

**Belarusian Association of Journalists (BAJ)**

**MASS MEDIA IN BELARUS**  
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## **Violation of Freedom of Mass Media in Belarus in 2006** (review)

March presidential elections produced a major impact on the 2006 media situation in Belarus. As it usually happens during major political campaigns, the pressure on the media in this period has increased. The deterioration of the situation represented not a temporary trend, after which the situation stabilized, but strengthening of systematic pressure on the media, which continued after the elections as well.

As of January 1, 2007, there were 1224 registered printed periodicals in Belarus. It is a little more than in the beginning of 2006 (as of January 1, 2006 there were 1187 periodic printed editions in Belarus, including newspapers, magazines, bulletins, catalogues, almanacs and news agencies. However, the increase of quantity of printed media has taken place at the expense of the number of magazines, catalogues etc., as a rule not paying serious attention to political issues. The number of registered newspapers continued to decrease (as of January 1, 2005 there were 784 newspapers in Belarus, as of January 1, 2006 - 748, as of January 1, 2007 - 718).

In spite of the fact that about 2/3 of registered printed editions are non-state, the majority of them are purely commercial, entertaining or advertising editions. According to the Belarusian Association of Journalists, the number of non-state political editions with a regular circulation of at least 1000 copies is about 30. In 2006 most of them faced problems with printing and distribution. On the eve of presidential elections the state distribution monopolist «Belpochta» has excluded 16 independent editions from the 2006 subscription catalogue. By the beginning of 2006 19 newspapers could not be bought in Soyuzpechat kiosks. Courts have refused to consider the appeals of editions and readers of the newspapers excluded from the subscription catalogues.

From the beginning of 2006 legislative regulation in the sphere of freedom of expression has become tougher. The amendments in the Criminal Code have come into force which have established criminal liability for the activity on behalf of unregistered organizations and discrediting the Republic of Belarus.

During the presidential elections the authorities' actions were aimed at the maximal restriction of voters' access to the information on elections and on opposition candidates. From January to March militia repeatedly detained printruns of the newspapers «Narodnaya Volya» and «Tovarisch» with materials about the opposition presidential candidates A. Kozulin and A. Milinkevich printed in Russia. For instance, on March 3, 250 thousand copies of «Narodnaya Volya» were arrested, and on March 14 militia detained 2 dual numbers of «Narodnaya Volya» with the total circulation of 54 thousand copies. On March 17, 2 days before the elections, militia detained 50 thousand copies of the next issue of «Narodnaya Volya» and 200 thousand copies of the newspaper «Tovarisch».

On March 17 newspaper «Zgoda» was closed by decision of the Supreme Economic Court in satisfaction of the claim of the Ministry of Information. The pretext for closing the newspaper was a reprint by the edition of caricatures on the prophet Mohamed. In this connection the Prosecutor's Office of the Republic of Belarus has launched criminal proceedings according to Article 130, Part 1 of the Criminal Code (fostering racial, national or religious enmity).

The number of encroachments on life and health of journalists has sharply increased during the elections. Representatives of power structures interfered with professional activity

of correspondents of Belarusian and foreign media, detained them on far-fetched pretexts, applied physical force to journalists, did not let foreign journalists in the country. The most rigid actions in relation to journalists took place in Minsk and Grodno.

45 journalists were detained in March 2006. Many of them were sentenced to administrative arrests of up to 15 days on fabricated charges. Some journalists were severely beaten by law-enforcers, including the journalist of «Komsomolskaya Pravda v Belarusi» Oleg Ulevich, who got a brain concussion and nose fracture, as well as other journalists from Belarus, Russia, USA, Canada, Ukraine, Georgia and Poland.

After the presidential elections were over, the main problem was with distribution of non-state media. When the 2007 subscription catalogue was developed, the situation of late 2005 was repeated. “Belpochta” has not included 13 non-state editions in the catalogue, 16 non-state editions are not sold in «Soyuzpechat» kiosks. A certain reduction in the number of newspapers, which are not distributed through the systems of state monopoly enterprises is explained not so much by the improvement of the situation, but by the fact that some editions have ceased to exist due to economic discrimination, for example «Salidarnasc» and «BDG» or were closed by authorities, for instance «Zgoda» and «Telescope» (Lida).

The problems with distribution of independent editions were not limited to refusals of state organizations to sell them in kiosks or by subscription. In Pinsk, Nesvizh (Brest region), Glubokoye (Vitebsk region), and other regions of the country local authorities persistently recommended to businessmen to stop selling local non-state editions, otherwise threatening them with negative consequences. Militia detained distributors of both registered and unregistered newspapers in Mogilev and Vitebsk.

Meanwhile, compulsory subscription to state editions («Sovietskaya Byelorussia», regional and district newspapers, specialized editions) was openly carried out in various regions of Belarus. Besides administrative support and various preferences state media also received budget financing, which amounts grow every year. 2006 national budget allocated for these purposes over 60 million US dollars, which is 1,5 times more than in 2005, and 2 times more than in 2004. 2007 budget allocates over 63 million US dollars for financing state media.

Among the forms of pressure on non-state media used by the authorities in 2006 was deprivation of editions of legal addresses. In mid-April the edition of the newspaper «Nasha Niva» received a letter from Minsk municipal executive committee, which said that «accommodation of the newspaper «Nasha Niva» in the city of Minsk is inexpedient». It was justified by the fact that the chief editor of the newspaper Andrey Dynko was sentenced to administrative arrest for the period of 10 days (A. Dynko was detained during post-election protests on Oktyabrskaya Square in Minsk). All attempts of the edition to conclude a contract of rent and to find a legal address have failed: under pressure of Minsk authorities the leasers have unilaterally terminated the contracts or refused to conclude them.

The newspaper “Vitebsky Courier” has faced a similar problem and was forced to change its offices several times, being refused by local authorities to register changes of its legal address. Besides, several suits were filed against “Vitebsky Courier”, including one on protection of honour and dignity.

The danger of such suits was clearly shown by the court decision on the claim of the chairman of the State Customs Committee Alexander Shpilevsky against the edition of the newspaper «Komsomolskaya Pravda v Belarusi». The pretext for the claim was a technical mistake which did not influence on reputation of A. Shpilevsky. Nevertheless, on June 22 the

court has partially satisfied his claim and collected in his advantage the indemnification of moral damages in the amount of 60 million Belarusian Roubles. (the chairman of the State Customs Committee demanded 80 million Belarusian Roubles), i.e. about 28 thousand U.S. Dollars. The cassation court has upheld the decision.

Among other infringements of media freedom in 2006 was suspension of publication of the magazine “ARCHE – the Beginning” by the Ministry of Information for the term of 3 months. The pretext was the publication of political articles in the literature and art magazine without entering respective changes into the certificate on registration.

The monitoring of conflicts in the sphere of mass media carried out by the Belarusian Association of Journalists shows that main infringements of the rights of journalists and media in 2006, as well as before, were initiated by state bodies and organizations of the Republic of Belarus and their officials. The goal of these infringements was reducing to the minimum distribution of uncensored information in Belarus, especially during presidential elections. This goal was mainly achieved by economic means, which on the background of open financial and administrative support of state-controlled media sought to deprive independent press of its sources of income and possibilities to reach out to its readers.

## Changes in the legislation

The new edition of the Law “On mass media” was not adopted in 2006, although the work in this direction has been performed since 2001. Instead of it insignificant changes of editorial character were introduced in the current Law “On press and others mass media”.

In the beginning of 2006 the Law “On entering amendments and changes to certain legislative acts of the Republic of Belarus on strengthening responsibility for the actions directed against human being and public safety” has come into force. The law established criminal liability for discrediting the state.

On January 2, 2006 the Law **“On entering amendments and changes to certain legislative acts of the Republic of Belarus on strengthening responsibility for the actions directed against human being and public safety”** has come into force.

According to this law, in particular, the Criminal Code of the Republic of Belarus was complemented by Article 369-1 “Discrediting the Republic of Belarus”. The discrediting is understood in this article as granting to a foreign state, foreign or international organization of obviously false information on political, economic, social, military or international situation of the Republic of Belarus, legal situation of the citizens in the Republic of Belarus, which discredits the Republic of Belarus or its authorities. This offence is punished by criminal liability as arrest for the term of up to six months or restriction of freedom for the term of up to two years.

New wording was adopted for Article 361 “Appeals to actions aimed at damaging external safety of the Republic of Belarus, its sovereignty, territorial inviolability, national safety and defensive capacity”. Such actions performed with the help of mass media are punished by imprisonment for the term of two to five years.

On January 18, 2006 the Council of Ministers of the Republic of Belarus adopted a resolution **“On approving the order of reception, registration, accounting and distribution of marriage and dating advertisements or about communication on the phone in mass media”**. The decision was made according to Decree of the President of the Republic of Belarus № 15 dated November 22, 2005 “On modification and additions to certain decrees of the President of the Republic of Belarus on the issues of counteraction to human trafficking”.

On February 11, 2006 by resolution № 192 The Council of Ministers ratified the **Regulation on supporting web sites of national bodies of state management and other state organizations subordinate to the Government of the Republic of Belarus.**

The regulation determines the structure and order of posting information on the web sites of state bodies and organizations subordinate to the Government of the Republic of Belarus, as well as the duties, order of interaction and responsibility of the persons supporting web sites and persons providing information for posting on the sites.

On February 16 the resolution of the Council of Ministers № 232 approved the **State program of development of satellite television broadcasting in the Republic of Belarus until 2010.**

On February 17, 2006 by resolution №8 the Ministry for emergencies of the Republic of Belarus approved the **Regulation on creative competition for the best coverage in mass**

**media of the activity of bodies and departments of the Ministry for emergencies of the Republic of Belarus.**

On April 26, 2006. The Ministry of natural resources and protection of environment approved by its resolution №28 the **Instruction on the order of realization of the republican competition on the best publication on ecological subjects.**

On March 6 by resolution №6 the Ministry of information approved the **Instruction on realization of control of observation by the licensees of legislation in the field of realization of printing activity, license requirements and conditions.** The instruction determines requirements to organization and realization of checks of observation by the licensees (legal entities and private businessmen) of legislation in the field of realization of printing activities, license requirements and conditions. The checks shall be carried out by the licensing body – the Ministry of information of the Republic of Belarus.

On March 28 Homiel regional executive committee adopted resolution № 271 **“On the regional commission of experts on assessment of printed editions, film-audiovisual products and other production for presence of attributes of pornography, cult of violence and cruelty”.** The specified resolution approves Regulations on the regional commission of experts on assessment of printed editions, film-audiovisual products and other production for presence of attributes of pornography, cult of violence and cruelty and its structure. The deputy chair of the Homiel regional executive committee heads the commission.

July 20 a similar Regulations was approved by Vitsebsk regional executive committee (Resolution №519 **“On approval of the Regulations on the regional commission of experts on prevention of propaganda of pornography, violence and cruelty”.**

On April 7, 2006 the Ministry of justice of the Republic of Belarus approved the Instruction **“On the order of granting of information on the activity of general courts of the Republic of Belarus for coverage in mass media”.** The instruction, in particular, states that the judge has the right to forbid to show himself/herself on TV and to publish photographs with the purpose of ensuring his/her safety and prevention of possible interference in consideration of actions of proceeding, that the judge can at any moment stop photo and video shootings of the trial, etc. The courts are obliged to immediately inform the Ministry of justice in case of establishing the facts of pressure on the court or attempts of pressure on the part of mass media. Item 4 of the instruction establishes that the information on completed actions of proceeding can not be published or publicized without a written sanction of the judge.

The Belarusian Association of Journalists addressed the Ministry of justice with an inquiry, which specified that the ministry has no right to regulate the activity of mass media, and that item 4 of the instruction establishes restrictions of the freedom of mass media, not stipulated by the Law. In its answer to BAJ inquiry the Ministry of justice confirmed that the instruction does not impose additional restrictions on the activity of mass media and is directed on regulation of activity of the judges in their relations with the journalists.

On May 3, 2006 the Council of Ministers adopted resolution № 571 **“On financing of periodic editions in 2006”.** The resolution approves the list of periodicals, which editions shall be subsidised from the republican budget in 2006. 30 periodic editions were included in the list.

On May 10, 2006 Minsk regional executive committee adopted the decision № 454 **“On the order of payment for the usage of Internet services by organizations and establishments of education, culture, public health services, physical culture and sports, work and social protection financed from the regional budget”**.

The decision approves the lists of organizations and establishments of education, culture, public health services, physical culture and sports, work and social protection financed from the regional budget and using Internet services at the expense of the funds stipulated in the regional budget for education, culture, public health services, physical culture and sports, work and social protection, as well as the instruction on the order of payment for the usage of Internet services by organizations and establishments of education, culture, public health services, physical culture and sports, work and social protection financed from the regional budget.

On June 9 changes to the Law **“On press and other mass media”** were made on the basis of the Law **“On modification and additions to certain laws of the Republic of Belarus on the issues of licensing certain activities and annulment of certain legislative acts of the Republic of Belarus”**.

Some changes of editorial character (with reference to the legislation on licensing) were brought in Article 31 (“Erotic editions”) and Article 50 (“Responsibility for other violations of mass media legislation”) of the law.

On July 29 the Council of Ministers adopted Resolution № 955 **“Issues of the Ministry of information of the Republic of Belarus”**. The resolution brings in changes and additions to the Regulations on the Ministry of information of the Republic of Belarus. In particular, the Regulations are complemented by the list of legal entities of the non-state form of ownership, which shares (share in the authorised capital) belong to the Republic of Belarus and are transferred to the Ministry of information of the Republic of Belarus. Besides the resolution approves the list of state organizations subordinate to the Ministry of information of the Republic of Belarus.

On **July 31** the President of the Republic of Belarus signed Decree № 473 **“On State commission on radiofrequencies in the Security Council of the Republic of Belarus”**. Before the corresponding commission worked in the Ministry of communications and information. According to the decree, it was made with the purposes of improvement of the system of state regulation in the field of distribution of the resource of radiofrequencies and its use. The new structure was allocated powers to amend and to annul the decisions taken by the State commission on radiofrequencies in the Ministry of communications and information, which was subject to liquidation. Deputy State Secretary of the Security Council Yury Kryvashejeu was appointed chairman of the commission.

According to the regulation on the State commission on radiofrequencies, approved by the Decree №473, the commission was made responsible for making decisions on allocation of radiofrequency bands, radiofrequency channels or radiofrequencies.

On **August 4** the Council of Ministers approved Resolution №1012 **“On approving the structure of costs for production and realization of products taken into account in taxation of profits and relating to specifics of the structure of costs in publishing”**.

According to the Resolution, the structure of costs for production and realization of products taken into account in taxation of profits and relating to specifics of the structure of costs in publishing, had to include the cost of control copies sent to the publishing house



before the release of the edition to the public and the costs of production and delivery of obligatory complimentary copies according to the list approved by the Council of Ministers of the Republic of Belarus.

On **September 8** the Council of Ministers issued Resolution № 1161 “**On certain issues of realization of retail trade with samples through Internet**”.

The resolution regulated the activities of Internet shops. Internet shops (web sites of trading subjects) should contain the information on the trading subject and goods in accordance with the requirements of the legislation, to be placed on a server on the territory of the Republic of Belarus, the domain name of the site should be registered in the domain address space of the national segment of Internet. The domain name of the site should be specified in the license for realization of retail trade.

On November 24 the State Centre in the Administration of the President of the Republic of Belarus Issued Order of №83 approving Rules of registration and delegating of domain names in the BY domain zone.

The rules establish and define the order of registration and delegating of domain names (domains) in the national segment of Internet network (BY domain zone).

The State centre of information security in the Administration of the President of the Republic of Belarus was appointed a coordinating body for registration and delegating of domains of the second level in the BY domain zone.

On December 15 Hrodna regional Council of deputies approved decision №211 ratifying the **Complex program of development of state periodic printed editions in Hrodna region for 2007-2010**.

The program was developed according to the Complex program of development of state periodic printed editions in the Republic of Belarus for 2005-2008 approved by the Resolution № 800 of the Council of Ministers of the Republic of Belarus on July 20, 2005.

The activities of the program include monitoring of condition of state periodic printed editions; definition of degree of their influence on the development of public opinion; training and further training of staff for state mass media of the Hrodna region; purchasing of modern computers, photo and office equipments for the editions of state editions; purchase of modern newspaper equipment for state printing houses in Hrodna, Slonim and Lida; centralized purchasing of newsprint for the editions donated from the state.

On October 19 Minsk regional Council of Deputies issued decision №251 approving the **Complex program of construction, modernisation and expansion of radio and television transmitters in Minsk region for 2006-2010**.

The main goals of the program include growth of territories of steady reception of signals of state TV and radio, improvement of quality of reception of television and radio signal, expansion of broadcasting of television and radio programs on the territory of Minsk region, development of digital television broadcasting of DVB-T standard.

According to the program, the territory of Minsk region is covered by terrestrial broadcasting of 6 state TV channels and 2 non-state channels, 5 national radio channels and 10 non-state radio channels:

The state channels are: “First Channel”, coverage - 99,93%, “ONT” - 97,72%, “Lad” - 83,86%, “STV” - 75,50%, “Russia” - 82,91%, “NTV” - 64,79%, digital broadcasting (“BT-1”, “ONT”, “STV”, “Lad”) - 71,19%, “First national channel of Belarusian radio” - 95,17%, “Radio channel Kultura” - 92,51%, “Regional Broadcasting” (“Minskaya Hvalia”) - 83,77%, “Radius - FM” - 93,17%, “Radio Station Stalitsa” - 84,01%;

Non-state channels are: “Mir” - 58,46%, “TVC” - 57,49%, “Radio BA” - 74,65%, “Radio Roks” - 73,92%, “Radio BGU” - 78,81%, “Alpha Radio” - 72,56%, “Radio Hit FM” - 62,85%, “Radio Mir” - 74,65%, “Russkoje Radio” - 73,85%, “Radio Pilot - FM” - 71,69%, “Novoye Radio” - 66,29%, “Radio Minsk” - 66,29%.

It is planned to increase the coverage of the First channel (BT-1) to 100,00%; “ONT” - to 99,19%; “Lad” - to 96,67%; “STV” - to 82,19%; “Russia” - to 84,65%; “NTV” - to 73,16%; “First national channel of the Belarusian radio” in FM range to 99,70%; “Radio channel Kultura” - to 99,43%; “Regional broadcasting” (“Minskaya Hvalia”) - to 89,77%; “Radius - FM” - to 97,40%; “Radio Stalitsa” - to 88,04%.

The law “On the budget of the Republic of Belarus for 2007” was adopted on **December 29**. The national budget alone allocates 135,114,865,000 roubles (over 63 million US dollars) for financing of state mass media in 2007, of which 100,603,360,000 roubles (over 47 million US dollars) was allocated for financing TV and radio broadcasting and 16,114,242,000 roubles (about 7,5 million US dollars) for funding periodic print and publishing houses. The national budget allocates 18,397,263,000 roubles (slightly under 9 million US dollars) for miscellaneous costs of mass media.

In comparison with 2006 the amount of financing of state mass media has grown by 4,814,705,000 roubles (about 2,25 million US dollars).

## **Violations of Rights of Mass Media and Journalists, Conflicts in the media field**

### **Discontinuance or suspension of mass media by authorities**

On **February 23** The Prosecutor's Office of the Republic of Belarus submitted a note to the Ministry of information with the request to arrange suspension or discontinuance of activity of the non-state newspaper "Zgoda". The reason for this was publication of caricatures on the prophet Mohammed in the issue №6 dated 18-26.02.2006. The newspaper reprinted on its pages the caricatures which had appeared in the Danish press, having caused protests in the Islamic world and having become the reason of an international row.

According to the head of department of legal support, information and public relations of the Prosecutor's Office of the Republic of Belarus Andrey Shved, the edition of the newspaper "**Zgoda**" admitted rough violations of requirements of Article 5 of the Laws of the Republic of Belarus "On press and other mass media", which forbids the use of mass media for kindling national, social, racial and religious intolerance.

On **February 21** Belarus' Foreign ministry made a statement concerning publication of the caricatures. "The Ministry of foreign affairs resolutely condemns any deliberate actions, which can entail kindling of religious enmity and promote... mistrust between national and religious communities, which live in Belarus", the statement read.

On **February 22** with the sanction of the assistant General Public Prosecutor KGB employees carried out a search in the edition of "**Zgoda**". A criminal case was instituted on the same day according to Part 1, Article 130 of the Criminal Code of the Republic of Belarus (kindling of racial, national or religious enmity). "The criminal case was instituted based on results of inspection carried out by the Republican Prosecutor's Office and KGB. The inspection was carried out on the basis of appeal sent to the law-enforcement bodies by the Committee on religions and nationalities and Moslem communities of Belarus", "Interfax" news agency quotes the Prosecutor's Office of the Republic of Belarus. ([http://www.interfax.ru/r/B/politics/2.html?id\\_issue=11469751](http://www.interfax.ru/r/B/politics/2.html?id_issue=11469751))

During the search law enforcers confiscated system units of computers and other carriers information, some issues of the newspaper and financial documents of the edition. The founder of "**Zgoda**" Aliaxei Karol and deputy chief editor Alyaxandr Sdvizhkov were interrogated by KGB. A search was also conducted in Mr. Karol's apartment. According to Aliaxei Karol, the caricatures were printed without him knowing, the assistant chief editor was punished for these actions, and distribution of the issue with caricatures was stopped.

On **February 23** the Ministry of information issued a warning to the edition of the newspaper "Zgoda" according to Article 5 of the Law "On press and other mass media" for the publication of caricatures on prophet Mohammed. It was the second warning for violation of Article 5 within one year (the first written warning was issued on **November 9**).

On **March 6** the Ministry of information submitted to the Supreme economic court an appeal for discontinuance of activity of the newspaper "**Zgoda**". The writ said that the basis for this appeal were numerous violations by the edition of the requirements of Article 5 of the Law "On press and other mass media". Besides, the ministry asked to suspend the newspaper

before the court decision, since during this time "the respondent can roughly violate the requirements of the law on press".

On **March 7** the judge of the Supreme economic court Aksana Mikhnjuk ruled to satisfy the petition of the ministry and to suspend "**Zgoda**" "before the decision was made per se".

On **March 17** the same judge Aksana Mikhnjuk satisfied the appeal of the Ministry of information on discontinuance of activity of the newspaper. Meanwhile until March 17 the term allocated by the law to appeal the warning had not expired yet.

On **April 10** Mikhail Tsitsyankou, deputy chair of Minsk municipal executive committee, sent a letter to Andrey Dynko, chief editor of the independent newspaper "**Nasha Niva**", in which he wrote that accommodation of the newspaper "**Nasha Niva**" in the city of Minsk is "inexpedient". According to Tsitsyankou, the reason for this decision was that "by decision of Savetsky district court of Minsk dated March 22, 2006 the chief editor of the newspaper "**Nasha Niva**" was punished by an administrative arrest for the term of ten days". "The decision is final and is not subject to appeal by administrative practice", the letter said.

On the eve "**Nasha Niva**" sent to Minsk municipal executive committee an application for coordination of accommodation of the office space in Minsk on Kalektarnaja Street 20a, room 112 The letter of Mr. Tsitsyankou was a response to this application.

The edition distributed an appeal "to the readers of the whole world", which was placed on the web site of the newspaper ([www.nn.by](http://www.nn.by)). The appeal said: "The authorities are trying to lock the last link in the chain of suffocation of "**Nasha Niva**"... From January 1 state monopoly companies "Belsayuzdruk", "Mingorsayuzdruk" and "Minvoblsayuzdruk" under different pretexts have stopped to distribute the newspaper, and "Belposhta" has excluded the newspaper from the subscription catalogue. On **April 10** after a long delay the Ministry of communications has refused the newspaper's request for a license for independent realization of subscription. The letter from Minsk municipal executive committee, prepared by the ideological department dates the same day. This means a ban on the enterprise "**Nasha Niva**", the appeal states. Taking into account that in 1906-1915 and 1991-1996 the newspaper was published in Vilnius, the edition addressed the Ministry of culture of Lithuania with the request to petition to UNESCO to enter "**Nasha Niva**" in the "List of non-material cultural heritage of mankind".

On **September 13** it became known about discontinuance of the only regional Belarusian language **radio program "I love our land"**, which was done on a local radio in Baranavichy. The last program was aired in late July, and then the team had holidays. In August the authors of the program wanted to resume their work, but have found out, that the national a telecom operator "Beltelecom", which owns the premises and the equipment of Baranavichy radio, introduced payment for the 30-minute live broadcasting and use of studio for recording the programs. In total the payment constituted 130 thousand roubles (about 60 Usd) per month.

The **program "I love our land"** has been aired for the last 10 years (from January, 1996) and was prepared by members of the local branch of the Belarusian Language Society named after F. Skaryna. Viktor Syrytsa, chairman of Baranavichy branch of the Belarusian Language Society said in an interview to the **European Radio for Belarus** that "the program was actually closed... just because the Belarusian language and Belarusian culture is not in honour now not only at the level of the country authorities, but also among local authorities".

On **September 18** the Ministry of information of the Republic of Belarus cancelled the certificate on registration of the non-state regional newspaper "**Telescope**" (Lida), published

by Lida branch of the Belarusian Language Society named after F. Skaryna. The reason for this was that the newspaper hasn't been published for more than a year.

The chief editor of the edition Stanislau Sudnik, in his turn, assures that the previous issue of the newspaper was published on July 14, 2005, and the next issue - on July 13, 2006, "which means that according to the legislation one more day had to pass for them to be able to close the newspaper".

The newspaper "**Telescope**" was published since December, 1997. It was printed in Lida and distributed in Grodno region. In 2002-2003 it hadn't been published for financial reasons. At first the publisher of the newspaper was Lida printing house; then duties of the publisher, founder and the chief editor were passed to the private businessman Iryna Brushakova. After that under the contract with the owner of the newspaper Lida branch of the Belarusian Language Society named after F. Skaryna became the publisher of "**Telescope**", and Stanislau Sudnik, chairman of the organization recently acted as its chief editor. Having resumed publication in 2004, "**Telescope**" became a fully Belarusian language edition. The newspaper was positioned as a political and leisure publication covered the events in the area and Hrodna region. "**Telescope**" was delivered to readers through the network of public distributors, and in Lida through "Belsayuzdruk" kiosks.

On **September 19** the Minister of information Uladzimer Rusakevich issued a written warning to the edition of a not state literary-art and popular-scientific magazine "**ARCHE. The Beginning**" and signed the order on suspension of the edition for the period of three months. Both documents said that having printed articles on political subjects in № 9 (49), 2006, the magazine "**ARCHE. The Beginning**" changed its subjects (specialization), not having informed the Ministry of information in due terms about it for entering respective changes into the registration certificate (violation of Article 5 of the Law "On press and other mass media").

The formal reason for the sanctions was publication in the section "History" of memoirs about Belarusian political realities in the 90-ies by Syarhey Navumchyk and other deputies of the Supreme Soviet of the 12<sup>th</sup> convocation. According to the chief editor of the magazine Valera Bulhakau, the true reason for suspension was the cover of the Issue No.9(49), 2006 (<http://arche.bymedia.net/2006-9/num906.htm>) with the faces of secret service officers pushing protestors from the main avenue in Minsk during the protests on March 25, 2006. The magazine edition appealed to court demanding from the Ministry of information to annul the warning and the order on suspension of the publication.

Preliminary hearings on the case were held **October 18**. On **November 4** the Supreme Economic Court started to consider the case, and on **November 8** the judge Mikalay Maludzin ruled to waive the appeal.

In **December, 2006**, after the three-months term of suspension of the magazine was over, the edition published 3 issues of the magazine at once - №10, №11 and №12.

