185 of the Criminal Code of the Republic of Belarus by Shchuchin district Office of Public Prosecutor following the appeal of Victor Bogdan, director of the Polish House in Shchuchin. Victor Bogdan said that in July four activists of the Union of Poles in Belarus came to him and demanded that he gave them the keys from the Polish House, forcing him to give up his position and threatening him.

On August 29 activist of the Union of Poles and journalist Andrey Pochobut was punished by the administrative penalty in the amount of one basic unit. Tatyana Todorovskaja, judge of the regional court in Shchuchin, found him guilty of petty hooliganism (using obscene language near Shchuchin police department). On August 26 deputy chief of Shchuchin militia Genrih Zubel fined Ivan Roman, journalist of the newspaper «Salidarnasc» the same amount. On

August 26 road police detained the car with A. Pochobut and I. Roman on the exit from Shchuchin. They were kept in a police department for a night and released on August 27.

On September 26 assistant general Public Prosecutor of Belarus Nikolay Kuprijanov issued an official warning to Irina Khalip, assistant editor-in-chief of the newspaper «BDG. Delovaya Gazeta» and own correspondent of the Russian «Novaya Gazeta». In the opinion of the prosecutor, her article «Time to Throw Out the Rake» published in «Novaya Gazeta» contained «attributes of an appeal to destabilization of public order and change of constitutional system of Belarus by illegal methods».

Svjatoslav Gorelik, the prosecutor of the department of supervision of observation of constitutional rights of the Offices of Public Prosecutor of the Republic of Belarus warned I. Khalip that in case of repeated statements in mass-media «with such appeals» her actions will be considered as an appeal to violent overthrow of authority, which is punishable by imprisonment for the term up to 5 years according to the Criminal Code.

On October 12 Paval Mozhejko, head of Grodno branch of the Belarusian Association of Journalists, was summoned to Shchuchin police station for interrogation as a witness. Mr. Mazheika received the summons by mail. It has not been specified in the summons on what case he was summoned, but it was noted that he could be delivered to the police station by force or fined if he «maliciously evades from giving testimonies». Paval Mozhejko didn't go for interrogation since he was not informed about the reason he was summoned to the police department.

On October 12 Ivan Roman, Grodno trade-union activist and correspondent of «Salidarnasc», received a reply from Shchuchin regional Office of Public Prosecutor, where he complained about the conditions of detention in the pre-trial jail of this town. (He was kept there overnight from August 26 to August 27 in a crowded cell together with people ill with tuberculosis. He was strongly bitten by insects there). The reply signed by the public prosecutor G. Disko said that two weeks later medical experts in Shchuchin didn't find Mr. Roman bitten by insects, although he has shown a certificate from a dermatovenerologic dispensary.

On October 18 Alexey Korol, editor-in-chief of the non-state newspaper «Zgoda» received a letter from the Minsk city court signed by the deputy chairman V. L. Turko, who informed the journalist that his administrative case from the Office of Public Prosecutor of Partizansky district of Minsk was sent to the City Office of Public Prosecutor of Minsk. On **September 23, 2005** the court of Partizansky district (judge Deminskaja) passed a decision to fine him and his editor Alexander Sdvizhkov 100 basic units each (2,550,000 roubles or approximately 1,200 US dollars each). The journalists were found guilty of violating Part 10, Article 172-1 of the Administrative Code - distribution in mass media of obviously false information offending honour and dignity of the President of the Republic of Belarus. A. Korol and S. Sdvizhkov sent review appeals to the Minsk City Court in which they asked to annul the decision of Partizansky district court and to issue an «individual warning» to judge Deminskaja, employees of the district police department and Office of Public Prosecutor of Partizansky district as participants of political prosecution. The chairman of Minsk municipal court Mr. Turko assured the edition managers that their complaint would be considered later, since the case was directed to the Minsk Office of Public Prosecutor. In October the Office of Public Prosecutor of Partizansky district has not returned to the edition two out of four computers which the militia had confiscated during the search on March 24. Answering persistent Korol's phone requests to

inform about the whereabouts of the computers, the inspector of the Office of Public Prosecutor of Partizansky district Mr. Filimontsev said they were in KGB. A. Korol suggested to law enforcement bodies to leave computers in their disposal in offset of the fine appointed by the court. (See also «Most significant litigations with participation of mass-media and journalists».)

On October 20 Grodno journalist and activist of the Union of Poles Andrey Pochobut was detained by militia and handed over an obligation not to leave the country. Andrey Pochobut, the editor-in-chief of the magazine «Magazyn Polski» and employee of the newspaper «Glos znad Niemna» left his office at approximately 18.00 o'clock and waited in the street for a friend who shortly before this promised by phone to pick him up by his car, when a police car drove up to him instead. The law enforcers said that militia has some questions to him about the issues of the newspaper «Glos znad Niemna» printed in Poland and distributed in Belarus. The journalist was taken to Leninsky district police department of Grodno and told, that they were approached by the assistant public prosecutor of the region Mr. Trutsko, who instructed them to conduct an inspection of infringements of the legislation during publishing and distribution of the specified edition. A. Pochobut was suggested to give explanations, but he refused to do so. After that the militiamen released him, but told him that he should wait for investigators who were coming from Grodno to Shchuchin (working on the criminal case recently initiated in the Shchuchin Office of Public Prosecutor, where A. Pochobut is one of the suspects). Approximately at 20.00 o'clock two militiamen came and brought him to Shchuchin. At 21.30 the journalist was handed over an obligation not to leave the country. A. Pochobut refused to sign it and declared that he did not agree with such measure of restriction and would not undertake any actions without a lawyer.

On October 24 Leninsky district court of Grodno upheld the decision of the administrative commission of Leninsky district which fined journalist Andrey Pochobut in the amount of one basic unit. Having considered the complaint of the journalist, the court issued only an individual warning to the administrative commission for violations in filing the protocol. The commission fined the journalist for having trodden a lawn during an unauthorized picket in protection of the newspaper «Glos znad Niemna» which took place on July 6 on Lenin Square in Grodno.

On October 28 Andrey Zaloga, investigator of Shchuchin Department of Interior, annulled the obligation not to leave the country for the Grodno journalist, editor of the magazine «Magazyn Polski» Andrey Pochobut. However, Mr. Pochobut still cannot leave Belarus since the exit stamp in his passport was annulled. Meanwhile, Grodno regional Office of Public Prosecutor has prolonged the term of investigation of the criminal case, in which A. Pochobut appears as one of suspects, for one more month.

On November 2 the Office of Public Prosecutor of Leninsky district of Grodno issued an official warning to the Grodno journalist Andrzej Pisalnik for «offending Belarusian people» in one of his publications in a foreign edition. The reason for the warning was Pisalnik's article «Alexander Grigorievich's Poles» published in issue No. 21 of the newspaper «Glos znad Niemna», published in Poland. Public prosecutor Vrublevsky who signed the warning considered that the contents of this article «belittles national honour and dignity of the citizens of the Republic of Belarus and of the present chairman of the Union of Poles Mr. Luchnik». In the Office of Public Prosecutor they explained to A. Pisalnik that his actions could be qualified according to Article 130 of the Criminal Code («Inciting racial, national and religious enmity»). Earlier, **on September 29** the Office of Public Prosecutor of Leninsky district of Grodno

warned A. Pisalnik that he couldn't present himself as the editor-in-chief of the weekly journal of the Union of Poles of Belarus «Glos znad Niemna».

The Office of Public Prosecutor of Borisov should give a «legal assessment» to several articles published in the newspaper «Borisovskiye Novosti» (No. 29-31, 2005), and «to make a decision on the measures of public prosecutor's reaction». This order came from the Office of Public Prosecutor of Minsk region, which in its turn has received an order from the Office of Public Prosecutor of the Republic of Belarus (Department on supervision of observation of rights and freedoms of citizens). The editor-in-chief of the edition Anatoly Bukas informed about it **on November 21**. The letter of the Republican Office of Public Prosecutor says that the Ministry of information on behalf of Minsk Regional Executive Committee has analysed a number of articles for «abusing freedom of mass information» by the edition of the newspaper «Borisovskiye Novosti», but «has not found any bases for applying against the edition sanctions according to the Law of the Republic of Belarus «On press and other mass-media». At the same time, according to the letter, it was the Ministry of information that addressed the Office of Public Prosecutor with the request «to make a legal assessment» to these publications. (The issue was about the articles «They strangle freedom of speech», «Alexander Grigorievich will be replaced by Victor Aleksandrovich?», «I shall protect authority with weapons in my hands», «Belarus miracle», «Does the laurel wreath suit?», «Enraged with EU position», «He found jobs for his sons», «We don't need linguists», «Last construction site of communism», «Diplomatic Row» “Do not admit use of weapons», «Kremlin drags «daddy» from hell», «Elections without Lukashenka», «Dream of president Lukashenka», «In Belarus the first lady lives in the village», «They call you in the wood, but you have to go in the bogs», «Mikola Statkevich has left to corrective labour», «How not to get in a trap again»).

Censorship. Violation of professional independence of editions

According to Article 33 of the Constitution of Belarus censorship is not allowed.

Article 4 of the Law «On press and other mass media» (which is called «Inadmissibility of censorship of mass information») defines censorship as follows: *«the requirement to edition from the state bodies, organizations, establishments, public associations and their officials to preliminary coordinate messages and materials, and also the requirement to remove from press (air) a certain material or message».*

The legal encyclopaedic dictionary released by publishing house «Belaruskaya Encyklopedia» in 1992 gives a wider definition of the concept «censorship»: *«political-legal institute carrying out the control over the contents, publication and distribution of mass information with the purpose of preventing or restricting distribution of information and ideas recognised by the society or by the state as undesirable or harmful» ... «There is preliminary censorship, or allowing (assuming the necessity to receive a sanction from corresponding bodies for publication of mass information), and subsequent censorship (consisting in the evaluation of published mass information and taking restrictive measures in case of violation of the established requirements)».* According to this definition the actions of the Ministry of information and Office of Public Prosecutor fall under concept of subsequent censorship regarding issuing of warnings, etc., for example,

In the reporting period intervention of state bodies - founders of mass-media in their activity was widespread. Executive committees not only influenced the editorial policy of local state editions, but also gave editions and journalists specific tasks for preparation of materials on certain topics and specified, how these topics should be covered. It was done in violation of Article 19 of the Law on press, according to which the founder has no right to interfere with the activity of mass-media, except for the cases stipulated by this law, the charter of the edition or contract between the founder and the edition.

The state bodies also openly interfered with the activity of mass-media to which creation they had no relation. Unvoiced ban on broadcasting of certain rock groups on both state and commercial TV and radio stations introduced in the second half of 2004 continued to be enforced in 2005. The «black list» included about ten groups and singers, including «Palats», «N.R.M.», «Zet», «Pomidor/off», «Drum Ecstasy», «Neuro Dubel» and Dmitry Vojtjushkevich. It happened in the situation when FM-radio stations on demand of the Ministry of information had to broadcast 75% of Belarusian content. As a result (under «recommendations» of the ministry) many Russian groups which had any family relations in Belarus were treated as Belarusian, while the «forbidden» groups could not even play concerts in Belarus.

In 2005 interference of state bodies in editorial independence of mass-media was open and with obvious ideological underlying reason.

Meanwhile, Article 48 of the Law on press classifies censorship, interference in the activities and interference in professional independence of editions as violation of freedom of mass information which *«entails disciplinary, administrative, criminal and other responsibility according to the legislation of Belarus».* In particular, the responsibility for infringement of

freedom of mass information is stipulated by Article 172-1 of the Administrative Code (with the maximal sanction – fine on officials in the amount of up to fifty basic units, which corresponds to approximately 550 dollars). In practice this norm of the Administrative Code was not used neither in 2005 nor earlier.

Since January 1, 2005 the Ministry of information conducts monitoring of musical broadcasting of FM radio stations on the territory of Belarus. It is done in order to check observation of the order on 75 percent Belarus music content. The meaning of activities of the Ministry is in preventing «default of creative concept» of the radio stations. In case of an infringement, the question is passed for consideration of the Republican commission on TV and radio broadcasting, which decides how to punish the infringers. The order to allocate 75 % of air on prime time to Belarusian singers was given by A. Lukashenka at the meeting dedicated to the festival “Slavyansky Bazar» on November 3, 2004, when he criticised Russian pop music dominating in the Belarusian airwaves.

On January 12 the Ministry of information prepared «circulars» to three radio stations working in Belarus in FM-range: «Hit-FM», «Unistar» and «Novae Radyjo». The monitoring of airtime and the analysis of play-lists by the ministry has revealed default by these radio stations of the order of A. Lukashenka regarding broadcasting of music by Belarus authors and singers in the most rating hours in the amount of 75% of the total time of musical broadcasting. If during seven days from the moment of reception of the warning the radio station did not correct the situation, their licenses for the right of broadcasting could be annulled. **In late February** letters of warning for the same violations were also sent to three other Belarusian FM-radio stations: «Radio Roks», «Pilot-FM» and «Alpha-Radio».

On January 13 it became known that one of the founders of radio «Unistar» Pavel Baranovsky resigned from the position of program director of the radio station. Mr. Baranovsky explained that the reason of his resignation was disagreement with the methods of work of the management. He negatively evaluated the requirement of 75 % of music by domestic authors in the air of Belarusian stations.

On January 24 the viewers of the paid air TV network created by the Mogilev firm «Dion» were deprived of possibility to watch Euronews channel. Alexander Ostapov, director of the firm, explained, that he was visited by state officials, (he has not named them) who have shown him the order of the Ministry of information from which it could be seen that Euronews channel was not included in the package of «Dion». A. Ostapov hoped that Euronews will return to the package of programs of his network. So far instead of the European news users of the paid package could watch the Belarusian channel «STV» which can be received free of charge on the usual aerial.

In January in the capital of Belarus Minsk city commission of experts for evaluation of printed matter, film and video-visual products and other production for availability of pornography, cult of cruelty and violence. The municipal authorities decided that the commission will cover all issues in this sphere wider, than the State register of movies, video films and video programs, which carries out the same functions, but in scale of the whole country. The members of the commission have received the certificates giving them the right to participate in operation of artistic and scientific councils of creative organizations and editions of mass-media, and also to visit exhibitions, theatrical and entertainment actions in Minsk. The authors of the examined products have the right to be present at the session of the commission. The commission of

experts was headed by Mikhail Petrushin, Deputy Chairman of Minsk Municipal Executive Committee.

On February 2 «Malady Front» activists sent a request to the Ministry of the information in which they asked to reduce by half the amount of songs by Belarusian performers in the air. They suggested to leave 37,5% of Belarusian music on air, having made it entirely Belarusian language. About 100 people have signed under the appeal. The authors of the appeal explained their idea by their desire to hear only high quality Belarusian music on air.

On February 2 the web-site <<http://bybanner.com/>> published an information that the republican enterprise «Beltelecom» confirmed the fact of blocking access to Russian sites of sexual minorities. The blocking was ordered by the Ministry of Communications of Belarus. The sites have been blocked according to the expert conclusion of the Republican commission on prevention of propagation of pornography, violence and cruelty. In October 2004 the commission issued a conclusion concerning the Russian sites www.gay.ru , www.gaily.ru and www.gguis.ru. The commission recommended not to distribute these sites on the territory of Belarus as they contain foul language and have pictures with features of pornography.

At the expanded session of the regional department of ideological workers which took place in Mogilev **on February 8** Anatoly Glaz, deputy chairman of the Regional Executive Committee expressed dissatisfaction with the work of local state mass-media. His criticism was based on the results of the recent subscription campaign and on the results of analysis of contents of regional periodicals. The state official gave an example of the newspaper of the Bobruisk Executive Committee «Babruiskaje Zhytse», which in the first quarter has reduced subscription by 100 copies, and, in his opinion, «conceded to two non-state newspapers in depth and problematical character of contents». Anatoly Glaz accused regional journalists of laziness and lack of creative approach to work and demanded to increase activity and discipline.

On February 25 the session of board of ideology department of Brest Regional Executive Committee discussed the question of commonwealth of journalists and journalistic organizations. The head of department of ideology Alexander Rogochuk urged journalists to promote state policy in press and to explain to people the direction selected by A. Lukashenka. The chairman of the Brest regional organization of the Union of Journalists of Belarus Georgy Tomashevich urged editors to recruit more youth as members of the Union of Journalists. He suggested that only members of this organization should work in the editions of state newspapers, while presence of members of the Belarusian Association of Journalists was not welcomed.

On March 3 the web-site of the Ministry of information of Belarus informed about creation of a department for managing electronic mass-media. The main functions of the new division are state regulation in the sphere of broadcasting and distribution of information, coordination of activity of Belarusian State TV and Radio Company, Joint-Stock Company «Second National Channel», Joint-Stock Company «Stolichnoye Televidenie», regional TV associations, FM-radio stations and other state and non-state electronic mass-media. The newly created division will conduct activities aimed at effective and dynamical development of Belarusian electronic mass-media and ensure functioning of the web-site of the ministry.

On March 3 the Ministry of information published on its site www.mininform.gov.by the list of authors and performers, which works **are recommended** for broadcasting by Belarusian FM stations. The list of performers is coordinated with the Ministry of culture of Belarus. The list

included the ensembles «Pesnyary», «Syabry», State orchestra of symphonic and variety music conducted by M. Finberg, actors Ja. Naumenko, Ja. Poplavsckaja, A. Tihonovich, K. Sluka, O. Plotnikova, A. Skorohod and others. The groups «Belorusskie Pesnyary», «Novy Jerusalem», «Harley», «Camerata», «Troitsa», «J-Mors», «Leprikonsy», «Liapis Trubetskoy» and others have also got in the list. In view of insufficient development of Belarusian show business and objective insufficiency of Belarusian compositions, the Ministry of information jointly with the Ministry of culture suggested to consider performers and artists who are natives of Belarus, but temporary or permanently live outside Belarus as local. It was also offered to consider performance of foreign compositions by Belarusian musicians, musical programs of Belarusian DJs and music of foreign groups with Belarusian musicians as Belarusian music. According to calculations of the Ministry of information, to fulfil the requirement of filling the air with 75% of Belarusian music, a radio station should play 180-270 soundtracks of Belarusian authors and performers per day.

On March 11 the Internet-forum located to the address forum.grodno.by was closed in Grodno. The resource was posted on the web-site of Grodno branch of «Beltelecom» and was popular among Internet users in the city: it was visited by 2000 visitors per day. The pages of the forum have been deleted. The management of «Beltelecom» offered Alexey Rads, manager of the department «Garadzensky Forum», to resign from his post at his own will. In Mr. Rads' opinion, the reason for dismissal was one of the sections in the forum on repeat parliamentary elections in Grodno's central constituency No. 52, as well as the topics «About Europe and the Republic of Belarus», «Our President. Who is he?», «About propaganda as it is», «Iron curtain» and others. According to the head of shop of service Valery Shimako, the section «Garadzensky forum» was closed temporarily, due to lack of a moderator, «who suddenly resigned». Shortly after the Grodno Internet-forum has renewed work at a new address: <http://forum.grodno.net/>. Its administrator is Alexey Rads, as before.

Leonid Skinder, Deputy Chairman of Ivatsevichi district executive committee on ideological work in his conversation with the editor-in-chief of non-state newspaper «Gazeta Dlia Vas» Lydia Tselujko which took place **in mid-March**, advised that the edition wrote absolutely nothing about Ivatsevichi district. He recommended to the edition to write about neighbouring districts, but not about Ivatsevichi district, where the edition of the newspaper is based. In the opinion of Skinder newspaper publications of especially critical contents negatively influence the authority of local authorities and confuse local population concerning policy and ideology pursued in the district. According to Skider, only the state newspaper, subordinated to the district executive committee should form the public opinion.

The letter signed by M. Kovalevich, Deputy Chairman of Bobruisk Executive Municipal Committee to the non-state edition «Babruisky Courier» is dated **March 18**. The letter mentions the article of V. Kalenkevich «VAT will eat businessmen» dated March 10, 2005, talking about the announcement of the first of termless strike of businessmen from March. The letter from the Municipal Executive Committee says that the city markets mentioned in the newspaper article worked in the usual mode. Therefore the edition was offered to run a refutation of the printed information. «Otherwise the Municipal Executive Committee will have to address the Ministry of information of Belarus», - the letter said.

On March 30 the edition of a non-state newspaper «Vitebsky Courier» received a letter signed by Abrosimov, chief of department of ideological work of Vitebsk Executive Committee. The edition was reminded of the necessity to observe the norms of Lukashenka's Decree No. 3 «On

certain measures of stopping human trafficking». Among other, the newspaper was reprimanded for distributing ads about granting sexual services as a kind of legal activity. «Vitebsk Courier» was advised to inform population about the work of legal entities and individual businessmen who have licenses for employment of citizens abroad. The independent publication was instructed to prepare a series of materials about unsafe situations in which potential victims of human trafficking can end up and about state measures of protection of citizens from illegal actions.

In early April the correspondent of Baranovichi non-state newspaper «Intex-press» Ruslan Gorbachev prepared a material on 60th anniversary of victory over Nazi Germany and recorded an interview with a war veteran, who told the journalist about his participation in war operations. On the next day the veteran called the edition and asked the correspondent, what kind of newspaper was «Intex-press», who was its publisher and what was its attitude to the head of state. Having heard that «Intex-press» was a non-state and independent edition, the veteran has forbidden to publish his interview in the newspaper.

On April 8 A. Lukashenka declared, that he will hold monthly meetings with the top government officials, his advisers and managers of national mass-media. «We are convinced that such meetings at the level of the President are necessary and useful», A. Lukashenka said. The necessity of the meetings was explained by the necessity of informing the president about most important issues in the country and about the issues requiring urgent reaction.

Almost the whole issue of the newspaper «Zara Nad Drutsu» (published by Belynichi regional Council of deputies and district executive committee) dated **April 9** was allocated for publication of the names of citizens who had debts for municipal payments. The newspaper has printed not only the names of 59 malicious defaulters, but also their home addresses and the sums of debts. According BAJ monitoring service the instruction to publish this information came from the district executive committee.

On April 13 «Narodnaya Volya» received a warning signed by the minister of information Vladimir Rusakevich for two publications which appeared in the newspaper in March of the same year. The first article was published on March 3 and was titled “Virtual war of the grand daughter with the grandmother”. The ministry of information decided that the author (A. Sivyy) published the materials of ongoing judicial proceeding without a written sanction of the judge. On March 31 the newspaper published “Address to soldiers-internationalists” by O. Volchek, leader of the movement «Defenders of Fatherland» named after Jury Zaharenko. The Ministry of information considered it as distribution of information on behalf of unregistered association. Therefore, in the opinion of the registering body, the edition has violated twice requirements of Article 5 of the law «On press and other mass-media».

On April 15 warnings were issued to two more non-state editions - «Borisovskiye Novosti» and «Volnaje Glybokaje». The documents were signed by the first deputy minister of information Lilia Ananich. In opinion of the Ministry of information, publishers of «Borisovskiye Novosti» violated several articles of media legislation. The edition was charged with not notifying the ministry in writing about the change of the territory of distribution (Article 11), publishing advertisements without confirmation of the right of the advertiser for realization of licensed activity (Article 30), having mistakes in the dateline of the newspaper and using non-standard fonts (Article 26). The warning to the founder of edition of the newspaper «Volnaje Glybokaje» was based practically on the same claims. The edition was charged with change of language of

the edition to Russian and Belarusian (instead of Belarusian) without informing the registering body; publication of advertisements on the licensed activities without indicating the number of the license, and mistakes in the dateline of the edition.

In the beginning of May Gomel official newspapers «Gomelskaya Prawdа» and «Gomelskie Vedomosti» refused to publish the text of a joint congratulation on the Victory Day to veterans and members of their families from regional and city organizations of the opposition parties UCP, PCB and BPF. The Deputy Chairman of the regional organization of UCP Vladimir Katsora told BAJ monitoring service that after consultations of the management an employee of the department of advertising of «Gomelskaya Prawdа» said that in their newspaper «the limit for such advertisements was exhausted». In «Gomelskie Vedomosti», according to Katsora, the employees of the department of advertising have already appointed the date of publishing of the newspaper and explained where the payment could be made. However, one day later they received a letter from the edition in which it was said that the edition could not publish the congratulation since its text «has not been coordinated with the editor». The edition has returned the money by postal order.

