



The International Observation Mission of Committee on International Control over Human Rights Situation in Belarus

Analytical review №2-1
«**Journalists rights in the light of past events in
the Republic of Belarus over the period of
December 2010 – January 2011**»

This document is a systematic selection of facts of interference in the work of journalists in the Republic of Belarus.

I. Introduction

This review is based on the information received from different open sources, including various media reports, interview with journalists and reports by the Belarusian Association of Journalists (BAJ). The review is focused on the facts of arrests and other forms of repression used against the journalists to prevent them from performing their professional duties. These repressive measures also include the use of violence by the authorities as well as conducting searches and confiscation of professional equipment **before, during** and **after** the events on 19 December 2010 in the centre of Minsk. In accordance with the review period this paper is divided into three main parts.

It is not accidental that journalism is considered a dangerous profession. Journalists covering public demonstrations often operate in unsafe conditions in which they can receive injuries or damages to their equipment by the participants of these events as well as law-enforcement officials. This review focuses specifically on the actions of the law enforcement authorities against journalists, for such situations relate to the domain of human rights and demonstrate the level of the State's compliance with its international obligations, including ensuring the freedom of expression, access to information, and the protection of the work of journalists. Thus, the obligation of law-enforcers is to distinguish between journalists and demonstrators and ensuring the right to free flow of information. In addition, an unobstructive coverage of demonstrations is related to freedom of assembly, since the demonstrations and other public events themselves are a form of exercising the right to freedom of expression.

It is important to note that the Republic of Belarus, as a member State of such international organizations as the United Nations and the Organization for Security and Cooperation in Europe, has undertaken a number of specific commitments on human rights and human dimension. In particular, these obligations relate to ensuring the legal protection and safety of journalists in carrying out their professional duties. These include the guarantee of creating conditions under which journalists can work without legal or administrative restrictions. Law enforcement officials are responsible for protecting the right of journalists to cover events, regardless of their legal status, and for peaceful prevention of the spread of violence. Journalists are responsible for ensuring that they are easily identified and for reporting in a way that does not lead to

the deterioration of the situation. Moreover, they are not supposed to participate in demonstrations.

OSCE member States, including Belarus, recognize that the cornerstone of any democratic society is a free and well-developed media. OSCE commitments in this regard include the outcome document of the 1991 Moscow meeting of the Conference on the Human Dimension, the Declaration of the 1996 Lisbon Summit, the 1990 Copenhagen Document the documents to which Belarus is a signatory party. As accurately pointed out in the decisions of the European Court of Human Rights, which defines the European standards for the protection of freedom of expression, "The freedom of press provides the society with one of the consummate instruments that allows them to ascertain and form their opinion of the political leaders' positions", while media's responsibility is "to promulgate information and ideas on political issues and other matters that are object of public interest." Thus, the freedom of expression constitutes one of the essential foundations of a democratic society and one of the main conditions for its progress.

Exerting pressure on journalists and creating obstacles to their activity is intolerable violation of international obligations of the Republic of Belarus and its domestic laws, including the Penal Code which provides for liability for interference with the legal professional activities of journalists (Article 198 of the Criminal Code). This paper reflects the facts of pressure on human rights defenders and organizations that, within the context of the recent presidential election in Belarus, have found themselves among the most vulnerable groups of social activists. Prior to the election and during the voting period, Belarusian human rights organizations played a significant role in monitoring the electoral process and reporting violations that were taking place. They formed an ad hoc coalition, *Human Rights Defenders for Free Elections*, which, in the immediate aftermath of the election, tracked cases of human rights violations, arrests, searches, interrogations and trials.

Preventing the activities of human rights defenders and organizations, or weakening them, creates conditions for further government pressure on activists, opposition politicians, and other civic organizations and groups. And it is the work of defenders in monitoring the situation, collecting evidence, assisting victims and covering events from a human rights perspective that forms the framework that allows to characterize the actions of the Belarusian authorities a violation of international human rights standards and commitments. Pressure faced by human rights defenders in Belarus does not allow them to carry out their professional duties – documenting violations and assisting the victims – and this contributes to further deterioration of the situation.