**Note: On September 26** BAJ sent an appeal to the Minister of information Uladzimer Rusakevich demanding to annul the warning and the order on suspension of the publication. "From our point of view applying sanctions for the contents of a media outlet in case the edition doesn't abuse the freedom of mass media represents interference with activity and violation of professional independence of the edition. In accordance with the Article 48 of the Law on press and other mass media such actions are classified as attacks on the freedom of mass information", BAJ appeal says. The media watchdog stressed that "extrajudicial suspension of media activity by an organ of executive authority violates international legal obligations of the Republic of Belarus", in particular, Article 19 of the International Pact on

civil and political rights, ratified by Belarus and other similar rules, stipulated by the CIS convention on the rights and major freedoms of the man.

“Publishing of articles on political topics in any mass media doesn’t yet represent a change in the topics that it covers”, BAJ representatives believe. “Belarusian legislation doesn’t specify which volume of an issue can be dedicated to the materials on certain topics... This is also confirmed by the fact that Article 10 of the Law on press and other mass media stipulates that the founder should specify approximate, and not exact topics and (or) specialisation of mass media in the application for media registration”.

## **Criminal Prosecution for Publications in Mass Media**

**In January** criminal case was instituted against Paval Krasousky, “**Nablyudatel**” newspaper publisher and head of Milinkevich election headquarters in Zhodzina. The case was instituted according to Article 369 of Belarus’ Criminal Code – “Offence of Public Officials” for publishing caricatures of local officials in Issue No. 4 of the newspaper. The publisher’s apartment was searched and all information carriers were confiscated. “**Nablyudatel**” newspaper is published with the circulation of 299 copies, so according to Belarusian legislation it is not subject to registration. Paval Krasousky was considered a suspect in the case. No official charges were presented. Article 369 of the Criminal Code envisages punishment in the form of corrective labour, fine or forced labour for the term of up to 2 years, arrest up to six months or restriction of freedom for the term up to three years.

**On January 17** Minsk resident Aksana Novikava appealed to Minsk Prosecutor’s Office demanding to hold Yauhen Novikau, the host of “Political Technologies” program on state TV, criminally responsible. In his program broadcast on the **First National TV Channel** Mr. Novikau talked about alleged intentions of NATO, Poland and Lithuania to unleash military actions against Belarus. Aksana Novikava demanded to hold the TV host responsible according to Article 123, Part 1 of the Criminal Code (“Propaganda of War”), which is punishable by a fine or restriction of freedom for the term up to 3 years.

**In early February** Aksana Novikava was informed that her appeal was passed to the Prosecutor’s Office of Peshamaisky district of Minsk, then to the KGB department for Minsk and Minsk region and KGB of Belarus. At the same time she was informed that a criminal action against her suspended in 2005 was resumed. The action concerned the use of counterfeit passport when getting a residence permit in Dzyarzhynsky district, **BelaPAN** news agency informed on **February 9**.

On January 20 Krupsky district Prosecutor’s Office issued an official warning to Andrey Klimau, deputy of the Supreme Soviet of the 13<sup>th</sup> convocation, warning him about inadmissibility of violating Belarusian legislation. The reason for the warning was his interview to the web-portal [www.euramost.org](http://www.euramost.org) entitled “They Often Ask Me About Milinkevich” (<http://www.euramost.org/index.php?artc=4983>). According to the Prosecutor’s Office, Klimau roughly violated Belarusian legislation by speaking on behalf of the unregistered “Andrey Klimau’s Movement” and calling for mass resistance actions. The warning was signed by the Prosecutor Ihar Chernel. The Prosecutor stressed that the Criminal Code envisages responsibility for organisation and preparation of actions which roughly violate civil order or for active participation in these actions, as well as for discrediting the Republic of Belarus.

**Note:** On December 2 Chamber of Representatives of Belarus’ National Assembly adopted in the second reading amendments to the Criminal Code and Criminal Proceedings Code, strengthening responsibility “for the actions aimed against human being and civil safety”. Alexander Lukashenka sent the draft law to the Parliament with a note “Urgent”. Several new articles were included in the Criminal Code, including Article 193-1 (“Illegal organisation or participation in the activity of NGO or foundation”). Article 193-1 stipulates that organisation of NGO or a foundation or participation in its activity, concerning organisations which were suspended or liquidated is punishable by a fine or arrest for the term of up to six months or imprisonment for up to two years. Such prosecution can be used for preparation of people for participation in mass disorders, public appeals to seizing power or forceful change of constitutional order.

The appeals addressed to foreign states, foreign and international organisations that “endanger Belarus’ foreign security, its sovereignty, as well as distribution of materials that contain such appeals” are punishable by imprisonment for the term of up to three years. In case such appeals are distributed through mass media, it entails imprisonment for the term from two to five years. The article of the Criminal Code “Discrediting the Republic of Belarus” envisages punishment for “granting of deliberately deceitful information on political, economic, social, military or international situation of the Republic of Belarus, legal status of Belarus citizens or authorities to a foreign state, to a foreign or international organisation”. Such actions are punishable by the arrest for the term of up to six months or restriction of freedom for up to three years. Besides, the draft law envisages possibility of arrest of people suspected of terrorism or involvement in malicious hooliganism for the term up to 10 days before applying the preventive punishment or release by bodies of criminal prosecution.

The department of interior of Tsentralny district of Minsk refused to initiate criminal proceedings on the appeal of believers of a protestant church “New Life” against Lyudmila Dzhurajeva, journalist of **STV channel**. This was said in the letter signed by the head of the department of interior V.A. Sinjakou, which the believers received **on December 15**. The protestants wanted to hold the journalist responsible for two reports aired on October 14 and October 15. They also demanded to hold responsible two interviewees – A. Rabitsava, the head of Department for religions and nationalities of Minsk municipal executive committee and I. Yanushkevich, candidate of historic sciences. The interior department ruled that there was no corpus delicti in the actions of the latter.

According to Syarhey Lukanin, lawyer of the church, the two reports were slanderous, and the information voiced in these reports – provocative. “As a result of simple editing of my interview, **STV** aired a statement, the meaning of which is that all participants of the protest actions were forced to continue the hunger strike until death”, S. Lukanin said.

**Note:** In October 2006 about 200 believers of the protestant church “New Life” were on hunger strike for 23 days, demanding that Minsk authorities return their church and the land where it was built.

**On May 17** Minsk Prosecutor’s Office issued an official warning to a prominent Belarusian journalist Iryna Khalip for several articles in the Russian newspaper “**Novaya Gazeta**”, covering presidential elections in Belarus and post-election protests. The Prosecutor’s Office saw in the publications violation of two articles of the Criminal Code “Discrediting the Republic of Belarus” and “Slander of the President of the Republic of Belarus” and warned the journalist that in case of repeated violations she would be held responsible according to the law.

Violation of Article 369 of the Criminal Code (“Discrediting the Republic of Belarus”) is punishable by arrest up to six months or restriction of freedom for the term up to two years. Violation of Article 367 of the Criminal Code (“Slander of the President of the Republic of Belarus”) is punishable by a fine, corrective labour up to 2 years, imprisonment or restriction of freedom for the term up to 4 years.



## Attacks on Journalists and Media

On **January 7-8** the edition of the independent newspaper “**Bressky Kurier**” was robbed. The database containing all contracts and account details of the newspaper was stolen from the offices occupied by the advertising department of the newspaper. The building where the newspaper is based was guarded by guards, but they haven’t noticed anything suspicious. Representatives of “Ahova” department are involved in the investigation.

On **February 28** a police patrol from Bialynichy detained Barys Vyrvich, resident of Mashchanitsa village, a well known local activist and editor of small unregistered newspaper “**Pahodnia**”. On the same day police in the district police department wrote a protocol charging him with “using obscene language and threatening”. However, the judge of Bialynichy court refused to consider the case, since Barys Vyrvich was an assessor in the same court, so the editor was released.

On **March 2** a number of Belarusian and foreign journalists were mistreated by law enforcers while fulfilling their professional duties in Minsk, including the correspondent of Moscow bureau of **Reuters** and Russian citizen Dmitry Madorsky and journalist of **BelaPAN** news agency Syarhey Pulsha, who were present in the palace of culture of railway workers during the arrest of the presidential candidate Aliaksandr Kazulin. Later photo correspondents Syarhey Gryts (“**Associated Press**”), Vasil Fiadosenka (“**Reuters**”) and Julia Darashkevich (“**Nasha Niva**”) were arrested near Kastychnitsky department of interior, where kazulin was brought. They were soon released.

Later on the same day near Kastychnitsky department of interior police detained the correspondent of “**Komsomolskaya Pravda v Belorussii**” Aleh Ulevich, journalist of “**Belgazeta**” Dzmitry Brushko and employee of Kazulin’s press-service Andrey Maksimau. The journalists witnessed the conflict when law enforcers pushed away Kazulin’s supporters. During the detention Aleh Ulevich was hit in the face. He was taken to a hospital, where a craniocerebral trauma and nose bones fracture were diagnosed. On March 2 Aleh Ulevich submitted a statement on the fact of his beating to police.

Dmitry Madorsky, cameraman for the Moscow bureau of **Reuters**, went for help to Minsk Clinical Hospital No. 10. “**Belgazeta**” photo correspondent Dzmitry Brushko was released almost immediately after he was brought to Leninsky department of interior together with other detained people.

On the same day during Milinkevich’s meeting with the voters held near the metro station “Niamiha” law enforcers used force against two more journalists – Valer Kalinousky (**Radio Liberty**) and Genadz Barbarych (“**Belorusy I Rynok**”). According to Mr. Kalinousky, he approached with the microphone colonel D. Paulichenka, who stood in front of the chain of riot police in the beginning of the Victors’ Avenue, and asked him a question. Instead of answering the question, colonel Paulichenka grabbed him by his jacket and dragged him toward policemen. According to Kalinousky, this was noticed by Natalia Radzina, Charter-97 web site editor, who started to loudly express indignation that force was used against journalists. Evidently, it perplexed Paulichenka, and the journalist has managed to get away. The journalist hasn’t suffered and the equipment wasn’t damaged during the incident.

Later at the same protest action Genadz Barbarych, journalist of the “**Belorusy I Rynok**” newspaper was hit by a police truncheon when passing near the row of policemen. Someone from the row of riot policemen hit him on the arm, causing a big bruise. As **BAJ**

noted in a special statement (<http://www.baj.by/news/?id=377>), the actions of the people arresting and beating journalists contained the signs of the *corpus delicti*, envisaged by Article 198 of the Criminal Code – creating obstacles to the legal professional work of journalists, accompanied by violence or a threat of violence, destruction or incurring damage to property, attempts on rights or legal interests of journalists.

BAJ sent its statements to the General Prosecutor of Belarus Petr Miklashevich and the Minister of interior Uladzimer Navumau, demanding to hold responsible the individuals who used physical force against journalists and interfered with their work on March 2.

On **June 2 BAJ** received a letter from the Prosecutor's Office of Maskousky district of Minsk, informing that the criminal case on the fact of violation of journalists rights on March 2 2006 by law enforcers will not be instituted "due to lack of *corpus delicti* in the actions of the officers of the special purpose police troops "Almaz". The letter from the district Prosecutor's Office informed that during the inspection investigators questioned correspondents Yulia Darashkevich, Dzmitry Brushko, Syarhey Pulsha and Aleh Ulevich, as well as 6 "Almaz" officers and 7 special purpose police troops officers of Minsk municipal executive committee interior department. The document contains their names. According to the results of the inspection Minsk municipal executive committee interior department instituted a criminal case on the fact of incurring "less heavy bodily damage" to Aleh Ulevich. Concerning other journalists enumerated in the statement, according to the Prosecutor, they either didn't come for giving testimonies or didn't prove the facts of using physical force against them.

However, BAJ believes that law enforcers avoid giving full answers to requests. "BAJ was inquiring not only about the incident near Kastychnitsky district interior department, but also about the previous accident in the palace of culture," BAJ deputy chairman Andrey Bastunets stresses. "Several journalists suffered there during the arrest of Alexandr Kazulin. However, the Prosecutor's Office of the Republic of Belarus forwarded BAJ statement to the Prosecutor's Office of Maskousky district, and the latter refused to examine the incident in the palace of culture, since this building is not based on the territory of Maskousky district", Bastunets says.

## **Detention of Journalists**

On **January 16** Alyaxandr Dzergachou, publisher of the bulletin “**Nash Smarhonski Kraj**” was summoned to Mikola Malinousky, public prosecutor of Smarhon district, to get acquainted with the prosecutor’s warning. The document said, that with the purpose of prevention of a possible violation of the law Alyaxandr Dzergachou is warned about inadmissibility in further violations of the Law “On press and other mass media”, electoral legislation and other laws of the Republic of Belarus. The bulletin published by Dzergachou covered the elections campaign and contained reprints from other printed editions.

On **January 17** near Skidzel (Hrodna region) police detained a car with the editor of the magazine “**Magazyn Polski**” u **Emihracii**” Andzej Pachobut and his colleague Andzej Lisousky. During the search in the car police found and confiscated 50 copies of the magazine. The journalists were taken to Leninsky district interior department of Hrodna, where they were handed a copy of the protocol on confiscation and then released.

On **January 26** the editor of the magazine “**Magazyn Polski**” na **uchodztwie**” Andzej Pachobut was summoned to the regional Prosecutor’s Office, where he was informed about realization of an expertise of the information in two issues of his edition. The Prosecutor’s Office was interested whether he was the author of the publications in the magazine and why there was no dateline in the edition. Andzej Pachobut refused to give explanations. An employee of tax inspection present in the Prosecutor’s Office asked whether Polish journalists helped him to pay the penalty in the amount of 5,1 million roubles imposed on him in 2005 for participation in unsanctioned picketing in support of the newspaper “**Glos znad Niemna**” u **Emihratsii**”.

On **August 16** Andzej Pachobut was asked similar questions during interrogation in the Department on fighting economic crime of Leninsky district department of interior of Hrodna. The investigator was interested in two questions: who and how funds publishing of the magazine and whether the Polish journalists really passed money to Mr. Pachobut to pay the penalty for participation in the picketing. The journalist has taken advantage of the right to not testify against itself and refused to give testimonies.

On **January 31** the chief editor of the newspaper “**Glos znad Niemna**” v **Emihracii**” Andzej Pisalnik was summoned to the Senior assistant Public prosecutor of Grodno region Veniamin Lukjanau. The reason for the call was checking of the publications in the newspaper “**Glos znad Niemna**” v **Emihracii**” and magazine “**Magazyn Polski**” na **uchodztwie**”, where articles of Andzej Pisalnik were published. The journalist refused to give explanations.

On **February 10** Yury Hlushakou, deputy of the Gomel district council was summoned to Chyhunachny district Prosecutor’s Office of Homiel. The assistant public prosecutor Aliaxei Skarahod took his explanations concerning leaflets with caricatures on **state Belarusian TV channels** found in his car. On February 7 police detained Yury Hlushakou with 11 thousand leaflets. The man who stopped the minivan in which Yury Hlushakou went refused to identify himself. Police made a protocol for violation of Article 172, Part 3 of the Administrative Code (Distribution of printed editions issued in violation of the established order, without dateline, which contents is aimed at causing damage to the state and public order, rights and lawful interests of the citizens).

On **March 2** a number of Belarusian and foreign journalists were mistreated by law enforcers while fulfilling their professional duties in Minsk, including the correspondent of Moscow bureau of **Reuters** and Russian citizen Dmitry Madorsky and journalist of **BelaPAN** news agency Syarhey Pulsha, who were present in the palace of culture of railway workers during the arrest of the presidential candidate Aliaksandr Kazulin. Later photo correspondents Syarhey Gryts ("**Associated Press**"), Vasil Fiadosenka ("**Reuters**") and Julia Darashkevich ("**Nasha Niva**") were arrested near Kastychnitsky department of interior, where Kazulin was brought. They were soon released.

Later on the same day near Kastychnitsky department of interior police detained the correspondent of "**Komsomolskaya Pravda v Belorussii**" Aleh Ulevich, journalist of "**Belgazeta**" Dzmitry Brushko and employee of Kazulin's press-service Andrey Maksimau. The journalists witnessed the conflict when law enforcers pushed away Kazulin's supporters. During the detention Aleh Ulevich was hit in the face. He was taken to a hospital, where a craniocerebral trauma and nose bones fracture were diagnosed. On March 2 Aleh Ulevich submitted a statement on the fact of his beating to police.

"**Belgazeta**" photo correspondent Dzmitry Brushko was released almost immediately after he was brought to Leninsky department of interior together with other detained people.

On **March 3** the chairman of Homiel branch of the Belarusian Association of Journalists Anatol Hatouchyts was summoned to Homiel regional Prosecutor's Office and issued an official warning. The journalist was charged with violation of Article 9 of the Rules of professional activity of foreign mass media correspondents in Belarus, and Article 40 of the Law on press and other mass media.

In the Prosecutor's Office A.N. Eliseeu, chief of department of general supervision, has acquainted A. Hatouchyts with the complaints of the assistant head of administration of Savetsky district of Homiel N.I. Maloy and deputy head of Tsantralny interior department S.M. Efimenka that their answers to the journalist's questions on the phone were aired on **Radio Liberty**. The journalist explained that he warned the specified people about the use of a tape recorder. Besides, Mr. Hatouchyts informed that the management of **Radio Free Europe/ Radio Liberty** had repeatedly (in September, 2005 and in January, 2006) submitted requests of his accreditation to the Ministry of foreign affairs of the Republic of Belarus, but in both cases there was no official written answer.

Anna Gorozhenko during a live broadcast from Minsk. The arrest took place during a live broadcast from the meeting of the presidential candidate Aliaksandr Milinkevich with voters. The journalist was taken to Frunzensky Interior department and released only after interference of the Ukrainian Consul, although she had an official accreditation in the Belarusian Foreign Ministry. During the detention the camera of the **Channel 5** and a microphone were damaged, As has radio Liberty quotes Anna Gorozhenko as saying. According to the journalist, police employees who were arresting her, offended her and other members of TV crew.

On **March 13** in Minsk unknown people detained the Hrodna journalist Andzej Pachobut, chief editor of the magazine "**Magazyn Polski**" na uchodztwie". The journalist was detained during a telephone interview that he gave to the correspondent of the Internet - resource pahonia.promedia.by. As it was later found out, Andzej Pachobut was detained by KGB officers. The journalist was first delivered to the central KGB headquarters and later taken to Hrodna. On **March 14** the judge of Leninsky district court of Hrodna Natalia Kozel recognized the journalist guilty of petty hooliganism and sentenced him to 10 days of administrative arrest. He was charged with obscenities in front of the building of investigation

department of Hrodna regional police. In protest against the verdict the journalist announced a dry hunger-strike.

Andzej Pachobut came to Minsk to gather material for publications in the influential Polish editions "Gazeta Wyborcza" and "Rzeczpospolita".

On **March 14** at night Belarusian border guards without explaining the reasons forced the journalist of the Ukrainian "Channel 5" Andrey Zhigulin and cameraman Vitaly Doroshenko to leave the train going from Kiev to Minsk. According to the web-site of the broadcasting company "**Channel 5**" (<http://5tv.com.ua>), employees of the **Channel 5** had a permission of the Ministry of Foreign Affairs of Belarus for realization of professional activities in Belarus during the presidential elections. The border guards took away the journalists' passports and accreditation cards, kept them for two hours at the border, then returned the documents and put them on a return train from Minsk to Kiev.

On **March 15** Hrodna police detained Andzej Pisalnik, chief editor of the newspaper "Glos znad Niemna" v Emihracii". On the same day the court has recognized him guilty of obscene language (petty hooliganism, Article 156 of the Administrative Code) and sentenced him for 5 days of administrative arrest. On **March 20**, on the day of his release, Andzej Pisalnik was detained at Lenin Square in Hrodna, where he went to cover a street rally appointed to 16.00. On **March 21** the journalist was sentenced to 12 days of administrative arrest for participation in an unauthorized street action (Article 167-1 of the Administrative Code).

On **March 15** Viktor Yarashuk, chief of Pinsk correspondent bureau of the non-state newspaper "**Miastsovy Chas**" (LLC "Publishing house "Intex-Press") was detained by police. On the same day the Court of Pinsk sentenced him to 5 days of administrative arrest, having charged him with petty hooliganism (Article 156 of the Administrative Code). Viktor Yarashuk was a close confidant of the oppositional presidential candidate Aliaksandr Kazulin. In total five activists of headquarters of A. Milinkevich and A. Kazulin were arrested in Pinsk on March 15). On **March 20** Viktor Yarashuk was released from the pre-trial jail of Pinsk municipal department of interior. However, on **March 22** he was detained again, and on **March 23** he was sentenced to 6 days of administrative arrest according to the same Article of the Administrative Code. The journalist was accused of obscene language and resistance to police).

On **March 17** police in Vaukavysk detained Andrey Shantarovich, editor of the independent newspaper "Mestnaya Gazeta". He informed his friends on the phone that he was delivered to a police station, after which the connection with him has broken. In the morning of the next day the Vaukavysk district court sentenced the journalist to 3 days of administrative arrest, allegedly for petty hooliganism (Article 156 of the Administrative Code) – using obscene language in conversation with the chief of department of Smarhon regional department of interior.

In **April** it became known, that after his release Andrey Shantarovich had left for Ukraine. Having contacted BAJ press service from abroad, he told that during the three days (from March 18 till March 21), which he spent in the pre-trial jail allegedly for hooliganism, he was all the time intimidated, and after he was released his apartment was watched. With huge difficulties he had managed get out of his house and to leave the country.

On **June 14** Andrey Shantarovich asked for political asylum in Ukraine. The application of the journalist for granting of the status of the political refugee was accepted by the department of national minorities and migration of Kharkov regional administration.

On **March 17** in Minsk Ivan Roman, non-staff correspondent of the newspaper “**Salidarnasc**” and activist of the independent trade union REPAM was arrested in Minsk. The arrest was performed in the REPAM office by people in plain clothes. During the weekend neither the colleagues nor relatives could find out where the journalist was. Only on **March 20** Ivan Roman called and told his colleagues, that all this time he was in Lida. According to the journalist, on March 17 he was kept until the evening in Pershamaisky Interior department of Minsk, where an unknown man in plain clothes periodically approached him, put a pistol to his head and threatened him. At about 20.00 Ivan Roman was transported in the police car from Minsk to Lida and placed in a pre-trial jail. On **March 20** the court fined him 2 basic units, allegedly for obscene language (Article 156 of the Administrative Code – petty hooliganism).

On **March 23** Ivan Roman was again detained in Hrodna. He was stopped by police after a meeting with Anatol Hatsko, head of the regional headquarters of A. Milinkevich. On the same day the court of Leninsky district again recognized the journalist guilty of petty hooliganism and sentenced him to administrative arrest for 13 days.

On **March 18** employees of the Homiel transport department of interior detained three students from Russia – Alexandr Golmakov, Alexey Novoselov and Andrey Khachaturov, who had IDs of correspondents of the Russian newspaper “Pravoye Delo”, when they were getting of the train. Several hours later Dmitry Volov, who also had IDs of correspondents of the Russian newspaper “Pravoye Delo”, was also detained. They have spent more than 5 hours in the police department, where they were searched and warned, that their presence in Belarus was undesirable. After that the young people were accompanied to the train station and put on a train Homiel – Novozybkov (Bryansk region, Russia). According to the journalists, on March 19 they intended to cover voting at Homiel polling stations.

On **March 19** police with machine guns and KGB officers stormed the apartment of A. Shein, representative of press-group of the presidential candidate Aliaksandr Milinkevich. They carried out a search and took away some personal things. On **March 21** Maskouski district court of Minsk recognized A. Shein guilty of violating Article 156 of the Administrative Code (petty hooliganism) also sentenced him to 5 days of administrative arrest.

On **March 20** Ihar Bantser (correspondent of the newspaper “**Glos znad Niemna**” v **Emihracii**”) and Aliaksiej Rads (administrator of the site [www.forum.grodno.net](http://www.forum.grodno.net)) were detained in Hrodna. On **March 21** Leninsky district court of Hrodna recognized them guilty of violating Article 156 of the Administrative Code (petty hooliganism) and sentenced both of them to 10 days of administrative arrest.

In night from March 20 to March 21 Olga Demchenko, correspondent of the newspaper “Odnako”, was detained near Kastychnitskaya Square (venue of gathering of opponents of authorities during 2006 presidential elections) in Minsk. In the evening of March 21 Kastychnitsky district court of Minsk held her guilty of participation in an unauthorized event (Article 167-1 of the Administrative Code) and ruled to collect from her a fine in the amount of 20 basic units.

The morning of **March 21** the chief editor of the newspaper “Nasha Niva” Andrej Dynko was arrested in Minsk. He was detained when he got off the bus on Kastychnitskaya Square, where the tent camp was built. During the whole day the whereabouts of Andrej Dynko were unknown.

On **March 22** Savetsky district court of Minsk found Andrej Dynko guilty of petty hooliganism (Article 156 of the Administrative Code) and sentenced him to 10 days of administrative arrest. The judge Elena Krajchyk recognised as convincing the testimonies of policemen, who declared that the chief editor of “Nasha Niva” was walking on Kastychnitskaya Square and cursed, not reacting to “numerous remarks of police”. At the same time, the judge completely ignored the testimonies of the journalist’s colleagues Veranika Dzyadok and Ales Kudritski, who unanimously declared, that the journalist was jostled back in the bus, as soon as he got off, so he simply did not have time to do the things he was accused of.

Late in evening of **March 21** Zmitser Hurnevich, non-staff correspondent of the Belarusian Service of **Radio Polonia** who made reports from Kastychnitskaya Square – the venue of gathering of the opponents of authorities during 2006 presidential elections, was detained in Minsk. Zmitser Hurnevich was taken to Frunzensky interior department of Minsk and then sentenced to 10 days of administrative arrest for petty hooliganism (Article 156 of the Administrative Code).

On **March 21** the journalist of the independent newspaper “**Belarusians and Market**” Vadzim Alexandrovich was detained in Minsk. On **March 22** Zavadski district court of Minsk charged him with participation in the unauthorized street action (Article 167 of the Administrative Code) and sentenced him to 10 days of administrative arrest.

In the evening of **March 21** the press photographer of the independent newspaper “**Vitebsky Kurier M**” Siarzhuk Serabro was arrested in Vitebsk. He was among 15 detained participants of the street protest action in the city centre. Together with other detained people the journalist was brought to Kastychnitsky district interior department of Vitebsk, where they made a protocol on participation in the unauthorized street action. On **March 22** the court acquitted the photojournalist, having recognized, that he performed his professional duties.

In the night of **March 22** in Minsk police detained Andrej Lyubka, correspondent of the Ukrainian newspaper “**Karpatsky Golos**”. On the same day the court of Frunzensky district of Minsk sentenced him to 15 days of administrative arrest for petty hooliganism (Article 156 of the Administrative Code). The journalist covered post-election protests at Kastychnitskaya Square. During hearings in court Andrej Lyubka said that the people who detained him, spat into his face, offended his national dignity and dignity of the President of Ukraine.

In the evening of **March 22** the journalist of Barysau newspaper “**Offside**” Siarhei Salash was detained in Minsk. On **March 23** Pershamaisky district court of Minsk found him guilty of petty hooliganism (Article 156 of the Administrative Code) and sentenced him for 13 days of administrative arrest.

On **March 23** Iryna Lavrouskaja, journalist of the independent newspaper “**Brestsky Kurier**” was detained near Kastychnitskaya Square in Minsk. On the same day Kastychnitsky district court of Minsk fined her 2 basic units for petty hooliganism (Article 156 of the Administrative Code). The court verdict, which Iryna showed to BAJ employees said that she “was swearing with obscene language” and “did not react to the remarks of police employees”, thus violating public order.