In May the court of Leninsky district of Grodno recognized illegal the dismissal of Andrey Dubikovsky, former editor of “Glos znad Niemna», obliged the Union of Poles in Belarus to reinstate him and to pay to him indemnification approximately 1 million roubles (500 dollars). Andrey Dubikovsky was dismissed from the post of the editor-in-chief in mid-April by decision of the Council the Union of Poles. Andrzej Pislunik was nominated editor-in-chief, and three issues “Glos znad Niemna” were published under his direction. In response to such actions of the court the head board of the organization made the decision to suspend publishing of the newspaper for at least two weeks.

Deputy chair on ideology of Gorki district executive committee Natalia Korneyeva, talking **in late May** during the so-called «day of informing the population» in the regional branch of the communal company «Thermal Power», emphasized that people who «work to America» interfere with activities of the state bodies in the district. As an example Korneyeva named the former employee of this enterprise, and now journalist Eduard Brokarov who often published his articles in the local non-state newspaper «Regionalnye Vedomosti». Mr. Brokarov it is known in the district as one of founders of a non-state unregistered newspaper «Dziadzka Nestser» and an employee of the electronic digest «One week with the Mogilev region» published by the NGO «Kola Siabrou».

On May 27 Sergey Sevets, senior inspector of the department of mass actions of the Municipal Department of Internal Affairs of Minsk Municipal Executive Committee came to the office of the newspaper «Narodnaya Volya» for a conversation with the journalists of the edition Marina Koktysh and Vitaly Garbuzov. The inspector asked the details of publishing of an article about the movement «Defenders of the Fatherland» in the newspaper issue dated January 19. The article in question was titled «Pretenders for Power Field» and prepared by Vitaly Garbuzov after presentation of the movement «Defenders of the Fatherland» and interview with Oleg Volchek, leader of the initiative, taken by journalist Marina Koktysh. First the inspector tried to summon journalists to the Municipal Department of Internal Affairs but after they refused to go there without an official summons he came to the edition himself. As Marina Koktysh told BAJ press-service, S. Sevets was interested in details of presentation of the movement «Defenders of the Fatherland» and asked who declared O. Volchek the leader of the initiative. He tried to find out the origin of the information that former officers of the Office of Public Prosecutor and

KGB have joined the movement, etc. During the conversation the inspector emphasized that the movement «Defenders of the Fatherland» was not registered and so the newspaper had no right to write about it. However S. Sevets could not tell in detail, which legislative act requires registration of a «movement» or an «initiative».

On May 31 A. Lukashenka signed the Decree No. 247 according to which non-state mass media were no more allowed to have words «national» and «Belarusian» in the title. The mass-media which titles did not meet the requirements of the decree, were obliged to pass re-registration within three months. According to the decree, the activity of mass-media which were not re-registered, would be considered illegal. The mass media which founders are state bodies have the right to use the words «national» and «Belarusian» in their titles (requisites of documents or promotional materials). The decree also stipulates that political parties, national NGOs, republican trade unions and banks can use the word «Belarusian». «Other legal entities can use the words «national» and «Belarusian» in their titles and promotional materials only in cases stipulated by legislative acts. The newspaper of the Federation of Trade Unions of Belarus «Belaruski Chas» has received the right of use the word «Belarusian» in its title according to A. Lukashenka's Decree No. 425 dated **September 8, 2005**. The right to leave the words «national» and «Belarusian» in their titles has also has been granted to the magazines «Bulletin of Association of Belarusian Banks», «Bulletin of Association of Belarusian banks. Banking Business» and a number of other commercial and non-commercial organizations (in total - 11 legal entities).

On August 31 the Ministry of information of Belarus issued the certificate of registration to an information-analytical weekly «BelGazeta» (earlier the edition was titled «Belorusskaya Gazeta»). The edition under the new name was issued for the first time on September 5. On **September 2** «Belorusskaya Delovaya Gazeta» was registered under a new name. Now it is published as «BDG. Delovaya Gazeta». Other renamed newspapers include «Belarusy I Rynok» (earlier - «Belorussky Rynok») and «Economicheskaya Gazeta» (earlier - «Natsionalnaya Economicheskaya Gazeta»). (See also «Economic policy in the sphere of mass-media».)

On May 31 students of the 3-rd year of the journalism faculty studying by correspondence wrote a collective letter to the dean of faculty Sergey Dubovik, urging him to reinstate in the university their colleague Olga Klaskovskaja expelled on political grounds and to stop prosecution of students for their public and professional activities. After that **on June 1** the heads of the journalism faculty summoned the initiator of petition Alena Andreeva for a conversation, declared that she had distributed slanderous information about the university and warned that «they expel for lies». **On June 2** the dean has not passed a test in the subject «Socio-political problematic in mass-media» to Alena Andreeva and Anna Kovaleva, whose signatures were under the petition. He said that the students were «morally not ready» to pass this test. **On June 3** the dean of the faculty Sergey Dubovik summoned the students who protested against expelling «Narodnaya Volya» journalist Olga Klaskovskaja to his office. On June 8 students Kovaleva and Andreeva sent a complaint to the Ministry of Education and Administration of the Belarusian State University against the actions of the dean of the journalism faculty. On June 17 Valery Ruselik and Anna Kovaleva had to file one more complaint against their professor. The students were convinced that Oleg Sluka, teacher of «History of Belarusian journalism in the first half of XXth century» gave them a bad mark at the examination because of his prejudiced attitude because they had put signatures under the statement in protection of their former classmate Olga Klaskovskaja. When explaining why Valery Ruselik and Anna Kovaleva have received unsatisfactory marks, O. Sluka said he did it

because of «ugly handwriting» and «non-literary words». O. Sluka considered as «non-literary» the words «soldier», «Jewish», «comrades» and some others. However, all these words are used in the normative Belarusian literary language. As a result of the conflict 6 out of 13 signatories have withdrawn their signatures, and three of them have stopped studying at the faculty of journalism.

Since June 1 Mogilev non-state TV studio «Second Channel» has reduced the frequency of a popular news program «Municipal News». From May 31 Mogilev residents were deprived of the possibility to watch morning news, and from June 1 daily evening news started to be broadcast only three times a week. The owner of the studio «Second Channel» Alexander Ostapov explained it by shortage of funds for preparation of the program, but journalists who prepare the program, disagree with this: the Municipal Executive Committee paid a certain proportion of the program costs from its unappropriated fund, and from what they knew, they had not given up their obligations. The news on the non-state channel successfully competed with the official news, often covering the topics of public and political life of the region which remained unnoticed by state sources of information. In the news issues it was sometimes possible to see and hear some local activists of democratic and public movements. Besides, news releases of «Municipal News» were broadcast in the Belarusian language.

On June 10 the first «illegal» issue of the edition of the Union of Poles of Belarus «Glos znad Niemna» was published. After that the management of the Union of Poles addressed the director of Grodno printing house Peter Mitrofanov and warned him about the “provocation character» of the actions of his enterprise. Besides, the management of the Union of Poles addressed the republican and regional Offices of Public Prosecutor, Committee on affairs of religions and nationalities and the minister of information Vladimir Rusakevich with the request «to assist in coverage of circumstances in which the provocation was done». **June 17** saw the appearance of the second issue of the newspaper of the Union of Poles of Belarus «Glos znad Niemna», to which neither the organization nor the edition had any relation. According to the edition, the newspaper had no necessary accompanying documents. Nevertheless, as acting editor-in-chief of the edition Andrzej Pisalnik informed the Belarusian Association of Journalists, not only the Grodno printing house but also «Belpochta» cooperated with the «illegal» edition. On June 17 A. Pisalnik and Deputy Chairman of the Union of Poles of Belarus Yuzef Porzhecky sent a statement to the chief of district police department of Oktyabrsky district of Grodno (where the printing house is located) with the request to stop «illegal actions of unknown people». **On June 23** Grodno printing house published the third issue of the newspaper «Glos znad Niemna» to which neither the organization nor the edition had any relation. According to the acting editor-in-chief of the newspaper Andrzej Pisalnik, director of the printing house Peter Mitrofanov published the newspaper on demand of Tadeusz Kruchkousky, former head of the Union of Poles. According to Pisalnik, all issues of the newspaper have been printed without the necessary accompanying documentation on the newsprint of the Union of Poles temporarily transferred to storage in the printing house.

On August 4 the Belarusian Association of Journalists received a reply to the appeal dated June 23 concerning the facts of publishing of the Grodno newspaper «Glos znad Niemna» without involvement of the founder or the edition in June 2005. The Belarusian Association of Journalists addressed a number of official bodies with the request to take measures aimed at termination of illegal actions connected with illegal release and distribution of the issues of the newspaper «Glos znad Niemna» and to hold people guilty in this offence responsible. The answer from the Office of Public Prosecutor of Belarus signed by the chief of department

Shostak said: «The Office of Public Prosecutor of Belarus has examined the appeal of the Belarusian Association of Journalists concerning publishing of the newspaper «Glos znad Niemna». It was established that the newspaper «Glos znad Niemna» is founded by the Union of Poles on Belarus. The Ministry of Justice of Belarus recognized the 6th congress of the Union of Poles on Belarus illegitimate, and decisions made on it - unauthorized. The illegitimate management of the Union of Poles on Belarus has dismissed Mr. Dubikovsky from the post of the editor-in-chief of the newspaper «Glos znad Niemna». According to the decision of court of Leninsky district of Grodno dated 06/05/2005 he is reinstated at his post. The given circumstance was brought to the notice of the management of the Grodno printing house, with which public association «the Union of Poles on Belarus» on 22/12/2004 concluded a contract on printing polygraphic production. The ministry of information of Belarus gave a legal assessment of the circumstances related to publishing and distribution of Issues No. 19 and 20 of the newspaper «Glos znad Niemna» on 10/06/2005 and 17/06/2005, according to which the newspaper was published on the lawful bases». (See also «Most significant litigations with participation of mass-media and journalists», «Obstacles in distribution of mass-media production».)

In June the editor of the Mogilev non-state television studio «Second Channel» Alena Borisova was nearly sacked from work after a local official expressed discontent with the report she prepared. In one of the programs of the series «Side by side with history» shown in the middle of June they have shown a report which heroes criticised the progress of restoration of Mogilev's Arhiereysky palace of the 18 century. The expressed concern about the repair which destroys some architectural features of the palace. The report was sharply criticised by Valery Vankovich, Chairman of the regional Committee for affairs of religions and nationalities. He said that journalists should not interfere in the process of restoration of property of Orthodox church. The director of the «Second Channel» A. Ostapov has learnt about the regional official's discontent and orally declared to the journalist that he discharged her from office. However, he gave up his intention after A. Borisova personally called the Chairman of the Regional committee V. Vankovich. According BAJ monitoring service the journalist suggested to the official to deal with the situation in court, and Vankovich was not ready to go that far in the dispute.

On July 15 the Ministry of information issued a warning to the non-state newspaper «Vitebsk Courier». The warning was signed by the first deputy minister of information Lilia Ananich. The edition was accused of not passing re-registration after modification in the title (Article 11 of the Law on press and decision of the Council of Ministers No. 727 dated 30/05/2003). Besides, the Ministry of information noted that the dateline of the newspaper specified incomplete name of the founder (Article 26), that «information in the subheadline ... does not include the name of the publisher», and that the name of the editor of the newspaper «is not printed above the dateline».

On August 24 all topics in the section «Politics» at the forum of the Vitebsk city portal <http://forum.vitebsk.by> were deleted. This section had existed for about one year. The visitors of this section had most actively discussed the topic of the single candidate from opposition at the presidential elections and a possibility of default in Belarus. Among other reasons of disappearance of the forum topics the most probable one is the attack of hackers.

On September 23 the film crew of the broadcasting company «Brest» were shooting the meeting of regional journalists with Derek Hogan, head of political and economic department of

the Embassy of the USA in Belarus, during his visit to Brest. The meeting took place in the edition of the non-state newspaper «Brestsky Courier». TV reporters could not explain the purpose of their visit, and they did not have any questions to participants of the meeting.

On October 15 the company of cellular communication Velcom blocked the SIM-card of the mobile phone of Natalia Radina, employee of the press-service of the civil initiative «Charter-97». The company officials explained that it was made under the order of the security service of the company. The phone was reconnected only on Monday, October 17. The disconnection was performed without any warning, despite sufficient funds on the account. Velcom operators said they could not explain the reasons of blocking. One day earlier the journalist sent sms-announcements inviting people to take part in the Day of solidarity on October 16 to her contacts from the address book. According to «Charter-97», this sms was also delivered to the press-services of the Ministry of Internal Affairs, KGB, Municipal Department of Internal Affairs of Minsk Municipal Executive Committee and others.

In October Pinsk educational establishments received the order of Brest Regional Executive Committee «On people responsible for relations with mass-media». The document ordered the heads of establishments to assign to one of their employees the function of a press-secretary or to create a press-service with the purpose of strengthening propaganda of state policy in the sphere of education. The specified people should inform printed and electronic media about the conducted activities and also inform the Regional Executive Committee on the work done by the 28th of each month. The employees to whom the duties of the press-secretary will be assigned, should be trained without fail in the Regional Executive Committee. It was also offered to heads of educational establishments to consider the possibility of creating an own newspaper, with periodicity not less than one issue per quarter and circulation of 50 copies.

On October 26 the Supreme Economic Court upheld the warning of the Ministry of information to the newspaper «Belorusy I Rynok» regarding the title of the edition. The warning to the edition (Joint-Stock Company «Mediamarket») was issued by the Ministry of information on September 12 for changing the title of the newspaper «Belorusy I Rynok» to «BR. Belorusy I Rynok» without re-registration, and also for mistakes in the dateline and subheadline. According to the court decision, the edition cannot use the abbreviation «BR» by which the reader recognised the newspaper in the previous two years.

On October 25-26 the first seminar for press-secretaries on organization of information and propaganda work abroad took place in Mogilev. It was carried out by the Ministry for Foreign Affairs of Belarus jointly with Mogilev Regional Executive Committee within the framework of the State program of information support of foreign policy and foreign trade activities of Belarus. The aim of the seminar was to increase efficiency of information and propaganda activities and interaction of state bodies and enterprises-exporters with foreign partners, Belarusian and foreign enterprises, printed and electronic media. It was noted during the seminar that Belarus should pursue offensive and aggressive information policy. «It is necessary for all republican structures in this important propaganda and information to work abroad together, through the general coordination centre - the Ministry of Foreign Affairs», the deputy minister of foreign affairs Alexander Gerasimenko declared in Mogilev.

On November 9 the Ministry of information of the Republic of Belarus issued a warning to the edition of the non-state newspaper «Zgoda». The edition was charged with distribution of information offending honour and dignity of the head of state (Article 5 of the Law on press).

The Ministry has come to this conclusion after consideration of publications and collages in a number of issues of «Zgoda» (No. 1, 5, 6, 10, 12, 18, 19, 2005), and decisions of the Partizansky district court of Minsk dated September 23 concerning heads of the edition A. Korol and A. Sdvizhkov. The warning was signed personally by the Minister of information Vladimir Rusakevich.

Infringements related to access to information

Article 34 of the Constitution of Belarus guarantees to citizens of the country the right to receiving complete, authentic and timely information on the activities of state bodies, political, economic, cultural and international life. Part 2 of Article 32 of the Law «On press and other mass media» stipulates that editions have the right to request information on the activity of state bodies, organizations, public associations and their officials. The request of information is possible both in oral form and in writing. The requested information should be presented by the heads of the specified bodies, organizations and associations, their assistants, staff of press-services or other authorised representatives within the limits of their competence not later than 10 days after receiving the inquiry.

Despite these provisions of the legislation, infringement of the rights of journalists to receive information are widely spread in Belarus, which is proven by BAJ monitoring and results of questioning.

In 2005 BAJ carried out questioning of more than 140 employees and authors of regional non-state newspapers. Answering the question, whether the norm about the right of citizens to access to information works in their region, about 80% of respondents answered «no» or «rather no, than yes». 82% of respondents believe that refusal of the state bodies in providing information is general practice.

In accordance with Article 48 of the Law «On press and other mass media» such actions of state officials concerning journalists can be qualified as infringement of freedom of mass information, entailing disciplinary or administrative responsibility. However, the Belarusian Association of Journalists is not aware of any cases when officials of state bodies were held responsible for refusal in providing information to journalists of non-state editions. Article 172-1 of the Administrative Code which establishes punishment for infringement of freedom of mass information (maximal penalty for officials equals to 50 basic units or approximately 450 US dollars), is not applied in practice.

On January 26 own correspondent of the newspaper «Narodnaya Volya» Anatoly Gotovchits was not allowed to the meeting of the head of OSCE mission in Belarus Eberhard Heiken with the head of Gomel executive authorities. Yevgeny Pobalovets, press-secretary of Gomel Regional Executive Committee, explained this fact by «E. Heiken's wish to meet the head of the region without press representatives». However, when after the meeting the journalist asked Mr. Heiken what was the reason for his wish, the answer was that the diplomat did not state any wishes regarding the format of the meeting and that he is open for all.

In January Natalia Sidorenko, director of open joint stock company «Savings bank «Belarusbank» (Gantsevichi) refused to answer questions of Sofia Jasko, correspondent of a non-state newspaper «Gantsavitski Chas» regarding repair of the only cash machine in town. She motivated her refusal by her personal disliking for the newspaper.

On January 28 the management of the Belarusian Metal Works didn't let the journalist of a non-state newspaper «Narodnaya Volya» Anatoly Gotovchits to attend a reporting and election assembly of the trade union of the factory. Before the assembly the journalist had warned Nadezhda Garkush, assistant general director of the plant for ideology, about his intention to be present at the meeting. She warned that the meeting was an internal event for which no press, except the plant's own radio and newspaper was invited. Answering the comment of the

journalist that she violated the Law on press, the deputy director answered that without permission of the management representatives of extraneous organizations have no right to be present at internal events of the plant.

The correspondent of Baranovichi newspapers «Intex-press» Alexander Chernenko was not allowed to be present during reception of citizens by the first deputy minister of internal affairs Alexander Shchurko. The reception took place in Baranovichi municipal interior department **on February 3**. The correspondent has agreed his presence in advance with Natalia Sidelnik, press-secretary of the municipal interior department, but when on the appointed day he came to the building of the department of internal affairs, he was forbidden not only to be present in the office, but also to talk to the visitors who came to talk to the deputy minister in a corridor. The journalist has not received any answers to the questions, on what basis he was forbidden to be present during reception and who did the ban come from.

On February 8 representatives of the Grodno branch of the Belarusian Association of Journalists had a meeting with Vladimir Omelko, head of ideological department of Grodno Regional Executive Committee. The journalists addressed attention of the official to the system of passes for the entrance to the building of the Regional Executive Committee, which hampers with non-state media representatives' participation in press conferences carried out there. Mr. Omelko promised to help in this issue. The official admitted that he has hastened with giving recommendations to state organizations of the region to place advertising only in the state media. Mr. Omelko stressed that he was guided by desire to help regional newspapers, which pay back only 84%. During the meeting they also discussed the situation with the Grodno newspaper «Birzha Informatsii», which has resumed publishing after its suspension by the Ministry of information, but could not sign a contract with the Grodno regional printing house. Before that, in the beginning of February, Skidel branch of Grodno regional consumer society had refused to prolong the contract with «Birzha Informatsii» for distribution of the edition within the limits of Grodno region.

On February 26 at the session of Gomel Regional Executive Committee among another issues they discussed the results of fulfilling Directive No. 1 on discipline and order in capital construction. Before the discussion the press-secretary of the Regional Executive Committee Yevgeny Pobalovets approached Kazimir Yanovsky, correspondent of the Belarusian service of Radio Liberty and warned that it will take place without presence of press. Answering the question of the journalist whether the press-secretary knew about infringement of requirements of the Law on press and other mass media, E. Pobalovets answered, that he did. The correspondent of Interfax agency Elena Olshanskaja and own correspondent of the newspaper «Sovietskaya Byelorussia» Andrey Novikov have also left the boardroom.

On March 3 the press conference of Alexander Yakobson, chairman of Gomel Regional Executive Committee on the results of 2004 was intended to only for journalists of state mass-media. The press-secretary of the Regional Executive Committee Yevgeny Pobalovets told this to Kazimir Yanovsky, correspondent of Radio Liberty. Answering K. Yanovsky's question what will happen if he tries to get to the press conference, he said that they will not let him. After the press conference Irina Makovetskaja, correspondent of the newspaper «Narodnaya Volya», asked Yevgeny Pobalovets the question about differentiated invitation of journalists. The answer was that it was decided to invite only the journalists of state mass-media. Regarding the comment about infringement of the Law on press, E. Pobalovets noted that the Law on press did not oblige to invite representatives of non-state mass-media.

On March 10 militiamen forcefully removed Julia Doroshkevich, photojournalist of the newspaper «Nasha Niva» from the place of carrying out of protest action of local businessmen in Grodno. When J. Doroshkevich made pictures during the rally, she was grabbed by two riot policemen armed with rubber buttons. The riot policemen in masks and helmets took the journalist to a minivan where detained businessmen already were. A journalist's ID was attached to the outer clothing of the journalist, and she immediately warned law enforcers about her professional status. However, they still took the journalist to the opposite side of the Lenin square and released her, threatening with physical violence if she appears near businessmen again. In this connection the journalist appealed to Leninsky district police department of Grodno with the requirement to launch a criminal case against employees of militia who violated her professional rights. As a result of investigation the employee of Leninsky district police department Vladimir Smoljakov who personally inspected the complaint, explained that the journalist was taken away from the place of carrying out of the mass action with a view of her personal safety.

On March 24 at the session of Gomel Regional Executive Committee devoted to preparation of agricultural organisations to field works the chairman of the executive committee A. Yakobson asked the journalists present at the meeting to leave the room. He explained his request by the need "to discuss working moments". The correspondents of Radio Liberty, newspapers «Respublika» and «Gomelskie Vedomosti» left the boardroom. This happened immediately after the report of the chairman of committee on agriculture and food stuffs L. Opanasjuk who in his report told about a difficult financial situation of agricultural enterprises and the necessity of raising 28 billion roubles missing for carrying out the spring sowing campaign.

Two cases of refusal in granting information to journalists of the non-state newspaper «Intexpress» (Baranovichi) occurred **on April 1**. The journalist Oksana Lenko was denied information on realization of the «Program of repair of balconies» by the chief of the communal company L. Ostapchik and his deputy V. Kudlasevich. They explained to the journalist that the basis for providing the information could be only a letter of enquiry addressed to the head of the organization.

On the same day the head of department of education of Baranovichi Municipal Executive Committee I. Stasevich refused to tell the journalist of «Intexpress» A. Chernenko about the results of inspection of three sports schools of the city subordinate to his department. The state official said that this data is internal information of the department of education and are not subject to publication in the newspaper.

On March 20 three Polish journalists were detained while covering elections to the House of Representatives of the National Assembly in Grodno's Central constituency. The press photographer of the Polish edition of Newsweek Adam Tuhliniski was detained together with two friends at one of the polling stations, where he was accredited for covering elections. Other two detained journalists are Mihal Katsevich («Newsweek») and Martin Smelowski (TV channel «Polsat»). The journalists were taken to Oktyabrsky district police department of Grodno and charged with having a vague seal at their accreditation cards. The journalists were kept until 23 o'clock: during this time all tapes shot by M. Smelowsky during his trip to Belarus were erased. (See also «Conflicts related to reception and distribution of foreign information or activity of foreign mass-media».)