Belarus, as any other member State of the UN and the OSCE, has an obligation to respect the universally recognized human rights norms and standards, particularly relating to human rights defenders as a special group of social activists whose activities aim at protecting the rights of others. Belarus has also undertaken certain OSCE human dimension commitments, including those relating to the promotion of the work of human rights defenders aiming to protect and promote the rights of others. As a UN member State, Belarus is obliged to take into account the provisions

of the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* of 10 December 1998 (commonly known as the Declaration on Human Rights Defenders).

Based on these considerations, we first draw the attention of the international community on the situation of human rights defenders and organizations in Belarus.

II. The situation before the elections on 19 December 2010

During the pre-election period the authorities' interference in journalists' work was occasional. Some analysts even noted a positive change regarding the situation with freedom of speech in Belarus if compared to the previous election cycles and forecasts¹.

Nevertheless, there were several cases of journalists' arrests registered before 19 December 2010:

On 14th December 2010 Syarhey Vazniak, a member of the Board of Belarusian Association of Journalists, the editor-in-chief of the *Tovarishch* (Comrade) newspaper was detained after a search at his own garage. After a personal search in Partizansky district police department of Minsk he was released². However in the morning of 20 December he was repeatedly arrested and transferred to KGB prison. Mr. Vazniak was accused of participation in mass unrest and is facing up to 15 in jail³.

On 18th December 2010 Dmitry Ivanov and Maxim Petrovich, two Russian journalists from *the National Control* magazine, were detained in the apartment of Dzmitry Dashkevich, a leader of a registered in the Czech Republic opposition youth organization *Malady Front*. Dashkevich, Petrovich and Ivanov were delivered to the Zavodsky district police department of Minsk. The police explained the detention of Petrovich and Ivanov by the need to check their travel documents⁴. After a while Ivanov and Petrovich were released.

III. Events on 19-20 December 2010

3.1. Detentions during the events on 19-20 December 2010

According to the Belarusian Association of Journalists, altogether 23 journalists were detained as a result of the events that took place on 19 December 2010. This list includes:

Tatsiana Bublikava, a member of the Belarusian Association of Journalists (BAJ), working for the Polish *N.E.W.S. Informacj*". On 19 December, Mrs Bublikava was covering the events in Minsk when she was detained by the police. Despite the fact that Ms Bublikava showed her press card and explained the editorial task, she

¹ <http://www.belintellectuals.eu/publications/447>

² <http://nekliaev.org/news/all/syargeie-voznyak-mne-tut-je-nadeli-naruchniki%E2%80%A6.html>

³ <http://new.racyja.com/news/padazravanykh-pa-sprave-ab-masavykh-besparadkakh-uzho-25>

⁴ <http://www.webground.su/topic/2010/12/19/t10>

was not released⁵. On 20 December, Tatsiana Bublikova was sentenced to 10 days of administrative arrest.

Dzmitry Sauko, a *Belsat* TV channel journalist, a linguist and a member of BAJ. Due to overcrowding of jails, Dzmitry had to spend about 10 hours from the moment of his detention in a paddy wan. His requests for food or water were rejected by the police. Dzmitry Sauko was sentenced to 15 days of administrative arrest⁶.

Timafei Kaspiarovich, a freelance journalist. Due to overcrowding of jails, Mr. Kaspiarovich had to spend about 10 hours (from the moment of his arrest until 6 a.m.) in a paddy wan. He was sentenced to 12 days of administrative arrest by the court of Katrychnitski district of Minsk⁷.

Ilya Kuzniatsou, a freelance journalist, a member of BAJ. On 20 December 2010, Mr Kuzniatsou was sentenced to 15 days of administrative arrest by the court of Frunzensky district of Minsk⁸.

Eugene Vaskovich, a journalist for the *Bobruiski Courier* newspaper and a member of BAJ⁹. Mr Vaskovich was sentenced to 12 days of administrative arrest for participation in an unsanctioned rally.

Jan Lahvinovich, a member of BAJ, a freelance journalist, who also works for bulletin *Za Molodechno* and is a founder of the information web-site "For Molodechno". Mr Lahvinovich was severely injured during his detention by the SWAT (Special Police Forces) His hand was broken as well and his head injured. Mr Lahvinovich was sentenced to 10 days of administrative arrest¹⁰.

Volha Charnykh, a student of Journalism Faculty at the Jagiellonian University (Krakow, Poland). Ms Charnykh helped the Polish television TVN24 to cover the events on 19 December in Minsk. She was sentenced to 12 days of administrative arrest¹¹.