On **March 23** regional correspondent of **Radio Deutsche Welle** Vital Vasilkou, accredited in Belarus, was arrested in Mahileu. The detention took place 15 minutes before departure of the train he was planning to take from Mahileu to Minsk. The journalist had an

ID of **Deutsche Welle** correspondent; Nevertheless, a protocol on an administrative offence was filed. On the same day Leninsky district court of Mahileu sentenced him to 7 days of administrative arrest for petty hooliganism (Article 156 of the Administrative Code).

In the morning of March 23 journalists and BAJ members Alena Lukashevich and Anton Taras were detained near Kastychnitsky Square in Minsk. Their whereabouts were unknown until 14.00. Only after that time it surfaced that they were in the pre-trial jail on Akrestsina Street.

On **March 24** Leninsky district court found A. Taras guilty of petty hooliganism (Article 156 of the Administrative Code) also sentenced him to 11 days of administrative arrest. On the same day Kastychnitsky district court of Minsk found Alena Lukashevich guilty of violating the same Article 156 and fined her 2 basic units.

On **March 23 - March 24** during liquidation of the tent camp on Kastychnitskaya Square in Minsk police arrested a number of journalists of Belarusian and foreign media. Among the Belarusian journalists detained at the square were the correspondent of the web site of the NGO Assembly ([www.belngo.info](http://www.belngo.info)), publisher and editor of the unregistered newspaper "**Horatski Vybar**", employee of Horki non-state newspaper "**Regionalnyje Vedomosti**" Eduard Brokarau; correspondent of the Internet resource [www.ucpb.org](http://www.ucpb.org) (UCP web-site) Vadzim Kaznachejeu; freelance journalist, non-staff author of the magazine "**Asveta I Adukatsyja**", author of "March Diaries" in the Live Journal (<http://bullochka.livejournal.com/186406.html>) Darja Kascenka; freelance journalist, former non-staff employee of "**Novaja Gazeta Smorgoni**" Svetlana Stankevich; freelance journalist and BAJ member Tacyana Vanina and journalist of the newspaper "**Nasha Niva**" Artsiom Liava. The courts considered their cases from March 24 to March 27. The journalists were accused of violating Article 167, Part 1 of the Administrative Code (violating the order of holding a mass event) or Article 156 of the Administrative Code (petty hooliganism). Eduard Brokarau was sentenced to 10 days of administrative arrest; Vadzim Kaznachejeu - 10 days; Darja Kascenka - 10 days; Svetlana Stankevich - 8 days; Tacyana Vanina - 10 days and Artsiom Liava - 15 days.

Among the journalists of foreign mass media detained on the square were: chief of the Russian news agency "**Prima-News**" Alexandr Podrabinek (15 days of arrest), correspondent of the same agency Tatyana Snitko (fine - 30 basic units), representatives of the Russian newspaper "**Pravoye Delo**" Oleg Kozlovsky and Eduard Glezin (15 days of arrest), correspondent of the Polish newspaper "**Gazeta Wyborcza**" Veronika Samolinska (10 days of arrest) and journalist of the Canadian newspaper "**La Presse**" Frederic Levois (15 days of arrest). All of them were charged with violating Article 167 of the Administrative Code (participation in an unauthorized action) or Article 156 of the Administrative Code (petty hooliganism).

On **March 24** in Minsk KGB officers detained the TV crew of the **Public TV of Georgia**. Nino Giorgobiani and Georgy Lagidze were arrested when recording interviews with the people, whose relatives were detained on the Kastychnitskaya Square. After detention they contacted their managers on the phone and told them that they were approached by "employees of a security service" and asked to present their registration documents. Although all the necessary documents were in place, the journalists were still detained "for clarification of the situation". On **March 27** Sovetsky district court of Minsk sentenced the journalist Nino Giorgobiani to 5 days of arrest and cameraman Georgy Lagidze - to 15 days of arrest, having charged them with petty hooliganism (Article 156 of the Administrative Code).



On **March 24** on Kastychnitskaya Square in Minsk police detained the correspondent of the French newspaper "**Liberation**" Lorain Mileu. On the same evening the journalist was released.

On **March 24** Aliaxei Salej, Hrodna journalist working for the web site [www.pahonia.promedia.by](http://www.pahonia.promedia.by) was arrested in Hrodna at the railway station, when he was going to Minsk. He was taken to Leninsky district department of interior, where he was held until the trial. On **March 27** the court found the journalism guilty of petty hooliganism (Article 156 of the Administrative Code) and sentenced him to 6 days of administrative arrest.

On **March 24** police in Hrodna detained journalist Iryna Charnjauka, who was also going to Minsk. She was taken by car to Deviatouka police station, where she was "advised not to go anywhere", and then released.

On **March 24** late in evening Valery Schukin, journalist of "**Narodnaya Volya**" newspaper was arrested in Vitsebsk when he was going to leave for Minsk. The official reason of the detention was obscene language in a public place. One day prior to the arrest, on **March 23**, Valery Schukin was released after 7-days of the previous administrative arrest, also for petty hooliganism under, following the suit of a chairman of an election commission, where the journalist was accredited as observer.

On **March 25** the head of Department of special projects of the "**First Channel**" (Russia) Pavel Sheremet was arrested during the street rally in the centre of Minsk. Mr. Sheremet was detained on Lenin Street in Minsk during the rally on the Day of Freedom. As the journalist informed later, "it was a violent detention in a very tough form": "I was grabbed, thrown in a minivan in handcuffs, they pulled a hat on my head and started to beat me, saying "we won't beat in the face". According to the journalist, he was brought to Centralny district department of interior, where they made a protocol that he was involved in petty hooliganism: he swore, offended police employees and the head of state. Operatives Strohanou and Baravikousky appeared as witnesses in the protocol. After that at his own requirement Pavel Sheremet was taken to Minsk municipal hospital of infectious diseases, where bilateral pneumonia was diagnosed. On **March 26** the press service of the Ministry of Interior informed that the journalist was transported to a pre-trial jail on Akrestsina street. On the same day he was released on condition that he would leave Belarus.

On **March 25** police in Minsk arrested Paval Mazheika, press-secretary of the ex-runner up in the presidential elections Aliaksandr Milinkevich. He was taken to Centralny district interior department of Minsk, where, according to Paval Mazheika, he was informed about the intention to launch a criminal case against him – allegedly for resistance to police employees. In the police station Paval Mazheika had to give explanations and later released.

On **March 22** the Belarusian Association of Journalists wrote an address (<http://www.baj.by/news/?id=291>) to the public prosecutor of Hrodna region and to the heads of departments of interior of Hrodna region in connection with numerous detentions of journalists: in particular, Andzej Pachobut, Andzej Piscalnik, Ihar Bantser, Aliaxei Rads, Ivan Roman and Andrey Shantarovich. BAJ demanded to appeal the court decisions, according to which the journalists were sentenced to administrative arrests, and to carry out service investigations of actions of law-enforcement bodies.

On **April 13** BAJ received the answers from the interior department of Hrodna region executive committee and administration of Leninsky district of Hrodna, which stated that the rights of the journalists were not violated and that the sanctions against them were lawful.

According to the letters “no violations of the legislation were revealed in the actions of police employees during detention and writing of administrative protocols”.

On **March 24** BAJ sent a complaint (<http://www.baj.by/news/?id=270>) to the Interior department of Minsk Municipal Executive Committee and Minsk Prosecutor’s Office about violations of the rights of journalists, detained in late March. On **April 12** the journalists watchdog received a letter from deputy head of the Interior department of Minsk Municipal Executive Committee A. Naidzenka. He did not consider, that the rights of the journalists detained and placed in the pre-trial jail on Akrestsina Street in late March, were violated, and assured that all people detained from March 21 to March 24 were placed in the pre-trial jail only in case of presence of all the necessary documents. As he said, the jail administration within one day informed the relatives of detained people, who agreed to submit the information on them. (Meanwhile, relatives and fellow journalists could not find out the whereabouts site of some journalists for more than one day).

Minsk Prosecutor’s Office, having considered the BAJ complaint, has not found any grounds for taking any measures either. The letter signed by the senior assistant Public Prosecutor of Minsk Mr. Syamionau, which BAJ received on **April 17**, almost fully duplicates the letter from the Interior department of Minsk Municipal Executive Committee.

On **April 17** in a forest near Minsk BAJ organised an informal meeting of Belarusian journalists who were subject to administrative punishment in the end of March. The meeting with the symbolical name “**Pasiadzelki-2006**” gathered about two dozens media representatives from different regions of the country. The statements of official structures concerning their fulfilment of all requirements to conditions of detention did not coincide at all with the memoirs of those who were sentenced to administrative arrest. For instance, according to Tacyana Vanina, her relatives learned about her destiny and her whereabouts only on the third day.

Correspondent of the Russian newspaper “**Kommersant**”, Belarusian journalist Vadzim Dounar, was arrested **April 21** in the centre of Minsk on Karl Marx Street by people in plain clothes. Later they turned out to be employees of presidential security. Having checked his documents, they called for a police truck, and Vadzim was delivered to Leninsky district interior department. The journalist was kept in the police station for several hours. The investigator who arrived later filed a report charging him with being drunk, offending the head of state and shouting out anti-government slogans. After this Mr. Dounar was put back to the cell, his belt and shoelaces were confiscated. Some time later he was shown a different protocol, in which he was charged with cursing (Article 156 of the Administrative Code – petty hooliganism). Then the journalist was released and obliged to come to court several days later.

On **April 28** the judge of Leninsky district court postponed the hearings and sent materials of the case for elaboration to Leninsky district interior department. It was discovered in court that the materials in police reports and in the protocol were contradicting. The former pointed to an article of the Criminal Code, and the latter – to an article of the Administrative Code. On **June 21** Leninsky district court of Minsk fined Mr. Dounar 31 thousand roubles for petty hooliganism.

On **April 25** two journalists of the independent newspaper “**Bobruisky Kurier**” Mikita Bycenka and Yury Svetlakov were detained in the street by employees Leninsky district police department of Babruisk. The journalists taken to the municipal pre-trial jail, where they were kept until 13.00 of the next day. The journalists were charged with petty hooliganism (obscene language). The hearings were scheduled for **April 27**, but the judge postponed them,

after almost a half of witnesses on the part of police didn't come to the trial. On **May 3** the court of Babruisk closed the administrative case against the journalists. The judge ruled that police had not presented sufficient proof in court and had not ensured the presence of its witnesses. The detention took place on the eve of departure of the correspondents to Minsk for covering in the "Chernobyl Path" protest rally.

Journalists Natalia Valakida (**UCP press service**) and Taccyana Snitko ("**Nasha Niva**", "**Prima News**") were detained on **May 4** during a break in the hearings of the case of the youth activist Artur Finkevich held in Pershamaisky district court of Minsk. The journalists were held in Pershamaisky district police department for about half an hour and then released.

On **May 10** most journalists who came to the hearing of the same case were not allowed to enter the court building. The guards of the court quoted personal instruction of the judge Victoria Zaitsava. Besides, a man in civilian clothes filmed everyone who gathered in front of the court building on video.

In the evening of **May 4** press photographers of the news agencies "**Associated Press**" and "**Reuters**" Siarhei Gryts and Vasil Fyadosenka were detained near the railway station in Minsk. They were present at the railway station to cover a flash mob, which has not taken place, probably due to a heavy presence of police. The correspondents were held in the railway station police department for about half an hour and then released without any explanations.

On **June 18** the press photographer of the independent newspaper "**Vitebsky Kurier M**" Siarzhuk Serabro was detained in Vitsebsk. The correspondent did a photo report from the action of planting of the national white-red-white flag on the lighting tower in the city centre. Police deleted all photographs from the action and some previous pictures of the photographer. On the same day chief of Kastychnitsky Department of Interior of Vitsebsk Aliaxei Shahovich ruled to collect from the journalist 16 thousand roubles (about 8 Usd) as a fine for petty hooliganism (Article 156 of the Administrative Code). Both the court and chief of the Department of Interior could consider this case. Since the journalist had to wait for the judicial consideration of his case in the pre-trial jail, he agreed, that his case was consider by police.

On **August 17** law enforcers in Hrodna detained the chief editor of the magazine "**Magazyn Polski**" v Emihracii" Andzej Pachobut. On **August 22** the court found him guilty of petty hooliganism and sentenced him to 10 days of administrative arrest. The case was initiated following the suit of the management of the TV and Radio Company "Grodno" (National State TV and Radio Company), which believed that on August 15, on the Day of the Polish Army, Andzej Pachobut interfered with the work of the cameraman of the company on a cemetery. Over 20 witnesses on this case stated, that on the Day of the Polish Army the hooliganism was rather on the part of the cameraman of the regional TV, who walked on the tombs of soldiers during the shooting. The journalist Andzej Pachobut and his colleagues asked the unknown man with the camera which organization he represented, but the cameraman did not answer. There were a lot of people among the participants of the event who were discontent with it, and so Andzej Pachobut covered the camera lenses with his body.

On **August 31** police in Babruisk detained 11 journalists, who covered the action of protest of the deputy of the local municipal council and teacher of history Aliaksandr Chyhir against termination of his working contract for his public activities. Among the detained journalists were Siarhei Pulsha (**BelaPAN**), Elena Yakzhik ("**Salidarnasc**"), Halina Abakunchyk (**Radio Liberty**), Julia Darashkevich ("**Nasha Niva**"), Ihar Hadzko and Volha

Marjasina (“**Bobruisky Kurier**”) and Valery Liaukou (“**Trud**”). The media representatives were warned that they were detained for personal identification and delivered to Babruisk municipal police department. Approximately three hours later, after “preventive conversations” with some of them, the journalists were released. Some of the photographs that they made were erased.

On **September 12** BAJ addressed the regional and district police authorities with the requirement to hold responsible the police employees who violated the rights of journalists and the Belarusian legislation on mass media during Aliaksandr Chyhir’s protest action.

On **September 28** journalists of the independent newspaper “**Bobruisky Kurier**” Ihar Hadzko and Volha Marjasina were summoned to the municipal police department of Babruisk as witnesses on the fact of detention of journalists. The investigation of this fact was performed by the same department of protection of public order and prophylactics of the Interior Department of Babruisk municipal executive committee, which employees had carried out the detention. The inspector has written down the explanations of the journalist in the protocol, but has not allowed her to look at the materials of the case.

On **October 11** BAJ received a reply to its inquiry in a letter from police management of Babruisk municipal executive committee, which stated that the rights of the journalists were not violated on August 31. According to them, the journalists were invited to the assembly hall of the police department “with the purpose of their objective informing” and could leave the police building at any time and that their equipment was not taken away from them.

On **October 30** BAJ received a letter from the Department of Interior of Mahileu regional executive committee, saying that on the basis of request from the Leninsky district Prosecutor’s Office of Babruisk they carried out an inspection, as a result of which the fact of illegal detention of the journalists was not established.

On **September 14** riot police in Mahileu detained the press photographer of the newspaper “Nasha Niva” Julia Darashkevich. The arrest took place during the riot police raid against a group of youth activists, who gathered in a court yard of a private house. The journalist and the youth activists (about 20 people) were taken to Leninsky district police station. Julia Darashkevich was at once summoned by senior corporal Audzejeu, who demanded that she deleted the photographs from the camera, motivating it by saying that it is forbidden to shoot riot policemen. After the journalist did it, she was kept in the police department for about two more hours.

On **November 3** one of the publishers of the unregistered newspaper “**Nash Mahileu**” Andrus Dvihun was detained in Mahileu. In the city centre he was approached by two men in plain clothes, who introduced themselves as employees of Leninsky district Department of interior, and said that he looked similar to a criminal, who recently made a theft. On this basis he was detained and accompanied to a police department. In the bag, which Andrus Dvihun had the policemen found a part of circulation of the first issue of the newspaper “**Nash Mahileu**”. All copies were confiscated “for clarification of circumstances”, which was marked in the protocol. The first issue of the newspaper was published on **October 30**. The circulation of the newspaper is 299 copies.

Photo reporters Julia Darashkevich (“**Nasha Niva**” newspaper), Syarhey Gryts (**Associated Press**), Vasil Fedasenka (**Reuters**) and Aliaxei Matsiushkou (“**Obozrevatel**” weekly) were arrested **November 16** in Minsk at the railway station during dispersal of the action dedicated to the Belarusian Solidarity Day. The journalists were taken to a police

department. Law enforcers checked their documents and released them saying it was forbidden to take photos at the territory of the railway station without a special sanction.

On **November 16** in Vitebsk during the action on the Belarusian Solidarity Day police detained and took to a police station the journalist of **Radio Racyja** Vadzim Barshcheusky. He was kept in the Kastychnitsky police station for about an hour, where policemen checked his identity and asked questions about the purpose of his presence at the action. Then the journalist was released without drawing up of the protocol.

On **November 24** Ivan Roman, correspondent of the newspaper “**Tovarisch**”, was detained in Hrodna. The journalist made photographs of the action of Catholic believers protesting near Hrodna regional executive committee against a ban on construction of a Catholic church. In the police department the policemen informed the journalist that he was detained for identification of personality. A bit later the journalist was released.

On **December 12** two plain-clothed men in Hrodna arrested in the street Aliaxei Salej, journalist of the magazine “**Magazyn Polski**” v **Emihracii**”. He was taken to Leninsky district police station, he was told that he was arrested for using obscene language and resistance to police (Article 156 of the Administrative Code – petty hooliganism). On December 13 Leninsky district court punished A. Salej by 7 days of administrative arrest. The judge N. Kozel has rejected the request to invite witnesses on the journalist’s side.

## **Warnings of the Prosecutor's Office and the Ministry of Information**

On **January 16** Alyaxandr Dzergachou, publisher of the bulletin "**Nash Smarhonski Kraj**" was summoned to Mikola Malinousky, public prosecutor of Smarhon district, to get acquainted with the prosecutor's warning. The document said, that with the purpose of prevention of a possible violation of the law Alyaxandr Dzergachou is warned about inadmissibility in further violations of the Law "On press and other mass media", electoral legislation and other laws of the Republic of Belarus. The bulletin published by Dzergachou covered the elections campaign and contained reprints from other printed editions.

On January 20 Krupki district Prosecutor's Office issued an official warning to Andrey Klimau, deputy of the Supreme Soviet of the 13<sup>th</sup> convocation, warning him about inadmissibility of violating Belarusian legislation. The reason for the warning was his interview to the web-portal [www.euramost.org](http://www.euramost.org) entitled "They Often Ask Me About Milinkevich" (<http://www.euramost.org/index.php?artc=4983>). According to the Prosecutor's Office, Klimau roughly violated Belarusian legislation by speaking on behalf of the unregistered "Andrey Klimau's Movement" and calling for mass resistance actions. The warning was signed by the Prosecutor Ihar Chernel. The Prosecutor stressed that the Criminal Code envisages responsibility for organisation and preparation of actions which roughly violate civil order or for active participation in these actions, as well as for discrediting the Republic of Belarus.

On **January 26** the editor of the magazine "**Magazyn Polski**" na uchodztwie" Andzej Pachobut was summoned to the regional Prosecutor's Office, where he was informed about realization of an expertise of the information in two issues of his edition. The Prosecutor's Office was interested whether he was the author of the publications in the magazine and why there was no dateline in the edition. Andzej Pachobut refused to give explanations. An employee of tax inspection present in the Prosecutor's Office asked whether Polish journalists helped him to pay the penalty in the amount of 5,1 million roubles imposed on him in 2005 for participation in unsanctioned picketing in support of the newspaper "**Glos znad Niemna**" u Emihratsii".

On **August 16** Andzej Pachobut was asked similar questions during interrogation in the Department on fighting economic crime of Leninsky district department of interior of Hrodna. The investigator was interested in two questions: who and how funds publishing of the magazine and whether the Polish journalists really passed money to Mr. Pachobut to pay the penalty for participation in the picketing. The journalist has taken advantage of the right to not testify against itself and refused to give testimonies.

On **January 31** the chief editor of the newspaper "**Glos znad Niemna**" v Emihracii" Andzej Piscalnik was summoned to the Senior assistant Public prosecutor of Grodno region Veniamin Lukjanau. The reason for the call was checking of the publications in the newspaper "**Glos znad Niemna**" v Emihracii" and magazine "**Magazyn Polski**" na uchodztwie", where articles of Andzej Piscalnik were published. The journalist refused to give explanations.

On **February 10** Yury Hlushakou, deputy of the Gomel district council was summoned to Chyhunachny district Prosecutor's Office of Homiel. The assistant public prosecutor Aliaxei Skarahod took his explanations concerning leaflets with caricatures on **state Belarusian TV channels** found in his car. On February 7 police detained Yury Hlushakou

with 11 thousand leaflets. The man who stopped the minivan in which Yury Hlushakou went refused to identify himself. Police made a protocol for violation of Article 172, Part 3 of the Administrative Code (Distribution of printed editions issued in violation of the established order, without dateline, which contents is aimed at causing damage to the state and public order, rights and lawful interests of the citizens).

On **March 3** the chairman of Homiel branch of the Belarusian Association of Journalists Anatol Hatouchyts was summoned to Homiel regional Prosecutor's Office and issued an official warning. The journalist was charged with violation of Article 9 of the Rules of professional activity of foreign mass media correspondents in Belarus, and Article 40 of the Law on press and other mass media.

In the Prosecutor's Office A.N. Eliseeu, chief of department of general supervision, has acquainted A. Hatouchyts with the complaints of the assistant head of administration of Savetsky district of Homiel N.I. Maloy and deputy head of Tsantralny interior department S.M. Efimenka that their answers to the journalist's questions on the phone were aired on **Radio Liberty**. The journalist explained that he warned the specified people about the use of a tape recorder. Besides, Mr. Hatouchyts informed that the management of **Radio Free Europe/ Radio Liberty** had repeatedly (in September, 2005 and in January, 2006) submitted requests of his accreditation to the Ministry of foreign affairs of the Republic of Belarus, but in both cases there was no official written answer.

On **April 24** Syarhey Balay, chief editor of the Navapolatsk non-state newspaper "**Himik**", was summoned to the local Prosecutor's Office to give explanations in connection with the complaints, received from the department of ideology of Navapolatsk municipal executive committee. According to the complaints, the newspaper has autocratically changed the periodicity of publication, published the TV listings without concluding the contract with **BelTA** news agency etc. Certain complaints concerned specific articles, in particular, to publication of sociological poll results about the degree of satisfaction of the townspeople with the work of state structures, and an interview with an opposition presidential hopeful Alyaxandr Kazulin.

On **May 17** Minsk Prosecutor's Office issued an official warning to a prominent Belarusian journalist Iryna Khalip for several articles in the Russian newspaper "**Novaya Gazeta**", covering presidential elections in Belarus and post-election protests. The Prosecutor's Office saw in the publications violation of two articles of the Criminal Code "Discrediting the Republic of Belarus" and "Slander of the President of the Republic of Belarus" and warned the journalist that in case of repeated violations she would be held responsible according to the law.

Violation of Article 369 of the Criminal Code ("Discrediting the Republic of Belarus") is punishable by arrest up to six months or restriction of freedom for the term up to two years. Violation of Article 367 of the Criminal Code ("Slander of the President of the Republic of Belarus") is punishable by a fine, corrective labour up to 2 years, imprisonment or restriction of freedom for the term up to 4 years.

On **May 23** Syarhey Balay, chief editor of the Navapolatsk non-state newspaper "**Himik**", informed that his edition received a warning from the Ministry of information signed **May 12** by the Minister Uladzimer Rusakevich. The edition was charged with publishing a number of advertisements concerning licensed activity without confirmation of the right on realization of such activity by the advertiser (Article 30 of the Law on press and other mass media). According to Syarhey Balay, there was such confirmation in all mentioned

publications, and so the accusations were groundless. The chief editor believes that the initiative to use sanctions against his edition originated from local executive bodies.

On **May 24** Syarhey Chyhryn, deputy chief editor of "**Gazeta Slonimskaja**" was summoned to Slonim interregional Prosecutor's Office, where they requested explanations concerning the article "Public Servants Change, but the City Remains". The article talked about personnel rearrangements among local officials, some of whom considered that the author has offended their honour and dignity. In his explanation Syarhey Chyhryn wrote that he disagreed with the claims presented to him.

On **May 31** the Ministry of information issued warnings to the edition and to the founder of a non-state historical-literary magazine "**Lidski Letapisets**". Both warnings were signed by the deputy minister of information Lilia Ananich. The founder was charged with not informing in time the Ministry of information about the change of periodicity of release of the magazine (Article 11 of the Law on press and other mass media). The edition was charged with printing wrong dates in the dateline in several issues of the magazine (Article 26 of the Law on press and other mass media), and also with failing to send out in time obligatory complimentary copies of the magazine (Article 27 of the Law on press and other mass media).

Local lore, historical-literary magazine "**Lidski Letapisets**" has been published from 1997 with the circulation of 400 copies. The founder of the edition is Varery Sliukin, senior scientific employee of Lida history and art museum. The editor of the magazine is Stanislau Sudnik, (also known as the editor of the newspaper "**Nasha Slova**" published by the Belarusian Language Society).

On **November 16** non-state newspaper "**Nasha Niva**" received a warning from the Ministry of information. The letter signed by the deputy minister of information L. Ananich said that the dateline of the newspaper issues for November "didn't specify a valid address of the edition, in violation of Article 26 of the Law of the Republic of Belarus on press and other mass media". Within 2006 the edition of "**Nasha Niva**" was forced to change its premises and, accordingly, its legal address four times. In each case, as soon as the publisher of the newspaper presented the information on the new legal address to the Ministry of information and the department of justice of Minsk municipal executive committee, the landlords urgently and without explanation of reasons terminated the office rent contracts.

**Note:** On **April 10** Mikhail Tsitsyankou, deputy chair of Minsk municipal executive committee, sent a letter to Andrey Dynko, chief editor of the independent newspaper "**Nasha Niva**", in which he wrote that accommodation of the newspaper "**Nasha Niva**" in the city of Minsk is "inexpedient". According to Tsitsyankou, the reason for this decision was that "by decision of Savetsky district court of Minsk dated March 22, 2006 the chief editor of the newspaper "**Nasha Niva**" was punished by an administrative arrest for the term of ten days". "The decision is final and is not subject to appeal by administrative practice", the letter said.

On the eve "**Nasha Niva**" sent to Minsk municipal executive committee an application for coordination of accommodation of the office space in Minsk on Kalektarnaja Street 20a, room 112 The letter of Mr. Tsitsyankou was a response to this application.

On **December 5** journalists of the independent newspaper "**Gazeta Slonimskaya**" Volha Shinkevich and Mikola Kananovich were summoned to Slonim Interdistrict Prosecutor's office to give explanations concerning their articles (article "Most Of All Granny Nadya Wants to Die" telling about 80-year old Slonim resident Nadzeya Piasetskaya, and article "Ilya Shundrik: "I Have Waited One Month, Then Another One – Nobody is Doing Anything" about the 83-year old veteran of war), where they tell about difficult life of lonely



elderly people in town. The journalists' trouble started after the head of department on work and social protection of the district executive committee Katsiaryna Rutkouskaja sent an appeal with the requirement "to deal with the authors", who allegedly distorted the facts in their publications.

## **Censorship. Interference in professional independence of editions**

On **January 9** the chief editor of the independent political newspaper “**Vitebsky Kurier M**” Uladzimer Bazan was summoned for a conversation to the chief of department of ideology of Vitsebsk regional executive committee Mikhail Kuzmich. The state official expressed discontent about headings of a number of publications, evaluating them as “negative”. When the editor, in his turn, tried to raise the question of refusal of “Belposhta” and “Belsayuzdruk” to distribute the newspaper, the official declared, that it was an internal problem of the companies and advised to deal with it himself.