Correspondents of «Narodnaya Volya», «Zgoda» and «Express-Novosti» also faced with obstacles to their professional work. The chairman of the local election committee No 12 T. Gerasimenko has not allowed Elena Andreeva, correspondent of the newspaper «Zgoda» to be present at the polling station, saying that she didn't have a certificate of registration of the newspaper «Zgoda». The chairman of the local election committee No. 11 K. Alehin did not allow E. Andreeva to be present at the polling station because she has shown a copy of the certificate on re-registration of «Zgoda» dated 1995. The chair of the local election committee No. 14 V. Volohovich has forbidden Ms. Andreeva to be present at the polling station, having referred to absence of accreditation, which according to the Belarusian legislation is necessary only for journalists of foreign mass-media. Having considered the complaints of the journalist against the actions of the chairmen of the election commissions, the district election commission has confirmed legality of their actions, saying that the main reason of state officials' demands was that the “newspaper “Zgoda” is not well-known in Grodno”.

The journalist of «Express-Novosti» Andrey Meleshko has faced a similar attitude. To prove the members of the election commission the fact of existence of his newspaper he had to buy a copy of the newspaper in the nearest kiosk. Only after this they have registered him at the polling station.

«Narodnaya Volya» correspondent Olga Klaskovskaya was asked to leave the polling station No. 36. Only after she contacted by phone the secretary of the Central commission for elections and republican referenda Nikolay Lozovik, they allowed her to be present there. Militiamen forcefully removed the independent journalist Julia Kasper from the polling district No. 24 after the requirement of the representative of the commission to present accreditation of the Ministry of information. J. Kasper has shown her journalist's ID, but in reply to this they called police who dragged Julia Kasper to the street. The photographer from BPF Karen Akopov was removed from a polling station for an attempt to make photos. They tried to prevent the editor of a non-state edition «Mestnaya Gazeta» Andrey Shantorovich from being present in the polling districts 40 and 41 in Grodno. After he has shown a copy of the registration certificate of his edition, he was allowed to be present at the station.

On March 29 the Belarusian Association of Journalists received from the Central Commission for Elections and Referenda an answer to its inquiry about cases of infringement of the rights of journalists during coverage of elections to the House of Representatives of the National Assembly in Grodno's Centralny district constituency No. 52. It was said in the letter that during the elections a number of state officials and militia employees had admitted infringements of constitutional norms, electoral legislation, the Law «On press and other mass media» and the Law «On militia». The attention of the Central Electoral Commission was drawn to the case which occurred to the journalist of the newspaper «Zgoda» Elena Andreeva. She was removed from some polling districts on the basis that she has not presented the certificate of registration of her edition or accreditation of mass-media. In the answer of the Central Commission for Elections and Referenda it was said that «chairmen of some local electoral commissions in Grodno's Centralny constituency No. 52 groundlessly demanded from E. Andreeva to present other documents which confirm her status of the journalist, except for the ID. The Central Electoral Commission has explained it by «insufficient knowledge of the electoral legislation».

At the same time Grodno militia has refused to start a criminal case against the chairman and the secretary of the local electoral commission who interfered with the professional work of the

journalist of the newspaper «Zgoda» Elena Andreeva during repeat elections. In the decision received by E. Andreeva in **mid-April** and signed by Mr. Sychevsky, chief of Leninsky district police department of Grodno, it was said that the inspection carried out by police has not revealed any «penal actions». The same document called the behaviour of the journalist «provoking and incorrect».

On April 6 Pervomaisky court of Minsk started hearing a criminal case concerning the former politician and businessman Andrey Klimov on charges of slander on the President of Belarus (Part 2, Article 367 of the Criminal Code of the Republic of Belarus) and insult of the President of Belarus (Part 1, Article 368 of the Criminal Code of the Republic of Belarus). The trial took place behind closed doors for press and OSCE. (See also «Most significant litigations with participation of mass-media and journalists» and «Criminal cases for publications in mass-media».)

Ruslan Gorbachev, correspondent of the non-state newspaper «Intex-press» (Baranovichi) was denied possibility to be present at the republican seminar «Condition, problems and ways of improving ideological work in modern conditions» carried out **on April 8** in Baranovichi. Before the seminar the editor-in-chief of the edition Vladimir Janukevich tried to coordinate the presence of the correspondent at the seminar with Tatyana Zhitko, head of ideology department of Baranovichi Municipal Executive Committee, but she had refused to answer questions. The reason which they used not to let the correspondent of the newspaper take part in the seminar, was quoted as lack of accreditation. The edition of the newspaper had sent the application for accreditation to Baranovichi Municipal Executive Committee in late January 2005, but has not received any answer even in three months.

The correspondent of the newspaper «Gantsavitski Chas» Irina Domaratskaja was not allowed to attend the selection round of the regional competition «Graduate - 2005» carried out **on April 8** in the assembly hall of Gantsevichi grammar school. Natalia Jaromchik, deputy chief of the regional department of education has approached the correspondent and under a pretext of urgent conversation took her out of the hall. Then she said there were no vacant seats in the hall. When the editor-in-chief of the edition Peter Guzoevsky arrived to the place of incident, Oksana Korolenko, director of the grammar school could not explain why the correspondent of the non-state edition was forbidden to be present at the event. Later the editor was approached by the deputy chief of the regional department of education Michael Pishch, who said that the grammar school was a closed establishment and asked him to leave the building. In response to the warning about infringement of the legislation on press he recommended to appeal to court.

At the press conference which took place in Vitebsk Municipal Executive Committee in **the beginning of May** the correspondent of «Vitebsky Courier» Sergey Kochetov was not allowed to ask a question. «We have not called the «Courier» at all!» said the chief of department of information of the Vitebsk Executive Committee Oleg Abrosimov, - «so no questions from you!». At the press conference the main architect of the city Boris Ljadenko explained the necessity of building a gas station in the city limits. «Vitebsky Courier» wrote that residents of the nearby multi-storey houses were concerned about the construction of this object and sent many letters to the corresponding state bodies. The press conference was arranged due to disagreements of sides on this issue. In **mid-May** the Office of Public Prosecutor of Vitebsk region refused to give information to the correspondent of the newspaper «Vitebsky Courier» Zhanna Pogorelova, having accompanied the refusal with the comment: «You are working in the wrong newspaper!».

On June 3 at the entrance to the court of Centralny district of Gomel the journalist of Radio Liberty Anatoly Gotovchits was stopped by a militiaman who presented himself as Sergey Kovalev. Having written down the name and surname of the correspondent in the book on his desk, the militiaman has carefully checked the contents of the journalist's bag. When the journalist asked on what basis the search was performed, the militiaman has shown to A. Gotovchits an instruction in which it was said, that the person on duty had the right to examine the personal belongings of visitors. The instruction was signed by the chairmen of the courts of Centralny and Zheleznodorozhny districts of Gomel based in one building.

The press centre of the Office of Public Prosecutor of the Republic of Belarus has refused to accredit the journalist of «Narodnaya Volya» to the press conference of the general public prosecutor Pyotr Mikloshevich, referring the small size of the hall. The newspaper «Narodnaya Volya» wrote about it **on June 22**. The press conference dedicated to the day of workers of the Office of Public Prosecutor took place on June 23 in the building of the Office of Public Prosecutor of the Republic of Belarus. The information about the press conference of the General Public Prosecutor with the suggestion to be accredited at it has arrived to «Narodnaya Volya» in the morning of June 22 from the National press centre. However, Antonina Litvinchuk, chief expert of the press centre of the Office of Public Prosecutor of the Republic of Belarus told the correspondent of the newspaper that «Narodnaya Volya» would not be accredited to the press conference because of lack of seats in the room. In a similarly manner they refused accreditation to the journalists of “Belorusskaya Delovaya Gazeta” and «Reuters» agency. As “Belorusskaya Delovaya Gazeta” journalist Sergey Satsuk told BAJ, **on June 22** Antonina Litvinchuk leading expert of the press centre of the Office of Public Prosecutor of the Republic of Belarus in conversation with him first referred to the small size of the hall, but after the journalist was indignant with illegality of this reason, she has admitted that the refusal of accreditation was dictated by other reasons. Ms. Litvinchuk declared, that since “Belorusskaya Delovaya Gazeta” allegedly published untruthful information, the Office of Public Prosecutor decided not to give its journalists accreditations during the whole year.

The journalists of the non-state broadcasting company «Varyag» (Pinsk) faced a problem of getting information from Pinsk Municipal Executive Committee. This question was raised at the press conference in the Executive Committee **on June 29** by “Varyag» director Mikhail Zhiljuk. He passed to the chairman of the Executive Committee a copy of the Law «On press and other mass media» for deeper studying by employees of the executive committee. The journalist of the TV channel Julia Marochka wrote an article on this occasion in a local non-state newspaper «Varyag-Press», reminding the executive committee employees about infringement of the right of citizens for reception and distribution of information guaranteed by the Law. The chairman of the Executive Committee Alexander Gordich answered the journalist from the pages of the state newspaper “Pinski Vestnik» with an article «You took a pen – now think». The essence of the publication is that the «state vertical» is not always satisfied with how non-state press covers certain events happening in the city.

On June 30 the head of department of sports and tourism of the Grodno Municipal Executive Committee Vladimir Chigirinov refused to provide information to the Grodno journalist Alexander Dvoretzky. The official explained his refusal by saying that he «does not talk to free journalists».

On July, 19th to the correspondent of non-state newspaper «Gantsavitski Chas» Irina Domaratskaja was not allowed to take photographs at an exhibition of works of art in the regional museum of local lore. The artist Marina Tonkal was born in Gantsevichi district and now lives in Russia. She displayed her paintings in her native town for the first time. The exhibition became a bright event in the life of the town, having learned about the intention of the correspondent «ГЧ» to acquaint readers with an exposition. Having learned about the intention of the correspondent to acquaint the readers with the exposition the museum director Alla Zanko declared that it was not allowed to take pictures in the museum. The journalist asked to show a document which forbids to make pictures in the museum. A. Zanko answered that such document does not exist and asked the correspondent to prove her rights. The correspondent explained that she acts on the basis of Article 32 of the Law «On press and other mass media». However, when the correspondent bought a ticket, entered the exposition hall and tried to photograph the paintings, another employee of the museum started to cover the lens of the camera with her hands and to push I. Domaratskaja out of the showroom, threatening her with police.

On July 26 deputy chief of communal services enterprise on ideological work Olga Kudlosevich refused to answer questions of the non-staff correspondent of «Intex-Press» Lyudmila Gurman. Ms. Kudlosevich assured that she was ready to prepare all answers if the department on ideology of Baranovichi Municipal Executive Committee authorizes it. According to O. Kudlosevich, they received an instruction «from above» to provide information to mass-media only following an inquiry from the department of ideological work of Baranovichi Municipal Executive Committee. **On August 2** the chief of this department Tatyana Zhidko has declared the journalist L. Gurman in the oral form, that the communal services enterprise does not have the information which interests the journalist. (the correspondent tried to get answers to her questions concerning gathering of garbage and preparation for the 2005-2006 heating season). **On August 1** the correspondent of «Intex-Press» Oksana Lenko was refused information by the chief of department of administration of commerce Valentina Mahovik. She declared that the information can be given to this edition only from the sanction of the department of ideological work. After numerous appeals to the department of ideological work and department of commerce O. Lenko had to give up the idea of writing this article. (The journalist planned to publish the list of workers of trade, awarded by letters and gifts in honour of their professional holiday).

A number of journalists of non-state Belarusian mass-media were not allowed to be present at the press conference of Tadeusz Kruchkowski, whom the Ministry of Justice «had appointed» the head of the Union of Poles of Belarus. Some Polish journalists could not get to the meeting either. The press conference took place in the building of the Union of Poles where in the evening **of July 27** T. Kruchkowsky has come with the help of riot police. Before the beginning of the meeting the colleague of Kruchkowsky Kazimir Znajdinski appeared near the entrance. He personally checked documents at each journalist and decided who could come to the press conference and who could not. A squad of policemen was near him. The editor of the newspaper «Glos znad Niemna» Andrzej Pisalnik and a journalist of this edition Igor Bantser as well as journalists of the Polish radio station RMF-FM were not allowed to the press conference. The journalists of the broadcasting company «Grodna», journalists of state mass-media, («Zvyazda», «Perspective» (founded by Grodno Regional Council of Deputies and the District Executive Committee) and correspondents of Polish TV were allowed to attend the press-conference (See also «Conflicts related to reception and distribution of foreign information or activity of foreign mass-media».)

On August 3 deputy minister of education Kazimir Forina visited Smorgon. The editor of the local TV channel «Oks-TV» Tatyana Koroshkova asked the official the question about the purpose of his visit. The deputy minister reacted quite sharply: “You have the head of department of education, so ask him questions». Having received this answer, Tatyana Koroshkova with the cameraman Alexander Burovoj went to the building of school No. 7, planning to shoot a report about deputy minister’s visit to the new object. The Deputy Chairman of the district executive committee Svetlana Shmyga demanded that the film crew left the object, since «the deputy minister was in bad mood». On the next day Tatyana Koroshkova called the head of department of education of Smorgon district executive committee Valery Batko and asked him which questions the deputy minister of education came to solve. Valery Batko has refused to talk to the journalist.

On August 4 the meeting of heads of Smorgon district with members of the regional branch of the Union of Poles of Belarus took place in the assembly hall of Smorgon school of applied arts. At the meeting they were also expected to elect the delegates to the regional congress of the organization. Representatives of local press also came to the meeting, but the chair of the regional branch of the organization Tereza Petrova publicly declared even before the beginning of the meeting that nobody had invited press there, and so Poles do not wish to see its representatives in the assembly hall. She accused press of inflating the conflict around of the Union of Poles. There were several attempts to remove from the hall the correspondent “Mestnaya Gazeta” Svetlana Stankevich, the film crew of local TV channel «Oks-TV» (correspondent Anna Shaturko and cameraman Alexander Burov), and correspondent of the state regional newspaper Inna Dobryden, but to no avail. The conflict between the press and the Poles culminated in the statement of the chairman of Smorgon district executive committee Mechislav Goy, who persistently asked press to leave the meeting because it was «the will of the people». Representatives of mass-media have left the assembly hall.

In the end of August state officials of Gantsevichi district executive committee refused to provide information to the newspaper «Gantsavitsky Chas» about the families that have the right to receive material aid for preparation of children for school. The correspondent of «Gantsavitsky Chas» Irina Domaratskaja addressed these questions before the beginning of the academic year to the chief of the department of finances of the district executive committee Alla Strelchene, who answered, that she could not say anything. The chief of the regional department of education Vladimir Muha also refused to give any answer to this question and advised the correspondent of «Gantsavitsky Chas» to «read everything in the [state] newspaper «Savetskaje Palesse».

On August 23 in Gomel there was a meeting of journalists with the representative of the Embassy of USA Lile McMillan, which should have taken place in the private apartment of the Gomel politician Victor Kornienko. Two hours before the beginning the meeting police and firemen have blocked entrance to the house on Poleskaya street, having declared that in the building next door they found a second world war mine.

In September during a meeting with his staff Deputy Chairman of Pinsk Municipal Executive Committee Alexander Konevsky urged employees of the departments of the Executive Committee not to give information to journalists of the non-state newspaper «Miastsovy Chas», since they make comments on events and facts of social life of the city “in their own way». Chairman of Pinsk Executive Committee Alexander Gordich has orally instructed to terminate

the contract for renting the office space with the edition which it has signed several months before with the hotel «Sport».

On October 1 during the opening ceremony of the first German military burial places since the second world war near the district centre Berioza (Brest region) heads of local district executive committee recommended representatives of the German side not to have contacts with press. «Vecherny Brest» wrote about it. According to the edition, one Berioza district officials «advised» correspondents of Reuters agency not to make pictures during the event.

On October 28 Yevgeny Pobalovets, press-secretary of Gomel Regional Executive Committee refused to give to the own correspondent of BelaPAN agency Elena Poskannaja information on the schedule of visit to the area of the Minister of Foreign Affairs Sergey Martynov. He said that the journalist was stripped of accreditation which enabled her to work as a correspondent of a news agency. After a while the press-secretary of the Regional Executive Committee called back and said that journalists would be admitted to some events to some - not. Already **on December 2** BelaPAN news agency received a letter signed by the Deputy Chairman of Gomel Regional Executive Committee Pyotr Kravchenko, which informed that E. Poskannaja was stripped of accreditation. The decision was made «in connection with infringement of the established rules of accreditation by the journalist». The Regional Executive Committee referred to Article 42 («Accreditation of correspondents») of the Law on press. Elena Poskannaja thinks that the Regional Executive Committee decided to strip her of accreditation after publication of her article based on the press release of the regional Committee of state control on the results of inspection of harvesting of grains in the farms of the region. After that they have ceased to inform E. Poskannaja about the events carried out by the Regional Executive Committee and then and did not let her to the meeting between vice-premiers of Belarus and Ukraine, having referred on «partial» deprivation of accreditation.

Conflicts related to reception and distribution of foreign information or activity of foreign mass-media

During the whole of 2005 Belarusian authorities continued to consistently «close» the information space of the country.

Contrary to Article 19 of the International Covenant on Civil and Political rights, which proclaimed the freedom «to search, receive and distribute any information and ideas irrespective of state borders», Belarusian authorities on the one hand limited distribution inside the country of the information of foreign (first of all, electronic) mass-media and, on the other hand, interfered with the «outflow» of objective information from Belarus to foreign mass-media. It was achieved by excluding «undesirable» TV channels from the programs of cable operators (in particular, Ukrainian and Polish ones) and hindrances to lawful activity of foreign journalists on the territory of Belarus.

Especially disputed was Grodno region in connection with the situation around «the Union of Poles on Belarus». Several Polish journalists who covered the events in Grodno were detained and searched by Belarusian militia and customs officers, some of them were denied entry to Belarus (according to official information entrance to the country was forbidden to 40 thousand foreign citizens).

From the beginning of the year TV channel «Lad» has stopped broadcasting «Euronews» news. **On January 12** the newspaper «Narodnaya Volya» quoted Svetlana Kraskovskaja, head of press-service of the National state broadcasting company of Belarus, as saying it was caused by financial reasons. Before that «Euronews» news had been broadcast on «Lad» TV channel daily for the whole of 2004 from 6.30 till 8.00.

The TV channel «Euronews» was also excluded from the list of programs of the Mogilev TV operator «Dion». **On January 24** the viewers of the paid air TV network created by the Mogilev firm «Dion» were deprived of possibility to watch Euronews channel. Alexander Ostapov, director of the firm, explained, that he was visited by state officials, (he has not named them) who have shown him the order of the Ministry of information from which it could be seen that Euronews channel was not included in the package of «Dion». A. Ostapov hoped that Euronews will return to the package of programs of his network. So far instead of the European news users of the paid package could watch the Belarusian channel «STV» which can be received free of charge on the usual aerial.

On March 20 three Polish journalists were detained while covering elections to the House of Representatives of the National Assembly in Grodno's Central constituency. The press photographer of the Polish edition of Newsweek Adam Tuhlinski was detained together with two friends at one of the polling stations, where he was accredited for covering elections. Other two detained journalists are Mihal Katsevich («Newsweek») and Martin Smelowski (TV channel «Polsat»). The journalists were taken to Oktyabrsky district police department of Grodno and charged with having a vague seal at their accreditation cards. The journalists were kept until 23 o'clock: during this time all tapes shot by M. Smelowsky during his trip to Belarus were erased.

The Ukrainian information and entertaining channel «Inter-Plus» was disconnected in Kalinkovichi after carrying out the final competition «Eurovision» **on May 21** in Kiev. The

director of the society «Suviarz-Service» Alexey Rozantsev, who owns the cable network which had broadcast the Ukrainian channel said that broadcasting of «Inter-Plus» and other Ukrainian channels was forbidden on the whole territory of Belarus by the Ministry of information. According to him, he submits the list of channels for broadcasting every year, but they never give consent for the Ukrainian channels. Mr. Rozantsev informed that they have replaced «Inter-Plus» by the «Russian Illusion» channel.

The journalist of the magazine «Russian Newsweek», citizen of the Russian Federation Alexey Ametov was sentenced to 10 days of administrative arrest **on April 27** by Leninsky district court of Minsk. Mr. Ametov was found guilty of infringement of Article 167 Part 1 of the Administrative Code («Infringement of the order of organization or carrying out of religious, sports, mass and cultural or other entertainment actions, as well as assemblies, meetings, street processions, demonstrations and picketing»). For the same infringement the court of Leninsky district of Minsk sentenced Michael Romanov, correspondent of the newspaper «Moskovsky Komsomolets» to 8 days of arrest. The Russian journalists covered an unauthorized rally of Belarus opposition on April 26, when several dozens of citizens tried to pass their petitions to the Administration of the President of Belarus. M. Romanov and A. Ametov served their time in the pre-trial jail of the Municipal Department of Internal Affairs of Minsk Municipal Executive Committee and were released only after interference of the Russian authorities.

The House of Representatives of the National Assembly of Belarus addressed the general public prosecutor of Belarus with the request to investigate a possibility of holding responsible the heads of the Russian edition of «Moskovsky Komsomolets» for the article «Lukasturbation» printed in the newspaper **on April 28**. The deputy of the House of Representatives of the National Assembly Victor Kuchinsky brought the offer to the Belarus government. The deputy stated that he as the citizen, the officer and the deputy is offended when the president of the country and people in epaulets are accused of fascism. The article of the Russian newspaper told about the events of April 26 in Minsk when riot police dispersed an unauthorized rally of Belarusian opposition, as a result of which several dozens people (including citizens of the Russian Federation and Ukraine) have been arrested and sentenced to administrative arrest.

On July 27 a number of Polish journalists were not allowed to be present at the press conference of Tadeusz Kruchkowski, whom the Ministry of Justice «had appointed» the head of the Union of Poles of Belarus. The press conference took place in the building of the Union of Poles where in the evening T. Kruchkowsky has come with the help of riot police. Before the beginning of the meeting the colleague of Kruchkowsky Kazimir Znajdinski appeared near the entrance. He personally checked documents at each journalist and decided who could come to the press conference and who could not. A squad of policemen was near him. The editor of the newspaper «Glos znad Niemna» Andrzej Pisalnik and a journalist of this edition Igor Bantser as well as journalists of the Polish radio station RMF-FM and others couldn't get to the press-conference. (see also «Infringements related to access to information».)

On July 27 employees of militia in Shchuchin detained Agneshka Romaszewska, journalist of the Polish public TV TVP1 for having no accreditation of the Ministry of Foreign Affairs of Belarus on her. She was detained immediately after her arrival to Shchuchin near the Polish House. The journalist tried to ask a question to the man whom she recognised from his statements on Belarusian television BT, but was immediately detained by militia and brought to a local police station.

Two journalists of the Polish daily «Gazeta Wyborcza» were detained **on July 27** by militia when leaving Grodno. Vaclav Radzivinovich and Robert Kowalewski were going to Lida to

attend the trial of three activists of the Union of Poles arrested on July 26. According to «Gazeta Wyborcza» the militiamen were first going to fine only the driver of the car in which the journalists were for some problems with documents for the car, but at this time someone called the militiamen, after which the journalists were forbidden to go any further and militiamen have taken off the license plates from the car. The militiamen have also detained the car driver Jury Pozhetsky. The journalists have still managed to call a taxi and reach Lida.

Late at night **on July 27** in Grodno, when police rushed into the building of the Union of Poles, they detained two journalists of the Polish newspaper «Gazeta Wyborcza» Vaclav Radzivinowich and Robert Kovalewski and press photographer of «Associated Press» agency Sergey Grits. After the detention the militiamen forbade the journalists to use dictophones or cameras, including those in mobile phones. The journalists IDs of foreign editions presented by journalists and other documents have not convinced the militiamen. Employees of «Gazeta Wyborcza» declared that they would talk to police only in presence of the consul. After that the Polish journalists were taken to another room, and their Belarusian colleagues haven't seen them any more on that day. Police have destroyed all pictures which the journalists had managed to take during the storm of the building of the Union of Poles or inside the police station. (see also «Detention of journalists, summons to law enforcement bodies. Warnings of the Office of Public Prosecutor»).

The director of the department of Polish TV (TVP) in Bialystok Yatsak Papelak has addressed Leonid Karavajka, General Consul of the Republic of Belarus in Bialystok, with a letter of protest against detention of tapes with the reports made by the journalist Nikolay Vovranjuk by the Belarusian authorities in Grodno. Four tapes with materials have been confiscated from the journalist in the evening of **August 10** during passport control at the railway station in Grodno. According to Vovranjuk, these tapes contained interviews with the activists of the Union of Poles in Belarus, which the journalist recorded especially for the Belarusian program on Polish TV. Other materials on the tapes have no relation to Belarus.

The journalist of the Polish «Gazeta Wyborcza» Vaclav Radzivinowich was searched by Belarusian customs officers when he crossed the Belarusian-Polish border **on August 23**. According to the journalist, the customs officers were especially interested in diskettes which they tried to copy. Personal notebook has been confiscated from the journalist on July 28, during the storm of the headquarters of the Union of Poles in Belarus by riot police. Besides, Polish operator Roman Voroshitsky was refused entry to the territory of Belarus twice in the second half of August, in spite of the fact that he had the Belarusian visa and accreditation of the Ministry of Foreign Affairs of Belarus.

In August the photographer of the Polish magazine «Pszekruj» Adam Tuhinski was deported from Belarus for professional work without accreditation of the Ministry of Foreign Affairs of Belarus.

Belarusian TV charged Polish diplomats for transferring across the border the newspaper «Glos znad Niemna» and training of people how to make disorders, wrote the Polish daily «Gazeta Wyborcza» wrote on **September 6**. According to the edition, on September 5 BT in its show «In the Focus of Attention» showed a report in which the Polish General Consul in Grodno Andrzej Krentowski was accused of passing across the border the copies of «Glos znad Niemna» printed in Poland. Later the acting Ambassador in Minsk Marian Semakowich was accused that of

coming to Grodno in the end of August, gathering members of the Union of Poles in Belarus in the consulate building and teaching them for three hours how to organize disorders in Volkovysk where the congress of the Union of Poles would take place. The charges were illustrated by video recordings made by militia cameramen installed near the Polish consulate in Grodno. The Polish edition did not exclude that the above mentioned BT program could serve as the reason for expelling Polish diplomats, like it was in May when the hero of the show «In the Focus of Attention» was Deputy Ambassador of the Republic of Poland in Belarus Marek Butska. Immediately after the program went on air the Belarusian authorities asked him to leave the country.

Alexander Lukashenka considers it necessary to protect the Belarusian society from foreign information expansion and «introducing instability by anti-Belarusian information resources». The President said so **on September 30** while speaking at the session of the Security Council.

A. Lukashenka declared, that «in the last decade all military conflicts untied in the world by USA and their allies started from information attacks, from mass propaganda campaigns against the country chosen for a military sacrifice». According to Lukashenka, Belarus' neighbours Poland and Baltic countries «a long time ago have turned into an outpost where not only NATO means of radio-electronic surveillance have been dislocated». «The West and the so-called Belarusian opposition controlled by it do not spare efforts for looking for new ways of formation of negative public opinion and distribution of destructive information about our country».

From **October 25** Grodno residents could no longer receive the first program of Polish TV through cable networks. Instead the operator of cable networks Limited Liability Company «Grodno Regional Technical and Trade Centre «Garant» relays another Polish channel - Polsat. As one of experts of the enterprise told on conditions of anonymity to the correspondent of the Internet-edition «Pahonia», it is made according to the order of the Ministry of information of Belarus. In February 2004 the First program of the Polish TV has been transferred in the cable network from the “social» package to the “additional» one, for which programs viewers should pay extra. Meanwhile, Polish TV plans to open its correspondent office in Grodno.

On December 2 the head of KGB Stepan Suhorenko commented on approval in the second reading of the bill of toughening responsibility for actions «aimed against human beings and public safety» by the House of Representatives. He said that «foreign mass-media representatives will be stripped of accreditation deported from the country in case of “presenting obviously false information about Belarus». S. Suhorenko advised Belarusian journalists who work for foreign mass-media “to read the Law and to think». “Nobody had in mind limiting anyone's actions, but we tried, that these actions were civilized, within the limits of the law and did not harm to state interests», S. Suhorenko declared to journalists. The adopted document provides, in particular, including an article «Discrediting the Republic of Belarus» into the Criminal Code. This concept includes «providing to a foreign state or an international organization of obviously false information about political, economic or social situation of Belarus or about legal status of citizens, which discredits the country and authorities». Such actions are punishable by an arrest for the term of up to 6 months or imprisonment of minimum 2 years.

On December 14 Agnieszka Romashevska, journalist of the Polish TV channel TVP1, was deported from Belarus. In the document on deportation the reason for such actions of the

Belarus authorities was named as «other reasons». The Belarusian visa in the passport of the journalist was annulled. A. Romashewska spent the night from December 13 to December 14 in a special room for deported people guarded by border guards. On December 14 she was shot by Belarusian TV. Reporters asked her whether she knew, for what she was being deported. The journalist answered that she felt like the character of the book «Process» by Franz Kafka, who did not know, for what he was persecuted. According to the journalist, she always tried to hold in front of the camera her journalist's ID with the official accreditation.

In the last months before the incident A. Romashewska had prepared several dozens materials about Belarus, including some about the conflict with the Union of Poles of Belarus, about the first solidarity action on October 16, about the Congress of democratic forces, etc.

First A. Romashewska was denied entry to Belarus without explanation of reasons **on December 9**, although she had not only a valid Belarusian visa, but also an actual accreditation the Ministry of Foreign Affairs of Belarus. She was going to Minsk to organize a correspondents' office of the Polish TV channel TVP. The documents for accreditation of the representation had already been sent to the Belarusian Foreign Ministry.

Economic policy in sphere of mass-media

The economic policy of the state in the sphere of mass-media continued to have a strongly pronounced discrimination character concerning non-state editions.

On the one hand, the independent press was “cut off» from sources of income (possibilities of receiving or publishing advertising were limited, obstacles to distribution of newspapers were created, etc.) and was forced to pay higher charges due to discrimination tariffs for printing, distribution, etc. or due to impossibility to be printed in Belarus. On another hand, the authorities directly and indirectly supported mass-media controlled by them.

The national budget for 2005 allocated 40,81 million US dollars for financing state mass-media (at the rate of the National Bank on 03/01/2005). In 2004 29,67 million US dollars was allocated for these purposes (at the rate of the National Bank on 09/01/2004). Given overall increase in funding of mass-media by approximately 37%, funding of TV and radio broadcasting in 2005 has increased by 42% (to 33,8 million dollars), and funding of periodicals and publishing houses – by 14 % (to 5,86 million dollars).

The national budget of 2006 allocated more than 60 million dollars for funding of mass-media, which is 1,5 times more than in 2005 and 2 times more than in 2004.

Besides direct funding, in 2005 the authorities openly and actively used administrative measures to promote economic stabilization of state mass-media, including compulsory subscription to state newspapers.

The department of ideology of Grodno Regional Executive Committee sent a letter to state enterprises and organisations of the city in which it «did not recommend» them to place advertising in non-state newspapers, the Belarusian Association of Journalists quoted the journalist of the private Grodno edition «Birzha Informatsii» Natalia Makushina as saying. Together with the «recommendation letter» the Grodno enterprises have received the list of state organisations placing advertising in non-state mass-media. Among others this list includes Grodno State University, milk factory a meat-packing plant. The Head of department of ideology of Grodno Regional Executive Committee Vladimir Omelko declared to N. Makushina that the document is aimed at supporting state mass-media and has a recommendatory character, while the enterprises would decide themselves where to place advertising.

On January 26 the trade enterprise «Mogilevkniga» returned to the public press distributor A. Osiptsov, intermediary between this enterprise and edition of «ARCHE» magazine, unsold copies of the magazine. The management of «Mogilevkniga» declared that they unilaterally terminate the contract signed between the enterprise and the edition for selling the magazine in Mogilev bookshops. The administration explained such decision by low demand for the magazine («Obstacles to distribution of mass-media production».)

In January 2005 the whole staff of edition of Krichev regional state newspaper «Leninsky Klich» (founded by Krichev district executive committee) was deprived of the premium for December of the last year by order of the chief editor of the newspaper Tatyana Ivkina. In such a way the staff of the newspaper was punished for not being able to increase the circulation of the edition in the first month of the new year by two times (up to 4,000 copies). This parameter was appointed for the newspaper personally by chairman of Krichev district executive committee Ivan Prokopov. His close attention to the problems of the regional newspaper, in turn, was caused by the fact that «Leninsky Klich» had got in the regional list of state newspapers (in total there were 5 of them) which should become profitable from Spring 2005.

All these editions were warned that their budgetary funding would be reduced and that they would have to earn money themselves. In particular, each employee of Krichev regional newspaper was obliged to subscribe at least 100 people to it.

In **February** Ivatsevichi Regional Union of Consumers refused to sign the contract for selling the weekly newspaper “Gazeta Dlia Vas» in its shops with the non-state newspaper edition. The editor of the newspaper Lydia Tselujko was told that there was no need to sell her edition in the shops not to create competition to the official regional newspaper «Ivatsevitski Vesnik». According to L. Tselujko, the interdiction for signing of the contract originated from Deputy Chairman of Ivatsevichi district executive committee for ideological work Leonid Skinder. He believes that shops of the city and the area should sell only state newspapers which reflect the official point of view of authorities to the events in the area. The edition of “Gazeta Dlia Vas» also was also refused distribution through Regional Union of Consumers network in Berioza, Pruzhany and Drogichin where it was sold as a regional edition.

By **February 15** all legal entities and individual businessmen trading periodicals were obliged to submit exact data on all mass-media which they sell to regional and municipal executive committees for coordination. The instruction concerns not only unitary enterprises and regional branches of “Belsoyuzpechat» and “Belpochta». In particular, it mentions the resolution of Minsk Regional Executive Committee dated December 13 of the last year. According to this document businessmen (organizations) carrying out retail trade in periodicals should submit to the ideological department of the Regional Executive Committee not only details on themselves, but also corresponding «appendices to the assortment list», specifying the kind, the title and subject of the edition, date and number of its certificate on registration (and by whom it was given out), date and number of the contract for distribution, and for foreign editions (except Russian ones) - date and number of the sanction of the Ministry of information on distribution in the territory of Belarus. Approximately at the same time similar orders were issued by local vertical structures in other regions as well. When making this decision the Regional Executive Committee referred to the decision of the Council of Ministers No. 384 dated April 7, 2004 which approved new rules of retail trade in some kinds of goods. Since the decision talks about the assortment minimum which trade enterprises should have, the Belarusian Association of Journalists asked for explanations the minister of trade of Belarus Alexander Kulichkov.

The Ministry of Trade of the Republic of Belarus confirmed that trading organizations and individual businessmen have the right to determine independently the assortment for retail trade (including printed editions). They have to coordinate with local executive and administrative bodies only the «assortment list» (so-called assortment minimum) of goods which have to be constantly on sale. This was said in the letter of first deputy minister A. Ivankov which the Belarusian Association of Journalists received in reply to its inquiry dated **February 17**. Thus the Ministry of Trade confirmed that businessmen are not obliged to coordinate each periodical which they sell in retail.

On February 25 Sovetsky district court of Gomel banned the former director of the printing house «Iosifa I Adzeda» Julia Marchenko, daughter of the former runner-up in elections Tatyana Marchenko, from travelling abroad. J. Marchenko was fined for the amount of more than 40 million roubles. The requirement to pay the penalty was used as motivation for the ban on foreign travel. On December 2 2004 Zheleznodorozhny district court of Gomel fined the printing house 720 thousand roubles and ruled to confiscate its equipment. The reason for the

trial was production by silk-screen printing method of a pilot production. This kind of activity had not been specified in the license received by the printing house.

On February 26 the Council of Ministers of Belarus adopted Resolution No. 209 «On funding of periodicals in 2005». The resolution rules to allocate grants to the editions of periodicals in the amounts stipulated for these purposes by the national budget. The approved list of recipients of state assistance includes 32 editions, among which «Belorusskaya Niva», «Biarozka», «Zviazda», «Znamya Yunosti», «Zorka», «Narodnaya Gazeta», «Perehodny Vozrast» and others. The 2005 budget allocated 12,7 billion roubles for financing of periodicals and publishing houses. In total 88 billion roubles (\$40,7 million) was allocated for financing of mass-media in 2005. In 2004 financing of mass-media from the state budget amounted to \$29,8 million

On March 3 the editor and publisher of the newspaper «Volny Horad» Vladimir Verbovnikov was summoned to the tax inspection of Sovetsky district of Gomel. State tax inspector Oleg Mironovich said that Vladimir Verbovnikov as an individual businessman publishing a newspaper is fined for non-payment of VAT in 2003 in the amount of 500 thousand roubles (230 US dollars). The publisher tried to explain that the newspaper had not been published for more than 1,5 years because of lack of money. The tax inspector answered that he could fine the editor in the amount of 1,5 million roubles.

Strengthening control over distribution of periodicals was discussed in Brest during a **March** session of Brest Regional Executive Committee. The question «About the system of information support of population and measures of ordering the retail network of distribution of periodicals on the territory of the city» was discussed at the session. According to Zoya Iljushenok, the chief of ideological department of the Executive Committee, «not all economic entities which trade in periodicals have an assortment list». In particular this concerns realization of state mass media. In case of ignoring these requirements, the Executive Committee would suggest to strip the private businessmen engaged in this activity of their license for selling periodicals.

The letter signed by the chief of department of education of Glubokoye district executive committee R. Tarasevich was sent to the schools of the district. The state official asked to organize subscription to state periodicals among teachers by **March 20, 2005**. Among the recommended editions were central newspapers «Sovietskaya Byelorussia», «Narodnaya Gazeta», «Respublika», «Zviazda», «Znamya Yunosti» and others, regional newspapers «Vitebsky Rabochy», «Narodnoye Slovo» and a district newspaper «Vesnik Glybocchiny». Each teacher was obliged to subscribe to at least three editions.

In early April the ideological department of Borisov Municipal Executive Committee distributed a letter banning departmental subscription to local non-state editions “Courier Iz Borisova” and «Borisovskiye Novosti» at enterprises and organizations of the city. At some enterprises, in particular, at Borisov sleeper factory, the administration obliged the organizers of subscription to pay back the money for subscription to non-state editions from their personal money.

On April 14 an employee of Pinsk regional committee of state control came to the edition of the newspaper «Zhivaya Voda» founded by the state concern «Belmeliavadgas» and published in Pinsk and acquainted the editor-in-chief of the edition Valentina Novarich with the order of Administration of the President of Belarus. The document said that editions of newspapers

which founders are official bodies and organizations should not have private persons, individual businessmen and businessmen with participation of foreign capital among their founders. He did not leave the specified document to the editor. At request of the employee of state control Valentina Novarich signed a document promising that she would not involve the listed persons in publishing of the newspaper and would not use foreign sponsors assistance. The editor of the newspaper has also specified brief information about the edition mentioning the date of registration, periodicity of publishing, subjects covered and confirmed that her newspaper would not be printed in any other printing houses, except for the Pinsk regional printing house, subordinate to Brest Regional Executive Committee.

From April 2004 to April 2005 30 shops in Minsk have refused to sell non-state editions, including «Belorusskaya Delovaya Gazeta», «Belorusskaya Gazeta» and «Salidarnasc», «Belorusskaya Delovaya Gazeta» wrote in **the end of April**. According to the edition, the reason for this move were actions of assistants heads of district administrations on ideology. They refer to the decision of Minsk Municipal Executive Committee No. 2520 dated December 9, 2004, signed by the first Deputy Chairman of Minsk Municipal Executive Committee Leonid Anfimov. According to the document, all organizations carrying out retail trade in periodicals (except «Mingorsoyuzpechat» and «Belpochta») were offered to present until April 1 the assortment list of goods which should be on sale. Minsk Municipal Executive Committee ordered to coordinate this list with departments of ideological work of Minsk districts administrations.

The catalogue “Mass Media of Grodno Region” published by the department of ideological work of Grodno Regional Executive Committee before the specialized exhibition «Mass Media in Belarus» which took place **on May 3 – May 6, 2005** in Minsk, lacked information on non-state political editions of Grodno region. In particular, the catalogue contained no information about non-state political editions: “Birzha Informatzii», “Gazeta Slonimskaya», “Mestnaya Gazeta”, “Novaya Gazeta Smorgoni”, “Teleskop» and “Glos znad Niemna”. The chief of department on working with mass-media of ideological department of the Regional Executive Committee Marjan Maksimonko told BAJ monitoring service that it was a conscious decision of the ideological department not to include non-state editions in the catalogue. In the opening address during presentation of the catalogue the head of department of ideological work of the Regional Executive Committee Vladimir Amelko emphasized, that he sees «ensuring observation of legislation by all participants of the information process and creation of necessary conditions for wide and comprehensive development of the information space of the region» as the main task of his ideological department.

In Pinsk a new state broadcasting company «Pinsk» was registered **in May**. It has received a legal address and office premises. A graduate of Lvov military-political school Vitaly Ivanchenko has become the head of the company. As he noted, the Broadcasting Company «Pinsk» would exist from the municipal budget. Authorities continue to insist the independent broadcasting company «Varyag» which had worked in Pinsk for 10 years and was not funded by authorities left the building which it rents. After beginning of broadcasting of the TV channel «Pinsk» local authorities have two powerful media outlets in town - the newspaper «Pinski Vestnik» founded by the city council of deputies and the Municipal Executive Committee and local TV. Non-state mass-media in Pinsk is represented by the newspaper «Miastsovy Chas», which is still printed in Baranovichi, since Pinsk regional printing house refuses to print the independent newspaper, referring to congestion of technical equipment.

The subscription campaign for the second half-year became one of the main topics for discussion at the seminar of ideological workers of Krichev district, which took place **in May** under direction of the Deputy Chairman of the district executive committee S. Morozova. Under the initiative of Mr. Morozov the chief of the regional unit of mail service I. Komarova and assistant editor of the regional newspaper «Leninski Klich» V. Daletsky delivered speeches at the seminar. They told about progress in reaching the task to raise circulation of the newspaper to at least 4,5 thousand copies and to approach the level of profitability was achieved. According to them, the task was fulfilled only by one half. The assistant chairman of the district executive committee ordered each labour collective to appoint a public distributor of press, and ordered to the head of post service to develop ways of encouragement of best distributors of press. V. Dubovik, own correspondent of the newspaper «Respublika», told ideological workers of the area about carrying out of subscription campaign on the basis of material encouragement of subscribers with prizes and costly presents. Summing up the seminar, S. Morozov once again emphasized that without state press it is impossible to ensure state stability and national unity.

On May 26 the Chairman of Brest Regional Executive Committee Konstantin Sumar met top managers of mass media of the region. According to Mr. Sumar, regional authorities have a desire to cooperate both with state and non-state mass-media. The head of the «vertical» declared that constructive criticism on the pages of newspapers and on air helps solve problems of social and economic development of the Brest region. In the opinion of the chairman of the Regional Executive Committee, from time to time non-state press covers vital topics better (in particular, questions related to development of business). On the same day there was a ceremony of awarding winners of regional competition among editions of newspapers, TV and radio and professional journalists. Representatives of non-state mass-media were not among runners up for the awards.

By June 15, 2005 enterprises and organizations of Grodno should report on the results of carrying out subscription to the newspaper «Sovietskaya Byelorussia» for the second half-year of 2005, says the letter delivered by administrations of two districts of Grodno. This information appeared **on May 26** on the web-site «euramost.org». The document specifies the number of copies of «Sovietskaya Byelorussia» to which specific enterprises should be subscribed. It was recommended to present information on the results of subscription campaign to the regional departments of ideological work. According to the journalists, the district administrations were engaged in the subscription campaign at the instruction of Grodno Municipal Executive Committee. Euramost.org quotes the head of department of ideology of the Grodno executive committee Vladimir Amelko as saying that except for «Sovietskaya Byelorussia» executive committees «promote» some more state-owned national editions («Zvyazda», «Respublika», «Belorusskaya Niva», «Sem Dnej», «Znamya Yunosti» and «Belaruskaya Dumka»), «since they cover the policy of the state». The list of newspapers, the subscription for which is supported by the administrative resource, also includes six local state editions, including «Grodnenskaya Pravda», which V. Omelko himself called «uninteresting».

By **June 10** the edition of the non-state newspaper «Vitebsky Courier» was prescribed to leave their premises in the building of the cultural-business centre of the LLC «KIM». According to the lease agreement, the newspaper had the right to occupy these premises until the end of November, 2005. Belarusian Association of Journalists quotes the editor-in-chief of the edition Vladimir Bazan as saying the eviction claims have started after the building was transferred to a state ownership.

Students of Mogilev state pedagogical university who study the subject «State Ideology» are obliged to subscribe to a number of state newspapers. Since winter session the students of humanitarian universities were obliged to come to tests and examinations on this discipline with the receipt confirming the fact of subscription. According to the Belarusian Association of Journalists, in Mogilev region there is an oral order of administration of Mogilev state pedagogical university about this. The future teachers of history and social science should subscribe to «Sovietskaya Byelorussia» and publication of the Regional Executive Committee «Mahileuskija Vedamasti».

The department of registration and licensing of Minsk Municipal Executive Committee refuses to register a change in the Charter of the double liability company «Djenpress», the publisher of the newspaper «Djen». This follows from the letter signed **on June 16** by head of department A. Tutykin. The changes concerned a new legal address which Minsk Polish House was ready to provide to publishers of the newspaper «Djen». According to the letter of Minsk Municipal Executive Committee, municipal authorities have made this decision on the basis of the information received from the head of the Minsk regional department of the Union of Poles Konstantin Tarasevich. He allegedly informed them, that «the arrangement ... on granting of the premises for the office is recognized void». However, in his Interview with Radio Liberty K. Tarasevich said that in Minsk Municipal Executive Committee they showed him a letter from the Ministry of Justice recognising illegitimate the management of the Union of Poles and declared, that he should terminate his contract with N. Markevich. Mr. Tarasevich has made a document which says that the lease will start to be executed after coordination with the legitimate management of the Union of Poles. The head of double liability company «Djenpress» N. Markevich considers the actions of Minsk Municipal Executive Committee illegal and declares that only the court can nullify the lease of the premises. He regards it as an attempt to interfere with lawful activity of the registered mass media. **On July 4** the chairman of Minsk Municipal Executive Committee Michael Pavlov and the property manager Mikhail Savanovich ordered to liquidate the double liability company «Djenpress» This decision of Minsk Municipal Executive Committee explains the basis for liquidation by «default of enterprise activity during six months on end and not sending of notices on the reasons of default of such activity by the commercial organization to the tax body». Not having recognized the decision of the state bodies lawful, Markevich appealed to Minsk Economic Court, which **on November 3** upheld the decision of Minsk Municipal Executive Committee on liquidation of the double liability company «Djenpress» - the founder and the publisher of the newspaper «Djen». The tax inspection of Centralny district of Minsk has acted as the initiator of liquidation of «Djenpress».

The department of consumer services of Minsk Municipal Executive Committee has dispatched to Minsk enterprises an official order «to publish orders on obligatory support of subscription» for the second half-year of 2005 for the edition of the Administration of the President «Sovietskaya Byelorussia» and the newspaper of Minsk Municipal Executive Committee «Minsky Courier». According to «Charter-97» web-site, the document was signed by the head of department A. P. Kovshar. The official paper contained the fax number to be used by company directors for sending confirmations of subscription. In the middle of June the edition of «Narodnaya Volya» newspaper received copies of two similar documents. One of them was signed by the head of administration of Zavodskoy district of Minsk Vyacheslav Juhnovich, and another one – by his colleague from Pervomaisky District Valery Skakun. Both officials addressed the heads of enterprises, organizations and establishments of their districts with the

request to promote carrying out departmental subscription to state editions and «not to admit departmental subscription to non-state ones». The head of Pervomaisky district administration asked the heads of enterprises to take this question «under the special control» in view of «political importance of the given action». The document specifies the exact number of copies of the newspapers which all structural divisions of the enterprises, hostels and libraries of the district are obliged to subscribe to.