On **January 11** the field session of the standing committee of the Chamber of Representatives on human rights, national relations and mass media discussed the necessity of creation of “certain legal frameworks for a number of the Internet editions”. The participants of the meeting came to a conclusion that the legislative base regulating the activity of Belarusian mass media is significantly outdated.

**January 19** was the deadline by which the editions of Brest publications had to provide the department of ideological work of the municipal executive committee with specific details about their newspapers. All local editions have received corresponding written orders from the municipal executive committee. In particular, the executive committee was interested in information on the founders of the editions, sources of financing, publishing base and channels of distribution, as well as about the circulation and percent of its return. The questionnaire also contained questions on the financial-economic activity of editions, their technical and material base and major advertizers. The municipal authorities wanted to estimate the “urgency and quality of the prepared materials and their conformity with the editorial policy”. The necessity of receiving this information was explained in the municipal executive committee by preparation for a session of Brest regional executive committee, which would consider the question “On the role of mass media in the formation of single information policy of the region”.

"Belarusian radio and TV is an integral part of state politics and ideology, a powerful channel of communication of the subjects of the society", Alexander Lukashenka declared on **January 26** while presenting awards to employees of state TV and radio channels of Belarus. He sees TV as one of the major tools of realization of political and economic tasks, since it has "a huge resource of influence on the society and processes which occur in it". "The information field of Belarus has been recently exposed to strengthening external influence, but the national system of TV broadcasting is ready to oppose information attacks and to active offensive counterpropaganda actions", A. Lukashenka stated. He noted that the state renders comprehensive support to state mass media. "Only in this manner the authorities can carry out their major functions - to provide political stability and to actively counteract internal and external threats". At the same time he noted that "with certain, not state mass media, we have problems... We know, where and how much money they receive".

On **February 8** the Central Committee for Elections of Belarus ratified a Regulation on the order of use of state mass media during preparation and realization of presidential elections. According to the Regulation, each candidate has a right to publish his/her election program in the newspapers “**Belorusskaya Niva**”, “**Zviazda**”, “**Narodnaya Gazeta**”, “**Respublika**”, “**Znamya Yunosti**”, “**Sovietskaya Byelorussia**” and “**7 Dnej**”, as well as to make two statements on the **First National TV Channel** and the **First Channel of the state radio**. Representatives of the Central Committee for Elections emphasized that the candidates

are free to independently determine the contents of their statements, but they should correspond to the requirements of the Elections Code of Belarus: not to contain propaganda of war, appeals to violent change of constitutional order, violation of territorial integrity of the country, to social, national, religious and racial enmity, insults or slander concerning the officials and other candidates. If these norms are not observed, the mass media has a right to refuse to provide air time, or not to publish the program of the runner-up.

As the chair of the Central Committee for Elections L. Yarmoshina emphasized “electoral legislation does not provide an opportunity of granting space in non-state mass media to the candidates. It is regarded as rendering material assistance to them, which is forbidden by the Law”.

**Note:** On **February 9** the Belarusian Association of Journalists sent an official letter to the chair of the Central Committee for Elections and Referenda of the Republic of Belarus L. Yarmoshina (<http://www.baj.by/news/?id=418>). In BAJ opinion, Yarmoshina’s statement that “granting space in non-state mass media to the candidates would be regarded as rendering material assistance to them, which is forbidden by the Law”, is based on free interpretation of the electoral legislation and contradicts regulations of the media legislation. BAJ emphasizes that Article 33 of the Electoral legislation gives the Central Committee for Elections the right to determine the order of using only state mass media. “Neither the Central Committee for Elections nor its chair have the rights to determine the forms of participation of non-state mass media in the electoral process”, BAJ letter said.

According to BAJ, the question of granting space to the candidates in non-state mass media in general is not regulated in any way by the Belarusian electoral legislation – neither the Electoral Code nor other acts of the Belarusian legislation forbid it, which, according to the basic principle of the law means that they permit it.

In **February** a “black list” of Belarusian journalists - candidates to be included in the list of people banned from leaving Belarus appeared in the Internet: [www.belpropaganda.freewebsites.com](http://www.belpropaganda.freewebsites.com). The list included chiefs, observers and reporters of state TV channels and printed editions, including **First National TV Channel, ONT, ”Sovietskaya Byelorussia”, “Obozrevatel”** and **“7 Dnej”**. The list included V. Matvejchuk, Yu. Azarenok, Yauhen Novikau, Yu. Kazijatka and some others.

In late **January** the Parliamentary Assembly of the Council of Europe adopted a resolution recommending EU to expand the list of Belarusian officials banned from entering EU and to simplify to the maximum the visa regime for regular Belarusian citizens, especially for students.

In **February** vice-chairman of the Lithuanian delegation in the Council of Europe Emanuelis Zingėras declared his readiness to supervise preparation of the list of the Belarusian officials and journalists of official mass media, which most actively propagandize and justify the actions of the Belarusian authorities. It was planned to pass list for consideration of the political authorities of the Council of Europe.

On **March 10 Radio Liberty** distributed the list of people, which EU offered to include in the list of people banned from entering the EU territory. Among about forty people there were surnames of people related to mass media: Syarhey Atroshchanka, publisher of the newspaper “Obozrevatel”, Lilia Ananich, deputy Minister of information and Uladzimer Rusakevich, minister of information of the Republic of Belarus.

On **February 23** The Prosecutor's Office of the Republic of Belarus submitted a note to the Ministry of information with the request to arrange suspension or discontinuance of activity of the non-state newspaper "Zgoda". The reason for this was publication of caricatures on the prophet Mohammed in the issue № 6 dated 18-26.02.2006. The newspaper reprinted on its pages the caricatures which had appeared in the Danish press, having caused protests in the Islamic world and having become the reason of an international row.

According to the head of department of legal support, information and public relations of the Prosecutor's Office of the Republic of Belarus Andrey Shved, the edition of the newspaper "**Zgoda**" admitted rough violations of requirements of Article 5 of the Laws of the Republic of Belarus "On press and other mass media", which forbids the use of mass media for kindling national, social, racial and religious intolerance.

On **February 21** Belarus' Foreign ministry made a statement concerning publication of the caricatures. "The Ministry of foreign affairs resolutely condemns any deliberate actions, which can entail kindling of religious enmity and promote... mistrust between national and religious communities, which live in Belarus", the statement read.

On **February 22** with the sanction of the assistant General Public Prosecutor KGB employees carried out a search in the edition of "**Zgoda**". A criminal case was instituted on the same day according to Part 1, Article 130 of the Criminal Code of the Republic of Belarus (kindling of racial, national or religious enmity). "The criminal case was instituted based on results of inspection carried out by the Republican Prosecutor's Office and KGB. The inspection was carried out on the basis of appeal sent to the law-enforcement bodies by the Committee on religions and nationalities and Moslem communities of Belarus", "Interfax" news agency quotes the Prosecutor's Office of the Republic of Belarus. ([http://www.interfax.ru/r/B/politics/2.html?id\\_issue=11469751](http://www.interfax.ru/r/B/politics/2.html?id_issue=11469751))

During the search law enforcers confiscated system units of computers and other carriers information, some issues of the newspaper and financial documents of the edition. The founder of "**Zgoda**" Aliaxei Karol and deputy chief editor Alyaxandr Sdvizhkov were interrogated by KGB. A search was also conducted in Mr. Karol's apartment. According to Aliaxei Karol, the caricatures were printed without him knowing, the assistant chief editor was punished for these actions, and distribution of the issue with caricatures was stopped.

On **February 23** the Ministry of information issued a warning to the edition of the newspaper "Zgoda" according to Article 5 of the Law "On press and other mass media" for the publication of caricatures on prophet Mohammed. It was the second warning for violation of Article 5 within one year (the first written warning was issued on **November 9**).

On **March 6** the Ministry of information submitted to the Supreme economic court an appeal for discontinuance of activity of the newspaper "**Zgoda**". The writ said that the basis for this appeal were numerous violations by the edition of the requirements of Article 5 of the Law "On press and other mass media". Besides, the ministry asked to suspend the newspaper before the court decision, since during this time "the respondent can roughly violate the requirements of the law on press".

On **March 7** the judge of the Supreme economic court Aksana Mikhnjuk ruled to satisfy the petition of the ministry and to suspend "**Zgoda**" "before the decision was made per se".

On **March 17** the same judge Aksana Mikhnjuk satisfied the appeal of the Ministry of information on discontinuance of activity of the newspaper. Meanwhile until March 17 the term allocated by the law to appeal the warning had not expired yet.

From **February 26** the **First National TV Channel** stopped broadcasting the program "Diletant's Trips", prepared and hosted by the journalist Yury Zhyhamont. The newspaper "**Komsomolskaya Pravda v Belorussii**" quotes the executive producer of the First National TV Channel Alyaxandr Vavilov as saying that the program was uninteresting, since its production company has been recently limited to a narrow geographical circle and was done "on a low production level".

It was the only program, which in the Belarusian language told about the history of Belarusian cities and towns and had many admirers.

The TV address to the voters of the candidate for the presidency Alyaxandr Kazulin, aired **March 2** on the **First National TV Channel**, was censored (the text of the statement was cut by 9 minutes). According to Kazulin's press-secretary Nina Shydouskaja, on March 2 she went to BT to coordinate the text of statement of A. Kazulin, where she was told that some information distributed by A. Kazulin does not correspond to reality or offends honour and dignity of Belarus citizens (in particular, Viktor Lukashenka and Zmitser Lukashenka). The newspaper "**Komsomolskaya Pravda v Belorussii**" quotes the vice-president of Belarusian TV and Radio Company Alyaxandr Martynenka as saying that the initiative group of A. Kazulin could not provide the information, which would confirm the facts presented in the candidate's statement.

Radio statements of the opposition candidates for the presidency A. Kazulin and A. Milinkevich were also aired in the morning of **March 6** by the **First Channel of the National Radio** in the censored version. The 30-minute statement of A. Kazulin was reduced by almost 7 minutes. The election headquarters of both candidates made protest statements.

On **March 15** broadcasting of the TV channel **RTVi** was stopped in the terrestrial and cable networks of "Cosmos TV» in Minsk. According to the official statement on the web site of the cable operator, broadcasting of the TV channel was stopped for technical reasons - in connection with failure of an access card for reception of the TV signal. According to the statement, several days were necessary to purchase a new card. The forum on the site of the TV operator was also closed. The closure was justified by the necessity of software upgrade. The TV channel **RTVi** is part of an international consortium, which since February 2006 broadcasted information TV and radio programs for Belarus financed by EU.

In late **April** a number of editions of Belarusian independent newspapers received official letters from the Ministry of information with the request to provide within three days detailed information on the edition. The ministry required information on the title of mass media, name and surname of the chief editor (head of edition), periodicity of publishing, telephone and e-mail of the edition, web site address, format of the newspaper, circulation of the edition and cost of subscription for one month.

On **May 11** **Radio Liberty** informed that the management of the FM station "Radio Minsk" (founded by Minsk municipal executive committee) closed a popular weekly musical program "Tuzin Hitou", prepared and hosted by Aleh Khamenka, leader of the group "Palats". As the official reason for closing of the program the management quoted its "discrepancy to the plans of further development of the radio station". However, Aleh Khamenka himself thinks that the decision has a political colouring, since the program

featured Belarusian music, popular among the participants of post-election protest actions in Minsk.

On **September 19** the Minister of information Uladzimer Rusakevich issued a written warning to the edition of a not state literary-art and popular-scientific magazine “**ARCHE. The Beginning**” and signed the order on suspension of the edition for the period of three months. Both documents said that having printed articles on political subjects in № 9 (49), 2006, the magazine “**ARCHE. The Beginning**” changed its subjects (specialization), not having informed the Ministry of information in due terms about it for entering respective changes into the registration certificate (violation of Article 5 of the Law “On press and other mass media”).

The formal reason for the sanctions was publication in the section “History” of memoirs about Belarusian political realities in the 90-ies by Syarhey Navumchyk and other deputies of the Supreme Soviet of the 12<sup>th</sup> convocation. According to the chief editor of the magazine Valera Bulhakau, the true reason for suspension was the cover of the Issue No. 9 (49), 2006 (<http://arche.bymedia.net/2006-9/num906.htm>) with the faces of secret service officers pushing protestors from the main avenue in Minsk during the protests on March 25, 2006. The magazine edition appealed to court demanding from the Ministry of information to annul the warning and the order on suspension of the publication.

Preliminary hearings on the case were held **October 18**. On **November 4** the Supreme Economic Court started to consider the case, and on **November 8** the judge Mikalay Maludzin ruled to waive the appeal.

In **December, 2006**, after the three-months term of suspension of the magazine was over, the edition published 3 issues of the magazine at once - №10, №11 and №12.

**Note: On September 26** BAJ sent an appeal to the Minister of information Uladzimer Rusakevich demanding to annul the warning and the order on suspension of the publication. “From our point of view applying sanctions for the contents of a media outlet in case the edition doesn’t abuse the freedom of mass media represents interference with activity and violation of professional independence of the edition. In accordance with the Article 48 of the Law on press and other mass media such actions are classified as attacks on the freedom of mass information”, BAJ appeal says. The media watchdog stressed that “extrajudicial suspension of media activity by an organ of executive authority violates international legal obligations of the Republic of Belarus”, in particular, Article 19 of the International Pact on civil and political rights, ratified by Belarus and other similar rules, stipulated by the CIS convention on the rights and major freedoms of the man.

“Publishing of articles on political topics in any mass media doesn’t yet represent a change in the topics that it covers”, BAJ representatives believe. “Belarusian legislation doesn’t specify which volume of an issue can be dedicated to the materials on certain topics... This is also confirmed by the fact that Article 10 of the Law on press and other mass media stipulates that the founder should specify approximate, and not exact topics and (or) specialisation of mass media in the application for media registration”.

On **October 6** employees of the radio station “**Novoye Radio**” (98,4 FM), founded by the Federation of Trade Unions of Belarus (FTUB) announced on air that begin a strike and addressed to the President of Belarus with the request to protect them from arbitrariness on the part of FTUB management. After that “**Novoye Radio**” played music until the evening, and at 18.00 it was announced that the operation of the radio was suspended. The radio hadn’t worked for a month, its web page has ceased to be updated. At the order of the chairman of

the Federation of Trade Unions Leanid Kozik the state officials responsible for settling the conflict looked for replacement of the radio team. Meanwhile, a number of mass media received at their e-mails a message signed of the dismissed employees of the radio, which named the initiators of “cleansing” in the team. The name of Iryna Kahanets, responsible for public relations in FTUB and supervising the activity of mass media founded by the union, appeared most often in these messages. Ms. Kahanets called these accusations far-fetched and stated readiness to fruitfully work with the new team of the edition.

On the eve of these events, on **September 19**, the employees of the radio station wrote a letter to the chief of FTUB complaining about the actions of the press-secretary of the federation Iryna Kahanets, who, from their point of view, interfered in the activity of the edition. On **October 5** employees of FTUB control and auditing department came to the radio with inspection. They allegedly revealed financial violations admitted by the management of the radio station. Based on the results of the inspection the decision was made to dismiss the general director of the radio station Viktor Gryshanau. In protest against this decision the employees of “Novoye Radio” announced a strike.

On **December 5** journalists of the independent newspaper “**Gazeta Slonimskaya**” Volha Shynkevich and Mikola Kananovich were summoned to Slonim Interdistrict Prosecutor’s office to give explanations concerning their articles (article “Most Of All Granny Nadya Wants to Die” telling about 80-year old Slonim resident Nadzeya Piasetskaya, and article “Ilya Shundrik: “I Have Waited One Month, Then Another One – Nobody is Doing Anything” about the 83-year old veteran of war), where they tell about difficult life of lonely elderly people in town. The journalists’ trouble started after the head of department on work and social protection of the district executive committee Katsiaryna Rutkouskaja sent an appeal with the requirement “to deal with the authors”, who allegedly distorted the facts in their publications.

## **Violations Related to Access to Information (Refusals to Grant Information, Restrictive Use of the Institute of Accreditation)**

Correspondent of the independent newspaper “**Intex-Press**” (Publishing House “Intex-Press”) was denied accreditation in the Baranovichi District Executive Committee. The letter of I. Stselmashok, deputy chair of the executive committee addressed to Uladzimer Yanukevich, director of the Publishing House “Intex-Press”, dated **January 4**, says: “As far as a lot of journalists of locale state media are accredited in the executive committee, we believe it inexpedient to accredit the correspondent of the non-state newspaper “**Intex-Press**”. In case of necessity the journalists of your newspaper will be invited to regional events”

Constitutional Court of the Republic of Belarus refused to consider compliance with the Constitution of the Law “On changes and amendments to certain legislative acts of the Republic of Belarus on the issues on increasing responsibility for actions aimed against human being and public safety”. This was stated in the official reply to BAJ request received **in early January**. In its request BAJ asked to assess compliance of amendments to the Criminal Code (see below) with the Constitution and international legal obligations of Belarus. According to Mr. Maryskin, Deputy Chair of the Constitutional Court, at the moment they received the request the specified normative act hasn't come into legal force yet.

According to BAJ lawyers, at the moment of consideration of the request by the Constitutional Court (the reply is dated **29.12.2005**) the draft law was already signed by A. Lukashenka and came into force before BAJ received the reply.

Note: On December 2 the Chamber of Representatives of the National Assembly adopted in the second reading the amendments to the Criminal Code and Criminal Procedures Code, strengthening responsibility “for the actions aimed against human being and public safety”. The draft law was submitted to the Parliament by Lukashenka with the note “Urgent”. Several new articles were added to the Criminal Code. Article 193-1 (illegal organisation of NGO or a foundation or participation in its activity) stipulates that organisation of NGO or a foundation or participation in its activity, concerning organisations which were suspended or liquidated is punishable by a fine or arrest for the term of up to six months or imprisonment for up to two years. Such prosecution can be used for preparation of people for participation in mass disorders, public appeals to seizing power or forceful change of constitutional order. The appeals addressed to foreign states, foreign and international organisations that “endanger Belarus' foreign security, its sovereignty, as well as distribution of materials that contain such appeals” are punishable by imprisonment for the term of up to three years. In case such appeals are distributed through mass media, it entails imprisonment for the term from two to five years. The article of the Criminal Code “Discrediting the Republic of Belarus” envisages punishment for “granting of deliberately deceitful information on political, economic, social, military or international situation of the Republic of Belarus, legal status of Belarus citizens or authorities to a foreign state, to a foreign or international organisation”. Such actions are punishable by the arrest for the term of up to six months or imprisonment for up to three years. Besides, the draft law envisages possibility of arrest of people suspected of terrorism or involvement in malicious hooliganism for the term up to 10 days before applying the preventive punishment or release by bodies of criminal prosecution.

**On January 12** Syarhey Chygryn, deputy chief editor of the non-state newspaper “**Gazeta Slonimskaya**” and its photo correspondent Taccyana Plahetka were not allowed to attend an event commemorating victims of concentration camps held in a local palace of culture. Syarhey Ragozik, chairman of the local Council of deputies asked Syarhey Chygryn and Taccyana Plahetka to leave the building, motivating his behaviour by the fact that the “regional executive committee is not on friendly terms with the newspaper”. The event was not started until the journalists left the palace of culture.



Homiel regional executive committee “took into consideration” the statement of Homiel municipal branch of BAJ dated **12.01.2006** on stripping **BelaPAN** correspondent Alena Paskannaja of accreditation, a written response signed by the head of department of ideological work of the executive committee Anatol Katsila said. **On January 21**, answering the BAJ request to comment on his response and to inform what exactly will be done to resume normal working conditions for the journalist, Mr. Katsila said he was not obliged to give explanations. The official letter on stripping A. Paskannaja of accreditation, which **BelaPAN** received in **early December 2005** from Pyotr Kirychenka, deputy chair of Homiel regional executive committee, says that this decision was made “due to her violation of the established rules of accreditation”.

The formation of local election committees for 2006 Presidential elections was held in Gantsavichy behind closed doors. Neither the correspondents of a local non-state newspaper “**Gantsavitsky Chas**” (Publishing House “Intex-Press”), nor the citizens elected to the electoral committees could attend the meeting of the regional executive committee held **December 31**, since the authorities kept secret the time of the meeting.

**On February 3** Janina Maslava, journalist of the non-state newspaper “**Gazeta Slonimskaja**” was not allowed to enter the building of the local palace of culture, where nomination of delegates to the Third All-Belarusian Congress was held.

The guard of the palace of culture quoted the instruction of Valery Badzey, head of department of organisation and staff of the executive committee, who ordered not to allow “outsiders” to the building. Janina Maslava asked Valery Badzey to comment on his instruction, but Mr. Badzey refused to talk to the journalist, suggesting that she talked to Anatol Tsyarenin, deputy head of the executive committee. Janina Maslava reminded Valery Badzey that he violated the Law “On press and other mass media”. Mr. Badzey said: “I know I am violating the law, but there is another law, which doesn’t allow me to let you to the event. It is the law of those who have power”.

**On February 14** “**Gazeta Slonimskaya**” photo correspondent Taccyana Plahetka was not allowed to attend the celebration dedicated to the Valentine’s Day in a local palace of culture. The order was issued by Mikalay Adamchyk, the palace of culture director. He said the journalist would not be let in even if she bought the ticket. Taccyana Plahetka wrote a complaint in the book of complaints and proposals of the palace.

Photo correspondents of a number of Belarusian media outlets and information agencies “**Associated Press**”, “**Reuters**”, **ITAR-TASS** and “**France Press**” were not allowed to be present during the ceremony of registration of candidates at 2006 presidential elections held **February 17** in the Palace of the Republic in Minsk. They were told in the presidential press service that during the ceremony photos could be made only by representatives of the official news agency **BelTA**.

**On February 19** Stsyapan Yushkevich, chair of the Holmech village council (Rechytsa district) refused to present information to the independent journalist Iryna Makavetskaya, who gathered material for publication in the independent newspaper “**Narodnaya Volya**”. “I don’t like your newspaper, I like the current authorities, so I won’t tell you anything”, he said. The argument that his actions violate the law “On press and other mass media” didn’t influence upon his decision. The officer on duty in Rechytsa district executive committee told Iryna Makavetskaya that according to the “new rules for journalists” correspondents should inform the executive committee about his intention to meet representatives of local authorities. In particular, if Iryna Makavetskaya wants to talk to the chair of the Holmech village council,

she would have to call in advance Yury Tumilovich, the head of ideological department of the district executive committee.

**On March 1** representatives of “Narodnaya Volya” newspaper were not allowed to enter the press-conference general Stsyapan Sukharenka, the head of KGB. The edition was told in the KGB centre of information and public relations that “there was a small number of mass media representatives there, and not even all state editions were represented”, and offered to read full texts of all speeches at KGB web site. When journalists argued that a press conference is an open event, KGB centre of information and public relations representative told that “it was an administrative building, which didn’t envisage unlimited number of invited journalists”

**On March 9** in the Maskousky district court in Minsk plain-clothed agents used force against press representatives. When Vintsuk Vyachorka was brought into the building, a man in plain clothes violently pushed away all people with tape recorders who wanted to approach him. Vintsuk Vyachorka, a member of Milinkevich electoral headquarters, was detained on March 8.

BAJ press service quotes Yulia Darashkevich, “Nasha Niva” photo correspondent, as saying that plain-clothed agents started to interfere with journalists’ work outside the entrance to the court building, when they covered the cameras with their bodies. Later in the court building, when Yulia Darashkevich was walking along the corridor with the camera, a man in plain clothes strongly hit her with his foot from behind.

According to witnesses, the aggression was aimed specifically against mass media. “Associated press”, “RenTV”, “Nasha Niva”, “Radio Liberty” and other correspondents were present.

**On April 20** the National register of legal acts registered the regulation of the Ministry of Justice “On the order of presentation of information on the workings of common courts in the Republic of Belarus for covering in mass media”. This document introduces stricter regulation of relations between the judges and the press and introduces much more restrictions as compared to the previous rules, which were part of the Law “On press and other mass media” and the Law “On judicial system and the status of judges in the Republic of Belarus”, as well as Codes of Procedures (Civil Procedures Codes, Criminal Procedures Codes, etc.) According to the new instruction, the judge may prohibit to display himself on TV or to publish his photos “to ensure his safety and to prevent possible interference in the court dispute”, may at any moment stop photo or video filming of the trial “when it interferes with the proceedings”, etc. “In case of pressure on the court on behalf of mass media or efforts to produce such pressure” the courts are obliged to immediately inform the ministry of justice. BAJ lawyers noted that this regulation creates grounds for limitations of media activities in courts.

**In late May** BAJ sent a letter to the Minister of Justice V. Galavanau asking to clarify certain positions of this document. In particular, BAJ pointed to the restrictions not stipulated by the Law on press, Criminal Code, Criminal Proceedings Code and Economic Proceedings code.

**On June 19** BAJ received a reply from the Ministry of justice. “Practice shows that in solving the tasks of legal education of population mass media can play (and do play) not only positive, but also negative role”, the official letter from the Ministry of justice says. The necessity of adopting the instruction was justified in the following way: “Media often make

hasty comments about the actions of the bodies of justice and express legally incorrect assessments of the actions of authorities”.

Journalists Natalia Valakida (**UCP press service**) and Taccyana Snitko (“**Nasha Niva**”, “**Prima News**”) were detained **on May 4** during a break in the hearings of the case of the youth activist Artur Finkevich held in Pershamaisky district court of Minsk. The journalists were held in Pershamaisky district police department for about half an hour and then released.

**On May 10** most journalists who came to the hearing of the same case were not allowed to enter the court building. The guards of the court quoted personal instruction of the judge Victoria Zaitsava. Besides, a man in civilian clothes filmed everyone who gathered in front of the court building on video.

**On May 11** Mikalay Dzegtsyarou, the head of inspection of natural resources and environment protection of the city of Slonim and Slonim district refused to provide information to Volha Shynkevich, journalist of the non-state newspaper “**Gazeta Slonimskaya**”. The correspondent wanted to inquire about the inspection’s plans for the next year. The state official replied that he cooperates only with the local state newspaper “**Slonimsky Vestnik**”. The edition of the independent newspaper sent an official request for information to Mr. Dzegtsyarou.

**On May 23** the journalists received an answer from the official. in which he recommended them to take information from the local state paper.

**On June 1** Viktor Anikevich, deputy chief doctor of Gantsavichy district territorial medical enterprise, refused to answer the questions of the newspaper “**Gantsavitky Chas**” correspondent Iryna Damaratskaya. The journalist wanted to discuss with him the issue of prolonged repairs of the ambulatory in the village Vialikija Krugavichy. “I won’t give you any information on these issues”, Mr. Anikevich responded.

**On June 8** Taccyana Yakimenka, correspondent of the independent newspaper “**Vecherny Gomel**”, was not allowed to attend at the jobs fair of youth and students for the summer vacations arranged by Homiel regional employment centre. The fair was widely advertised in local media. The journalist was sent to the employment centre director to ask for permission. The director was busy, and his subordinates “couldn’t take responsibility in this issue”.

**On June 27** it became known that Ruslan Garbachou (Baranavichy), correspondent of the independent newspaper “**Intex-Press**”, was barred from attending a joint meeting of members of local organisations of the two communist parties. According to the journalist, it could happen because the role of the oppositional communist party members was played by people who had quit the party long time ago. The journalist received this information from the current party members.

**On July 5** Alyxander Eliseeu and Nadzeyya Samuseva, officers of Homiel regional prosecutor’s office, refused to provide information to the journalist Anatol Gatouchyts. The journalist wanted to clarify the status of the instruction sent by the prosecutor’s office to the municipal executive committee talking about cruel killing of homeless cats and dogs by the enterprise “**Spetskamuntrans**”. The journalist received answers to his questions only after he personally called the Prosecutor of Homiel region.