The management of Osipovichi railway station in the oral form, but very strictly and under threat of disciplinary punishment ordered all workers to subscribe for the next half-year to the departmental newspaper «Zheleznodorozhnik Belarusi». Many workers of the railway station and other services of Osipovichi station expressed unwillingness among themselves to do it, since the subscription cost them 25 thousand roubles. The thing is that except the departmental newspaper they were also ordered to subscribe to «Sovietskaya Byelorussia». The subscription to these publications in Osipovichi was prolonged until **June 18**.

A. Lukashenka's decree No. 285 dated June 18 «On some methods of regulating enterprise activities» changed conditions of retail trade in printed editions. Now the businessmen who sell newspapers and magazines are obliged to pay not a uniform, «simplified» tax, but switch to usual taxation. The decree came into force on August 1. The list of kinds of activity in which realization the businessmen have the right to pay a uniform tax, does include «trade in periodical editions», but with the mark «except for newspapers and magazines». The similar list attached to the document regulating payment of taxes by businessmen (Decree of the President No. 4 dated 27/02/2003) provided for payment of only the uniform tax for retail trade in periodicals (without exception). Thus, the new decree has essentially complicated conditions of activity of businessmen engaged in realization of newspapers and magazines: Instead of 10-30 Euro of the uniform tax they now have to pay surtax and a lot of other taxes and established by the legislation, and to make out much more papers.

Minsk Municipal Executive Committee issued to all veterans of the Great Patriotic War living in the capital a free-of-charge subscription to leading state mass-media, said the head of department of culture of the Executive Committee Victor Kurash **on June 28** at a press conference in Minsk. According to Victor Kurash, the subscription was paid from the funds of the Executive Committee and district administrations of Minsk as a gift of city authorities to veterans on the Day of Independence of Belarus. According to Minsk Municipal Executive Committee, more than 13 thousand veterans of war live in Minsk.

In June the editions of Brest newspapers received a letter from the local Municipal Executive Committee signed by Deputy Chairman Vyacheslav Hofizov, urging them to fulfil the decision of the Municipal Executive Committee No. 10 dated 17/03/2005 «On the system of information supply to the population and measures of ordering the retail network of distribution of periodicals on the territory of the city». In particular, the editions were required to submit the list of public distributors of local editions to the department of ideological work of the Executive Committee.

A complex programs of development of state periodicals for 2005-2008 has appeared in Belarus. It was approved by the decision of the Council of Ministers No. 800 dated **July 20, 2005**. According to the first deputy minister of information Lilia Ananich, the complex program was a «continuation of purposeful work of the Ministry of information on strengthening and

development of the national information space». According to BelTA news agency, the program was developed with participation of scientists, Belarusian State University experts and editors of “leading mass-media”. Commenting on contents of the document to the agency, L. Ananich mentioned the necessity of strengthening the material base of editions of state mass-media, the necessity of studying the needs of a readers’ audience, etc.

25 computers, 10 digital cameras, scanners, printers, modems and digital dictophones for the total amount of 70 million roubles were purchased Brest region newspapers, said **on July 20** the official site of the Brest Regional Council of Deputies. According to the main expert of department of ideological work of the Regional Executive Committee T. Gagakova, the new equipment significantly contributed to strengthening the material base of edition of the regional newspaper «Zarya», founded, among others, by Brest Regional Council of Deputies and Brest Regional Executive Committee, regional newspaper «Poleskaya Pravda» (founders – Pinsk regional Council of Deputies, Pinsk District Executive Committee), «Chyrvonaya Zvyazda» (founder - Ivanovo district executive committee), «Dragichynski Vesnik» (among founders – Drogichin District Executive Committee, Drogichin Regional Council of Deputies), municipal newspaper «Pinski Vesnik» (Pinsk City Council of Deputies, Pinsk Municipal Executive Committee). The purchased equipment was also partially used for the editions of the regional newspaper «Narodnaya Trybuna», regional newspaper «Savetskaye Palesse» (Gantsevichi), «Zarya Nad Bugam» (Brest), «Naviny Palessya» (Stolin) and others. (the founders of these editions are also executive committees and Councils of Deputies of various levels).

International assistance to Belarus was put under strict state control by the presidential Decree No. 382 of the head of the state, amending the previous Decree «On international technical assistance provided to the Republic of Belarus». The document was signed **on August 17** and came into force in a month after its official publication (in mid-September). According to the information of the presidential press-service, the decree forbids receiving and using international technical assistance in anti-constitutional purposes, for seizing or overthrowing the government, intervention in internal affairs of the Republic of Belarus, inciting to fulfilment of such actions, propagation of war or violence in political purposes, etc. Such assistance cannot be used for preparation and holding of elections, referenda, organization and carrying out of meetings, assemblies, street rallies, demonstrations, pickets, production and distribution of propaganda materials, etc. According to the decree, international technical assistance also includes free assistance to our country in the form of organization and carrying out of seminars, conferences and other public discussions. Organizers of such actions are obliged to provide information about them or about holding them to the Commission on international technical cooperation of the Council of Ministers council of the Republic of Belarus. This information should also be registered in the Ministry of Economy, which, in turn, should confirm organization or carrying out of these meetings to the corresponding Regional Executive Committee (Minsk Municipal Executive Committee).

Pinsk Municipal Executive Committee has not allowed the non-state newspaper «Miastsovy Chas» to hold a concert in honour of publishing of the 100-th issue of the edition. It was planned to hold a concert with participation of Pinsk bards **on August 21** in the town’s recreation park. An initial oral agreement on this has been reached with the chairman of Pinsk of Municipal Executive Committee Alexander Gordich, who has assured the editor of «Miastsovy Chas» Victor Jaroshuk that the concert will be held and that «there are no problems with this». Despite of this, the letter signed by the Deputy Chairman of the Executive Committee Alexander Konevsky said that the Executive Committee did not give consent for carrying out “the advertising action of the edition”. Under the oral order of the Executive Committee the

newspaper «Miastsovy Chas» is not sold in city's «Belsoyuzpechat» kiosks. The editor Victor Jaroshuk it is not allowed to place teasers of materials of the newspaper as advertising on local radio. **On August 17** Mr. Jaroshuk brought an application to the radio, and **on August 19** these materials were sent back with the short resolution of director of the regional unit of electric communication Nikolay Rabkovets: «To be returned»

In September Gantsevichi regional telecommunication unit refused to the newspaper «Gantsavitiski Chas» in placing an advertisement on local radio about carrying out of subscription to the edition. According to the answer of Mr. Rylko, chief of Gantsevichi regional telecommunication unit, addressed to the director of LLC «Intex-Press» V. Yanukevich, «it is not possible to fulfil the request due to a large number of applications of congratulatory character and the necessity of placing the regional telecommunication unit information in the specified time interval».

The independent editions «Narodnaya Volya», «Salidarnasc», «Zgoda», «BDG. Delovaya Gazeta», «Rehiyanalnaya Gazeta» and some other non-state political editions were excluded from the subscription catalogue for 2006. **On November 8** the edition of the newspaper «Salidarnasc» received a letter from «Belpochta» which said that the edition was not included in the subscription catalogue for the first half-year of 2006. In the explanatory part of this decision there is a phrase that «in commercial activity each economic entity has a right to be guided by economic feasibility». A similar letter was sent to the edition of the newspaper «Zgoda». In this letter «Belpochta» charges «Zgoda» edition with infringement of conditions of the agreement and lists a number of cases when the edition has not warned about postponing the date of publication or has not published an issue in the appointed time. The editor-in-chief of «Zgoda» Alexey Korol, in his turn, says that he always informed the enterprise on changes in the schedule of publication of the newspaper. «Narodnaya Volya» has received a letter on discontinuance of distribution through subscription as well. Since October 1 this edition is not distributed through «Mingorsoyuzpechat», «Minoblsoyuzpechat» and «Belsoyuzpechat» kiosks. (See also «Obstacles to distribution of mass-media production»)

On November 11 staff of the non-state newspaper «Gazeta Dlia Vas» (Ivatsevichi) said that in the near future the newspaper could be ousted from its premises, where it was based during the previous three years. One of state officials of the district (who asked not to mention his name) told the editor-in-chief of the edition L. Tselujko that during one of the meetings in the district executive committee the order was given to all owners of municipal property and businessmen not to rent premises to «Gazeta Dlia Vas». The premises rented by the edition belongs to the district unit of communal services. In conversation L. Tselujko the chairman of Ivatsevichi district executive committee Anatoly Tkachuk declared that in September next year they will have a national harvesting holiday «Dazhynki» in Ivatsevichi, and so the editorial premises are necessary for the office of the unit of communal services. Except «Gazeta Dlia Vas», the unit of communal services has about 50 tenants and, according to L. Tselujko, they haven't refused to any of them; besides there are free offices in the building.

By **December 20** heads of departments on ideological work of the enterprises of Dzerzhinsk district (Minsk region) and their assistants should submit to the district executive committee written reports on the results of carrying out of departmental and individual subscription to a number of state editions. This was said in the official letter of the chairman of Dzerzhinsk district executive committee A. Kadet, dated **November 15, 2005**. «In connection with the beginning of the subscription campaign for the first half-year of 2006 and considering political importance of the given action», A. Kadet asked addressees «to take under special control the situation with departmental subscription» to «Sovietskaya Byelorussia», «Respublika»,

«Zviazda», «Minskaya Prada», «Stsiag Kastychnika» and other editions. The filings of «leading» editions should be kept «in a place accessible to employees on each industrial site», the author of the letter emphasizes.

The chairman of the district executive committee also paid attention to individual subscription. To insure its success he ordered «to organize the work of public distributors in interaction with assistants heads on ideological work and the trade-union organization», and to use organizations own funds «to render material support for subscribing to the major state editions» to veterans and needy people.

Minsk administration forces private companies to subscribe to state editions. «Charter-97» press centre got a documentary proof of this - a missive from the head of administration of Central district of Minsk N. N. Bury addressed to a commercial company. In the letter Mr. Bury «asks» the company director to subscribe to the edition of the Administration of the President «Sovietskaya Byelorussia» and publication of Minsk Municipal Executive Committee «Minsky Courier». The addressee was obliged to present the information on subscription to the specified editions in to the department of ideological work of the district administration not later than **December 19** «with the obligatory appendix - the document which confirms the subscription» to the newspapers «Sovietskaya Byelorussia» and «Minsky Courier».

In early December some employees of trade enterprises of Glubokoye district received written orders to individually subscribe to a number of state editions. The order was signed by the chief of Glubokoye regional consumer society M. Tolchak. The text of the letter was typed on a computer, but the name and patronymic of the addressee were hand-written. «You should individually subscribe to the republican, regional and without fail to the regional newspaper «Vesnik Glybochyny», the letter said.

The enterprise «Belsoyuzpechat» merged with «Mingorsoyuzpechat». Employees of «Belsoyuzpechat» have confirmed this information to the Belarusian Association of Journalists on December 13. The present director of the unitary company «Mingorsoyuzpechat» Igor Dudich will head the new company, and the head of «Belsoyuzpechat» Mikhail Podgajny will not work in the company at all. Thus, now the press distribution companies in Belarus will include «Mingorpechat», «Minoblpechat», «Brestoblsoyuzpechat», «Vitebskoblsoyuzpechat», «Gomeloblsoyuzpechat», «Grodnooblsoyuzpechat» and «Mogilevoblsoyuzpechat». All «Soyuzpechat» enterprises are included into system of the Ministry of information.

In December many readers of independent editions which have been excluded from the subscription catalogue for 2006 brought an action against «Belpochta». According to «Narodnaya Volya», hundreds of subscribers have taken advantage of the sample claim about protection of the rights of consumers published on the pages of the edition. Dozens of inhabitants of Novopolotsk have brought an action to Leninsky district court of Minsk, demanding to return to them an opportunity to subscribe to their favourite editions.

Several hundreds claims have been submitted across the country. However, the courts refused to accept them for consideration. From the regions they directed the subscribers to the court of Leninsky district of Minsk (where the respondent - «Belpochta» is located) on the basis that these claims allegedly do not concern protection of the consumer rights. Leninsky district court of Minsk, in turn, demands payment of the state duty in the amount of 290 thousand roubles. The lawyer Garry Pogonjajlo considers such actions illegal: «Newspaper is a publishing

product, and I have the right to go to the market and to search for a product I need», Harry Pogonjajlo says. The subscription is a form of advance payment with delivery of the goods to my house, and this service is guaranteed to me by a public agreement, according to which «Belpochta» is obliged to render mail services to everyone who addresses it. According to Article 43 of the Law «On protection of the rights of consumers», such claims are not subject to a State Tax, which means that filing an appeal is free of charge, and the court is obliged to accept it to consideration.

Non-state weekly journal «Salidarnasc» informed about termination of publication owing to «purposeful depriving of the newspaper of all sources of profit». In the «Explanatory note» published **on December 23** the edition expressed hope that it could renew publication, but «not under the present regime». The edition emphasised that for a long time the newspaper has been under strong pressure of the authorities, until in the end of the year «the authorities hit «Salidarnasc» with a whole series of blows». «state enterprises which monopolized the sphere of distribution of periodicals have terminated agreements with us», the note says. «In these conditions «Salidarnasc» is deprived of possibility to be printed on the territory of Belarus, to be distributed by subscription (from January, 2006) to be on retail sale (since January, 2006). Therefore, they have purposefully blocked all our main sources of income. The newspaper has remained without means of subsistence».

On December 27 the Economic court of Minsk refused to consider the claim of the editor-in-chief of the newspaper «Borisovskiye Novosti» Anatoly Bukas to «Belpochta», which has not included the newspaper in its subscription catalogue for 2006 and has refused to conclude the contract for delivery of the newspaper by subscription for the first half-year of 2006. The editor-in-chief of the edition Anatoly Bukas appealed to court as an individual businessman, trying to force «Belpochta» to conclude the contract. **On December 1** the court has officially notified him that the claim was accepted and that proceedings on the case were started. However, on December 27 representatives of «Belpochta» in court submitted a petition for termination of court proceedings, and the judge Oksana Bradko has satisfied their request on the basis that the case is not subject to consideration in an economic court.

Meanwhile, a missive from the head of department of ideological work of Borisov Municipal Executive Committee arrived to the edition of the newspaper «Borisovskiye Novosti». The letter informed Mr. Bukas about the necessity to provide monthly information «about advertising published» in the edition. The ideologist refers to the meeting with the deputy Prime Minister of the Republic of Belarus Kobyakov, which took place on 29/09/2005. The information was to be submitted to the reception of Borisov Municipal Executive Committee. (see also «Most significant litigations with participation of mass-media and journalists».)

Hindrance to mass-media production

The market of production and distribution of mass-media in Belarus is monopolized by the state, which has concentrated in its hands the main publishing facilities, printing enterprises and the system of distribution of mass-media.

90% of newspaper production in the country is printed at state printing houses. The consequence of this is the difference in tariffs for printing of newspapers for state and non-state mass-media.

All printing houses work on the basis of licenses issued by the Ministry of information. Despite the abundance of printing enterprises, many of which have been renovated during 1999-2003, several editions («BDG», «Salidarnasc», «Tovarisch», «Birzha Informatsii», «Djen», «Mestnaya Gazeta», «Vremya», «Navinki», «Tovarisch») for a long time couldn't find a printing house in Belarus and have to be printed in Russia. In the end of 2005 the only daily (at that moment) non-state newspaper «Narodnaya Volya» was forced «to move» to Smolensk as well.

In the end of January communal unitary enterprise «Pinsk regional printing house» once again refused to sign a contract with the non-state newspaper «Miastsovy Chas». The edition of the newspaper, which has worked for the second year, was based in Pinsk.

However, it had to be printed 160 km away from Pinsk, in Baranovichi, which caused additional transport costs. The interdiction for printing in Pinsk was given by the former head of Pinsk Municipal Executive Committee V. Shust. After his resignation the editor of the newspaper Victor Jaroshuk agreed with the director of Pinsk regional printing house Alexander Prokopov that «Miastsovy Chas» would be printed in Pinsk. However, after visiting the Ministry of information the director of the printing house took his words back, explaining that he was advised not to steal work from Baranovichi printers.

On May 24 the management of Russian Federal state unitary enterprise «Smolensk Printing House» received a letter from Belarus' deputy Minister of information Lilia Ananich. Its essence was that the company shouldn't allow printing of the non-state Belarusian newspaper «Djen». The Ministry of information stressed that the newspaper had not passed re-registration after changing the legal address, and on the basis of this asked the management of Smolensk printing house «not to allow illegal printing of the given edition». Meanwhile, Article 11 of the Law on press «Re-registration of mass-media» requires re-registration only in case a publication was not published for more than a year, in case of liquidation, reorganization or change of the founder, change of title or appearance of the periodical, or in case of suspension of its activity twice within a year. **On May 26** the editor-in-chief of the newspaper «Djen», Markevich sent a letter to the minister of information Vladimir Rusakevich, in which he emphasized illegality of requirements of the Belarusian Ministry of information and asked the officials to withdraw the letter, sent to the management of the Smolensk printing house.

The deadline of delivery of the newspaper of the Union of Poles of Belarus «Glos znad Niemna» expired **on June 1**. The newspaper should have resumed publication after a break of several weeks. Two weeks before that the director of Grodno printing house Peter Mironov had promised to the Deputy Chairman of the Union of Poles Juzef Poszetsky and the editor-in-chief of «Glos znad Niemna» to name the specific reasons of default of the contract signed by the Grodno printing house. The newspaper should have resumed publishing on May 26, but Grodno

printing house refused to accept the edition for printing, referring to a debt of the edition. According to Andrzej Pisalnik, acting editor-in-chief of the edition, they cannot find out what debts they are talking about, since the printing house managers always claim to be too busy to explain. Mr. Pisalnik believes that it is done on purpose in order not to allow publishing of another issue of the edition. The headliner of the issue which should have been printed in five thousands copies was an interview with the chairman of the Union of Poles of Belarus Anzhelika Boris. In this interview she explained to the readers the scandalous situation with the organization provoked by the authorities. In this issue it was also planned to publish the comments of members of the Union and the public of Poland to the situation with the Union of Poles.

From **October 1** the printing house «Krasnaya Zvezda» in which «Narodnaya Volya» was printed, unilaterally terminated the contract with the edition. Also from October 1 the enterprises «Mingorsuyuzpechat», «Minoblsoyuzpechat» and «Belsoyuzpechat» refused to distribute «Narodnaya Volya», having unilaterally terminated their contracts with the edition. «Narodnaya Volya» appealed to Economic Court trying to force these enterprises to fulfil their duties under the contracts. **On November 17** the Economic Court of Minsk (judge Nelli Orlovskaya) satisfied the claim of «Narodnaya Volya» to the printing house, having recognized insolvent the reasons for termination of contracts with the newspaper. However, by the end of year the printing of «Narodnaya Volya» in Belarus was not resumed. The court has refused to satisfy claims of the edition to «Belsoyuzpechat» and «Mingorsoyuzpechat».

On December 27 Grodno regional printing house printed the last issue of the non-state newspaper «Gazeta Slonimskaya». The enterprise refused to cooperate with the edition in 2006. The editor-in-chief of the edition Victor Volodoshchuk has learned about this from the missive from the director of the printing house P. Mitrofanov. The letter said that the printing house «had to refuse» signing the contract for printing «Gazeta Slonimskaya» and its free insert «Otdushina» because «according to the work plan of the enterprise it is planned to carry out printing of national newspapers». «In connection with full loading of the equipment we have no possibility to print your newspaper in 2006», P. Mitrofanov explains.

Hindrance to distribution of mass-media production

In accordance with Article 25 of the Law «On press and other mass media», obstacles to distribution of production of mass media carried out legally are not allowed differently than on the basis of the decision of court which came into force. Article 48 of the law names hindrance to the activity of mass-media distributors infringement of freedom of mass information.

Nevertheless, in 2005 hindrance to distribution of printed editions had a mass character. It was promoted by the leading position of state enterprises «Belpochta» and «Belsoyuzpechat» (including their regional units) on the market of distribution of newspapers. «Belpochta» and «Belsoyuzpechat» report to the Ministry of communication and the Ministry of information accordingly. It was also promoted by announcement of delivery of newspapers by subscription a licensed activity (it occurred in 2004).

In late 2005 mail and Soyuzpechat enterprises refused to distribute the majority of independent editions by subscription and in retail. According to the Belarusian Association of Journalists, approximately 30 of them were non-state newspapers independently covering political situation in the country. 16 independent editions were not included in «Belpochta» subscription catalogues for the 1-st quarter of 2006. As of the end of 2005 19 newspapers could not be purchased in Soyuzpechat kiosks. The courts refused to consider the claims of editions and readers of the newspapers excluded from subscription catalogues.

The usual practice of detention of distributors of registered and unregistered editions by militia continued (According to Article 1 of the Law on press, registration of periodic printed editions distributed with circulation of less than 300 copies is not required). Militia confiscated printruns of newspapers and leaflets. Several cases of detention of printruns of the newspapers «Djen», «Narodnaya Volya», «Tovarisch», «BDG» and «Salidarnasc» by authorities have been recorded. In May 2005 the whole printrun of the newspaper «Djen» was confiscated by employees of Dubrovno district police department (Vitebsk region).

As a result of such actions of authorities the access of readers to independent press was complicated, while the financial situation of their editions has sharply worsened.

On January 5, 2005 the activist of the United Civic Party Artur Tsurbakov was detained for distributing the newspaper «Vremya» in Novobelichi district of Gomel region. He was taken to a district Department of Internal Affairs, where policemen made a report, photographed him, had his fingerprints taken, confiscated the newspapers and released him. **On January 9** Tsurbakov had a phone call from militia. They asked him to bring a copy of the report on distribution of «Vremya» newspaper and a copy of the certificate of registration of the newspaper. They returned the confiscated copies. Publication of the newspaper «Vremya» was suspended by the Ministry of information on August 24, 2004 for the period of 3 months for the reason that the publisher allegedly released two issues of the edition indicating a nonexistent legal address. The Supreme Economic Court has nullified the order on suspension. In December 2004 the newspaper «Vremya» resumed publication.

On December 17 militia in Vitebsk detained the Deputy Chairman of the city branch of the United Civic Party Elena Zalesskaja who distributed the newspaper «Vremya» in the street. Militiamen brought E. Zalesskaja to a district militia department, where they made a report and took away some copies of the newspaper. Militiamen threatened to transfer documents to court, which would find out the degree of guilt of Elena Zalesskaja.

On January 26 the trade enterprise «Mogilevkniga» returned to the public press distributor A. Osiptsov, intermediary between this enterprise and edition of «ARCHE» magazine, unsold copies of the magazine. The management of «Mogilevkniga» declared that they unilaterally terminate the contract signed between the enterprise and the edition for selling the magazine in Mogilev bookshops. The administration explained such decision by low demand for the magazine and returned to the distributor some issues for 2000. The magazine has got in disgrace of authorities after publishing a special issue dedicated to 10 years of A. Lukashenka's presidency: The distribution contracts with the networks of «Belkniga» and «Belsoyuzpechat» have been terminated.

The management of Skidel branch of Grodno regional consumers society has refused to prolong the contract for delivery of the independent newspaper «Birzha Informatsii» to the shops of Skidel for 2005. The letter which the edition of the newspaper received on February 4 said that Skidel branch of Grodno regional consumers society could not prolong the contract «due to lack of salesclerks». The contract for delivery of «Birzha Informatsii» worked from December 14, 2003. The director of Skidel branch of Grodno regional consumers society Galina Kovalchuk said that she personally had no claims to «Birzha Informatsii», and the decision to cancel the contract was related with unwillingness to cooperate with the newspaper.

On March 1 Leninsky district court of Grodno confirmed the decision of the administrative commission which had punished the member of trade union Jury Kurgansky with the fine of 5 basic units (120 thousand roubles, or 55 US dollars) for distribution of the trade-union newspaper «Shaber». Law-enforcement and judicial bodies have seen in Kurgansky's actions signs of offence stipulated by Article 172 Part 3 of the Administrative Code of the Republic of Belarus. In February the administrative commission of Leninsky district ruled that «Shaber» was a printed edition released in violation of the legislation on press. J. Kurgansky appealed against the decision of the administrative commission in court. For Mr. Kurgansky the litigation began with punishment: at the first session of the court. Judge Sobolevskaja fined him three basic units (72 thousand roubles or 33 US dollars) for retardation of litigation. According to the court, the retardation was caused by Kurgansky's petition for participation of his representative Andrey Kuselchuk as defender, as he had no juridical education. However, the judge rejected his petition and suggested him to employ a lawyer for money. Then Jury Kurgansky several times submitted petitions for admission of his representative to the process as the defender and about challenge to the judge. The judge Sobolevskaja has rejected all petitions and upheld the decision of the administrative commission.

The activist of the movement of businessmen of Pinsk Sergey Kostjukovich was punished for distribution of the newsletter «Kamersant» according to Article 172 of the Administrative Code («Illegal distribution of printed products»). **On March 2** S. Kostjukovich was summoned to the session of administrative commission of Pinsk Municipal Executive Committee and charged with distribution of the newsletter at clothes markets of the city. The bulletin said about the intention of businessmen to organize a strike against introduction of VAT in trade with the Russian Federation. The report made by militiamen said that the bulletin lacked a dateline and that its contents were aimed at «undermining the political system». The administrative commission has born a warning to S. Kostjukovich.

Since March 11 the shops in Volkovysk stopped selling “Mestnaya Gazeta” newspaper. According to the editor-in-chief of the edition Andrey Shantorovich, it was done under the order of the chairman of Volkovysk district executive committee Mikhail Savelyev. On March 11 and

March 12 several distributors of the edition were detained at Volkovysk market, in spite of the fact that all of their documents were ok. To clear out the situation, on March 16 A. Shantarovich went to see the chairman of the district executive committee. However, the editor of “Mestnaya Gazeta” has not heard an answer to the question, whether there was an order forbidding sale of the newspaper. An employee of the trading department of the district executive committee, who was summoned to the meeting, explained the absence of the newspaper on sale by charters of shops, which make decisions themselves. The newspaper allegedly unpleasantly smelled of typographical paint. After conversation with Mikhail Savelyev Andrey Shantarovich has learned, that the official has given an oral order to the management of local militia and road police not to give any information to the independent edition.

On March 12 militiamen in Mogilev made a report on administrative offence for distribution of printed matter without a dateline, for the arrested inhabitant of Mogilev E. Suvorov. They confiscated several dozens of leaflets demanding to release the political prisoner Mikhail Marinich. These leaflets were thrown to passers-by from the roof of the «Technopark» office when the ambassador of Ukraine in Belarus visited it. One day earlier the militia with direct participation of the chief of Leninsky district police department of Mogilev colonel Alenushkin interfered with distribution of an unregistered newspaper «Tut I Tsiaper» on the central square of the regional centre where the rally of striking businessmen took place. Only owing to the activity of businessmen the militiamen have not managed to detain the volunteers - distributors of newspapers and to confiscate the print-run of the newspaper which was almost entirely dedicated to the topic of opposition between the authorities and entrepreneurs’ movement.

On March 18 it became known that Vitebsk branch of «Oblknigotorgovlya» refused to order non-state magazine «ARCHE» from the local distributor Victor Stepanov. According to Stepanov, the commodity researcher of «Oblknigotorgovlya» referred to a large amount of unsold literature and said that her network of book-trading shops would not take the magazine for realization any more. At the same time in Minsk the contract for distribution of the magazine was terminated with the network of book-trading shops and «Belsoyuzpechat».

On April 4 the court of Smorgon district stopped the administrative case concerning the individual entrepreneur Kuniavskaya, who is engaged in advertising and distribution of “Mestnaya Gazeta». The case was started on the basis of the report on violation of conditions and rules of realization of licensed activity (Article 154, Part 1 of the Administrative Code). The report against Ms. Kuniavskaya was made by Oksana Poznyak and Alexander Vysotsky, employees of inspection of the Ministry of Taxes and Tax Collection. Judge A. Kvetkevich explained that the competence of tax inspection did not include control over fulfilment of conditions of licensed activity. In this case it is assigned to Smorgon district executive committee. The case concerning the individual entrepreneur Kuniavskaya was stopped. The distributors working for the individual entrepreneur were warned in writing about the necessity to obey the rules of trade in the resolved places.

The head of local council of unregistered organization « Malady Front» Igor Kazimirchek was detained **on April 21** in Orsha for distribution of the bulletin of his organization. He distributed the bulletin and booklets of another youth organization among pupils of Orsha pedagogical college. The administration of the educational institution invited Mr. Kazimirchek to a service cabinet for clarification of contents of the distributed editions and then called militia. In militia they have made a report on administrative offence against the distributor.

From **May 8** the shops of the communal unitary enterprise «Borisov Municipal Food Trading Company» stopped selling the newspaper «Courier Iz Borisova». From May 1 «Minoblsoyuzpechat» kiosks in Borisov also refused to sell the newspaper «Borisovskiye Novosti». In both cases the contracts for selling these editions were annulled unilaterally. Besides, from June 1 post offices of Borisov stopped selling the newspaper as well. In the end of May the chief of Borisov unit of mail service informed A. Bukas about this. The replacement of non-state press has begun after the ideological department of Borisov Municipal Executive Committee gathered information on the ways of distribution of non-state editions of the city.

In Ivatsevichi (Brest region) **in May** «Belsoyuzpechat» kiosk vendors stopped to display non-state editions on their show-windows, including «Gazeta Dlia Vas», «Narodnaya Volya» and «Courier Iz Borisova». Belarusian Association of Journalists has learn about this from the editor-in-chief of the non-state «Gazeta Dlia Vas» Lydia Tselujko. These newspapers were actually on sale, but vendors get them only on inquiry of the buyer. From conversation with kiosk vendors L. Tselujko has found out that the order of the chief of department of Ivatsevichi district executive committee Irina Mihnjuk instructed not to expose her newspaper in show-windows of kiosks. According to the vendors, Irina Mihnjuk, in her turn, had received this instruction from Ivatsevichi district executive committee. During the meeting with L. Tselujko I. Mihnjuk categorically denied the existence of this order or a paper from Ivatsevichi district executive committee and declared that it was absurd. Nevertheless, the situation with sale of non-state editions in Ivatsevichi has not changed.

In the evening of **May 26** the printrun of non-state newspapers «Djen», «Tovarisch», «BDG» and «Salidarnasc» printed in Smolensk was detained 30 kilometres from the Belarusian-Russian border. The printrun of the newspaper «Djen» (1,990 copies) was confiscated by employees of Dubrovno district police department (Vitebsk region). **On May 27** during a meeting of the editor-in-chief of the newspaper «Djen» Nikolay Markevich with the first deputy Minister of information Lilia Ananich, the state official advised him «not to engage in anti-state activity». As it turned out, the ministry officials did not know about detention and confiscation of the newspaper printrun. **On the same day** N. Markevich sent a complaint against actions of militia employees to the chief of Dubrovno district police department. In his message he emphasized, that actions of militiamen contradicted current legislation of the Republic of Belarus. The employees of militia have not officially informed additional liability company «Djenpress» about their actions and have not explained their reason; they have confiscated not a product sample, as allowed by Article 16 of the Law «On militia», but the whole printrun of the newspaper; the confiscation of the newspaper has not been properly documented; militiamen interfered with lawful distribution of mass-media without court decision, thus violating Article 25 of the Law on press, and with lawful activity of edition, publisher and distributors, thus violating Article 48 of the same Law.

In June and July, 2005 «Soyuzpechat» and «Belpochta» unilaterally terminated the contract for realization of newspapers with the edition of the weekly newspaper «Courier Iz Borisova» without explaining the reasons. Besides, owners and administration of more than thirty shops in town have refused to sell the newspaper. Some individual businessmen motivated their refusal by referring to an oral instruction of Valentina Shutko, chair of the Municipal Executive Committee and Alexander Mironov, head of ideological department.

Gomel Municipal Executive Committee ordered to all legal entities and businessmen who sell printed editions to pass «reapproval» of their “assortment list”. One month was allocated for this

procedure; the term of «reapproval» ended on July 1. **On June 30** the newspaper «Gomelskie Vedomosti» (founded by Gomel Municipal Executive Committee and city Council of Deputies) published an article on behalf of the department of ideological work of the Executive Committee entitled «Don't Be Late!». The article said that «according to the decision of Gomel executive committee No. 446 dated 01/06/2005 «On ordering retail trade in periodic printed editions in Gomel» all legal entities and individual businessmen engaged in selling printed matter on the territory of the city, should pass “reapproval of their assortment list” of production they sell with the department of commerce and services of the Municipal Executive Committee by 01/07/2005». It was another step of the authorities which confirmed their desire to control distribution of printed matter and to complicate the work of those who are engaged in it.

The Office of Public Prosecutor of Borisov has not satisfied the appeal of the editor-in-chief of «Borisovskiye Novosti» Anatoly Bukas, who asked to deal with cases of illegal actions interfering with distribution of his newspaper. In the appeal which A. Bukas sent to the Office of Public Prosecutor **on July 26**, he expressed an opinion, that employees of Borisov executive committee Valentina Shutko and Natalia Kasperskaja deliberately interfered with sale of his newspaper through the city retail trade network. According to the founder and the editor-in-chief of the edition, in mid-July Ms. Shutko personally ordered to take away «Borisovskiye Novosti» from a counter of one of trading pavilions on Chkalovskaja Street, since the edition was not included in the assortment list. Similar infringements, in Mr. Bukas' opinion, were admitted by the head of department of commerce of the Executive Committee V. Kasperskaja, who has forbidden to sell his newspaper in the shop «Voyage» and pavilions of several individual businessmen (Mr. Bukas listed their names and coordinates in the appeal to the Office of Public Prosecutor). According to the editor-in-chief, the sale of «Borisovskiye Novosti» is forbidden in the supermarket «Normandia-Neman», in shops of Borisov unit of «Minoblsoyuzpechat», in post offices of Borisov and other places. In the answer signed by the public prosecutor of Borisov V. Shpakovsky, it was said, that «the specified people have not confirmed the facts stated in the appeal», and «no other proofs of violations of legislation were established during the check».

In the end of August before publishing of the 100-th issue of «Miastsovy Chas» the edition started to have problems with distribution. Individual vendors of periodicals have stopped taking the newspaper for sale in the most crowded places of the town, referring to warnings from the Executive Committee, threatening with possible troubles. After an oral order of the Executive Committee the newspaper is not on sale in city kiosks of «Belsoyuzpechat».

The **August** issue of the Russian edition of «Rolling Stone» magazine has not appeared on sale on the territory of Belarus. The suppliers have sent the whole print run to Russia. The reason for such decision was the article «Belarus Order» published in this issue, in which the journalist describes his impressions from «Lukashenka's country». The title of the article was put on the cover, so the suppliers decided not to take a risk.

On September 16 it became known about a mistake of Borisov mail. The inhabitant of Borisov (her name and address are known to the edition) subscribed to a non-state newspaper «Borisovskiye Novosti». In the subscription receipt she wrote her address and index of the edition. However, the mail started to deliver her the newspaper «Adzinstva» (official publication of Borisov district executive committee). The editor of «Borisovskiye Novosti» Anatoly Bukas called the post office and found out that on the delivery card the title of his newspaper was crossed out together with the subscription index, and the newspaper «Adzinstva» details were

entered instead. When Mr. Bukas asked to explain the situation, the chief of the postal services unit told that, obviously there was a mistake at the post office.

In September Volkovysk district executive committee forbade to sell «Mestnaya Gazeta» newspaper in 18 private kiosks across the town. The reason for the ban was a mismatch with the assortment list. The publisher and the editor-in-chief of the edition Andrey Shantorovich believes that the true reason of the ban was publication of the first article of a journalistic investigation about corruption in the management of the tax system of the district. According to rough estimates, as a result of the ban the volumes of sales of the newspaper were reduced by 600 copies. In general from April the circulation fell from 8 to 5 thousand copies as a result of blocking of the account of the edition, expensive delivery from Smolensk printing house, where the newspaper is printed, and a number of other measures taken by city authorities against the edition.

On October 3 a 19-years old activist of the public initiative «For Clean Barysau!» Andrey Malosaj, pupil of Borisov professional ecological lyceum, was detained in Borisov when distributing the schedule of programs dedicated to Belarus broadcast by the news channel Euronews. 330 leaflets were confiscated from the guy. A. Malosaj was taken to the city police department, where they took his testimonies and had his fingerprints taken. The young man was filmed on video camera. On the next day the case of A. Malosaj was considered by administration of his educational institution. During consideration they unambiguously hinted to the young man that he could be excluded from lyceum. TV channel Euronews prepared a series of programs in which representatives of Belarusian NGOs tell about the situation of non-state public organizations and initiatives in the country. The programs were shown **from September 30 till October 6**. TV channel Euronews is included into the package of some operators of cable television and can also be watched by owners of satellite television receivers.

On October 7 in Grodno near the checkpoint of the factory of automobile units militia detained the trade-union activist, non-staff correspondent of the newspaper «Salidarnasc» Ivan Roman, who distributed among workers the newspaper «Narodnaya Volya». I. Roman has managed to distribute 150 copies of the newspaper dated October 5, talking about the Congress of democratic forces held in Minsk. The trade-union activist was brought to militia, where they prepared a report on distribution of «Narodnaya Volya» and a protocol of inspection of his personal belongings. Then the activist was released.

On October 25 members of «Moladz BNF» Pavel Batuev and Ales Mazanik were detained in Minsk for distribution of the independent newspaper «Narodnaya Volya». Militia employees delivered them to the district police department of Centralny district of Minsk. No charges were presented to them, but the guys were filmed on video camera. All copies of the newspapers have been taken away from them. According to the Belarusian legislation, distribution of a registered publication is not an offence.

In the evening of **October 31** militia employees detained a car with three representatives of the Grodno regional branch of the United Civic Party who transported 3,400 copies of the newspaper «Narodnaya Volya». Representatives of law enforcement bodies have checked the dateline of newspapers, photographed the interior and the trunk of the car, made a report of inspection of the car and suggested to UCP members to come with them to Grodno regional department of interior. In the police department they made a report of confiscation of the printrun. After that UCP representatives were released. Police officers declared that they would return the newspapers only after UCP representatives present commodity-transport waybills and

contracts between the newspaper edition and UCP for distribution of the edition. UCP members stressed that the newspapers were intended for free distribution, which was confirmed by a stamp on each copy «For advertising purposes». In the morning of **November 3** the printer was returned after the chairman of the city branch of UCP Jury Istomin presented in Grodno militia department the contract for free distribution of the newspaper on the territory of the country between the newspaper edition and his party.

In the beginning of November the department of subscription of Bobruisk branch of «Belpochta» requested from the editions of three non-state newspapers («Bobruiskiy Courier», «Kommercheskiy Courier» and «Vecherniy Bobruisk») a copy of editorial certificates and a copy of registration documents of newspapers' founders, and from «Vecherniy Bobruisk» in addition to that - the license for carrying out subscription directly in the edition. The matter was that «Vecherniy Bobruisk» for several years carried out its own subscription on favourable terms for certain categories of people (invalids, veterans), also considered subject to discounts by the state. However, the edition at that moment had no official sanction for that, since before nobody actually took any interest in this.

72 copies of the newspaper «Tovarisch» (published by the opposition Party of Communists) were confiscated by militia from Maria Bogdanovich on November 7 in Gomel on Lenin Square. Maria distributed the newspaper with the enclosed leaflet which talked about problems of housing and communal services. Ms. Bogdanovich was kept in a police department for about two hours. Police took her explanations and confiscated all newspapers. They have not made a report. Maria Bogdanovich noted that main claims of police were connected to the leaflet which had no target data and, in their opinion, she had no right to distribute them. (the leaflet contained comparative tables of payments for municipal services in 2001 and 2004 and statements of representatives of authority and simple citizens on this topic. The public distributor of the newspaper of the Party of Communists of Belarus Maria Bogdanovich was charged with illegal manufacture and distribution of printed matter (Part 3, Article 172 of the Administrative Code). The hearing of the administrative case of M. Bogdanovich took place on November 21. The court recognized her guilty of distribution of mass media without dateline (Part 1, Article 172 of the Administrative Code) and sentenced her to a fine in the amount of 7 basic units (203 thousand roubles).

On November 8 the edition of the newspaper «Salidarnasc» received a letter from «Belpochta» notifying that the edition was not included in the subscription catalogue for the first half-year of 2006. The explanatory part of the decision contains a phrase that «in commercial activity each economic entity has a right to be guided by economic feasibility».

A similar letter was sent to the edition of the newspaper «Zgoda». In this letter «Belpochta» charges «Zgoda» edition with infringement of conditions of the agreement and lists a number of cases when the edition has not warned about postponing the date of publication or has not published an issue in the appointed time. The editor-in-chief of «Zgoda» Alexey Korol, in his turn, says that he always informed the enterprise on changes in the schedule of publication of the newspaper.

On November 10 the distributor of the non-state newspaper «Mestnaya Gazeta» Margarita Makovetskaja was detained in the street. Police made a report and delivered her to court, which has fined her 10 thousand roubles for trading in the newspaper in an unsanctioned place. 400 copies of the newspaper were confiscated from Margarita. One of the articles in this issue of

«Mestnaya Gazeta» was devoted to a hunger-strike of the arrested Volkovysk businessman Nikolay Avtuhovich.

On November 13 businessman Vladimir Levonevsky was detained at the Central market of Grodno. All printed materials were confiscated from him, including more than 300 copies of the newsletter «Pradprymalnik», 113 copies of the newspaper «Birzha Informatsii» and leaflets. Militia explained, that the printed matter could be produced with infringement of the current legislation, and therefore it was confiscated for carrying out examination. Two hours after detention Vladimir Levonevsky was released. They didn't make a report on detention.

On November 14 Alexander Mantsevich, director of the Limited Liability Company «Regionalnaya Gazeta» and the editor-in-chief of the same edition received a letter from the general director of «Belpochta» informing him that his edition was not included in the subscription catalogue for the first half-year of 2006. Limited Liability Company «Regionalnaya Gazeta» was accused of «repeated breaching» of its obligations before «Belpochta», in particular, not paying for entering the edition into the subscription catalogue for 2005; not paying invoices for delivery of newspapers of higher volumes and sending untimely notices about the necessity to increase volumes. The letter signed by the general director Alexandra Chernjak said that “Belpochta” was in difficult economic situation, and so “financial discipline is the most important condition of conclusion of contracts”. “Besides, lack of duly information on increase of volumes of editions destabilizes the work of mail service units involved in expediting and transportation of printed production», the letter says.

On November 15 militia and people in civilian clothes confiscated an unregistered youth magazine «Studentskaya Dumka» in a number of Minsk shops and Internet-cafes, where the edition is distributed free of charge. According to the edition, law enforcers took written promises from employees of shops to refuse distribution of this magazine in the future as well. The magazine positions itself as «subjective edition for impudent and clever young men of 16-25 years». It has been published since 1924. It has been deprived of registration in 2003 and since then is published with the circulation of 299 copies.

Non-state newspaper «Vitebsky Courier» has received a similar letter from «Vitebskoblsoyuzpechat» L. Juzhik. The letter dated **November 16** informs that the enterprise stopped «contractual relations» with the edition from 01/01/2006

On November 17 the subscription catalogue for 2006 published in a printing house has arrived to all six regions of Belarus. Except «Narodnaya Volya», «Zgoda», «Salidarnasc» and «Regionalnaya Gazeta», the national catalogue also lacks “Nasha Niva», «Vitebsky Courier”, “Brestsky Courier”, «Intex-Press» and «Gazeta Slonimskaya». The subscription catalogue includes such national non-state political editions as «Belgazeta» and «Belorusy I Rynok», «SNPlus». “Svobodnye Novosti Plus” have not been included in the catalogue for the last 3 years (after closing of the newspaper «Svobodnye Novosti»). «BDG. Delovaya Gazeta» is not included in the catalogue from last year.

In November post offices employees in Pinsk «did not recommend» to subscribe to the non-state newspaper «Miastsovy Chas», saying that postmen will not deliver it to home addresses of subscribers already since new year. The post offices employees refused to explain from whom they got this information and who ordered them «to instruct subscribers». Non-state newspaper «Miastsovy Chas» published in Pinsk, was for a long time subject to pressure from local

authorities. Pinsk branch of «Belsoyuzpechat» refuses to conclude with the edition the contract for sale in kiosks, referring to overload with press. Public distributors of «Miastsovy Chas» are banned to trade in the newspaper in crowded places under threat of sanctions. According to the editor-in-chief of the edition Victor Jaroshuk, at the meeting of the department of ideology of Pinsk Municipal Executive Committee they were openly talking about the necessity «to hound out» the newspaper from the city.

Borisov regional unit of postal services will not conclude the contract for distribution with the non-state newspaper «Borisovskiye Novosti» for the first half-year of 2006. The editor-in-chief of the edition Anatoly Bukas found out about this on November 18 from the official letter from the chief of Borisov Postal unit. The letter says that the enterprise «does not consider it expedient» to cooperate with the newspaper, since the edition broke the contract on reception and delivery of subscription circulations of the newspaper for the 2nd half-year of 2005.

On November 21 the Minsk municipal economic court waived the claim of «Narodnaya Volya» to the unitary enterprise «Minoblsoyuzpechat», which from October 1, 2005 terminated the contract for retail trade of the newspaper through kiosks in Minsk region.

On November 22 it became known, that Glubokoye postal services unit would terminate the contract with the non-state newspaper «Volnaye Glybokaye» from December 1. The editor-in-chief of the edition Vladimir Skrobotun has learned about this from the letter of the chief of the regional unit of mail services saying that the edition had not provided information for inclusion in the catalogue for the first half-year of 2006 – it has not specified the volume, periodicity of publishing, price for departmental and individual subscription, etc. The Newspaper was also accused of «numerous infringements of terms of delivery of print run of the newspaper». Besides, the postal services unit expressed discontent with an Article of the contract concluded in 2004, which gave the edition the right to change the quantity of issues of the newspaper in case of lack of newsprint and to change the days of printing. The letter emphasizes that the postal unit «values its business reputation and should take measures for creation of stability and quality of work of all branches of the enterprise». The editor, in his turn, stresses that the information on volume, price, periodicity of publication, etc. is specified in the contract signed between the mail service and the edition.

Ivatsevichi regional unit of postal communications has stopped subscription to the non-state newspaper «Gazeta Dlia Vas» (Ivatsevichi). The editor-in-chief of the newspaper Lydia Tselujko has learned about this **on November 23** from the unit of postal communications employees who referred to the written order «from above» not to subscribe people to the edition «until a special instruction». According to L. Tselujko, despite the newspaper was not included in the subscription catalogue for 2006, until that day the subscription to the newspaper was accepted. In September the edition has received from Brest branch of «Belpochta» an offer to provide information about the newspaper for definition of the subscription price, as well as an offer to pay for inclusion in the subscription catalogue (which the edition done). **On November 15** the edition received from Ivatsevichi regional unit of postal communications a notice on the approved prices for subscription. In the end of 2005 the edition of «Gazeta Dlia Vas» planned to conclude the contract with the regional unit of a mail services for the next year.

In September kiosk vendors in Brest stopped to put the newspaper «Brestsky Courier» on display in «Belsoyuzpechat» kiosks. According to the editor-in-chief of the edition Nikolay

Aleksandrov, the vendors referred to a corresponding order «from above» and said, that the fulfilment of this instruction was checked on a regular basis by two commodity researchers.