**On July 6** militia banned journalists from attending the trial of the former presidential candidate Alexander Kazulin. Before the beginning of the trial the journalists, along with

diplomats, politicians and other people who wanted to attend the trial were met by militia, who cordoned off the entrance. Later relatives, diplomats, defendants and some journalists were allowed to enter. The excuse was a small room. The court waived Kazulin's appeal to allow journalists to record the trial.

**On July 28** journalists were barred from attending the trial of the activists of the unregistered organisation "Partnerstva" Tsimafej Dranchuk, Mikalay Astrejka, Enira Branitskaja and Aliaxandar Shalajka, held in Tsentralny district court of Minsk. The trial was held behind closed doors and the court building was chained off by militia. **On August 4** journalists were admitted to the court room only to hear the verdict to the activists. The judge forbade to conduct video and audio recording.

**On August 23** journalists of the independent newspaper "Miastsovy Chas" (Publishing House "Intex-Press") were barred to attend the reception of Uladzimir Puzyreuski, the President's assistant and Chief Inspector in Brest region held in Pinsk municipal executive committee. The executive committee who organised the reception banned them from entering the hall. He motivated his decision by saying that he doesn't like how the newspaper presents information and covers the executive committee's activity.

On September 1 "**Miastsovy Chas**" journalists were not allowed to cover the opening of Palesky State university in Pinsk with participation of President Lukashenka. Presidential security service banned the journalists from attending the event.

**On September 11** Volha Marjasina, correspondent of the independent newspaper "**Bobruysky Kurier**" was denied information on a road accident in Babrujsk municipal militia department. The journalist contacted militia at request of her edition to clarify information, but Ihar Shalygin, chief inspector of the interior department of the municipal executive committee, refused, quoting a corresponding instruction of the municipal executive committee.

**On September 14** Anatol Sanatsenka, chief editor of the independent newspaper "**Bobruysky Kurier**", found out that authorities refuse to accredit his journalists for the national harvest fest "Dazhynki-2006". He was told so by Mihail Hlamau, employee of ideological department of Mahileu regional executive committee. According to Hlamau, the reason for the refusal was lack of cooperation between the authorities and the newspaper.

**On October 2** Dean of Brest State University Mechyslau Chasnousky refused to provide information to Alena Chev, correspondent of the independent newspaper "**Brestsky Kurier**". The journalist asked how the prices have changed for studies on various faculties of the university. The Dean justified his response by saying that "**Brestsky Kurier**" is not an "economic publication".

**On October 26** managers of Baranavichy communal services company refused to answer the request of the independent newspaper "**Intex-Press**", which forwarded to the company questions from its readers. The request was made **October 18**. Deputy head of the municipal company Volha Kudlasevich, who works with mass media, responded that she was not going to answer the questions of "Intex-Press" because she was busy, adding that her enterprise was cooperating only with the state press.

Photo reporters Julia Darashkevich ("**Nasha Niva**" newspaper), Syarhey Gryts (**Associated Press**), Vasil Fedasenka (**Reuters**) and Aliaxei Matsiushkou ("**Obozrevatel**" weekly) were arrested **November 16** in Minsk at the railway station during dispersal of the action dedicated to the Belarusian solidarity day. The journalists were taken to a police

department. Law enforcers checked their documents and released them saying it was forbidden to take photos at the territory of the railway station without a special sanction.

**On November 24** Denis Ermakov, journalist of the Russian newspaper “**Moskovsky Komsomolets**” was barred from attending the meeting of the Council of CIS heads of state in Minsk.

Several days later – **on November 28** Dmitry Azarov, photo correspondent of “**Kommersant**” newspaper, Natalya Golimova, journalist of “**Moskovsky Komsomolets**” and Alexandr Astafyev, “**Moskovsky Komsomolets**” photographer were barred from a press conference held in the frameworks of the CIS Summit in Minsk. In both cases the decisions were made in the Belarus President’s press service. After this all Russian journalists except correspondents of two news agencies and several TV channels demonstratively left the event in solidarity with their colleagues. On the same day Belarus’ President’s Press Secretary Paval Liohki said that the actions of the Belarusian side were well grounded, since not long before the CIS Summit these publications published “materials and photographs humiliating the head of Belarusian state”.

**On November 29** Nadzeya Samuseva, chief assistant prosecutor of Homiel region for connections with the media, refused to provide information to Anatol Gatouchyts, **BelaPAN** news agency correspondent. The journalist asked for a press release on conclusion of investigation and passing to court of the case against four bandits groups in Rechytsa. The assistant prosecutor said she didn’t know the journalist, so she was not going to give him any information, and suggested him to contact local state newspaper “**Gomelskaya Prawda**” for information.

**On December 14** Valery Lazitsky, deputy chair of Baranavichy municipal executive committee, refused to receive visiting citizens, worried about shooting of homeless pets in Baranavichy, in presence of the correspondent of the non-state newspaper “**Intex-Press**”. The state official demanded that journalist Lyudmila Prakopava left the building, although the citizens insisted that she stayed. On the previous day the readers of the newspaper, worried about inhuman treatment of animals, contacted “Intex-Press” with the request to raise this issue and to find out weather the Law “On treatment of animals” was violated in Baranavichy.

## **Conflicts Related to Reception and Distribution of Foreign Information or Activities of Foreign Mass Media**

On **January 27** video materials shot by the film crew of the Ukrainian TV channel “**Inter**” were confiscated at the Belarusian-Ukrainian border. The reason for confiscation were suspicions that the materials contained subversive information. A representative of the Belarusian embassy in Ukraine was summoned to the Ministry of foreign affairs of Ukraine concerning the incident, where he was handed a note with the request to clarify the situation and to return the video materials to the journalists.

On **February 3** on the Lithuanian-Belarusian border employees of Ashmiany customs house confiscated several copies of the Belarusian magazine “**ARCHE. The Beginning**” (2006, №1-2) and the Ukrainian magazine “**Kritika**” (2005, №11-12), found during examination of luggage of the Belarusian citizen and human rights activist Yury Chausau. The customs officer I. Chaikousky for one hour studied the materials of the discussion “Elections in Satrapy”, published in “**ARCHE**”, and the publication in “**Kritika**” concerning the Belarusian topic. He said that these editions needed to be assessed by a special expert who would define whether they endanger the interests of the Republic of Belarus.

On **February 6** the Belarusian service of **Radio Liberty** reported that Belarus Embassy in Bratislava refused visa to the journalist of the Slovak newspaper “**SME**” Mirek Toda, who was going to cover the presidential elections in our country. According to the Belarusian Consul in Bratislava Antanina Strunevskaja, the Slovak journalist was denied visa, since he applied for an individual visa, although he was going to be engaged in professional activities. She declared that the journalist should have at first received the accreditation at the Ministry of Foreign Affairs of Belarus and promised to revise her decision if he gets it. Meanwhile, according to Mr. Toda, in October, 2005 he went to in Minsk on an individual visa, although in the visa application he marked that he was a journalist of the newspaper “**SME**”.

The journalist does not exclude, that the problems emerged after the publication of his article on the Belarusian subjects: in particular, he wrote about refusals of the Belarusian Embassy to grant visas to representatives of Slovak non-governmental organizations.

Press photographers of the news agencies “**Associated Press**”, “**Reuters**”, **ИТАР-ТАСС**, “**France Press**” and a number of Belarusian media outlets were banned from the ceremony of registration of candidates for Belarus’ presidency held on **February 17** in the Palace of the Republic in Minsk. In A. Lukashenka’s press service they were told that during the registration ceremony the shooting can be conducted only by the employees of the state news agency BelTA.

On **February 19** the correspondent of the Polish newspaper “**Gazeta Wyborcza**” Vaclav Radzivinowich was banned from entering Belarus. Belarusian border guards informed him that he was among the people not allowed to enter the territory of the Republic of Belarus. According to the Polish news agency **PAP**, the journalist had a visa for one year and accreditation at the Belarusian Foreign Ministry, valid until the end of April. The journalist, who was taking a train from Kuznica Byalostocka to Hrodna, had to return back to Poland by the next train. Vaclav Radzivinowich was going to Belarus to gather material for a report on the situation before the presidential elections in our country.

On **March 2** a number of Belarusian and foreign journalists suffered from representatives of law-enforcement bodies during fulfilling their professional duties in Minsk.

In the morning it was a correspondent of “**Reuters**” news agency (Moscow bureau), Russian citizen Dmitry Modorsky, who was present during arrest of the presidential candidate Aliaxander Kazulin. Later two more photojournalists – Siarhei Gryts (“**Associated Press**”) and Vasil Fiadosenka (“**Reuters**”) were arrested near Kastrychnitsky department of interior, where Kazulin was brought. Shortly afterwards they were released.

March 2 representatives of the Ukrainian organization "Pora" were barred from entering the territory of Belarus. Together with them six Ukrainian journalists, who also arrived from Kiev - employees of TV channels “**Tonis**”, “**1+1**” and “**Channel 5**” also faced a threat of deportation. In the airport the Ukrainian delegation was met by four employees of a special purpose unit “Alpha” of Belarus KGB, headed by KGB colonel Aliaksandr Zharsky. The journalists asked him to enter Belarus as regular citizens (without cameras), and the colonel permitted them, Belarusian service of Radio Liberty reports.

On **March 3** the chairman of Homiel branch of the Belarusian Association of Journalists Anatol Hatouchyts was summoned to Homiel regional Prosecutor’s Office and issued an official warning. The journalist was charged with violation of Article 9 of the Rules of professional activity of foreign mass media correspondents in Belarus, and Article 40 of the Law on press and other mass media.

In the Prosecutor’s Office A.N. Eliseeu, chief of department of general supervision, has acquainted A. Hatouchyts with the complaints of the assistant head of administration of Savetsky district of Homiel N.I. Maloy and deputy head of Tsantralny interior department S.M. Efimenka that their answers to the journalist’s questions on the phone were aired on **Radio Liberty**. The journalist explained that he warned the specified people about the use of a tape recorder. Besides, Mr. Hatouchyts informed that the management of **Radio Free Europe/ Radio Liberty** had repeatedly (in September, 2005 and in January, 2006) submitted requests of his accreditation to the Ministry of foreign affairs of the Republic of Belarus, but in both cases there was no official written answer.

On **March 12** Minsk police detained for several hours the journalist of the Ukrainian “**Channel 5**” Anna Gorozhenko during a live broadcast from Minsk. The arrest took place during a live broadcast from the meeting of the presidential candidate Aliaksandr Milinkevich with voters. The journalist was taken to Frunzensky Interior department and released only after interference of the Ukrainian Consul, although she had an official accreditation in the Belarusian Foreign Ministry. During the detention the camera of the **Channel 5** and a microphone were damaged, As has radio Liberty quotes Anna Gorozhenko as saying. According to the journalist, police employees who were arresting her, offended her and other members of TV crew.

On **March 14** at night Belarusian border guards without explaining the reasons forced the journalist of the Ukrainian “Channel 5” Andrey Zhigulin and cameraman Vitaly Doroshenko to leave the train going from Kiev to Minsk. According to the web-site of the broadcasting company “**Channel 5**” (<http://5tv.com.ua>), employees of the **Channel 5** had a permission of the Ministry of Foreign Affairs of Belarus for realization of professional activities in Belarus during the presidential elections. The border guards took away the journalists’ passports and accreditation cards, kept them for two hours at the border, then returned the documents and put them on a return train from Minsk to Kiev.

On **March 17** two Polish journalists of **Radio Byalystok** Yurka Leschinski and Marek Zabrocki, who were going to Belarus to cover the presidential elections were not allowed to enter the country. Both journalists had valid Belarusian visas and accreditations with Belarus’

Foreign Ministry. After the check of documents at the border point Bobrovniki - Berestovitsa the border guards have returned their passports with visas cancelled.

On **March 17** the citizen of the Russian Federation, journalist and political analyst Andrey Suzdaltsev was summoned to the department of citizenship and migration of Frunzensky district of Minsk. His residence permit was cancelled. The journalist was accused of intervention in internal affairs of Belarus and ordered to leave the country until March 23. The deportation order said that he "put under threat the national security of the Republic of Belarus". On **March 24** Andrey Suzdaltsev was repeatedly told that he should leave Belarus' territory until April 5, and informed that he was forbidden to enter the country for the term of five years. On **April 5** the journalist left Belarus.

Andrey Suzdaltsev considers it a revenge for his articles on the pre-election situation in our country posted in the Internet and in independent newspapers.

Andrey Suzdaltsev has lived in Belarus for 13 years. He has Russian citizenship, while his wife and children, who have stayed in Minsk, have Belarusian citizenship.

On **March 18** employees of the Homiel transport department of interior detained three students from Russia – Alexandr Golmakov, Alexey Novoselov and Andrey Khachaturov, who had IDs of correspondents of the Russian newspaper "Pravoye Delo", when they were getting of the train. Several hours later Dmitry Volov, who also had IDs of correspondents of the Russian newspaper "Pravoye Delo", was also detained. They have spent more than 5 hours in the police department, where they were searched and warned, that their presence in Belarus was undesirable. After that the young people were accompanied to the train station and put on a train Homiel – Novozybkov (Bryansk region, Russia). According to the journalists, on March 19 they intended to cover voting at Homiel polling stations.

In the night from **March 19** to **March 20** unidentified persons in Minsk have beaten and robbed Jan Rybarzh, reporter of the Czech newspaper "**Mlada Fronta Dnes**". The journalist has got a brain concussion and nose bones fracture. The journalist is sure that it wasn't robbers, as they have stolen not the money, but his notebook and his camera. He believes that he drew attention of the attackers when during the street action in front of the Palace of the Republic he wrote a report on the notebook and sent it with the help of the satellite phone. After the end of the rally the journalist walked together with its participants along the city centre. When he for a short time entered into a dark entrance, he was attacked.

On **March 21** late in the evening Dmitry Gurnevich, freelance correspondent of the Belarusian service of **Radio Polonia**, who transferred reports from Kastychnitskaya Square, venue of rally of the opponents of authorities during 2006 presidential elections, was detained in Minsk. The journalist was taken to Frunzensky department of interior of Minsk, and then sentenced to 10 days of administrative arrest for petty hooliganism (Article 156 of the Administrative Code).

In the night of **March 22** in Minsk police detained Andrey Lyubka, correspondent of the Ukrainian newspaper "**Karpatsky Golos**". On the same day the court of Frunzensky district of Minsk sentenced him to 15 days of administrative arrest for petty hooliganism (Article 156 of the Administrative Code). The journalist covered post-election protests at Kastychnitskaya Square. During hearings in court Andrey Lyubka said that the people who detained him, spat into his face, offended his national dignity and dignity of the President of Ukraine.



On **March 23 - 24** during liquidation of the tent camp at Kastychnitskaya Square in Minsk several journalists of foreign mass media were detained: chief of the Russian news agency "**Prima-News**" Alexandr Podrabinek (15 days of arrest), correspondent of the same agency Tatyana Snitko (fine - 30 basic units), representatives of the Russian newspaper "**Pravoye Delo**" Oleg Kozlovsky and Eduard Glezin (15 days of arrest), correspondent of the Polish newspaper "**Gazeta Wyborcza**" Veronika Samolinska (10 days of arrest) and journalist of the Canadian newspaper "**La Presse**" Frederic Levois (15 days of arrest). All of them were charged with violating Article 167 of the Administrative Code (participation in an unauthorized action) or Article 156 of the Administrative Code (petty hooliganism).

On **March 27** in connection with conviction of the Canadian journalist the Minister of foreign affairs of Canada Peter McKay met the Belarusian Ambassador in this country and demanded that Frederic Levois was released and allowed to leave the country. On **March 28** The Belarusian Foreign Ministry reacted to the demands of the French minister by an official comment, saying that "unfortunately, the Canadian side tries to achieve the release of its citizen by methods of political pressure and blackmail". Maryja Vanshina, head of Belarus Foreign Ministry Press Service department, informed that the term of stay in Belarus declared by the Canadian journalist expired on March 23. "The Belarusian court gave an adequate legal assessment to the actions of the Canadian citizen" Maryja Vanshina declared.

On **March 24** in Minsk KGB officers detained the TV crew of the **Public TV of Georgia**. Nino Giorgobiani and Georgy Lagidze were arrested when recording interviews with the people, whose relatives were detained on the Kastychnitskaya Square. After detention they contacted their managers on the phone and told them that they were approached by "employees of a security service" and asked to present their registration documents. Although all the necessary documents were in place, the journalists were still detained "for clarification of the situation". Later their telephones stopped responding.

During several days various Georgian structures demanded to release the journalists. According to the news agency REGNUM, the general director of Georgian TV Tamar Kintsurashvili and Prime Minister of Georgia Zurab Nagaideli expressed their indignation in connection with detention of the TV crew. The management of the **Public TV of Georgia** sent appeals to international organizations urging them to help release the journalists. The Foreign Ministry of Georgia "stated outmost indignation in connection with detention of the TV journalists, which has taken place without any grounds". The Ombudsman of Georgia Sozar Subari addressed the Belarusian authorities and international organizations accredited in Minsk, with the requirement to do their best in order to release the detained TV crew. The appeal characterizes this fact as "open prosecution of representatives of free media and display of dictatorial regime of the Belarusian authorities".

Despite protests of the international community, on **March 27** Sovetsky district court of Minsk sentenced the journalist Nino Giorgobiani to 5 days of arrest and cameraman Georgy Lagidze – to 15 days of arrest, having charged them with petty hooliganism (Article 156 of the Administrative Code).

On **March 24** on Kastychnitskaya Square in Minsk police detained the correspondent of the French newspaper "**Liberation**" Lorain Mileu. On the same evening the journalist was released.

On **March 25** during the street rally in Minsk an American journalist was wounded. According to the radio station "Echo Moskvy", it was Alan Kallison, employee of the "**Wall Street Journal**" (USA). According to BelaPAN news agency, the American journalist was

beaten in the centre of Minsk, near the central department store. “Interfax” news agency informed that he suffered “minor injuries”.

On **March 25** the head of Department of special projects of the “**First Channel**” (Russia) Pavel Sheremet was arrested during the street rally in the centre of Minsk.

Mr. Sheremet was detained on Lenin Street in Minsk during the rally on the Day of Freedom. As the journalist informed later, “it was a violent detention in a very tough form”: “I was grabbed, thrown in a minivan in handcuffs, they pulled a hat on my head and started to beat me, saying “we won’t beat in the face”.

According to the journalist, he was brought to Centralny district department of interior, where they made a protocol that he was involved in petty hooliganism: he swore, offended police employees and the head of state. Operatives Stroganov and Borovikovsky appeared as witnesses in the protocol.

After that at his own requirement Pavel Sheremet was taken to Minsk municipal hospital of infectious diseases, where bilateral pneumonia was diagnosed.

On **March 26** the press service of the Ministry of Interior informed that the journalist was transported to a pre-trial jail on Okrestin street. On the same day he was released on condition that he would leave Belarus.

Correspondent of the Russian newspaper “**Kommersant**”, Belarusian journalist Vadzim Dounar, was arrested **April 21** in the centre of Minsk on Karl Marx Street by people in plain clothes. Later they turned out to be employees of presidential security. Having checked his documents, they called for a police truck, and Vadzim was delivered to Leninsky district interior department. The journalist was kept in the police station for several hours. The investigator who arrived later filed a report charging him with being drunk, offending the head of state and shouting out anti-government slogans. After this Mr. Dounar was put back to the cell, his belt and shoelaces were confiscated. Some time later he was shown a different protocol, in which he was charged with cursing (Article 156 of the Administrative Code – petty hooliganism). Then the journalist was released and obliged to come to court several days later.

On **April 28** the judge of Leninsky district court postponed the hearings and sent materials of the case for elaboration to Leninsky district interior department. It was discovered in court that the materials in police reports and in the protocol were contradicting. The former pointed to an article of the Criminal Code, and the latter – to an article of the Administrative Code. On **June 21** Leninsky district court of Minsk fined Mr. Dounar 31 thousand roubles for petty hooliganism.

On **April 25** several **Polish TV** journalists were barred from entering Belarus. Correspondent Jacek Gasinsky and cameraman Richard Shmitkowsky were deported from Minsk airport, and Jaroslaw Kaminsky was not allowed to cross the border control post Kuznica Byalystocka - Bruzgi. The journalists were going to Minsk to cover the opposition action on the 20th anniversary of Chernobyl accident.

Jacek Gasinsky, journalist of the **Television News Agency (Telewizyjna Agencja Informacyjna)**, had an accreditation with the Belarusian Foreign Ministry and a visa valid until November, 2006. His passport was taken away during passport control, and later he was promised to have a meeting with the chief of border guards service of the airport. However, later he was taken to the departures hall, where he has learned from a representative of the

Polish Airline "LOT" that he had been deported and should return to Warsaw. When the journalist began to protest, a Belarusian border guard approached him and issued a deportation order.

Jaroslav Kaminsky, publicist of the "Bialorus, Bialorus" program on **TVP (Telewizja Polska S.A.)**, also had a permanent with the Belarusian Foreign Ministry and a visa valid until October, 2006. On the border control post Kuznica Byalystocka - Bruzgi border guards declared that he was "an undesirable person" in Belarus and cancelled his visa without explaining the reasons.

In the evening of **May 4** press photographers of the news agencies "**Associated Press**" and "**Reuters**" Siarhei Gryts and Vasil Fyadosenka were detained near the railway station in Minsk. They were present at the railway station to cover a flash mob, which has not taken place, probably due to a heavy presence of police. The correspondents were held in the railway station police department for about half an hour and then released without any explanations.

On **November 10** the Ministry of foreign affairs of Belarus without explaining the reasons rejected entrance visas to the chief of the Belarusian service of **Deutche Welle Radio** Cornelia Rabitz and a German journalist Inge Pets. Several European politicians and deputies of the German Bundetag were not permitted to enter Belarus either. All of them were going to take part in the 9-th Belarusian-German economic forum.

On **November 16** press photographers of the news agencies "**Associated Press**" and "**Reuters**" Siarhei Gryts and Vasil Fyadosenka were detained at the railway station in Minsk during dispersal of the protest action dedicated to the Day of the Belarusian solidarity. In a police department representatives of law-enforcement bodies checked their documents and released them, having warned that it is forbidden to take photographs at the territory of the railway station without a special sanction.

On **November 24** the journalist of the Russian newspaper "**Moskovsky Komsomolets**" Denis Ermakov was not admitted to the session of the Council of CIS heads of governments in Minsk. Several days later, on **November 28**, press photographer of the Russian newspaper "**Kommersant**" Dmitry Azarov, journalist of "**Moskovsky Komsomolets**" Natalia Galimova and press photographer of "**Moskovsky Komsomolets**" Alexandr Astafiev were not allowed to be present at a press conference held in the frameworks of the Summit of the heads of CIS countries in Minsk. In both cases the decision was made at the level of press service of the head of Belarusian state. In reaction to that the Russian journalists, except for correspondents of two news agencies and several TV channels, have demonstratively left the press conference in solidarity with their colleagues. On the same day Pavel Liohki, Press-secretary of the Belarusian President declared that the actions of the Belarusian side were justified, since shortly before the Summit the above mentioned editions published materials and photographs "offensive for the head of the Belarusian state".

## Economic Policies in the Media Field

In early January, after the first issue of the independent newspaper “**Vitebsky Kurier M**” came out, state distribution monopoly “Belpochta” refused to distribute the newspaper by subscription. The edition was informed about this in a letter signed by Mikalay Smuneu, head of Vitsebsk office of “Belpochta”, with whom the newspaper coordinated subscription conditions a month before.

From 2006 Brest office of “Belpochta” refused to sign the agreement with a local independent newspaper “**Brestsky Kurier**” for delivery and transportation of the newspaper printrun to district departments of “Belsayuzdruk”. Genadz Tsitou, the head of Brest office of “Belpochta” said he considered the conclusion of the agreement “inexpedient”. The newspaper suggested Brest office of “Belpochta” to conclude the agreement after the edition found out that since the beginning of 2006 the newspaper didn’t get to the kiosks in some districts of Brest region (the contract lacked a correspondent item). The subscription to “**Brestsky Kurier**” was resumed in late 2005.

From February 10 Navapolatsk municipal post office (Vitsebsk branch of “Belposhta”) refused to distribute a regional independent newspaper “**Himik**”, said the letter sent to the edition by Alena Klimava, head of Navapolatsk municipal post office in early February. The newspaper received a similar letter from the Polatsk municipal post office as well. Mr. Paramonau, the head of Polatsk post office asked “to consider void” the contract for delivery and transportation of the newspaper printrun for 2006. Navapolatsk post office justified its decision by “low percentage of sales” and high proportion of return. Polatsk post office presented no arguments. From January 1 2006 the newspaper “**Himik**” could be obtained only by subscription, since local branch of “Vitsebsksayuzdruk” refused to conclude the contract for distribution of the newspaper through kiosks. In July it became known that the newspaper ceased to exist due to financial reasons. Unable to conduct a full-scale subscription campaign, the newspaper lost more than a half of its readers. In December 2005 its circulation was 4.500 copies, and at the moment of closure – slightly over 300 copies.

On March 22 Pyotr Martsau, publisher and chief editor of the independent newspaper “**BDG. Delovaya Gazeta**” informed about his decision to suspend publishing the newspaper “until clarification of working conditions”. The temporary suspension was justified by the necessity to clarify the conditions of printing, printrun delivery to Belarus and distribution. On March 13 Smolensk printing factory, which had been printing the newspaper since 2003, refused to print an issue of the newspaper, although the printing contract with the edition was not terminated, unlike the contracts with “**Narodnaya Volya**” and “**Tovarisch**”. Besides, on March 21 “**BDG. Delovaya Gazeta**” also faced problems with bringing the printrun to Belarus. According to Martsau, although the readers eventually received the newspaper, its managers “were hinted that its problems would continue”.

On May 23 during a meeting with the deputies of the National Assembly A. Lukashenka commented on suspension of certain independent newspapers (in particular, “**BDG. Delovaya Gazeta**”): “The elections have finished, we haven’t touched them. Today their funding has probably expired”. According to the head of state, all oppositional newspapers “were totally involved in falsification of facts and bias”. He expressed readiness to study in detail the situation with publication and distribution of a number of non-state newspapers, because “he didn’t know they were not publishing”. Commenting on these statements to BAJ press service, the chief editor of “**BDG. Delovaya Gazeta**” said: “It seems that the President is really not completely informed, in particular, about the fact that our

newspaper was stripped of possibilities to be printed and distributed in Belarus. If we don't have such possibilities, we simply don't have money to exist".

**From 2006** the readers were deprived of possibilities to receive a number of independent newspapers through the systems of "Belposhta" and "Belsayuzdruk". What concerns "**BDG. Delovaya Gazeta**", "Belposhta" terminated its agreement with the newspaper in late 2003.

**On May 30** independent newspaper "**Narodnaya Volya**" informed its readers that it wouldn't be distributed free of charge any more. In the article called "We'll stay together!" the newspaper informed that the readers would have to prepay for the future issues. The newspaper urged readers not to give up to provocations if in some branches of "Belarusbank" or at post offices the clerks refuse to accept money transfers to the edition's accounts.

**On May 31** the web site of the Democratic NGOs Assembly ([www.belngo.info](http://www.belngo.info)) informed that the workers of Svetlahorsk chemical fibres plant "Himvalakno" were forced to subscribe to the newspaper "**Yuny Spasatel**" published by the youth NGO of fire-fighters. According to the workers, they were forced to donate money and to subscribe to the newspaper for the whole workshop. They believe that "Himvalakno" managers did it in order for the state fire-fighters inspectors to pay less attention to the violations of fire safety rules.

**On June 6** the court of Goratsky district fined Dziamjan Frankousky, a private entrepreneur and a civil activist, in the amount of 600,000 roubles for having one copy of "**Narodnaya Volya**" at his trade putlet. Tax inspectors ruled that the newspaper was not registered according to the legislation and prepared the act on violation of trade in printed production. According to Frankousky, the inspectors ignored the fact that at the time "**Narodnaya Volya**" was distributed free of charge.

**On June 15** director of the closed JSC "Publishing House "Vitebsky Kurier" Valery Iskybajeu informed BAJ that authorities produce pressure on landowners in order to oust from their premises the edition of the independent newspaper "**Vitebsky Kurier M**". Due to financial difficulties the newspaper delayed rent payment by two months and it almost served the reason for termination the lease agreement. Newspaper managers have managed to repay the debt in the last moment.

As a result of termination of contracts for distribution of the newspaper by subscription and in kiosks the edition appeared on the verge of closure. The newspaper doesn't have funds to pay salaries, and some employees started to leave the newspaper.

**On June 26** Chyhunachny district court of Vitsebsk fined civil activists Barys Hamaida and Ales Mudrychenka 31 thousand roubles (15\$) each. They were detained for "trading in an inappropriate place" when they were distributing the latest issue of "**Vitebsky Kurier M**".

**On June 28** representatives of the "Publishing House "Intex-Press" distributed information that the advertising agency "Aranjavy Delphin" refused to post advertising materials of an independent newspaper "**Miastsovy Chas**" at the advertising stands and in buses in Pinsk during the subscription campaign. After the publishing house has transferred the money for advertising, the advertising agency suddenly refused to fulfil its obligations. A representative of the agency informed that municipal authorities didn't recommend to post "**Miastsovy Chas**" advertising on their territories.

**On June 28** human rights centre "Viasna" informed that representatives of Vorsha branch No. 1 of Belinvestbank in Barani asked the chairman of the Free trade union of metal

workers Vasil Leuchankou to withdraw the money which he sent in support of “**Nasha Niva**” newspaper. When asked what were the problems with transferring the money (“**Nasha Niva**” has an account in the same bank), one of bank employees asked to “understand them” adding: “let’s live peacefully”. Mr. Leuchankou has finally managed to transfer the donation to “**Nasha Niva**” through “Belarusbank”.

**On July 3** Vitsebsk activist Ales Mudrychenka was detained by militia at the Freedom Square in Vitsebsk with the advertising poster of an independent newspaper “**Vitebsky Kurier M**”. Mr. Mudrychenka was taken to Kastrychnitsky district militia department, where they wrote a protocol and several hours later released him. The poster was confiscated, allegedly for expertise.

**On August 30** the edition of the independent newspaper “**Tovarisch**” received letters informing that “Belposhta” refused to include the edition in the subscription catalogue for the first half-year of 2007, and “Minvobldruk” refused to distribute the newspaper through its kiosks. The reasons for refusals were not specified in the letter. The reasons for refusal were not specified. The newspaper managers declared that the newspaper would be distributed free-of-charge by own forces of its employees, like before. In late 2005 “Belposhta” refused to include “**Tovarisch**”, alongside with other non-state newspapers, in the subscription catalogue for the next year, and “Belsayuzdruk” terminated the contract for distribution of the edition through its kiosks.

**On September 7** the chief editor of the non-state newspaper “**Vitebsky Kurier M**” Uladzimer Bazan informed, only state mass media had an opportunity to be displayed during the festival of books and press held on September 3 in Pastavy in the framework of the Day of Belarusian written language. “**Vitebsky Kurier M**” was not allowed to display at the stand where local regional press of Vitsebsk region was displayed. This decision was made by Mikhail Kuzmich, head of department of ideological work of Vitsebsk regional executive committee, who declared that the stand is intended only for state editions. On the eve of the festival Uladzimer Matusevich, the head of department of printed mass media and external relations of the Ministry of information assured that all newspapers of Vitsebsk region would participate in the festival.

**On September 13** it became known about discontinuance of the only regional Belarusian language **radio program “I love our land”**, which was done on a local radio in Baranavichy. The last program was aired in late July, and then the team had holidays. In August the authors of the program wanted to resume their work, but have found out, that the national a telecom operator “Beltelecom”, which owns the premises and the equipment of Baranavichy radio, introduced payment for the 30-minute live broadcasting and use of studio for recording the programs. In total the payment constituted 130 thousand roubles (about 60 Usd) per month.

The **program “I love our land”** has been aired for the last 10 years (from January, 1996) and was prepared by members of the local branch of the Belarusian Language Society named after F. Skaryna. Viktor Syrytsa, chairman of Baranavichy branch of the Belarusian Language Society said in an interview to the **European Radio for Belarus** that “the program was actually closed... just because the Belarusian language and Belarusian culture is not in honour now not only at the level of the country authorities, but also among local authorities”.

**On October 5** it became known that Pinsk municipal authorities persistently “recommended” to the shops managers to give up selling the non-state newspaper “**Miastsovy Chas**”. In this connection the administration of the shop “Astoria” has already sent to the edition the letter with the request to terminate the contract for selling “**Miastsovy**

**Chas**” in the shop. It was later discovered that an employee of Pinsk municipal executive committee openly told the chiefs of shops, that it was undesirable, that in their trade halls non-state newspapers were near the state editions. Earlier the Pinsk regional printing house terminated the contract with the edition, local branch of “Belsayuzdruk” refused cooperation, and “Belposhta” did include the newspaper in the subscription catalogue.

On **October 5** it surfaced that it is forbidden to sell the independent newspaper “Inform-Progulka” (Luninets) in the “Brestvoblsayuzdruk” kiosk located in the building of Luninets district executive committee. Despite of the contract between the edition and “Brestvoblsayuzdruk” enterprise for distribution of the newspaper, the corresponding order came directly from the Luninets district executive committee chairman V. Harhun.

On **October 12** the chief editor of the independent newspaper “Vestnik Kultury” Aleh Zaitsau informed that “Belsayuzdruk” refused to distribute his edition. The edition received a letter signed by “Belsayuzdruk” director I. Dudzich informing that the contract for realization of the newspaper was terminated. Mr. Dudzich justified his decision by economic inexpediency of cooperation. According to the editor, the newspaper could fall victim to the general “cleansing”.

On **October 12** the edition of the independent newspaper “**Brestsky Kurier**” received a letter signed by the director of the Brest branch of “Belposhta” Georgy Tsitou, saying that “the contract for distribution and delivery of “**Brestsky Kurier**” was to expire on December 31, 2006 and would not be prolonged. In this connection the newspaper would be excluded from the catalogue of periodic editions for the new subscription period. The letter said nothing about the reasons of termination of the contract. In 2005 “Belposhta” also refused to include the newspaper in the catalogue and made it only 5 days before termination of the subscription campaign. In early 2006 “Belposhta” terminated the contracts with “**Brestsky Kurier**” for retail trade and delivery to the districts of Brest region.

On **October 27** Deputy of the Chamber of Representatives of the National Assembly of Belarus Volha Abramava offered to the government to consider the situation with non-state media. She noted, that “non-state press is subject to ostracism on the part of the state”. As an example she explained the situation with the newspapers “**Narodnaya Volya**”, “**Tovarisch**”, “**BDG. Delovaya Gazeta**”, “**Vitebsky Kurier M**” and “**Borisovskiye Novosti**”, which were not included in the subscription catalogues and can not be distributed through the system of “Belsayuzdruk”. The deputy also offered to legislatively limit the amounts of fines and terms of submission of claims on business reputation cases against journalists and editions.

On **November 13** participants of the 9-th Minsk Forum sent an address to the Ministry of Communications and Ministry of information urging the ministry to promote renewal of cooperation of the state enterprises “Belposhta” and “Sayuzdruk” (subordinated to these ministries) with non-state political newspapers. 34 participants of the event put their signatures under the address.

On **November 16** it became known that leading non-state national and regional political newspapers were not included in the subscription catalogue of the state distribution monopoly “Belposhta” for the first half-year of 2007. The state postal company has refused to cooperate with the editions “**Narodnaya Volya**”, “**Nasha Niva**”, “**Tovarisch**”, “**SNplus. Svobodnye Novosti Plus**”, “**Brestsky Kurier**”, “**Vitebsky Kurier**”, “**Borisovskiye Novosti**”, “**Gazeta Slonimskaya**”, “**Intex-Press**” (Baranavichy), “**Liahavitsky Chas**”, “**Volnaje Hlybokaje**”, “**Hantsavitsky Chas**” and “**Miastsovy Chas**” (Pinsk). Therefore, these newspapers have lost the only possibility to be distributed by subscription, and their readers - to receive them in the mail box. The management of “Belposhta” explained that “as far as the obligation to include a

printed edition in the catalogue is not stipulated by the legislation, the selection of printed editions for the catalogue for their further distribution by subscription is the right of the state unitary company “Belposhta”, which is realized by it according to the legislation”. Meanwhile, the law “On postal communication” stipulates that any newspaper, which is published on the territory of Belarus and is registered by the Ministry of information has the right to be included in the Catalogue for subscription and delivery to the addressee by means of rendering universal services of postal communications.

On **December 6** it became known that the independent newspaper “**Vitebsky Kurier M**” was asked to leave the premises within 46 hours. The management of the Vitsebsk enterprise “Elsan”, from which the newspaper rented office premises since October, 2006, had urgently terminated the rent contract. The document was recognized void “due to lack of sanction of the district administration on accommodation of the economic subject on the territory of Pershamaisky district of Vitsebsk”. However, according to the Rules of state registration and liquidation of economic subjects, which contain the exhausting list of the necessary documents and is approved by Decree №11 of the President of Belarus, the consent of local executive authorities for accommodation of legal entities at the subordinated territory is not required.

On the same day the edition has received a warning from the Ministry of information. The reason for the warning was that its founder hadn’t informed “in the established one-month term about the change of the edition address”.

On December 7 the executive director of the publishing house “Vitebsky Kurier” Zhanna Papova and the chief editor of the newspaper “**Vitebsky Kurier M**” Uladzimer Bazan visited the deputy chair of administration of Pershamaisky district of Vitsebsk Viktor Ulasau. The occasion for the visit was that during one and a half months the employees of the administration refused to accept documents for re-registration of the charter. Viktor Ulasau confirmed that it was forbidden to the employees to accept the documents, and declared, that the newspaper management had violated the local legislation, since they should have coordinated the accommodation of the edition on the territory of Pershamaisky district with its administration beforehand.

“The law “On local government and self-government...”, to which Viktor Ulasau referred, and which he advised us to read, contains no norm, which obliges to coordinate accommodation of the legal entity registered by the municipal executive committee in the territory of the district”, the representative of the Belarusian Helsinki Committee Pavol Levinau, who represented the interests of the newspaper, said.

On **December 8** employees of the tax inspection came to the edition of the newspaper “**Vitebsky Kurier M**” and started a complex inspection of the edition’s activity for the previous five years.



## **Obstacles to Media Production**

On **March 13** closed JSC "Smolensk Printing Factory" terminated contracts with Belarusian independent editions "**Narodnaya Volya**" and "**Tovarisch**". In the telegram sent to the editions the general director of the enterprise A. Guchev explained his actions by technical problems and lack of circulating assets. According to Syarhey Vaznjak, chief editor of the newspaper "**Tovarisch**" Belarusian authorities have rendered pressure on the management of Smolensk Printing Factory, since on March 13 the accounts department of Smolensk Printing Factory have sent to the edition the invoice for payment of the March 14 issue, and there was no discussion of a possible termination of the contract.

On the same day, on **March 13**, the edition of "**Narodnaya Volya**" managed to conclude the contract with "Mikhailov's Printing House" in Smolensk.

On **March 15** officers of riot police, KGB, and Krychau department of interior under command of the chief of police lieutenant colonel Aliaksandr Rabyka (all in all over 20 people) confiscated all office equipment on which the newspaper was made from the private apartment of a Krychau businessman Uladzimer Kudrautsau - founder and publisher of the newspaper "**Volny Horad**". The representatives of law-enforcement bodies explained their actions by their suspicions that exactly this office equipment was recently stolen from central Krychau hospital. The editor of the newspaper Syarhey Niarouny explained it by their desire to paralyse the publication of the edition distributed in three districts.

On **March 22** Pyotr Martsau, publisher and chief editor of the independent newspaper "**BDG. Delovaya Gazeta**" informed about his decision to suspend publishing the newspaper "until clarification of working conditions". The temporary suspension was justified by the necessity to clarify the conditions of printing, printrun delivery to Belarus and distribution. On **March 13** Smolensk printing factory, which had been printing the newspaper since 2003, refused to print an issue of the newspaper. Besides, on **March 21** "**BDG. Delovaya Gazeta**" also faced problems with bringing the printrun to Belarus. According to Martsau, although the readers eventually received the newspaper, its managers "were hinted that its problems would continue".

On **April 18** the Hrodna journalist Iness Todrik, newspaper "**Glos znad Niemna**" u **Emihracii**", found out that she is accused of an administrative offence (Article 172 of the Administrative Code - infringement of rules of opening of printing, padding and engraving enterprises, purchase, selling, use, accounting and storage of printed editions. Illegal distribution of printed editions). Police informed the journalist about it by bringing a protocol about the alleged violation to her work place.

Iness was detained on **March 24**. Police searched the car in which she was and confiscated 400 copies of the newspaper "**Glos znad Niemna**" u **Emihracii**" and 80 copies of "**Magazyn Polski**" u **Emihracii**".

On **October 17** chief editors of five non-state newspapers - "**Narodnaya Volya**", "**Tovarisch**", "**BDG. Delovaya Gazeta**", "**Vitebsky Kurier M**" and "**Borisovskiye Novosti**" addressed the head of state with an open letter. In the letter they asked A. Lukashenka's assistance in resolving the problems related to printing and distribution of non-state editions, reminding him, that in the Chamber of Representatives of the National Assembly he had declared the readiness to deal with the situation in detail.

## Obstacles to Distribution of Media Production

In **early January**, after the first issue of the independent newspaper “**Vitebsky Kurier M**” came out, state distribution monopoly “Belpochta” refused to distribute the newspaper by subscription. The edition was informed about this in a letter signed by Mikalay Smuneu, head of Vitsebsk office of “Belpochta”, with whom the newspaper coordinated subscription conditions a month before.

On **January 3** at the Russian-Belarusian border the employees of the department of smuggling of the Belarusian customs service detained the whole printrun of the first dual issue of the non-state newspaper “**Narodnaya Volya**” printed in the JSC “Smolensk Printing Factory”. They referred to improper registration of one of the accompanying documents. The printrun was transported to Dubrouna district department of interior. On **January 4**, after the documents confirming legality of publishing of the newspaper were presented, the printrun was released.

On **January 5** police confiscated 297 copies of the local newspaper edition “**Rehiyanalnaya Naviny**” (circulation - 299 copies, distributed free-of-charge) from the newspaper editor Telman Masljukou. Mr. Masljukou was taken to the district police department for writing the protocol. Mayor Piotar Zykun, deputy head of the police department, informed the journalist that the printrun will be returned if the police inspection doesn't find contradictions with the legislation in the contents of the printed production. Together with the newspaper 1,289 congratulation cards “New Year - new opportunities” containing congratulation of the single candidate from democratic forces Alyaxandr Milinkevich and three calendars “Love Belarus!” were confiscated from the editor.

On **January 9** the whole printrun of the dual issue of the non-state newspaper “**Narodnaya Volya**” (№№3 и 4) was detained at the Russian-Belarusian border. The deputy head of Vitebsk customs informed the chief editor of the newspaper Iosif Syaredzich that the reason for detention was that the number of the transport waybill was written by hand. Besides, police required that the edition proved the right of the newspaper carrier to render the transport services to “**Narodnaya Volya**”. 27 thousand copies were taken to Dubrouna district department of interior. After 7-hour long consultations of the chief editor of the newspaper Iosif Syaredzich with the deputy head of the department of interior Viktor Kahnousky the printrun was released **on January 11**.

On **January 12** police confiscated 69 copies of the Vaukavysk newspaper “**Mestnaya Gazeta**” from the distributor Marharyta Makavej. They made a protocol and then released her. Despite Marharyta had a sanction to sell the newspaper at the mini-market “Druzhba” issued by Vaukavysk district executive committee and the detachable coupons required by the legislation, that is where she was detained. Several weeks before one more distributor of “**Mestnaya Gazeta**” was also detained. He sold the newspaper in the allocated place, but without the detachable coupons. He was fined 80 thousand roubles (40Usd).

**From 2006** Brest office of “Belposhta” refused to sign the agreement with a local independent newspaper “**Brestsky Kurier**” for delivery and transportation of the newspaper printrun to district departments of “Belsayuzdruk”. Genadz Tsitou, the head of Brest office of “Belposhta” said he considered the conclusion of the agreement “inexpedient”. The newspaper suggested Brest office of “Belposhta” to conclude the agreement after the edition found out that since the beginning of 2006 the newspaper didn't get to the kiosks in some

districts of Brest region (the contract lacked a correspondent item). The subscription to **“Brestsky Kurier”** was resumed in late 2005.

On **January 13** customs officers at the Belarusian-Russian border detained the print run of the unregistered Krychau newspaper **“Volny Horad”**. The detention took place at customs control point “Zvyanchatka”. Syarhey Niarouny, the editor of the edition was delivering the print run in a private minivan. The reason for detention and confiscation was the excess of declared circulation of the edition. Employees of Klimavichy Department of interior and plain-clothed people have manually counted all copies **“Volny Horad”** and came to a conclusion there were about a thousand of them. This quantity did not coincide with the data declared in the dateline - 299 copies (such quantity, according to the legislation, could be published without registration).

On **March 13** Klimavichy district court decided to collect from the editor of **“Volny Horad”** the fine in the amount of 620 thousand roubles (about 300 Usd). The judge Iryna Hurinovich found him guilty of violating Article 172, Part 6 of the Administrative Code (production and distribution of a printed edition over the established circulation).

On **March 15** officers of riot police, KGB, and Krychau department of interior under command of the chief of police lieutenant colonel Aliaksandr Rabyka (all in all over 20 people) confiscated all office equipment on which the newspaper was made from the private apartment of a Krychau businessman Uladzimer Kudrautsau - founder and publisher of the newspaper **“Volny Horad”**. The representatives of law-enforcement bodies explained their actions by their suspicions that exactly this office equipment was recently stolen from central Krychau hospital. The editor of the newspaper Syarhey Niarouny explained it by their desire to paralyse the publication of the edition distributed in three districts.

On **January 17** near Skidzel (Hrodna region) police detained a car with the editor of the magazine **“Magazyn Polski” u Emihracii”** Andzej Pachobut and his colleague Andzej Lisousky. During the search in the car police found and confiscated 50 copies of the magazine. The journalists were taken to Leninsky district interior department of Hrodna, where they were handed a copy of the protocol on confiscation and then released.

On **January 24** the board of Homiel regional court waived the cassation appeal of Uladzimer Niapomniashchych against refusal of Chyhunachny district court of Homiel to consider the claim to the district branch of “Belposhta”. Mr. Niapomniashchych wanted to hold “Belposhta” liable for not being able to subscribe to an independent newspaper **“Narodnaya Volya”** for the first half-year of 2006, as this newspaper was not included in the subscription catalogue of “Belposhta”. In his claim Niapomniashchych demanded to collect from “Belposhta” 100 million roubles in compensation of moral damages suffered in view of impossibility to read **“Narodnaya Volya”**.

Chyhunachny district court of Homiel refused to consider the claim of the reader, having referred to the fact that the enterprise “Belposhta” is based in Minsk.

On **January 30** the employees of Zhlobin Department of interior (Gomel area) confiscated 694 copies of the newspaper **“Tovarisch”** and 282 copies of **“Narodnaya Volya”** from the car of a public activist Uladzimer Katsora. At about 21.00 he was stopped at the highway Minsk – Homiel near Zhlobin by road police. After he refused to open the doors and the trunk of the car without drawing up of a protocol, road police accompanied him to the district police department. During the search in the car police found a part of the print run of the newspapers, which Uladzimer Katsora carried to Homiel for free distribution. On **January 31** the chief editor of the newspaper **“Tovarisch”** Siarhei Vaznjak sent an appeal

addressed to the chief of Zhlobin Department of interior lieutenant colonel Aleh Praharenka demanding to return the newspapers and to punish the policemen who detained the printrun for excess of service powers. Both newspapers were published legally, they had the necessary dateline and the mark "For advertising purposes".

On **January 31** the web site of the United Civic Party ([www.ucpb.org](http://www.ucpb.org)) told about vain attempts of the pensioner Halina Gancharyk to defend her right for receiving information. She filed an appeal to Kastychnitsky district court demanding to recognize her right to receive information by means of purchasing the newspaper "Narodnaya Volya" (which she could not receive by subscription or buy in "Sayuzdruk" kiosks). In the received answer it was said that the appeal needs to be submitted not by the place of residence, but by the place of location of the respondent – republican unitary company "Belposhta". In Leninsky district court Halina Gancharyk was also informed that her demands are not appropriate to this establishment and required her to pay 5 basic units (about 60 Usd) for submission of the claim. As she could not pay the mentioned amount, the statement of claim was returned to the pensioner.

On **February 3** at the Lithuanian-Belarusian border the employees of Ashmiany customs house confiscated copies of the Belarusian magazine "**ARCHE. The Beginning**" (2006, №1-2) and the Ukrainian magazine "**Kritika**" (2005, №11-12), found during the search of the Belarusian citizen and human rights activist Yury Chavusau. The employee of the customs house I. Chajkousky for one hour studied the materials of the discussion "Elections in Satrapy", published in "**ARCHE. The Beginning**", and the publications concerning the Belarusian topics in "**Kritika**". He informed that these editions need to be examined by a special expert, who would determine, whether they endanger the interests of the Republic of Belarus.

On **February 9** the human rights centre "Viasna" informed that the administrative commission of Leninsky district court of Hrodna decided to impose a penalty on Uladzimer Levaneusky for distributing the bulletin "**Predprinimatel**". On **December 22, 2005** Mr. Levaneusky was recognized guilty of distribution of the bulletin, which, in the opinion of the commission, was issued with violations and had no dateline, and its contents were aimed at causing danger to the state and public system, rights and lawful interests of the citizens. The distributor of the edition was punished by the penalty of 87 thousand roubles (about 40 Usd) for violating Part 3, Article 172 of the Administrative Code.

From **February 10** Navapolatsk municipal post office (Vitsebsk branch of "Belposhta") refused to distribute a regional independent newspaper "**Himik**", said the letter sent to the edition by Alena Klimava, head of Navapolatsk municipal post office **in early February**. The newspaper received a similar letter from the Polatsk municipal post office as well. Mr. Paramonau, the head of Polatsk post office asked "to consider void" the contract for delivery and transportation of the newspaper printrun for 2006. Navapolatsk post office justified its decision by "low percentage of sales" and high proportion of return. Polatsk post office presented no arguments. From January 1 2006 the newspaper "**Himik**" could be obtained only by subscription, since local branch of "Vitsebsksayuzdruk" refused to conclude the contract for distribution of the newspaper through kiosks.

On **February 7** police detained Yury Hlushakou, deputy of Homiel municipal council of deputies, who transported in his private minivan 11 thousand leaflets with caricatures on the Belarusian TV and stickers "They lie". Police made a protocol for violation of Article 172, Part 3 of the Administrative Code (Distribution of printed editions issued in violation of the established order, without dateline, which contents is aimed at causing damage to the state and public order, rights and lawful interests of the citizens).

On **February 10** the deputy was summoned to the prosecutor's office of Chyhunachny district of Homiel. The assistant Public prosecutor Aliaxei Skarahod took his explanations concerning the leaflets found in his car. Later Yaraslau Paremsky, the judge on administrative cases of Chyhunachny district court of Homiel, punished Yury Hlushakou by the fine of 290 thousand roubles (about 140 Usd), having seen in the printed production premature agitation not to vote in the presidential elections for the incumbent head of state and having recognized the deputy guilty of violating the legislation on elections - in particular, Article 167, Part 3 of the Administrative Code.

On **February 14** the editors of non-state editions "**Narodnaya Volya**" and "**Tovarisch**" Iosif Syaredzich and Syarhey Vaznjak addressed with the open letter to Belarus' Minister of interior Uladzimer Navumau. In the letter they offered to organize a training seminar with the chiefs of Departments of interior on requirements of the Law of the Republic of Belarus "On press and other mass media". The editors marked that the reason for the letter was "regular arbitrariness" of police employees in relation to "**Narodnaya Volya**" and "**Tovarisch**", parts of which circulation is distributed free-of-charge by voluntary assistants in public places. The chiefs of independent editions marked that police employees regularly detained the distributors and confiscated the printrun. Iosif Syaredzich and Syarhey Vaznjak expressed hope that the training seminar would allow to exclude possible incidents with detention and illegal confiscation of the newspapers.

On **February 21** in Rahachou policemen Siarhei Buhajeu and Syarhey Hurevich detained the chairman of Zhlobin district branch of the Party of Communists Valery Rybchanka. In his private car has Valery Rybchanka brought the newspapers "**Narodnaya Volya**" and "**Tovarisch**" for distribution in Rahachou, having all the necessary documents from the editions with him. During the search in the car the policemen at the order of the deputy chief of the district interior department Yury Astapovich confiscated from the activist 3985 copies of the newspaper "**Tovarisch**" and 600 copies of the newspaper "**Narodnaya Volya**" – allegedly for study of the contents and authenticity of the editions. Mr. Rybchanka was held over three hours in the police department. The activist appealed to the prosecutor's office with the complaint against policemen's actions.

On February 21 Uladzimer Shantsau, the head of the regional headquarters of the single candidate from democratic forces, was detained in Mahileu, where he brought from Minsk 26 000 official election leaflets of A. Milinkevich and 400 copies of the newspaper "**Tovarisch**". The activist was brought to Leninsky district Department of interior of Mahileu, where 36 police employees calculated all the printed production till morning. The leaflets and the newspapers have taken away, having explained necessity of check of their contents. The same week all the leaflets were returned, but the newspaper copies have remained in the police department.

On **February 21** police in the regional centre Vietka detained Homiel public activists Maryja Bahdanovich and Liudmila Sudzilouskaja, who distributed to the inhabitants the newspaper "**Narodnaya Volya**" and "**Tovarisch**". The policemen justified the detention by the fact that they didn't know such editions. A bit later the distributors have released.

On February 25 police in Minsk confiscated 58 copies of the newspaper "**Glos znad Niemna**" u Emihracii". The newspapers were found during a search in the car, where were the chief editor of the magazine "**Glos znad Niemna**" u Emihracii" Andzej Pachobut was with his colleagues Juzef Porzecky and Anton Borys. Riot police declared that they got an anonymous phone call that weapon were transported in the car. The weapons were not found, but the car was taken to Frunzensky district Department of interior, where police wrote a protocol on confiscation of the edition without the dateline.

To **February 26** Radio Liberty reported detention of two distributors of the independent newspaper "**Narodnaya Volya**" in Vitsebsk – Dzianis Dzianisau and Maxim Volkau. They distributed the newspaper on the crossroads of Frunze Avenue and Smalenskaja Street. In the police departments officers wrote down distributors' written explanations and released them. and 415 copies of the newspaper were confiscated.

On **February 26** police in Rahachou detained Uladzimer Khadasevich, propagandist of the Homiel regional headquarters of the oppositional presidential candidate A. Milinkevich during distribution of the booklets with the information on A. Milinkevich. Police wrote a protocol on the administrative offence stipulated by Part 3, Article 167 of the Administrative Code (violation of the order of agitation). Besides 560 agitation booklets and 60 copies of "**Narodnaya Volya**" were confiscated from him. On **March 6** on the basis of the protocol the court has punished the propagandist by a fine of 310 thousand roubles (about 150 Usd).