Grodno branch of «Belpochta» terminated the agreement for distribution and delivery of subscription circulations of «Gazeta Slonimskaya» from December 31, 2005. The editor-in-chief of the edition Victor Volodoshchuk has learned about this from the letter of the deputy director of the mentioned enterprise S. Kazukevich, dated **September 28**. Only one week before S. Kazukevich dispatched to chiefs of regional units of a mail services an official order to include «Gazeta Slonimskaya» in the subscription catalogue for the first half-year of 2006 in the section “Subscription editions”, having appended to the letter the established prices for subscription.

The enterprise «Mingorsoyuzpechat» has terminated the contract for subscription with the non-state newspaper «Salidarnasc». The edition of the newspaper has learned about this from the missive from the enterprise director I. Dudich, dated **November 28**. The letter didn't specify the reasons of terminating the contract which had been signed only in the middle of September.

Baranovichi regional unit of mail services has not prolonged the contract for distribution and delivery of non-state newspapers «Intex-Press» and «Miastsovy Chas» for 2006, says the letter that the director of LLC «Publishing house «Intex-Press» Vladimir Janukevich has received from the chief of postal services Mr. Stashinsky. The letter is dated **November 30**.

The edition of «Nasha Niva» has received a notice that «Belsoyuzpechat» and «Minoblsoyuzpechat» stop distributing the newspaper from January 1, 2006. «Minoblsoyuzpechat» has explained the decision by low demand for the newspaper. According to the editor-in-chief of the edition Andrey Dynko, the letter of «Minoblsoyuzpechat» does not specify an exact date of termination of the distribution contract.

According to the decision of Borisov branch of «Minoblsoyuzpechat», from January 1, 2006 Borisov «Soyuzpechat» kiosks stopped distributing the non-state newspaper «Goman Barysaushchyny». The termination of the contract with the edition was explained by low demand for the newspaper. Thus, in 2006 in Borisov kiosks you can't buy a single local non-state newspaper. Earlier «Minoblsoyuzpechat» had terminated the contract for selling the independent newspaper «Borisovskiye Novosti», and the newspaper «Courier Iz Borisova» had ceased to exist after the court made a decision on cancellation of registration of its publisher – additional liability company «Press-Service».

On December 2 Victor Volodoshchuk has learned that Volkovysk Interdistrict branch of «Grodnooblsoyuzpechat» was not going to conclude contract for realization of his publication through the network of its kiosks. The official letter on this account was sent to him by the chief of Volkovysk Interdistrict branch S. Derechik.

On December 2 the management of the unitary company «Belpochta» made a decision to exclude the newspaper «Tovarisch», founded by the opposition Party of Communists of Belarus). from its subscription catalogue for 2006 The edition has learned about this from the letter of the general director of «Belpochta» Alexander Chernjak. The reason for excluding the newspaper from «Belpochta» catalogue was that the edition was not publishing in January-March, 2005. This had happened because of termination of contract with the newspaper by the Belarusian House of Press and refusal of other Belarusian printing houses to print the newspaper. The edition managed to resume publishing only in April 2005, having concluded the contract with Smolensk printing house. The press release distributed by the edition stressed that

after resuming publishing «Belpochta» has never raised a question of debts to subscribers: the newspaper without any problems was included in the subscription catalogue for the second half-year of 2005

On December 2 the edition of the non-state newspaper «Brestsky Courier» received a letter signed by the chief of Brest branch of «Belpochta» Mr. Titov. The letter said that the term of contract for distribution of the newspaper was to end on December 31, 2005 and would not be prolonged. Earlier «Brestsky Courier» was not included in the subscription catalogue for 2006.

In 2006 non-state newspaper «Gantsavitsky Chas» will not be on sale in «Brestoblsoyuzpechat» kiosks. The official letter stating that the contract between LLC «Publishing House «Intex-Press» and Trading Republican Unitary Enterprise «Brestoblsoyuzpechat» would not be prolonged, was received by the director of the publishing house Vladimir Janukevich. According to the letter dated **December 16, 2005** signed by the director of «Brestoblsoyuzpechat» Mr. Marejka, the contract for 2006 «will not be prolonged on the basis of Article 391 of the Civil Code of Belarus».

Polotsk branch of «Vitebskoblsoyuzpechat» refused to sign the contract for distribution of the newspaper for 2006 with the edition of the non-state newspaper «Himik». The only possibility to get the newspaper, which is published in Novopolotsk, is to subscribe to it, says the address to the readers distributed by the edition in the end of December, 2005. Therefore, from January 1, 2006 you couldn't get any regional political non-state newspaper (except for the editions which publish free-of-charge advertisements) in «Belsoyuzpechat» kiosks in Polotsk and Novopolotsk.

HIGH PROFILE CASES

Dmitry Zavadsky's case

Journalist Dmitry Zavadsky, cameraman for the Russian TV channel «ORT», disappeared on July 7, 2000 on the way to the airport «Minsk-2». On March 14, 2002 Minsk Regional Court found the group headed by Valery Ignatovich, former officer of special troops «Almaz», guilty of abduction of the journalist. Two persons have been sentenced by court to life imprisonment, and several more - to various terms of imprisonment. Meanwhile, the destiny of the journalist remains unknown. On November 27, 2003 the court of Frunzensky district of Minsk made a decision to recognise the missing journalist dead.

On April 7 the mother of the missing journalist Dmitry Zavadsky received from the Office of Public Prosecutor of Belarus a notice on resuming of preliminary investigation of the criminal case related to disappearance of D. Zavadsky on July 7, 2000. The Office of Public Prosecutor explained resuming investigation by the necessity of carrying out investigatory actions on the specified case. The investigation was resumed **on April 4**. The spouse of the missing journalist S. Zavadskaya does not exclude that resuming the investigation is related to the Resolution on Belarus which the Commission on Human Rights should consider at the United Nations session.

The Office of Public Prosecutor of the Republic of Belarus received a petition from the lawyer Harry Pogonjajlo with the request to conduct exhumation of several corpses to exclude that one of them is Dmitry Zavadsky. The newspaper «Narodnaya Volya» wrote about it **on May 4** in its publication «Dmitry Zavadsky's corpse can be found at one of Belarus' cemeteries». See full text of this article here: <http://www.baj.ru/2005/May/040505smi6.asp>

Veronica Cherkasova's case

Veronica Cherkasova, journalist of the non-state newspaper «Salidarnasc», was brutally killed **on October 20, 2004** in her apartment in Minsk. Her body was found by her 15-years old son Anton Filimonov and her stepfather Vladimir Meleshko.

During the interrogation on November 19 Anton Filimonov and Vladimir Meleshko were told that they were reclassified from witnesses into suspects. The decision of the Office of Public Prosecutor noted that operative information testified to participation of the two men in the murder of the journalist. The main version was a murder on household grounds.

Meanwhile, the journalistic investigation carried out by journalist Sergey Satsuk brought information which gave grounds to assume that Veronika Cherkasova was murdered by a professional killer who then staged a murder on household grounds. (Satsuk's article was entitled «**Fear as sufficient basis or Who has finished with Veronica Cherkasova?**»)

On January 31 Vladimir Chumachenko, senior investigator of the Office of Public Prosecutor of Minsk, signed a resolution for carrying out a stationary psychiatric examination of Anton Filimonov. The necessity of carrying out the examination was explained by the fact that after violent death of his mother A. Filimonov was registered in Minsk teenage psycho-neurological

clinic, and in late November underwent hospitalization in the National Clinical Psychiatric Hospital.

On February 2 Nikolay Starovojtov, assistant public prosecutor of Minsk, signed the resolution on sending Anton Filimonov to complex psychological-psychiatric examination. A. Filimonov remains one of the suspects in the murder case. The Office of Public Prosecutor explained the necessity of carrying out the examination by insincerity of the son of the killed journalist, as his words mismatch the information received by investigation.

On February 1 a group of investigators headed by Vladimir Chumachenko without warning came to the school No. 88 in which 15-years old Anton studied. They tried to take A. Filimonov for carrying out psychiatric examination, but relatives of the pupil have prevented the investigators' actions.

On February 2 Dmitry Filimonov, the father of Anton who lives in Moscow, took the son along with him.

On February 23 the court of Centralny district of Minsk rejected the complaint of Vitaly Kulikov, the lawyer of Anton Filimonov, the son of the murdered journalist – against the decision of the Office of Public Prosecutor of Minsk on assignment of the stationary psychiatric examination of the teenager. The judicial session was closed and went on for about forty minutes. During the hearings only the lawyer, Diana Cherkasova, mother of the killed journalist and representatives of the Office of Public Prosecutor of Centralny district of Minsk were allowed in the courtroom. All of them signed an obligation about nondisclosure of materials of the hearings. Anton Filimonov himself was not summoned to court.

On March 4 Minsk City Court cancelled the decision on compulsory character of psychiatric examination of Anton Filimonov, Veronica Cherkasova's son, in satisfaction of the cassation appeal submitted by the lawyer V. Kulikov. The lawyer has appealed against the decision of the court of Centralny district of Minsk dated February 23, which upheld the decision of the Office of Public Prosecutor of Minsk about assignment of stationary psychiatric examination of Anton Filimonov.

On April 14 the Office of Public Prosecutor refused BAJ's demand to hold a press conference on investigation of the criminal case of murder of Veronica Cherkasova. The letter from the Office of Public Prosecutor says that the Press centre of the Republican Office of Public Prosecutor together with the First National TV channel prepared a detailed report on this case, and stressed that «active investigatory and operative actions directed on disclosing of the crime and revealing the persons involved in it» were performed on the specified criminal case. They emphasised that granting of additional materials could interfere with the investigation.

On April 20 Diana Cherkasova, mother of the killed journalist, declared at the press conferences organized by the Belarusian Association of Journalists that relatives of the journalist are not satisfied with the progress of investigation of the murder. She noted that during the recent interrogations in the Office of Public Prosecutor she was asked practically the same questions, as in the first day after the murder. From this she came to a conclusion that the investigation has not moved anywhere in investigation of the case.

The Office of Public Prosecutor of Minsk has decided to stop criminal prosecution of Anton Filimonov and Vladimir Meleshko «due to absence of corpus delicti in their actions». This was

said in the Decision of the chief of investigatory department S. Ivanov dated **April 18**, received **on April 28** by the relatives of the killed journalist in city Office of Public Prosecutor. The decision was made on the basis of the fact that during the preliminary investigation of the case «sufficient proof was not gathered» regarding participation of the two men in the crime, and «all possibilities for gathering additional proof were exhausted».

On June 23 deputy General Public Prosecutor of Belarus Victor Prus announced at a press conference that the Office of Public Prosecutor prolonged the term of investigation of murder of the journalist Veronika Cherkasova until August 21. According to Mr. Prus, active operative investigation of the case was going on, but «unfortunately, no positive results were achieved». He said that the Office of Public Prosecutor investigated 10 versions of the murder. As to investigatory actions concerning the son of the killed journalist, the assistant general public prosecutor declared that that «more likely he was not directly considered as a suspect», but «there were rather strong arguments to believe that he knew something about this crime». Victor Prus declared that «on this case there were no violations of the law, including in relation to Cherkasova's son. He was interrogated for finding-out certain circumstances, which he, as the person who was near the house of his mother, could not explain».

On August 21 the Office of Public Prosecutor of Belarus once again prolonged the term of investigation of Veronica Cherkasova's murder. On August 22 the head of press-service of the Office of Public Prosecutor Tamara Jakovleva confirmed this information to the Belarusian Association of Journalists. By August 20 ten months have passed from the day of murder of the journalist.

September 8 saw the presentation of the book «Red on White» in Minsk. The book included Veronica Cherkasova's best articles published from 1992 to 2004 in various Belarusian and Russian editions, including «Golas Radzimy», «BDG», «Belorusskaya Gazeta», «Novoye Vremya», «Ogoniok» and «Salidarnasc». The book was made by a group of volunteers within several months.

On October 21 Sergey Ivanov, the head of the investigatory department on especially important cases of the Office of Public Prosecutor of Minsk told the Belarusian Association of Journalists that the term of preliminary investigation of Veronica Cherkasova's murder was prolonged for 2 months.

Answering the question, which versions of the murder the investigation considered the main ones, Mr. Ivanov said, that «all versions are the main ones». Concerning the possibility for the son or the stepfather of the journalist to become suspects again, the investigator answered that he «was not the oracle» and therefore he could not predict this. Concerning possibility of using the obligation not to leave the country for any of them as a preventive punishment, Mr. Ivanov declared, that it was the secret of investigation.

The investigator also said that the term of preliminary investigation was not subject to regulation. «Even if it brings no results and the case is suspended, it does not mean, that the search of criminals is stopped, - S. Ivanov explained. – The experts of the criminal investigation department will continue their work, and on their first signal the Office of Public Prosecutor will resume the investigation».

In the end of December the preliminary investigation of the murder of Veronica Cherkasova was stopped «in connection with non finding the person subject to responsibility as a suspect». Sergey Ivanov, head of investigatory department on especially important cases of the Office of Public Prosecutor of Minsk told about this to the press-service of the Belarusian Association of Journalists.

According to Ivanov, experts of the criminal investigation department (subordinate to the Ministry of Internal Affairs) took on the case, but the Office of Public Prosecutor controls their work. The investigator also said that the criminal investigation department periodically reported to the Office of Public Prosecutor on the results of their work. However he «was not ready» to answer, how often this happened. «If necessary the Office of Public Prosecutor at any moment can resume the investigation», - S. Ivanov noted. According to him, the investigation still had several versions of the murder, and the Office of the Public Prosecutor could not consider any of them as the main one.

On December 27 employees of Pervomaisky district police department detained Anton Filimonov, the son of Veronica Cherkasova, on suspicion of manufacturing fake Belarusian money. They found some counterfeit bills of 5 and 10 thousand Belarus roubles with him and four of his friends. A criminal case was opened under Article 221 of the Criminal Code of Belarus. All five of them have spent several days in the pre-trial jail, before on December 30 all of them, except for Anton, were released. The preventive punishment in the form of arrest has been used only in relation to A. Filimonov.

On January 6, 2006 Diana Cherkasova and Vladimir Meleshko held a press conference in Minsk and declared that according to their information, in the pre-trial jail the teenager was persistently forced to sign a confession that he murdered his mother.

Vasily Grodnikov's case

On October 18, 2005 Vasily Grodnikov, non-staff correspondent of the newspaper «Narodnaya Volya» was found dead in his own house. Despite numerous stains of blood in Grodnikov's house, Dmitry Kirilchik, investigator of the regional Office of Public Prosecutor declared, that the Office of Public Prosecutor so far had no reasons for instituting a criminal case on the fact of death of the journalist's death.

The Belarusian Association of Journalists, International Press Institute (IPI), Reporters Without Borders and other organisations have appealed to the authorities to hold an urgent and detailed investigation of the case.

The newspaper «Zgoda» (Issue No. 39 dated **October 29 - November 5**) published an article «Uncompromising Death». The authors of the publication do not exclude, that Vasily Grodnikov's death could be related to his work on the article «Swindlers-3» - continuation of a series of publications mentioning such institutions as KGB and the Ministry of Internal Affairs.

The authors of the publication «Uncompromising Death» question the arguments of investigators, who have still not initiated criminal proceedings on the fact of the journalist's death on the basis of the fact that his house was allegedly locked from inside, and no windows were broken. «The windows were not completely intact», the newspaper writes. «In the kitchen where the journalist was found, the internal glass was damaged. A big crack spreads in beams. According to Grodnikov's relatives, it was not there before». The journalists who have visited

the place of the incident paid attention to a number of other details as well: a broken stool with a seat and a leg stained with blood; barley and matches spread in the kitchen (many of them were burnt); strips of blood in various places of the house, etc.

In the opinion of legal expert Oleg Volchek, former investigator of the Office of Public Prosecutor, «Even if it was a domestic crime, I have an impression of presence of other people. In any case it is necessary to launch criminal proceedings».

On November 28 Minsk Regional Office of Public Prosecutor decided not to institute criminal proceedings on the fact of death of the non-staff correspondent of «Narodnaya Volya» Vasily Grodnikov «due to lack of corpus delicti». Dmitry Kirilchik, the investigator dealing with this case, said that he couldn't tell the press about the results of forensic expertise. According to him, only Grodnikov's relatives could see them. Mr. Kirilchik also noticed that people and mass-media showed big interest in this case, but emphasized, that it has not affected the course of inspection.

As it became known later, according to forensic experts, the death of the journalist has occurred «as a result of a craniocerebral trauma».

On November 29 the Office of Public Prosecutor of the Republic of Belarus cancelled the decision on refusal in initiation of a criminal case on the fact of Mr. Grodnikov's death and returned the materials of the case to Minsk Interdistrict Office of Public Prosecutor for additional inspection.

On December 14 Dmitry Kirilchik, inspector of Minsk Interdistrict Office of Public Prosecutor, issued the second decision on refusal in initiation of the criminal case. After additional inspection D. Kirilchik again came to a conclusion, that Mr. Grodnikov «could receive physical injuries as a result of his own careless actions».

Vasily Grodnikov's relatives have filed a complaint against refusal in initiation of the criminal case to Minsk Regional Office of Public Prosecutor.

THE MOST SIGNIFICANT LITIGATIONS WITH PARTICIPATION OF MASS MEDIA

Minister of Finance against «Pressbol»

On January 4 the court of Centralny district of Minsk (judge Valery Esman) ruled to collect 30 million roubles from the edition of the newspaper «Pressbol» (unitary enterprise “Pressbol-Plus») and 10 million - from its editor-in-chief Vladimir Berezhkov in favour of Nikolay Korbut, Minister of Finance of Belarus and the head of Belarus Association of Gymnastics. This decision was taken under Mr. Korbut's claim for protection of honour and dignity and indemnification of moral damages.

The basis for the claim was an article published in Issue No. 128 dated October 22, 2004, in particular, the expression: «The deputy Minister of Finance of Belarus is a person searched by Interpol for participation in the organized criminal group». The respondents claimed, that the article talked about Mr. Korbut's deputy not in the Ministry of Finance, but in the Belarus Association of Gymnastics and that the information in the article was truthful.

The judge has waived petitions of respondents and has not made inquiries to the Ministry of Internal Affairs, Interpol and Belarus Association of Gymnastics.

On February 10 the judicial board on civil cases of the Minsk City Court confirmed competency of the decision of the court of the first instance. **On March 3** YII unitary enterprise “Pressbol-Plus” paid to N. Korbut 30 million roubles (\$13,8 thousand). The edition has paid the fine from the funds received from subscription. The editor of the newspaper Vladimir Berezhkov should repay the imposed fine (10 million roubles or \$4,6 thousand) from his earnings. **On March 11** Mr. Berezhkov's property was distrained with a view of stopping the value of the fine of 10 million roubles. Among the distrained property was an electric kettle, a case, a vacuum cleaner, a washing machine, etc. **On March 14** Berezhkov's spouse addressed to court with a claim. She asked to exclude from the list one half of distrained property, referring to the legislation, according to which half of property acquired in marriage is not a subject to inventory. **On July 19** the property in the Berezhkov's apartment was distrained for the second time - this time for the total amount of 992 thousand roubles.

Prosecution of Grodno journalists in connection with the conflict around the Union of Poles in Belarus

On March 4 Leninsky district court of Grodno sentenced Andrey Pochobut, journalist of the Internet-edition «Pahonia» and newspaper «Djen» to 10 days of administrative arrest. The journalist was accused of the actions stipulated by Article 176-1 of the Administrative Code («Violation of the order of organization or carrying out of religious, sports, mass-cultural and other entertainment actions, as well as assemblies, meetings, street processions, demonstrations and picketing»). The court has punished the journalist, despite the latter provided a confirmation that he was present at the rally held by businessmen of Grodno on March 3, 2005, in professional purposes.

On July 6 Leninsky district court of Grodno began hearing of administrative cases of five journalists who tried to hold a protest action in city centre in the morning of the same day. The

acting editor-in-chief of the newspaper «Glos znad Niemna» Andrzej Pisalnik, editor of «Magazyn Polski» Andrey Pochobut, as well as Inessa Todrik, Ivan Roman and Igor Bantser came to Lenin Square in the city centre, put up a tent near the building of the Municipal Executive Committee and unwrapped a slogan with an inscription in the Polish language: «Give «Glos znad Niemna back to the Poles!» And «Protest to the Union of Poles in Belarus». The unsanctioned picket was organized in protest against publishing of three issues of the newspaper «Glos znad Niemna» to which creation neither the editorial team, nor the organization-founder («the Union of Poles in Belarus») had any relation.

The journalists were charged with resistance to requirements of militia employees, organization and participation in an unauthorized picketing, and A. Pochobut and A. Pisalnik were also charged with anti-sanitary (during the action the journalists put their things on the grass on Lenin Square).

The journalists who came to support their colleagues were not admitted to the court building. Three of the detained journalists demanded to allow their colleagues into the building or otherwise to give them a possibility to use lawyer's services. As a result judge Dmitry Matijuk has postponed hearing of the cases of Inessa Todrik, Andrzej Pisalnik and Ivan Roman until the morning of July 8. Andrey Pochobut was fined 5 million 125 thousand roubles (approximately 2,400 US dollars), and Igor Bantser - 510 thousand roubles (about 240 US dollars).

On July 8 judge D. Matijuk heard cases of Inessa Todrik, Andrzej Pisalnik and Ivan Roman. As well as on July 6, no other journalists were admitted to the court building. The judge motivated his refusal to admit press to the process by «inexpediency of presence of journalists during the legal proceeding» as it «would bring confusion and prolong consideration of the cases».

The judge has fined I. Todrik 510 thousand roubles, A. Pisalnik and I. Roman - 2 million 550 thousand roubles (1,200 US dollars) each.

Later the administrative commission of Leninsky district fined journalists A. Pochobut and A. Pisalnik 25,5 thousand roubles (approximately 12 US dollars) each for trampling down a lawn during the unsanctioned picket in protection of the newspaper «Glos znad Niemna».

In July journalists of the Lodz branch of the Polish public TV (TVP) (Poland) began fundraising for repayment of huge fines of journalists of the newspaper «Glos znad Niemna». Meanwhile, the committee «Solidarity with Belarus» created by members and supporters of the party «Right and Justice» financed publishing of issue No. 19 of the newspaper «Glos znad Niemna». This issue had been prepared by the edition of the newspaper in the end of May, but Grodno printing house had refused to print it (at the same time it printed three issues of the newspaper, to preparation of which neither the editorial team under direction of Andrzej Pisalnik, nor the organization-founder headed by A. Boris had any relation).

On July 27 Lidsky district court of Grodno sentenced Andrey Pochobut to 15 days of administrative arrest. The journalists were found guilty of «participation in unauthorized action on July 3 in Shchuchin and insubordination to militia employees». Andrey Pochobut was detained on July 26 at approximately 21.00 together with the vice-president of the Union of Poles of Belarus Juzef Poszetsky and chairman of Grodno branch of the Union of Poles Mechislaw Yaskewich by Shchuchin militia. They were detained allegedly for checking documents. Pochobut, Poszetsky and Yaskewich were brought to the district department of internal affairs for identification. Until trial Andrey Pochobut, Yuzef Poszetsky and Mechislaw Yaskewich were kept in the pre-trial jail of Shchuchin Interior Department. Yuzef Poszetsky and Mechislaw Yaskewich were both sentenced to 10 days of administrative arrest.

On August 4 Lidsky district court of Grodno held Andrzej Pisalnik administratively responsible. The journalist was detained by people in the civilian clothes on August 1, who shoved him into a «Mercedes» and took him away in an unknown direction. As he later found out, he was taken to Shchuchin. From the date of detention until the day of trial A. Pisalnik was on hunger strike in sign of protest against the actions of authorities in relation to him.

The editor of the newspaper «Glos znad Niemna» was charged with violating Article 167, Part 1 of the Administrative Code for organization and participation in celebrating the Independence Day on July 3 near the Polish House in Shchuchin, and Article 166 of the Administrative Code for insubordination to militia employees. No proof of Andrzej Pisalnik's offences were presented during the litigation. The witnesses-militiamen were confused in their testimonies. The lawyer asked the court to stop hearing of the case, but judge Valery Shevchik has decided otherwise and sentenced A. Pisalnik to 10 days of administrative arrest.

On August 29 journalist Andrey Pochobut was punished with the administrative fine of one basic unit. The judge of a district court in Shchuchin Tatyana Todorovskaja found him guilty of petty hooliganism (obscene language near Shchuchin militia department). **On August 26** deputy chief of Shchuchin Militia Genrih Zubel fined for the same amount Ivan Roman, journalist of the newspaper «Salidarnasc». On August 26 the car with A. Pochobut and I. Roman was stopped by militia on the exit from Shchuchin. Their were kept in militia overnight and released in the morning of August 27.

Sergey Gaidukevich against «Narodnaya Volya»

On June 14 Leninsky district court of Minsk (judge Liubov Valevich) ruled to claim 100 million roubles (more than 45 thousand dollars) from the edition of the newspaper «Narodnaya Volya» in favour of Sergey Gaidukevich, leader of the Liberal-Democratic Party of Belarus. The court has recognized the article «Letter to Gaidukevich. And Fax to Gaidukevich» published in «Narodnaya Volya» No. 39 dated March 1, 2005 untruthful and offensive for honour, dignity and business reputation. The article talked about cooperation of the leader of Liberal-Democratic Party of Belarus, chaired by the deputy of the House of Representatives S. Gaidukevich, with Saddam Hussein's regime, and, in particular, about a debt of 1 million dollars.

S. Gaidukevich demanded, that the newspaper published a refutation and paid him material indemnification of moral losses in the amount of 200.000.000 roubles. The court has satisfied practically all demands of the claimant, except for one - the amount of indemnification has been reduced.

On July 25 the Judicial board on civil cases of Minsk city court upheld this decision, having waived Joseph Seredich's cassation and individual appeals.

On September 20-21 an officer of the court distrained property of the edition of the newspaper «Narodnaya Volya» in execution of decision of Leninsky district court of Minsk under the claim of S. Gaidukevich to the edition. According to the inventory, alienation of property has been vetoed, a large amount of newsprint was arrested, and the account blocked until the moment of final transfer of the sum nominated by the decision of the court.

The editor-in-chief of the edition Iosif Seredich addressed the readers with an appeal to urgently transfer money to the edition's account. The management of «Narodnaya Volya» also appealed to the chair of the Supreme Court of Belarus Valentina Sukalo with the request to stop the decision of the court, to cancel the arrest of the newsprint and to unblock the account of the edition, otherwise the newspaper could suspend publication.

On September 30 assistant editor Svetlana Kalinkina said that «Narodnaya Volya» had completely repaid indemnification to S. Gaidukevich. However, from October 1 the state printing house «Krasnaya Zvezda», «Belsoyuzpechat», «Minskoblsoyuzpechat» and «Mingorsoyuzpechat» have terminated contracts for printing and distribution with «Narodnaya Volya». The reason for the termination of distribution contracts was mentioned as «infringement of the Belarusian legislation by the newspaper». The edition has not found a printing house in Belarus which would agree to print the newspaper and was forced to print in Smolensk and to distribute it by its own forces or with the help of volunteers.

«Narodnaya Volya» made responsible for «Will of People»

On June 9 Leninsky district court of Minsk partially satisfied three out of five claims of employees of the production company «Belaruskaliy» to the edition of «Narodnaya Volya» and obliged the newspaper to pay 2 million roubles to each of them. One more claimant has refused from his requirements during a preliminary judicial conversation, and the judge Vera Tupik rejected the claim of yet another claimant.

Hearings of the claims of Sergey Kotovich, Pavel Zhishevich, Nina Grechits and Nina Frolova began on August 8. The claimants demanded, that the edition of the newspaper refuted the information that they subscribed under the appeal about creation of the movement «Will of the People» and compensated moral damages to each of them in the amount of 50 million roubles. The respondents noted that claimants appealed to court under pressure of administration of the enterprise. Representatives of the edition stressed that the information printed in the newspaper is not offensive: «In a democratic lawful state, which Belarus is, according to Article 1 of the Constitution, the information that a person supports creation of such movement cannot offend honour and dignity... from the point of view of execution of laws, moral norms... irrespective of validity of this information, and political views of this person. It would be possible to explain the reaction of claimants to the publication only in a totalitarian state, while Article 4 of the Constitution of Belarus fixes the principle of equality of political institutes, ideologies and opinions».

During the trial it was discovered that the claimant P. Zhishevich had signed under the collective letter in support of the movement «Will of the People» under a different name. The court waived his claim.

On the same day Leninsky district court of Minsk has partially satisfied three out of four similar claims of Kletsk inhabitants who demanded from the edition 5 million roubles each as indemnification. The claimants were four inhabitants of Kletsk - Petr Talajko, Lilia Liber, Ivan Gudko and Irina Zakruto. The judge Tatyana Zhulkovskaja has partially satisfied three claims, having claimed 3 million roubles in favour of claimants. Ms. Liber's claim has been rejected.

On July 25 the Board of Minsk City Court upheld the complaint of the edition of the newspaper «Narodnaya Volya» against the above-stated judgement.

On June, 29th hearings of the claim for protection of business reputation of the production association «Belaruskaliy» to the edition of the newspaper «Narodnaya Volya» in the Economic Court of Minsk ended with the agreement of lawsuit. The claim of «Belaruskaliy» concerned the article «Such is the Will of the People» published in Issue No. 77 dated March 23, 2005, which talked about creation of the social movement «Will of the People» and said that a number of employees of the enterprise have put signatures in its support. The claimants demanded to recognize the distributed information not truthful and offensive for the business reputation of the enterprise. On the first day of hearings, on June 23, the court obliged the sides to present some additional documents. On June 29 before the beginning of the session «Belaruskaliy» representatives suggested to conclude the agreement of lawsuit. According to the agreement, the claimant would give up its claims and pay attorney's fees, and «Narodnaya Volya» would publish a refutation of the printed information until July 15 and apologize for its distribution.

On June 17 the same court stopped hearing of a similar case on protection of business reputation of Soligorsk State Mining Technical School for the reason that this dispute «is not subject for consideration in the economic court». The technical school demanded to recognize the information distributed by the edition untruthful and offensive, to oblige the newspaper to publish a refutation, and to claim from the edition the state duty for covering legal costs in the amount of 10 basic units.

Arcady Mar against Irina Khalip and «BDG»

On April 11 Oktyabrsky district court of Minsk recognized journalist Irina Khalip and private unitary enterprise «Marat» guilty of insulting honour and dignity of the American citizen Arcady Mar and claimed in his benefit from the journalist 10 million roubles, and from the publisher of «BDG» 50 million roubles (4,5 and 25 thousand US dollars accordingly) as indemnification of moral damages. A. Mar's claim concerned the information distributed by I. Khalip in her article «They Still Will Not Learn About Lukashenka In Oklahoma».

A. Mar demanded 1 million US dollars as indemnification. I. Khalip's article was about the interview with Alexander Lukashenka, which A. Mar published in his newspaper, having declared the Belarus leader «the best politician of the year». Several days after publishing of this material Belarusian mass-media have received a letter from the editor of the newspaper «Russian America» Valery Tarasov, who declared, that his newspaper never took an interview from the head of the Belarusian state. Irina Khalip wrote about this incident in her article. During hearings the judge has not satisfied any of the petitions of the defence, including the petition about addressing the Embassy of the USA with inquiry, whether A. Mar really was the editor of the newspaper «Russian America».

On June 27 Minsk City Court upheld this judgement.

Condemnation of «Borisovskiye Novosti» editor

On June 16 the court of Borisov found the editor of the newspaper «Borisovskiye Novosti» Anatoly Bukas guilty of the crimes stipulated by Part 2, Article 188 of the Criminal Code of the

Republic of Belarus (slander in a public statement or in mass-media) and Part 2, Article 189 of the Criminal Code of the Republic of Belarus (unintentional abuse of honour and dignity of the person, expressed in obscene form). The judge Elena Samtsevich obliged him to pay the fine in the amount of 40 basic units and 3 million roubles as indemnification of moral damages to Vera Protasevich, editor of the newspaper of Borisov Municipal Executive Committee «Adzinstva».

In November, 2004 the Office of Public Prosecutor of Borisov initiated a criminal case on the fact of Anatoly Bukas' article «Crazy Scamp Has a Finger in Every Pie, or Silence of the Lambs» in the newspaper «Borisovskiye Novosti» which appeared in Issue No. 12 (on March 18-24, 2004). The article talked about Vera Protasevich, the editor of the newspaper «Adzinstva» published by Borisov Municipal Executive Committee. The court has counted slanderous and offensive for her the following phrases, among others: «having the level of the stenographer of the factory newspaper...», «the whole opuses where desirable stands out for valid, and barefaced lie for truth...», «Ms. Protasevich... produced another delirium...», etc. In Bukas' opinion, his article came in response to three publications in the newspaper «Adzinstva», in which Vera Protasevich called him a «badly brought up publisher» and compared him with a silly cock, etc. The court refused A. Bukas in carrying out a linguistic examination of these publications.

The hearing of the case in Borisov court started on April 29. On the same day Vera Protasevich put forward a claim for indemnification of moral damages for the amount of 5 million roubles, having referred to her heavy illness after appearance of Mr. Bukas' publication. The editor-in-chief of «Borisovskiye Novosti» is convinced that the case against him was initiated under the initiative of the Municipal Executive Committee. «In unfair ways they try to destroy the competitor of the official newspaper, which circulation and popularity is considerably smaller than ours, and to close the edition which prints the materials not quite comprehensible to the Executive Committee», A. Bukas commented on the case.

2500 thousand dollars fine for collages in «Zgoda»

On September 23 the Partizansky district court of Minsk (judge Deminskaja) punished the editor of the non-state newspaper «Zgoda» Alexey Korol and the assistant editor of the edition Alexander Sdvizhkov by the fine of 100 basic units (2,550,000 roubles or approximately 1,200 US dollars). The court has found the journalists guilty of the infringement, stipulated by Part 10, Article 172-1 of the Administrative Code (distribution through mass media of obviously inveracious data which offend honour and dignity of the President of the Republic of Belarus). The court has found the infringement in collages printed in several issues of «Zgoda». The journalists used well-known pictures, replacing original faces with those of modern Belarus politicians. The collages have been confiscated by militia together with the computer equipment during a search of premises of the edition **on March 24**.

A. Korol and A. Sdvizhkov have sent supervision complaint to the Minsk city court in which they asked to cancel the decision of Partizansky district court and to issue an «individual warning» to judge Deminskaja, employees of the district police department and Offices of Public Prosecutor of Partizansky district as to participants of political prosecution.

On October 18 the editor-in-chief of the non-state newspaper «Zgoda» Alexey Korol received a letter signed by the deputy Chair V. Turko, which informed the journalist that his complaint

would be considered later, since the administrative case was forwarded from the Office of Public Prosecutor of Partizansky district to the Office of Public Prosecutor of Minsk.

Closing of the newspaper «Courier iz Borisova»

On August 24 the economic court of Minsk region satisfied the claim of Minsk Regional Executive Committee about liquidation of the additional liability company «Press-Service», founder and edition of the newspaper «Courier iz Borisova».

The claim for recognition void registration of the company in connection with rough infringements at the stage of registration was submitted by Minsk Regional Executive Committee on June 17. The executive committee noted that the charter of «Press-Service» has not specified the purposes and tasks of the mass media published by it («Courier iz Borisova»), the rights of labour collective and other positions which, according to the law, should be included in the charter of a mass-media. the additional liability company «Press-Service» has not recognized the claim, having declared, that at the moment of registration of the company the functions of the edition of «Courier iz Borisova» were performed by another legal entity, and, accordingly, the charter of «Press-Service» should not reflect these moments. The judge Tamara Benchuk has taken the side of the executive committee and ruled to recognize void the registration of «Press-Service», to nominate the liquidating commission and to liquidate the enterprise by January 1, 2006. Tatyana Deduh, the head of department of ideological work of the Executive Committee, was appointed the head of liquidating commission.

On September 27 the Board of economic court of Minsk region waived the cassation complaint of the additional liability company «Press-Service» against the decision of court dated August 24.

On October 24 the Ministry of information published the order on recognition void the certificate on registration of the non-state newspaper «Courier iz Borisova». The order said that the certificate was nullified on the basis of decision of the Economic Court of Minsk Region and an extract from the report of the liquidating commission of the additional liability company «Press-Service» dated September 28. The order was signed by Lilia Ananich, first deputy minister of information.

On December 14 Supreme Economic Court of the Republic of Belarus rejected the cassation complaint of the additional liability company «Press-Service» against the decision of Board of Minsk Municipal Court, which in September, in its turn, upheld the judgement dated August 24 about liquidation of the company. BAJ press-service quotes the former editor of the newspaper Lyudmila Otchenashenko as saying that on December 14 during hearings in the Supreme Economic Court judge Kolesnikov asked the representatives of the edition a question about «orientation and subjects» of the edition. «The hearings were on economic issues, and the contents of the newspaper had no relation to this», - L. Otchenashenko emphasized. In the opinion of journalists, the true motives of actions of the authorities can be understood from the text of the statement of claim, which said that the activity of «Press-Service» contradicted state and public interests.

Closing of the publisher of the newspaper «Djen»

On November 3 the Economic Court of Minsk upheld the decision of Minsk Municipal Executive Committee on liquidation of the additional liability company «Djenpress», founder and publisher of the newspaper «Djen».

On July 4 the Chairman of Minsk Municipal Executive Committee Mikhail Pavlov and the Charge d'Affaires of the Executive Committee Mikhail Savanovich issued an order to liquidate the additional liability company «Djenpress». The decision of the Executive Committee quotes the reason for liquidation as «default of enterprise activity during 6 months on end and not sending of the notice on the reasons of default of this activity by the commercial organization to the tax body». The initiator of liquidation of «Djenpress» was the tax inspection of Centralny district of Minsk. The management of «Djenpress» considered this decision politically motivated and appealed against it in court. In the opinion of the head of «Djenpress» Nikolay Markevich, the enterprise carried out economic activities and on May 26 printed an issue of the newspaper in Smolensk, concluded agreements for its distribution and realization, carried out payment of services, etc. The printrun of the newspaper was detained by Dubrovno militia employees. Despite of these proofs of realization of economic activities, the court has sided up with Minsk Municipal Executive Committee.

Independent editions and their readers against state distribution monopolists

On November 17 the Economic Court of Minsk considered three claims of the individual private unitary enterprise «Narodnaya Volya»: to enterprises «Minoblsoyuzpechat», «Belsoyuzpechat» and the printing house «Krasnaya Zvezda», in which the edition challenged unilateral cancellation of contracts for printing and distribution of the edition by the respondents. The edition hoped to force these enterprises to fulfil their obligations under the contracts.

The judge Nelli Orlovskaya has satisfied the claim of «Narodnaya Volya» to the printing house, having recognized insignificant the reasons for termination of the contract with the newspaper. The claims to «Belsoyuzpechat» and «Mingorsoyuzpechat» were rejected.

On November 21 the Economic Court of Minsk rejected the claim of edition of the newspaper «Narodnaya Volya» to the unitary enterprise «Minoblsoyuzpechat», which on October 1 terminated the contract for retail sale of the newspaper in kiosks of Minsk region.

On December 9 the appeal instance upheld the decision of the Minsk City Economic Court under the claims of the edition of «Narodnaya Volya» to the enterprises «Mingorsoyuzpechat», «Minoblsoyuzpechat» and «Belsoyuzpechat», having rejected all complaints of the claimant.

On December 15 the Economic Court of Minsk (judge Elena Melnikova) refused to consider the claim of «Narodnaya Volya» to «Belpochta» enterprise and stopped legal proceedings referring that the case could not be considered in court. «Narodnaya Volya» challenged the refusal of «Belpochta» to include the edition in the subscription catalogue for 2006.

On December 27 the Economic Court of Minsk refused to consider the claim of the edition of the newspaper «Borisovskiye Novosti» to the republican unitary enterprise «Belpochta». The edition challenged the actions of «Belpochta», which had not included the newspaper in the subscription catalogue for 2006 and had refused to conclude the contract for delivery by

subscription for the first half-year of 2006. **On December 1** the court has officially notified edition that the claim was accepted. However, on December, 27 in court representatives of «Belpochta» have submitted the petition for stopping the proceedings and the judge Oksana Bradko satisfied their request for the reason that the case is not subject for consideration in the economic court.

During November and December courts in various regions of Belarus refused to consider claims of subscribers of the editions excluded from the catalogue to «Belpochta». According to «Narodnaya Volya», hundreds of subscribers have taken advantage of the sample statement of claim about protection of consumer rights published on the pages of their edition. According to the Law «On protection of the rights of consumers» such claims can be submitted at the place of residence of claimants without payment of a State Tax. However, the courts forwarded subscribers to Leninsky district court of Minsk (place of location of the respondent - «Belpochta») on the basis that these claims were not about protection of consumer rights and demanded payment of a State Tax at the rate of 290 thousand roubles (approximately 140 US dollars).

The list of Belarus periodic printed editions mentioned in the monitoring

«Arche» («Nachalo») - independent socio-publicistic magazine

«Babruyskaye Zhyccce» - municipal political newspaper; founded by Bobruisk Municipal Executive Committee

«Belaruskaya Dumka» - state monthly scientific-theoretical and socio-publicistic magazine, founded by the Administration of the President of Belarus

«BDG. Delovaya Gazeta» («Belorusskaya Delovaya Gazeta») – non-state national political newspaper

«Belaruski Chas» - national political newspaper, founded by the Council of Federation of Trade Unions of Belarus

«Belorusy I Rynok» («Belorussky Rynok») – non-state analytical newspaper for businessmen

«Belorusskaya Gazeta» - non-state national information and analytical publication

«Belorusskaya Niva» - national political newspaper, founded by The Council of Ministers of Belarus

«Birzha Informatsii» - non-state political newspaper in Grodno

«Bobruisky Courier» - non-state municipal political newspaper

«Borisovskiye Novosti» - non-state political newspaper

«Brestsky Courier» - non-state political newspaper

«Biarozka» - state-owned children's magazine

« The bulletin of association of the Belarus banks « - the edition of Association of the Belarus banks

«Bulletin of the Association of Belarusian Banks. Banking» - publication of the Association of Belarusian Banks

«Vesnik Glybochyny» - regional political newspaper, founded by Glubokoye Regional Executive Committee and Glubokoye Regional Council of Deputies

«Vecherny Brest» - regional political newspaper, founded by Brest City Council of Deputies, RIA « Vecherny Brest» and Joint-Stock Company «Absolutbank"»

«Vecherny Bobruisk» - non-state municipal newspaper, Bobruisk

«Vitebsky Courier» - independent political newspaper

- «Vitebsky Rabochy» - regional political newspaper, founded by Vitebsk Regional Executive Committee
- «Volnaye Glybokaye» - non-state political newspaper
- «Volny Horad» - non-registered Krichev political newspaper
- «Gazeta Slonimskaya» - non-state political newspaper
- «Gazeta Dlia Vas» - non-state political newspaper from Ivatsevichi
- «Gantsavitsky Chas» - non-state political edition from Gantsevichi, founded by the limited liability company «Publishing House «Intex-Press», Vladimir Janukevich.
- «Glos znad Niemna» - national newspaper of the Union of Poles in Belarus
- «Gomelskie Vedomosti» - political newspaper, founded by the Gomel City Council of Deputies, Gomel Municipal Executive Committee
- «Gomelskaya Prauda» - political newspaper, founded by Gomel Regional Executive Committee, Gomel Regional Council of Deputies, edition of the newspaper «Gomelskaya Prauda»
- «Grodzenskaya Prauda» - state political newspaper, founded by Grodno Municipal Executive Committee and Grodno Regional Executive Committees, Grodno Regional Council of Deputies and Grodno Municipal Council of Deputies, editorial team.
- "Djen» - national and regional political non-state newspaper
- «Dragichynsky Vesnik» - non-state political newspaper of Drogichin district (Brest region)
- "Zarya» - Brest regional political newspaper, founded by Brest Regional Council of Deputies, Brest Regional Executive Committee and editorial team
- «Zarya nad Bugom» - Brest municipal state political newspaper
- «Zviazda» - political newspaper, founded by the Council of the Republic, House of Representatives of the National Assembly and the Council of Ministers
- «Zheleznodorozhnik Belorussii» - departmental newspaper
- "Zhivaya Voda» - newspaper of the state water concern «Belmeliavadgas"
- «Zara nad Drucciu» - state regional political newspaper of Belynichi district founded by Belynichi district executive committee and Belynichi district Council of Deputies
- «Zgoda» - non-state national information-analytical newspaper
- «Znamya Yunosti» - political youth newspaper, published as an insert to the newspaper «Zviazda»
- «Zorka» - state-owned children's newspaper

«Ivatsevitsky Vesnik» - regional newspaper; founded by Ivatsevichi Municipal Executive Committee

«Kommerchesky Courier» - regional newspaper for businessmen, Bobruisk

«Courier iz Borisova» - non-state advertising-information weekly

«Leninsky Klich» - public newspaper of Krichev district, founded by Krichev District Executive Committee

«Magazyn Polski» - magazine of the Union of Poles in Belarus

«Magileuskie Vedamasci» - regional political newspaper, founded by Mogilev Regional Executive Committee

«Mestnaya Gazeta» - non-state political newspaper, Volkovysk

«Minsky Courier» - newspaper of Minsk Municipal Executive Committee and Minsk City Council of Deputies

«Molodezhny Prospect» - political information publication

«Naviny Palessia» - political newspaper of Stolin district (Brest region), founded by Stolin District Executive Committee and Stolin District Council of Deputies

«Narodnaya Volya» - the daily national non-state political newspaper

«Narodnaya Gazeta» - state political newspaper

«Narodnaye Slova» - newspaper of Vitebsk Regional Council of Deputies and Regional Executive Committee

«Narodnaya Trybuna» - Brest regional political newspaper, founded by Brest Regional Executive Committee and Brest Regional Council of Deputies

«Nasha Niva» - weekly national non-state political newspaper

«Nasha Slova» - non-state newsletter in Malorita

«Novaya Gazeta Smorgoni» - non-state political newspaper (from 2005 its certificate of registration was annulled)

"Perehodny Vozrast» - state newspaper for teenagers

«Pinski Vesnik» - political newspaper, founded by Pinsk Municipal Executive Committee and Pinsk City Council of Deputies

«Polesskaya Pravda» - political newspaper, founded by Pinsk District Executive Committee, Pinsk District Council of Deputies and editorial team of the newspaper.

«Pradprymalnik» - independent unregistered information publication

«Pressbol» - non-state sports newspaper

«Regionalnye Vedomosti» - non-state political edition in Gorki

«Regianalnaya Gazeta» - non-state information-advertising publication for the regions and for the country in general (distributed in Molodechno, Vilejka, Lida, Oshmyany, Volozhin, Myadel and Ostrovets)

«Respublika» - daily national political newspaper, founded by the Council of Ministers of Belarus

«Savetskaye Palesse» - political newspaper of Gantsevichi district (Brest region), founded by Gantsevichi District Executive Committee, Gantsevichi District Council of Deputies and editorial team of the newspaper

«Salidarnasc» - non-state political newspaper, founded by Belarusian Independent Trade Union; temporarily suspended publication from January 2006

«7 Dnej» - information daily, founded by state-owned Belarusian News Agency (BelTA) and editorial team

«Sovietskaya Byelorussia - Belarus Segodnya» - political newspaper, founded by the Administration of the President of Belarus and editorial team

«Studentskaya Dumka» - non-state unregistered youth magazine

«Stsiag Kastrychnika» - political newspaper of Dzerzhinsk district, founded by Dzerzhinsk District Executive Committee, Dzerzhinsk District Council of Deputies and the editorial team

«Chyrvonaya Zvezda» - political newspaper of Ivanovo district (Brest region), founded by Ivanovo District Executive Committee

«Shaber» - unregistered trade union newspaper

«Shklouskiya Naviny» - non-state political newspaper

"Express-Novosti» - non-state information-analytical weekly