In the evening of **March 3** near Dubrouna (Vitebsk region) Belarusian customs officers stopped 2 trucks with the whole printrun of "Narodnaya Volya" (№ 39) – in total 250 thousand copies. The issue was completely dedicated to the events of March 2 in Minsk: beating of the presidential candidate and all developments around this incident, as well as the meeting of A. Milinkevich with the voters. Among other things, the newspaper printed the text of A Kazulin's statement on TV and the text he was going to read before the delegates of the Third All-Belarusian Assembly.

On the same day the whole printrun was transported to Vitsebsk regional Department of interior. As the head of department of public order of the Department of interior Syarhey Ivanou declared to I. Syaredzich on March 4, police had suspicions, that "**Narodnaya Volya**" violated Articles 45 and 48 of the Elections Code (granting unequal opportunities of propaganda for the candidates).

In connection with detention of the printrun the edition of "**Narodnaya Volya**" sent an appeal to the General Public Prosecutor and the head of the Ministry of interior demanding to return the withdrawn newspapers.

On **March 6** the head of department of public order of Vitsebsk regional department of interior Syarhey Ivanou sent an inquiry to the Central Committee for Elections asking to give an evaluation of the contents of the arrested issue.

On **March 6** deputy Chairman of the Central Committee for Elections Mikola Lazavik responded that the Central Committee for Elections will not deal with evaluation of publications in the detained issue of "**Narodnaya Volya**". According to him, such questions should be examined by the Ministry of information.

Two following dual issues of "**Narodnaya Volya**" (№№ 40-41 dated 09-10.03.06 and №№ 42-43 dated 11-12.03.06) have got to Minsk on **March 7** without obstacles and were distributed among the readers. Some of materials in them duplicated the contents of the previous issue.

On **March 14** a minivan carrying 60 thousand of copies of a counterfeit issue of the newspaper "**Sovietskaya Byelorussia**" printed in Smolensk was detained in Mstislavl district. Ales Mikhalevich, deputy chairman of BNF Party, was in the car. He said that BNF has no relation to publishing of this edition. The counterfeit edition contained trade marks and stylistics of the real newspaper. The articles were written in the satirical style and were signed by surnames of real employees of "**Sovietskaya Byelorussia**".

On **March 14** two issues of the newspaper “**Narodnaya Volya**” transported into Belarus from the Russian Federation were detained. On the eve of the incident Smolensk printing factory informed about impossibility of printing “**Narodnaya Volya**” and a number of other Belarusian independent editions. On **March 13** the newspaper signed a contract with Smolensk “Mikhailov’s Printing House”, which printed two dual issues of “**Narodnaya Volya**” (№44-45 and №№ 46-47) with the circulation of 27 thousand copies each. The detained issues were taken to Vitsebsk regional department of interior, where the editor of the edition I Syaredzich had to give written explanations concerning where the newspaper was printed, its circulation, way of transportation, who detained the printrun, etc.

On **March 15** broadcasting of the TV channel **RTVi** was stopped in the terrestrial and cable networks of “Cosmos TV» in Minsk. According to the official statement on the web site of the cable operator, broadcasting of the TV channel was stopped for technical reasons - in connection with failure of an access card for reception of the TV signal. According to the statement, several days were necessary to purchase a new card. The forum on the site of the TV operator was also closed. The closure was justified by the necessity of software upgrade.

The TV channel **RTVi** is part of an international consortium, which since February 2006 broadcasted information TV and radio programs for Belarus financed by EU.

On **March 17** at night the printrun (50,000 copies) of “**Narodnaya Volya**” was again detained on the way to Minsk from Smolensk “Mikhailov’s Printing Houses”. The detained printrun was again delivered to the Department of interior of Vitsebsk regional executive committee. BAJ press service quotes the newspaper editor Iosif Syaredzich as saying that the edition repeatedly printed dual issues №№ 44-45, containing the full text of statement of the presidential candidate A. Kazulin on BT on March 2.

On **March 17** in Minsk police detained 200-thousand circulation of the recent issue of the newspaper of the Party of Communists “**Tovarisch**”, which was delivered from Moscow in a lorry with Russian license plates. A part of the circulation was unloaded in the personal garage of the leader of the party Syarhey Kaliakin. Police sealed up the doors of the garage. The issue was dedicated to the election program of the presidential candidate A. Milinkevich and information on the election campaign. 85,600 copies of the newspaper “**Tovarisch**” were handed for storage to Minsk printing factory named after Yakub Kolas. A bit later the printrun was returned. The only claim which was put forward by the representatives of Savetsky Department of interior of Minsk after a preliminary check was that the printrun was unloaded not at the legal address of the edition.

On **March 22** Pyotr Martsau, publisher and chief editor of the independent newspaper “**BDG. Delovaya Gazeta**” informed about his decision to suspend publishing the newspaper “until clarification of working conditions”. The temporary suspension was justified by the necessity to clarify the conditions of printing, printrun delivery to Belarus and distribution. On **March 13** Smolensk printing factory, which had been printing the newspaper since 2003, refused to print an issue of the newspaper, although the printing contract with the edition was not terminated, unlike the contracts with “**Narodnaya Volya**” and “**Tovarisch**”. Besides, on **March 21** “**BDG. Delovaya Gazeta**” also faced problems with bringing the printrun to Belarus. According to Martsau, although the readers eventually received the newspaper, its managers “were hinted that its problems would continue”.

On **March 23** in Hrodna police detained a part of the printrun of the newspaper “**Glos znad Niemna” u Emihracii**” (the exact quantity of copies is unknown). The policemen detained the car, in which some activists of the unrecognized Union of Poles of Belarus (including the journalist of “**Glos znad Niemna**” Iness Todrik) transported the newspaper.

All the detained were taken to a police department of Dzeviatouka district. The newspapers were confiscated, Iness Todrik was interrogated and released, activist of the Union of Poles of Belarus A. Lisousky was sentenced to 10 days of administrative arrest, and the car was left “for expertise”.

On **March 24** Iness Todrik was detained for the second time. Police searched the car in which she was and taken away 400 copies of the newspaper “**Glos znad Niemna” u Emihracii**” and 80 copies of “**Magazyn Polski” u Emihracii**”.

On **April 18** the journalist found out that she is accused of an administrative offence (Article 172 of the Administrative Code - infringement of rules of opening of printing, padding and engraving enterprises, purchase, selling, use, accounting and storage of printed editions. Illegal distribution of printed editions). Police informed the journalist about it by bringing a protocol about the alleged violation to her work place.

On **April 21** the chief editor of “**Gazeta Slonimskaya**” Viktor Valadashchuk learned about threats on the part of officials of the local municipal executive committee (in particular, chief of department of trade and household services Ihar Trafimovich) addressed to individual businessmen who sold the newspaper, to liquidate their sales outlets. For this reason some individual businessmen have already terminated their contracts for distribution of the edition through retail trade with “**Gazeta Slonimskaya**”.

On **May 22** public newspapers distributors in Homiel Andrey Aksionau and Maryja Bahdanovich addressed the chief of Chyhunachny district of Homiel Syarhey Krautsou with a request to give an official answer to the question, whether on the basis of the Law of the Republic of Belarus “On press and other mass media” they have a right to distribute the independent newspapers “**Tovarisch**” and “**Narodnaya Volya**” on the territory of the district. Although they have the proper certificates and contracts with the editions, police officers constantly detain them, forbidding to distribute the independent newspapers free-of-charge.

On **June 6** the court of Goratsky district fined Dziamjan Frankousky, a private entrepreneur and a civil activist, in the amount of 600,000 roubles for having one copy of “**Narodnaya Volya**” at his trade outlet. Tax inspectors ruled that the newspaper was not registered according to the legislation and prepared the act on violation of trade in printed production. According to Frankousky, the inspectors ignored the fact that at the time “**Narodnaya Volya**” was distributed free of charge.

On **June 26** civil activists Barys Hamaida and Ales Mudrychenka were detained in the centre of Vitsebsk, where they were distributing the independent newspapers “**Vitebsky Kurier M**”, “**Nasha Niva**” and the magazine “**ARCHE. The Beginning**”. They were taken to a police department, where protocols were prepared for “trading in an inappropriate place”. Later Chyhunachny district court of Vitsebsk fined them 31 thousand roubles (15\$) each.

On **July 3** Vitsebsk activist Ales Mudrychenka was detained by police at the Freedom Square in Vitsebsk with the advertising poster of an independent newspaper “**Vitebsky Kurier M**”. Mr. Mudrychenka was taken to Kastychnitsky district police department, where they wrote a protocol and several hours later released him. The poster was confiscated, allegedly for expertise.

On **July 11** civil activist Barys Hamaida was detained in Vitsebsk, where he was distributing the independent newspaper “**Vitebsky Kurier M**”. Later on the same day Chyhunachny district court of Vitsebsk fined him 31 thousand roubles (15\$).



On **August 10** civil activist Aliaksandr Ramanovich was detained in Pinsk for distribution of the independent newspaper “**Narodnaya Volya**”. Police in Pinsk municipal department of interior confiscated from him 261 copies of the newspaper, and Mr. Ramanovich was taken to a police department. A protocol was made that he had no official permit for distribution of the newspaper with him. Soon an employee of the newspaper “**Miastsovy Chas**” (JSC “Publishing house “Intex-Press”) brought to the police department the documents, according to which Aliaksandr Ramanovich was authorized to distribute the newspapers. However, the police officer refused to make a corresponding record in the protocol. On **August 25** it emerged that Pinsk police returned all the confiscated copies of “**Narodnaya Volya**” to Aliaksandr Ramanovich after the activists addressed the city prosecutor and the management of Pinsk municipal department of interior with a complaint against illegal actions of police employees.

On **August 30** the edition of the independent newspaper “**Tovarisch**” received letters informing that “Belposhta” refused to include the edition in the subscription catalogue for the first half-year of 2007, and “Minvobdruk” refused to distribute the newspaper through its kiosks. The reasons for refusals were not specified in the letter.

On **September 19** Chyhunachny district court of Vitsebsk fined the distributor of non-state press Barys Hamaida 15,5 thousand roubles (about 7 Usd) for illegal trade in newspapers. He was detained on a street when offering to the passers-by to buy “**Vitebsky Kurier M**”, “**Nasha Niva**” and “**ARCHE. The Beginning**”.

On **October 5** it became known that Pinsk municipal authorities persistently “recommended” to the shops managers to give up selling the non-state newspaper “**Miastsovy Chas**”. In this connection the administration of the shop “Astoria” has already sent to the edition the letter with the request to terminate the contract for selling “**Miastsovy Chas**” in the shop. It was later discovered that an employee of Pinsk municipal executive committee openly told the chiefs of shops, that it was undesirable, that in their trade halls non-state newspapers were near the state editions. Earlier the Pinsk regional printing house terminated the contract with the edition, local branch of “Belsayuzdruk” refused cooperation, and “Belposhta” did include the newspaper in the subscription catalogue.

On **October 5** it surfaced that it is forbidden to sell the independent newspaper “Inform-Prugulka” (Luninets) in the “Brestvoblsayuzdruk” kiosk located in the building of Luninets district executive committee. Despite of the contract between the edition and “Brestvoblsayuzdruk” enterprise for distribution of the newspaper, the corresponding order came directly from the Luninets district executive committee chairman V. Harhun.

On **October 11** it became known in one of Minsk shops unidentified people confiscated 20 copies of the newspaper “Nasha Niva” (№36). The three men, who introduced themselves as KGB employees, explained their actions by saying that “Nasha Niva” is forbidden for distribution in Minsk. The edition is registered by the Ministry of information and has the right to be distributed across the whole Belarus. The edition had a contract for selling the newspaper with the shop, from which the newspapers were confiscated.

On **October 12** the chief editor of the independent newspaper “Vestnik Kultury” Aleh Zaitsau informed that “Belsayuzdruk” refused to distribute his edition. The edition received a letter signed by “Belsayuzdruk” director I. Dudzich informing that the contract for realization of the newspaper was terminated. Mr. Dudzich justified his decision by economic inexpediency of cooperation. According to the editor, the newspaper could fall victim to the general “cleansing”.

On **October 12** the edition of the independent newspaper “**Brestsky Kurier**” received a letter signed by the director of the Brest branch of “Belposhta” Georgy Titou, saying that “the contract for distribution and delivery of “**Brestsky Kurier**” was to expire on December 31, 2006 and would not be prolonged. In this connection the newspaper would be excluded from the catalogue of periodic editions for the new subscription period. The letter said nothing about the reasons of termination of the contract. In 2005 “Belposhta” also refused to include the newspaper in the catalogue and made it only 5 days before termination of the subscription campaign. In early 2006 “Belposhta” terminated the contracts with “**Brestsky Kurier**” for retail trade and delivery to the districts of Brest region.

On **October 17** chief editors of five non-state newspapers - “**Narodnaya Volya**”, “**Tovarisch**”, “**BDG. Delovaya Gazeta**”, “**Vitebsky Kurier M**” and “**Borisovskiye Novosti**” addressed the head of state with an open letter. In the letter they asked A. Lukashenka’s assistance in resolving the problems related to printing and distribution of non-state editions, reminding him, that in the Chamber of Representatives of the National Assembly he had declared the readiness to deal with the situation in detail.

On **October 27** Deputy of the Chamber of Representatives of the National Assembly of Belarus Volha Abramava offered to the government to consider the situation with non-state media. She noted, that “non-state press is subject to ostracism on the part of the state”. As an example she explained the situation with the newspapers “**Narodnaya Volya**”, “**Tovarisch**”, “**BDG. Delovaya Gazeta**”, “**Vitebsky Kurier M**” and “**Borisovskiye Novosti**”, which were not included in the subscription catalogues and can not be distributed through the system of “Belsayuzdruk”. The deputy also offered to legislatively limit the amounts of fines and terms of submission of claims on business reputation cases against journalists and editions.

On **November 3** one of the publishers of the unregistered newspaper “**Nash Mahileu**” Andrus Dvihun was detained in Mahileu. In the city centre he was approached by two men in plain clothes, who introduced themselves as employees of Leninsky district Department of interior, and said that he looked similar to a criminal, who recently made a theft. On this basis he was detained and accompanied to a police department. In the bag, which Andrus Dvihun had the policemen found a part of circulation of the first issue of the newspaper “**Nash Mahileu**”. All copies were confiscated “for clarification of circumstances”, which was marked in the protocol.

The first issue of the newspaper was issued on **October 30**. The circulation of the edition is 299 copies.

On **November 8** it became known that the state enterprise “Belposhta” refused to include the non-state political newspaper “**Vitebsky Kurier M**” in the subscription catalogue for the first half-year of 2007. “Selection of printed editions for the catalogue for their further distribution by subscription is the right of “Belposhta”, which is realized by the company in accordance with the legislation”, “Belposhta” letter addressed to the edition said. In early 2006 Vitebsk branch of “Belposhta” has terminated the contract for distribution and delivery with the edition of the newspaper “**Vitebsky Kurier M**”.

On **November 13** participants of the 9-th Minsk Forum sent an address to the Ministry of Communications and Ministry of information urging the ministry to promote renewal of cooperation of the state enterprises “Belposhta” and “Sayuzdruk” (subordinated to these ministries) with non-state political newspapers. 34 participants of the event put their signatures under the address.

On **November 16** it became known that leading non-state national and regional political newspapers were not included in the subscription catalogue of the state distribution monopoly “Belposhta” for the first half-year of 2007. The state postal company has refused to cooperate with the editions “**Narodnaya Volya**”, “**Nasha Niva**”, “**Tovarisch**”, “**SNplus. Svobodnye Novosti Plus**”, “**Brestsky Kurier**”, “**Vitebsky Kurier**”, “**Borisovskiye Novosti**”, “**Gazeta Slonimskaya**”, “**Intex-Press**” (Baranavichy), “**Liahavitsky Chas**”, “**Volnaje Hlybokaje**”, “**Hantsavitsky Chas**” and “**Miastsovy Chas**” (Pinsk). Therefore, these newspapers have lost the only possibility to be distributed by subscription, and their readers - to receive them in the mail box. The management of “Belposhta” explained that “as far as the obligation to include a printed edition in the catalogue is not stipulated by the legislation, the selection of printed editions for the catalogue for their further distribution by subscription is the right of the state unitary company “Belposhta”, which is realized by it according to the legislation”. Meanwhile, the law “On postal communication” stipulates that any newspaper, which is published on the territory of Belarus and is registered by the Ministry of information has the right to be included in the Catalogue for subscription and delivery to the addressee by means of rendering universal services of postal communications.

On **November 28** a protocol was written for the worker of the Homiel factory of starting engines Anatol Paplauny for bringing two copies of the unregistered newspaper “**Svaboda**” to work. On this occasion deputy director for staff and ideology A. Minchuk summoned to the enterprise a local policeman. He also invited the head of a tool department, a foreman and several workers, who had to give explanations, whence the copies of the newspaper have appeared in the department.

The protocol was made on the basis of the Article 172 of the Administrative Code (distribution of printed editions produced in violation of the established order, which have no dateline, which contents is aimed at causing damage to the state and public order...). The article provides a fine in the amount of five minimal salaries with confiscation of the edition.

On **December 1** in Mahileu a protocol was made for the activist of the United Civic Party Kristina Shatsikava for violation of Article 172 of the Administrative Code (distribution of printed editions produced in violation of the established order...).

Police detained Kristina Shatsikava a day before, when she returned from Minsk. The policemen persistently offered her to proceed to the police station – allegedly to check the contents of her bag “for terrorism”. In Leninsky Department of interior policemen found with Ms. Shatsikava copies of the newspaper “**Narodnaya Volya**”, human rights bulletin “**Belorussky Vestnik**” and printouts of an Internet digest “6 Sq. Meters”.

On **December 8** the distributor of non-state press Barys Hamaida was again detained and fined in Vitsebsk. As usual, he distributed the editions “**Narodnaya Volya**”, “**Nasha Niva**”, “**ARCHE. The Beginning**” and “**Svaboda**” in the city centre – on Lenin Street. Two policemen approached him and offered to proceed to Kastychnitsky district police station, where an act was prepared on violation of Article 148 of the Administrative Code (trade in an unauthorised place), after which the court fined him 15.500 roubles (about 7 Usd). The detention took place on the day of the visit of the Belarusian Prime Minister S. Sidorsky to Vitsebsk.

On **December 13** in Homiel the runner up for elections to the regional council from the United Civic Party Aliaksandr Pratsko received an official warning for distributing non-state newspapers “**Narodnaya Volya**” and “**Tovarisch**” (registered editions) during gathering signatures for his nomination. The district commission of student's constituency №15 headed

by deputy chairman of administration of Savetsky district of Homiel Mikola Maly considered it a violation of the electoral legislation.

## **Ideology and propaganda**

On **February 6** the Secretary of the Central Committee for Elections Mikola Lazavik informed BelaPAN news agency, that the Central Committee for Elections does not consider the action of the TV channel ONT (Closed JSC "Second National TV Channel") "For Belarus!" a propaganda campaign. In his opinion, the action "For Belarus!" is aimed at "raising political activity of the citizens and their interest in the elections campaign taking place in the country", and is not propaganda. The action started in Grodno of February 5 and lasted six weeks. Concerts, in which the stars of the Belarusian and Russian pop scene took part, were held in all regional centres of Belarus. The concert shown on February 19 on ONT contained propaganda for A. Lukashenka - actors and spectators chanted "For Batska!" ("For Daddy". "Daddy" is the term widely used as a nickname for Lukashenka - interpreter)

(The slogan "For Belarus!" was actively used during preparation for 2004 referendum on introducing changes to the Constitution, which has allowed A. Lukashenka to stand for the presidency of the country for unlimited number of times).

The Ambassador of Lithuania in the Republic of Belarus Petras Vaitenkunas denied the information, published on **February 7** in the state newspapers "**Zviazda**" and "**Respublika**". The articles in these newspapers said that guerrillas for the Belarusian opposition are allegedly trained on the territory of Lithuania. "With all responsibility I declare, that your statements in the given article about the camps for training youth groups methods of holding street actions and resistance to law-enforcement bodies allegedly existing on the territory of Lithuania do not correspond the reality", the letter of Petras Vaitenkunas to the chief editor of "**Zviazda**" Uladzimer Narkevich said. A similar letter was also sent to the chief editor of "**Respublika**" Anatoly Lemyashonak.

On **February 7** the program "Comment of the Day" on the **First National TV Channel (National State TV and Radio Company)** voiced the information that "residents of national special services have been working for a rather long time on the basis of the Embassy of Poland". It was noted in the program that "using diplomatic immunity", they "carry out legal intelligence" and other actions "aimed at intervention in internal affairs of the Republic of Belarus". It was sounded by a man who was introduced as an employee of KGB department of counterintelligence.

On **February 8** in an interview to **BelaPAN** news agency the Press-secretary of the Embassy of Poland Monika Sadkowska declared that such statements are in line with the overall policy of the Belarusian authorities in relation to the neighbouring country. "It is already not the first program, in which Belarusian authorities try to represent Poland as the enemy of Belarus. Similar accusations have been repeatedly voiced in relation to embassies of other countries of the European Union". Ms. Sadkowska did not exclude, that it "was somewhat connected to the presidential elections, due in Belarus in March".

On **February 8** activist of the public association "Union of Poles of Belarus" and editor of the magazine "**Magazyn Polski u Emihracii**" Andzej Pachobut appealed to the Prosecutor's Office of the Republic of Belarus. He demanded explanations concerning the contents of the program "Comment of the Day", shown on the previous day on the **First National TV Channel**. A. Pachobut asked the Prosecutor's Office to hold the author of the program Yury Prakopau responsible for kindling of national enmity. "This programs showed the arms of the Republic of Poland spoiled with black stars. It represents disrespect for the national symbols of the neighbouring country and it has offended me as an ethnic Pole. I

believe that such footage and the comments to it voiced in the program promotes kindling of national enmity", A. Pachobut declared.

On **February 14** the Embassy of the USA in Belarus issued an official statement to express deep concern in connection with recent articles and TV programs, in which Belarusian state mass media made certain statements and conclusions concerning the Government of the USA. A special discontent was stated regarding the program of the **First National TV Channel** "Agent 590", aired on February 7, which talked about alleged financing of the actions aimed at discrediting Belarus in front of international community by the government of the USA. The Embassy of the USA reminded that all its diplomatic activity is conducted openly and transparently, and the Belarusian Government regularly receives information on the programs of the Embassy. The Embassy of the USA stated regret, that Belarusian authorities aspires to actual preservation of monopoly on presenting information to the Belarusian society.

On **February 20** the Embassy of the Czech Republic distributed a press release, in which it expressed deep concern concerning "false statements and conclusions concerning the activity of the diplomatic mission in Minsk" sounded by the Belarusian TV. The reason for the statement was the information, discrediting the Czech Republic and its Embassy in the Republic of Belarus aired on **February 19**. **BT** journalists talked about distribution of propaganda materials for the presidential elections campaign by the Embassy. The Embassy assured that it distributed booklets with the text of the UN Resolution № 13/2005 in the Belarusian language, earlier printed and coordinated with the UN. The embassy emphasized in its statement that truthful and independent information is a condition of democracy and urged the Belarusian TV to deliver objective information to the Belarusians.

On **February 21** from 18.30 to 19.00 the **First National TV Channel** should have broadcasted the address of the candidate for the presidency A. Lukashenka to the voters. However, the head of state refused from this opportunity. Zmitser Koscin, press-secretary of A. Lukashenka's initiative group, could not explain reasons of this step. In the declared time instead of Lukashenka's address the **First National TV Channel** aired the documentary "Conspiracy Theory. Controlled Chaos" from the propaganda cycle of Yury Azaronak "Spiritual War".

From **February 21** the TV channel **STV (closed JSC "Stolichnoye Televidenie")** resumed showing the Belarusian propaganda serial "Newest History" on the frequency of the Russian TV channel "Russia". On February 21 the first series of the Belarusian serial were showed instead of the premiere of the documentary "World After Auschwitz". Instead of the daily final news program on the TV channel "Russia" "Vesti+" a new Belarusian program "Politics" was aired hosted by Yury Kazijatka.

On **February 26** the First National TV Channel showed the protocols of exit polls, which should have been carried out during the forthcoming presidential elections on March 19. The protocols were allegedly prepared beforehand. The bulletins of exit polls, allegedly conducted by the Baltic Gallup Service, were confiscated in the office of the unregistered organization "Partnership". According to the bulletins, A. Milinkevich received 53,7% of votes, A. Lukashenka - 41,3%, A. Kazulin - 3,8%, and S. Haidukevich - 1,2%.

The director of the Baltic branch of "Gallup Organization" Rasa Alishavskene told the Baltic News Service (BNS) that her centre has no relation to the data of exit polls shown on Belarusian TV. The form shown in the program is not the form used by the Baltic branch of Gallup. According to Ms. Alishavskene, Baltic Gallup was not going to conduct exit polls during the presidential elections in Belarus.

On **March 8** the **First National TV Channel** aired a concert of the Belarusian group “Siabry”, which performed a song “Listen to the Batska!” (“Listen to the Daddy”). The head of the group Anatoly Yarmolenka denied a political subtext in the song, saying it was written earlier, and the time of its performance simply coincided with the presidential elections campaign.

*(The lyrics of the song “Listen to the Batska!” were written by the Russian poet Yevgeny Muraviev:*

Well fit and strong,  
He won't teach you bad things.  
Batska can put everyone in line,  
Batska is cooler than all others.  
He will easily resolve insults,  
He is reliable and quiet.  
He will only look and it is visible at once,  
Who is the owner in the house.

Na-na-na-na-na-na ...  
Listen to Batska!  
In the morning, night, and day ...  
Listen to Batska!  
If you feel bad ...  
Listen to Batska!  
If all is good ...  
Listen to Batska!)

On the eve of the elections the newspaper “**Brestsky Vestnik**” was published with the circulation 100 thousand copies. This edition, founded by Brest municipal executive committee and financed from the municipal budget, is published with the circulation no more than 4 thousand copies. The issue published in mid-March was printed with the circulation of 100 thousand copies and distributed free-of-charge in the mail boxes of the city dwellers.

On **March 15** the newspaper “**Sovietskaya Byelorussia**” was published with the circulation of 800 thousand copies instead of usual 502 thousand copies. The issue of the newspaper, one of which founders is the Administration of the President of the Republic of Belarus, was sent even to those who don't subscribe to this newspaper. It was devoted to the Constitution Day. There were no direct appeals to vote for A. Lukashenka or against opposition candidates in it, but the articles contained statements of the following character: “...In today's Belarus the conditions for good and clean life are created and improved”, “little by little, without political rattle and social demagoguery the authorities build a strong and cosy house”. “...they want to take away all this - quiet life today and clear prospects for tomorrow. Not with the help of the war, as it was in 1941, but through the ballot box, with the help of “political technologies”, promoted by those who received a check and an order for changing our life abroad. However, they do their best to convince that their thoughts are pure, that they are only driven by their adherence to democracy, that they are capable of changing life to better. Who can believe in it? Either an ignorant man, or an adventurer like them, or an innocent teenager”.

On **April 13** the Ministry of foreign affairs of Belarus distributed a statement saying that it considers discontinuance of relaying of **BT** programs in the Lithuanian territory an

infringement of bilateral arrangements. According to the statement, it contradicts the Declaration on principles of good-neighbourhood and the Agreement on good neighbourhood and cooperation between the Republic of Belarus and the Lithuanian Republic, according to which Lithuanians in Belarus and Belarusians in Lithuania shall be granted the rights and freedoms equal to the rights and freedoms of the citizens of both countries.

In April, 2006 the commission on radio and TV of Lithuania banned the operators of cable TV from relaying the Belarusian state TV in connection with “negative comments on the Lithuanian Republic and its authorities and disinformation of viewers”).

On **June 13** the visa department of the General Consulate of the Republic of Poland in Hrodna refused to issue a visa to the chief of correspondent office of the **Agency of Television News, BT** Mikola Melyachenka. Uladzimer Amelko, the head of department of ideology of Hrodna regional executive committee, has not received the visa either. Mikola Melyachenka is the author of many TV reports, which, in the opinion of the Polish side, incite ethnic enmity. He was also a witnesses on a criminal case instituted by Hrodna police against the activists of the Union of Poles, unrecognized by the Belarusian authorities (in particular, journalists Andzej Pachobut and Andzej Piscalnik).

On **October 24** Darja Rumiansava, student of the second year of the faculty of journalism of the Belarusian State University, was summoned for conversation by Anna Kurejchyk, assistant dean on ideology. Among other things, she asked the student to write an explanatory note concerning her absence at classes from October 2 to October 6. In the explanatory note Ms. Rumiansava noted that she participated in the training carried out in Warsaw by the Belarusian School of Journalism. Nevertheless, the contents of the explanatory note has not satisfied the management of the journalism faculty, and so in the presence of the dean of faculty Syarhey Dubovik the student had to write that she had shirked classes, thus violating internal rules of the establishment. She had to give a written pledge that she would not leave Belarus without an appropriate sanction of the Ministry of education. About 10 other students who took part in the training in Poland had to write similar pledges.

On **November 14** it became known that the Minister of information of Belarus handed an honourable badge “For achievements in Belarus press” to Uladzimer Amelko, head of department of ideological work of Hrodna regional executive committee. Earlier the state official was not noticed as a practising journalist. However, during his time at this position almost all non-state newspapers of the region, including “Pahonia”, “Djen”, “Birzha Informatsii”, “Novaja Gazeta Smorgoni”, “Mestnaya Gazeta”, “Telescope” and others have ceased to exist.

The department of ideology led by U. Amelko took immediate part in holding of the repeat congress and election of the management of the Union of Poles of Belarus loyal to Belarusian authorities. Mr. Amelko personally supervises the activity of mass media and public organizations.



## **Most Significant Litigations With Participation of Mass Media**

**In late February** Anatol Lyabedzka, chairman of the United Civic Party, submitted to the Pershamaisky district court of Minsk a suit for protection of honour, dignity and business reputation and compensation of moral damages against the **National State TV and Radio Company** and authors of the documentary “Conspiracy Theory. Controlled Chaos” aired February 20 and 21. The politician considered slanderous two phrases in the film: “Now Belarusian oppositionists obsequiously listen to the instructions of Caucasian guys that got fat on the revolution”, and “Camera records his meeting with Anatol Lyabedzka, who also wants to try to bring the distracted crowd to the streets”, as well as the statement allegedly belonging to Lyabedzka, voiced by the announcer: “Thousands of victims won’t stop us”. UCP leader demanded to consider the information voiced in the TV program deceitful, urged the authors to refute the information and demanded from the **National State TV and Radio Company** and authors of the documentary 1 billion roubles in compensation of moral damages.

**On April 6** Pershamaisky district court of Minsk launched the proceedings and satisfied Lyabedzka’s request to invite to the hearings the chair of the **National State TV and Radio Company** A. Zimousky.

**On April 6** A. Zimousky admitted in court that he is one of the authors of the documentary, but refused to admit the claim. According to him, the distributed information was not offending Mr. Lyabedzka, since it was not concerning him personally or his activities. When asked to inform the court how BT got hold of the video used in the documentary, A. Zimousky said he received it from an unknown person “on conditions of anonymity”. A fragment of the documentary was also shown in court. In this fragment Mr. Lyabedzka speaks at a table with two men (as the politician explained in court – with Georgian MPs). The conversation was in Russian, although the BT version was voiced over in English. On April 7 at the request of the court BT presented the translation of this text.

Mr. Lyabedzka paid attention of the judge to the fact that this text was different from the text read by the announcer in the film “Conspiracy Theory. Controlled Chaos”. When asked why authors didn’t let the characters voice their thought themselves, Zimousky said that the conversation in Russian was technically impossible to broadcast, so the journalists expressed its contents themselves and “they tried to do it neutrally”.

**On April 10** the suit of the UCP leader was waived. The court ruled that the respondents proved the veracity of information distributed by them in the documentary “Conspiracy Theory. Controlled Chaos” and decided that this information wasn’t offending A. Lyabedzka.

**On April 20** the Economic court of Vitsebsk region started to consider the case on protection of business reputation filed by Vitsebsk house construction company against an independent newspaper “**Vitebsky Kurier M**” for the article “Dictatorship of Authorities” dated 21.03.2006. The author of the article Tacyana Chabatarova wrote that on the eve of presidential elections the director of the company Anatol Stryk issued order No. 153, instructing the heads of various departments to conduct agitation propaganda for “the expediency of early voting and ensuring support to the incumbent president Alexander Lukashenka”. The legal adviser of the company assured there was never such a decree. The correspondent, in her turn, said she had a copy of this document, although she couldn’t name

the person who brought it to her. The copy of the document is posted here [http://www.belnews.info/2006/03/17/zagad\\_pa\\_vtsebskamu\\_dsk](http://www.belnews.info/2006/03/17/zagad_pa_vtsebskamu_dsk)

**On May 5** the appeal of the Vitsebsk house construction company was waived.

**On June 21** Leninsky district court of Minsk fined the correspondent of the Russian newspaper “**Kommersant**”, Belarusian journalist Vadzim Dounar, 31 thousand roubles for petty hooliganism. The journalist was arrested April 21 in the centre of Minsk on Karl Marx Street by people in plain clothes. Later they turned out to be employees of presidential security. Having checked his documents, they called for a police truck, and Vadzim was delivered to Leninsky district interior department. The journalist was kept in the police station for several hours. The investigator who arrived later filed a report charging him with being drunk, offending the head of state and shouting out anti-government slogans. After this Mr. Dounar was put back to the cell, his belt and shoelaces were confiscated. Some time later he was shown a different protocol, in which he was charged with cursing (Article 156 of the Administrative Code – petty hooliganism). Then the journalist was released and obliged to come to court several days later.

**On April 28** the judge of Leninsky district court postponed the hearings and sent materials of the case for elaboration to Leninsky district interior department. It was discovered in court that the materials in police reports and in the protocol were contradicting. The former pointed to an article of the Criminal Code, and the latter – to an article of the Administrative Code.

The final decision wasn't made until **June 21**. The trial lasted no more than 7 minutes. The judge heard the testimony of the presidential security officer Ilya Plotnikau, who stopped the journalist on April 21 and called police. The journalist found out about Mr. Plotnikau's job only from the police report. In the court the latter said it was an “official secret”. Mr. Plotnikau witnessed that in the street V. Dounar was cursing and offending the head of state.

**On May 18** Leninsky district court suspended hearing of the administrative case against a youth activist Alesya Siuchykhava, suspected of offending **BT** journalist Dzianis Balshakou. The judge didn't see corpus delicti in the actions of the respondent.

In March Dzianis Balshakou was the author of a number of programs on state Belarusian TV, including one saying that residents of the tent camp on Kastychnitskaya Square allegedly had porn magazines and drugs with them. Alesya Siuchykhava sent him an SMS: “Dzianis, Great idea with drugs and porno. Students of the journalist faculty in Akrescina prison will never forget you!” The journalist thought this message was offensive and filed an administrative case according to Article 156 of the Criminal Code (“Petty hooliganism”)

**On June 22** Savetsky district court of Minsk partially satisfied the suit of the head of Belarus State Customs Committee Alyaxandr Shpileusky against the publisher of “**Komsomolskaya Pravda v Belarusi**” – closed JSC “BelKP-PRESS”, ordering it to repay 60 million roubles in compensation of moral damages. The reason for the suit was a wrong picture published in the newspaper on **May 4**. The section “Quote of the day” contained a statement of Mikalay Shpileusky, agent of the Belarusian football player Alyaxandr Hleb, which was mistakenly illustrated by Alyaxandr Shpileusky's photograph. The edition immediately contacted Alyaxandr Shpileusky's press-service and begged pardon. In the next issue the newspaper published a written explanation of the situation in the form that the offended side wanted to see it.

The conflict seemed to be resolved, and so the suit on protection of honour, dignity and business reputation and compensation of moral damages in the amount of 80 million roubles filed by Alyaxandr Shpileusky several weeks later came absolutely unexpected. The statement of M. Shpileusky, which was by technical mistake illustrated by Alyaxandr Shpileusky's picture, was absolutely neutral and concerned exclusively sports topic. The newspaper managers don't understand how the newspaper caused such a huge moral damage to the state official. The newspaper's cassation appeal was waived by the court on **August 24**.

**On July 11**, quoting the Prosecutor's Office of the Republic of Belarus, "**Komsomolskaya Pravda v Belarusi**" informed about launching of criminal procedures against the head of ONT channel (closed JSC "Second National TV Channel") Ryhor Kisel. "The conversation is about misappropriation or squandering of state money – so far the Prosecutor's Office doesn't give a clear formulation or an article according to which the criminal case was instituted", "**Komsomolskaya Pravda v Belarusi**" wrote. The newspaper related this fact to the financial inspection of the closed JSC "Second National TV Channel" and the company "Telefilm".

**On July 19** state news agency BelTA informed that Ryhor Kisel filed a suit against the publisher of "**Komsomolskaya Pravda v Belarusi**" – closed JSC "BelKP-PRESS" on protection of honour, dignity and business reputation. He demanded refutation and compensation of moral damages in the amount of 1 billion roubles from the founder and 10 roubles from Natalia Kryvets, author of the article. However, the court has never considered the case.

**On July 26** Kastychnitsky district court of Vitsebsk started consideration of the suit against the publisher of an independent newspaper "**Vitebsky Kurier M**" and its journalist Scjapan Starazhyl. The suit on protection of honour, dignity and business reputation was filed by a Vitsebsk businessman Alyaxandr Danilau. In his article "Freedom Square For a Limited Circle of People" the journalist doubted the legitimacy of the decision of the local executive committee to allocate land to Mr. Danilau for building a youth centre. Alyaxandr Danilau insisted that this information was deceitful and demanded refutation and 354 million roubles in compensation of moral damages.

**On September 6** the court partially satisfied the appeal and demanded the publisher to pay 1,5 million roubles, and the journalist – 150 thousand roubles in compensation. The newspaper was also ordered to pay court expenses and to publish a refutation.

On August 16 consideration of a case against an independent newspaper "**Intex-Press**" (Baranavichy) ended in favour of the newspaper. The court waived the appeal filed by the director of Baranavichy Footwear Factory Viachaslau Tumaschyk. The reason for the appeal was publication in the section "Service 02" of the information that a criminal case was instituted against Mr. Tumaschyk. The article was prepared on the basis of information from Baranavichy department of interior and department of information and public relations of the department of interior of Brest regional executive committee.

According to Viachaslau Tumaschyk, "**Intex-Press**" offended his honour and dignity by publishing this information, since he was never held responsible. He demanded 10 million roubles in compensation of moral damages. The first court hearing of the case was held on **August 3**.

**On August 28** the chair of the association "Stalichnaye Taxi" Ihar Verhavets filed an honour and dignity suit against the newspaper "**Tovarisch**" and a trade union activist Pavel Paddubsky to Leninsky district court of Minsk. The reason for the appeal was an article called

“We Arrived to Serfdom” by Pavel Paddubsky, dated 09.06.2006, in which the author talked about the problems that Minsk taxi drivers faced after the rules of transporting passengers were changed and expressed the opinion that the new rules are profitable only for large monopolists on this market. I. Verhavets was mentioned in the article in the following context: “Among taxi drivers there is an impression that the current situation is profitable for him (I. Verhavets – BAJ Press Service)”. The claimant considered such an opinion offensive and demanded the compensation of 15 million roubles from the newspaper and 15 million roubles from the author of the article.

**On October 4** the trial ended for the benefit of the respondents. The judge Taccyana Zhulkouskaya waived the appeal, saying that the Constitution guarantees to everyone the right to freedom of opinion. She believed the newspaper let certain Minsk taxi drivers express their point of view.

**On November 8** Supreme Economic Court waived the appeal of the independent magazine “**ARCHE. The Beginning**” against the Ministry of information. The appeal was against the written warning to the edition and suspension of publication for three months by the order of the Minister of information dated September 19. Both documents stated that by publishing articles on political topics in Issue No. 9 (49), 2006 the magazine changed its topics (specialisation), without informing in due time the Ministry of information for making appropriate changes in the registration certificate (violation of Article 11 of the Law on press and other mass media). The formal reason for the sanctions was publication in the section “History” of memoirs about Belarusian political realities in the 90-ies by Syarhey Navumchyk and other deputies of the Supreme Soviet of the 12<sup>th</sup> convocation. According to the chief editor of the magazine Valera Bulhakau, the true reason for suspension was the cover of the Issue No. 9 (49), 2006 (<http://arche.bymedia.net/2006-9/num906.htm>) with the faces of secret service officers pushing protestors from the main avenue in Minsk during the protests on March 25, 2006. The magazine edition appealed to court demanding from the Ministry of information to annul the warning and the order on suspension of the publication.

Preliminary hearings on the case were held **October 18**. **On November 4** the Supreme Economic Court started to consider the case, and **on November 8** the judge Mikalay Maludzin ruled to waive the appeal.

**Note: On September 26** BAJ sent an appeal to the Minister of information Uladzimer Rusakevich demanding to annul the warning and the order on suspension of the publication. “From our point of view applying sanctions for the contents of a media outlet in case the edition doesn’t abuse the freedom of mass media represents interference with activity and violation of professional independence of the edition. In accordance with the Article 48 of the Law on press and other mass media such actions are classified as attacks on the freedom of mass information”, BAJ appeal says. The media watchdog stressed that “extrajudicial suspension of media activity by an organ of executive authority violates international legal obligations of the Republic of Belarus”, in particular, Article 19 of the International Pact on civil and political rights, ratified by Belarus and other similar rules, stipulated by the CIS convention on the rights and major freedoms of the man.

“Publishing of articles on political topics in any mass media doesn’t yet represent a change in the topics that it covers”, BAJ representatives believe. “Belarusian legislation doesn’t specify which volume of an issue can be dedicated to the materials on certain topics... This is also confirmed by the fact that Article 10 of the Law on press and other mass media stipulates that the founder should specify approximate, and not exact topics and (or) specialisation of mass media in the application for media registration”.

## **Zmitser Zavadsky's Case**

On **March 31** the investigation of the criminal case on abduction of the journalist Zmitser Zavadsky was again suspended. The mother of the journalist Volha Zavadskaya learned about it only in May from the letter of Ivan Branchel, assistant chief of department on investigation of corruption cases of the Prosecutor's Office of the Republic of Belarus, junior adviser of justice. The document informed, that "the criminal case initiated on the fact of disappearance of Zmitser Zavadsky is suspended on March 31, 2006 according to item 6, Part 1, Article 246 of the Criminal Procedures Code of the republic of Belarus since the missing person was not found".

On **May 10** International human rights organization "Reporters Sans Frontiers" expressed indignation concerning another suspension of investigation of Zavadsky's case. RSF reminded that they repeatedly urged Belarusian authorities to launch an independent investigation.

On **May 30** at a press conference in Minsk the General Public Prosecutor of Belarus Piotar Miklashevich declared that his office "continues searching for Zmitser Zavadsky". "By now the location of Z. Zavadsky has not been established, but the Prosecutor's Office of the Republic of Belarus continues searching for him. Examinations of a number of episodes on the given case were also were carried out earlier, and they are carried out now. By now the location of Z. Zavadsky has not been established", Miklashevich noted at the meeting with journalists on May 30.

Commenting on this statement, BAJ vice-president A. Bastunets emphasized, that the Prosecutor's Office of the Republic of Belarus does not pay attention to the court decision recognising Z. Zavadsky dead (dated November 27, 2003, Frunzensky district court Minsk) and does not put a question on initiating the case on murder of the journalist: "It seems that the General Public Prosecutor intentionally draws attention to searching "the location of Zavadsky" (as if we speak about a living man). I have an impression, that the question of his probable murder (and thus - about holding responsible the people guilty of this crime) is ignored by the Prosecutor's Office".

On **June 30** BAJ distributed a statement on the eve of the 6th anniversary of disappearance of the journalist Zmitser Zavadsky. " ... Public association "Belarusian Association of Journalists", expressing the opinion of more than a thousand of its members, urgently demands from the competent law-enforcement bodies to renew and to carry out in full volume the investigation of all circumstances of disappearance of the journalist Zmitser Zavadsky. We will not calm down until we find out the truth about this mean crime, until the names of people who ordered and executed it are named. We remember and we will always remember our colleague and friend Zmitser Zavadsky", BAJ statement read (<http://www.baj.ru/news/?id=2>).

On **July 7** on the day of the 6th anniversary of disappearance of the journalist Zmitser Zavadsky, the action "Chain of concerned people" was held in Minsk. At about 18.30 several dozens people – colleagues, acquaintances and members of the family of Zmitser as well as members of youth organizations gathered on Kastychnitskaya square and tried to unfold the portraits of the journalist and missing opposition politicians. However, uniformed riot police and plain-clothed agents have forced the protestors from the square.

The action was supported in other cities of the country as well: in Mahileu public activists posted on advertising stands leaflets reminding that the criminals, who have abducted the journalist, have not been found and are not punished.

In Brest about a dozen opposition activists formed a live chain along one of the central streets of the city – Pushkinskaya Street, holding portraits of the journalist. They distributed to the passers-by the book "Realities of the Belarusian Journalism", issued by the Fund named after Zmitser Zavadsky.

In Hrodna the action “Solidarity in the name of freedom” was organized on **July 7** at the initiative of the activists of the United Civic Party. About 17.30 a dozen of young people lit candles on the Sovietskaya Square. Almost immediately they were approached by police and ordered to leave. The participants of the action didn’t obey and seven of them were detained by police. They have spent 2 hours in Leninsky district police department of Hrodna, where police have taken their explanations and then released them.

On **August 30** the Russian TV channel “**The First Channel**” announced the names of the winners of the annual award "For Courage and Professionalism" named after Zmitser Zavadsky: in 2006 it was awarded to the Belarusian journalists Andrey Dynko (chief editor of the newspaper “**Nasha Niva**”), Julia Darashkevich (press photographer of the newspaper “**Nasha Niva**”) and Aleh Ulevich (correspondent of the newspaper “**Komsomolskaya Pravda v Belorussii**”). The award was founded six years ago by the **First Channel**, where Zmitser used to work. The idea was also supported by the Belarusian Association of Journalists, which annually participates in discussion of candidates for the awards: first the nominees are discussed by BAJ board, and then they are considered by the Board of directors of the **First Channel**.

The award ceremony was held in Minsk on **September 11**. The awards were given by Paval Sheremet, the chief of department of special projects of the First Channel and colleague of Z. Zavadsky.

**Note:** Zmitser Zavadsky, cameraman for the Russian TV channel "ORT", disappeared on July 7, 2000. He drove to the airport "Minsk - 2" to meet his colleague - journalist Paval Sheremet. However, at the parking of the airport Sheremet has discovered only the empty car of Zavadsky. On **March 14, 2002** Minsk regional court has recognized a group led by Valer Ihnatovich, former employee of a special purpose unit "Almaz" guilty of abduction of the journalist and sentenced two men (V Ihnatovich and M. Malik) to life sentences and several more people - to different terms of imprisonment. According to the verdict, the motive of the crime was revenge: Zavadsky has publicly accused Ihnatovich of participation in the Chechen war on the party of Chechen guerrillas). The condemned have not recognized their guilt on neither of the episodes. On **November 27, 2003** Frunzensky district court of Minsk made a decision to recognise the missing journalist dead. The investigation of Zavadsky’s case was suspended and resumed several times, but it has not brought any results.

## **Veranika Charkasava's Case**

The year 2006 brought no significant progress in the investigation of murder of Veranika Charkasava, journalist of "Salidarnasc" newspaper. **In late December 2005** preliminary investigation of the murder was suspended "due to lack of person who could be held responsible as a defendant". However, Charkasava's case still remained in the focus of attention due to the criminal case instituted against Anton Filimonau, the son of the murdered journalist.

The 16-years old adolescent was detained by Pershamaisky district militia **on December 27, 2005**, on suspicion of counterfeiting Belarusian money. Militia found several bills of 5 and 10 thousand Belarusian roubles (2.5 and 5 dollars respectively) with Anton and four of his friends, and instituted against them criminal proceedings according to Article 221 of the Criminal Code of the Republic of Belarus (Repeated illegal production, keeping and distribution of counterfeit money by an organised group of people or by previous agreement). All five of them spent several days in the pre-trial jail. On December 30<sup>th</sup> all of them except Anton Filimonau were released. He was the only one who was taken to jail.

**On January 6** Anton's grandmother and grandfather Dyjana Charkasava and Uladzimer Myaleshka held a press-conference, at which they announced that the kid was pressured in the pre-trial jail. According to Dyjana Charkasava, unknown people visited Anton Filimonau in jail and tried to convince him to sign an admission of guilt of killing his mother.

**On January 10** Pershamaisky district court in Minsk waived the appeal of Uladzimer Myaleshka (legal representative of Anton Filimonau) to change the preventive punishment for his grandson. **On January 17** the Court of the city of Minsk upheld this decision and waived the appeal to the court of the first instance.

**On February 2** Dyjana Charkasava and Uladzimer Myaleshka published an open appeal to public, in which they announced that within a month of their grandson's detention in the pre-trial jail militia hasn't conducted a single investigative action on the case of counterfeit money. They declared that law enforcers admitted that people who have no relation to the case on counterfeit money met Anton in jail. Anton's relatives asked public for help in defending the adolescent, in particular, in changing his preventive punishment.

Meanwhile, several dozens Belarusian journalists wrote appeals to the Prosecutor of Minsk Mikalay Kulikou asking to change his preventive punishment and to release him before trial. The gathering of signatures was initiated by Svyatlana Zavadskaya, member of BAJ and wife of the ORT cameraman Dmitry Zavadsky missing since 2000. However, the Prosecutor's Office refused to change the preventive punishment. This was confirmed in the official letter of the deputy Prosecutor of the city of Minsk L. Litvinjuk addressed to BAJ and Svyatlana Zavadskaya.

**On February 17** the newspaper "Respublika" published the statement of the deputy General Prosecutor Viktor Prus, in which he voiced discontent with the fact that Veranika Charkasava's murderers were still not held responsible. He categorically denied any connection between this case and detention of her son Anton.

**In late February** investigation of the journalist's murder was resumed. Syarhey Ivanou, head of department of investigations of especially grave cases of Minsk Prosecutor's Office, confirmed this information to BAJ.

**On February 22** L. Litvinjuk, deputy Prosecutor of the city of Minsk, prolonged the term of preliminary investigation of Anton's case and the term of his detention to March 27<sup>th</sup> (to 3 months)

**On March 7** Tsentralny District Court of Minsk upheld the preventive punishment for Anton Filimonau, having waived the complaint of his lawyer that his arrest and prolongation of his detention were illegal.

**On March 13** the preventive punishment for Anton was changed and he was released on bail. The investigation took into consideration that during the preliminary investigation of the criminal case they received "repeated appeals to change the preventive punishment to another form, not related to limitation of freedom, and the fact that Anton Filimonau suffers from chronic diseases." The bail amounting to 7.5 thousand dollars was paid by his relatives. All in all Anton spent 2.5 months in the pre-trial jail.

**On March 14** the investigation of Charkasava's murder was again suspended "due to lack of person who could be held responsible as a defendant".

**On April 10** Pershamaisky district court of Minsk started consideration of a criminal case initiated against Anton Filimonau and other adolescents, charged with violating Article 221, Part 2 of the Criminal Code. **On April 11** the Prosecutor demanded 4-years prison term for the 16-years old Filimonau and 3-years terms for the other respondents. The judge didn't consider the offence as repeated and sentenced the adolescents according to Part 1 of article 221, which envisages a milder punishment. Anton Filimonau was sentenced to 2.5 years of suspended sentence.

**On April 10** the web-site "Belarusian Partisan" published an article "Price of Life (New Version of Veranika Charkasava's Murder)", prepared by the Agency of Journalistic Investigations. The article can also be found here at the agency's web-site <http://www.agentby.com/?q=node/22>. "Unlike the investigators, the journalists have managed to discover the facts which show that Charkasava's murder could be related to her professional activities", the lead of the article said.

According to the article, without realising it herself, Veranika Charkasava could end up in the frontline of fighting between the two clans in the country. The authors believe Veranika might have the information which could make one of the conflicting sides lose a lot of money.

In September a web-site dedicated to Veranika Charkasava's murder <http://www.veronikacherkasova.org> appeared in the internet. The site publishes information on the course of investigation of her killing, publications on this topic in Belarusian and foreign media, statements of Belarusian and international organisations, etc. Veranika's murder is considered by the site authors in the overall context of the Belarusian situation, so the site publishes a lot of additional materials on the media situation in Belarus. According to BAJ, Veranika's friends and colleagues who currently live in the USA were involved in creating the web resource.

**On April 18** the newspaper "Zvyazda" published an interview with Syarhey Ivanou, head of department of investigations of especially grave cases of Minsk Prosecutor's Office, in which he said that investigation of Veranika Charkasava's murder was suspended because



the people who committed the crime were not discovered. However, according to him “this criminal case is not hopeless and its investigation could be concluded” The chief investigator believes that the murder was not thoroughly thought over and prepared in advance.

Meanwhile, Syarhey Satsuk, the head of the Agency of Journalistic Investigations, who also investigated the murder together with his colleagues, believes that the killer was professional, who disguised the murder as a domestic crime.

**On October 20**, on the second anniversary of the murder, a public campaign was launched aimed at disclosing the murderers and holding them responsible. The action began with the statement of the General Secretary of the International Federation of Journalists Aidan White addressed to Alexander Lukashenka. “IFJ, uniting over 500,000 journalists from various countries, calls on you to resume investigation into the murder of the journalist Veranika Charkasava, to find and to punish the murderers in court... I believe that continued inability of Belarusian authorities to hold V. Charkasava’s killers responsible undermines the image of Belarus and readiness of the Belarusian authorities to defend the basic human rights”, the appeal states. The letter also says that “Only by holding the criminals responsible in court Belarus can demonstrate to its citizens and to international community its support for the freedom of press and its readiness to defend the lives of journalists.”

Note: Veranika Charkasava, journalist of the independent newspaper “Salidarnasc” was violently murdered on October 20 2004 in her apartment in Minsk. Her body with numerous knife wounds was discovered by her 15-years old son Anton Filimonau and her stepfather Uladzimer Myaleshka. During their interrogation on September 19 they were informed that their status was changed from that of witnesses to that of suspects. The Prosecutor’s Office verdict said that operative investigation disclosed information that showed involvement of Filimonau and Myaleshka in the murder of the journalist. The main version was a domestic crime. Meanwhile the journalistic investigations held by Syarhey Satsuk gives ground to believe that the murder was conducted by a professional killer, who disguised the murder as a domestic crime. Satsuk’s article was called [“Fear as Sufficient Grounds, or Who Killed Veranika Charkasava?”](#)

On April 18 Syarhey Ivanou, the head of investigations department of Minsk Prosecutor’s Office ruled to stop criminal prosecution of Anton Filimonau and Uladzimer Myaleshka “due to lack of corpus delicti in their actions”. The decision was based on the fact that the preliminary investigation “hasn’t gathered significant proof” of their involvement in the crime, and “all possibilities for gathering additional proof are exhausted”.

In late December 2005 preliminary investigation of the murder was suspended “due to lack of person who could be held responsible as a defendant”.