Ruslan Ihnatovich, a student of the Faculty of Journalism at the Belarusian State University, a freelance correspondent for the sports newspaper *Pressball*. Mr Ihnatovich was arrested near the entrance to the subway¹² and sentenced to 10 days of administrative arrest.

⁵ <http://charter97.org/ru/news/2010/12/30/34952>

⁶ <http://belsat.eu/be/wiadomosci/a,1069,zmitsier-sauka-u-izaliatory-z-nami-staralisia-razmauliats-pabielarusku.html>

⁷ <http://ns3.cjes.ru/bulletins/?lang=rus&bid=4111>

⁸ <http://www.belaruspartisan.org/bp-forte/?page=100&backPage=13&news=73517&newsPage=0>

⁹ <http://www.belaruspartisan.org/bp-forte/?newsPage=0&news=74157&backPage=13&page=100>

¹⁰ <http://spring96.org/be/news/40450>, <http://www.maladechna.eu/2011/01/07/2011-stane-1937>

¹¹ <http://nn.by/?c=ar&i=48182>

¹² <http://euroradio.by/by/1435/reports/58532>

Aliaksei Shein, a member of BAJ. Mr. Shein was arrested on 19 December during a mass protest action and sentenced to 12 days of administrative arrest by the Savietsky district court of Minsk¹³.

Andrei Pachobut, a freelance journalist, a correspondent for the *Gazeta Wyborcza*, a member of BAJ. Mr Pachobut was brought to Kastychnitski district court of Minsk but later released in the absence of evidence after numerous requests by the Polish Ministry of Foreign Affairs¹⁴.

Mikalai Khalezin, a play-writer, director, actor, journalist for "Charter-97" website, one of the founders of the Belarusian Free Theatre. Mr Khalezin was arrested on 19 December but later released. On 20th December 2010, he managed to leave the country with his "Free Theatre" troupe. On 4th January 2011, the KGB officers came to his apartment in Minsk for a search¹⁵.

Maria Antonova, a journalist working for the Information Agency "France Presse". Ms Antonova had an accreditation granted by the Belarusian Ministry of Foreign Affairs. She was detained on her way to the hotel in the centre of Minsk. According to her, the order for her arrest was given by an unknown in plain clothes¹⁶. Maria Antonova was placed in the paddy wagon where she spent about 2 hours. After that, she was taken to Leninsky district police department and released only on 21 December.

Alexander Astafyev, a journalist working for the Russian newspaper *Moy Rayon* (My District), who also works for the web-site MR7, and is photojournalist. He had no accreditation by the Belarusian Foreign Ministry. Mr Astafyev was arrested on 19 and spent 3 days in custody¹⁷.

Dmitry Galko and Konstantin Chernets, two freelance correspondents for *Radio Liberty*, were arrested about 00 p.m. (Galko - at Nezalezhnasti Avenue, Chernets – at the Nezalezhnasti Square¹⁸). Leninsky district court of Minsk sentenced Dmitry Galko to 10 days of administrative arrest, Konstantin Chernets (disabled, second group) – to a fine of 1,000, 000 bel. rubles (which makes about 330 USD).

Julia Rymasheuskaya, a freelance journalist, a member of BAJ, a spokesperson for Uladzimir Nyaklyaeu, was arrested on 20 December at about 2 a.m., during the storm of the election headquarters of presidential candidate Uladzimir Nyaklyaeu. Later, on 20 December Julia was sentenced to 13 days of administrative arrest by the decision of the Pershamaiski district court of Minsk¹⁹. Ms

¹³ <http://bchd.info/index.php?newsid=4308>

¹⁴ <http://www.svaboda.org/content/article/2254257.html>

¹⁵ <http://charter97.org/be/news/2011/1/5/35042>

¹⁶ <http://euroradio.by/by/1435/news/58517>

¹⁷ <http://www.belaruspartisan.org/bp-forte/?page=100&backPage=13&news=73695&newsPage=0>

¹⁸ <http://czerniec.livejournal.com/126399.html>, <http://czerniec.livejournal.com/126523.html>,
<http://dolka777.livejournal.com/50873.html>

¹⁹ <http://new.nv-online.info/by/137/society/25328/%D0%AE%D0%BB%D0%B8%D1%8F-%D0%A0%D1%8B%D0%BC%D0%B0%D1%88%D0%B5%D0%B2%D1%81%D0%BA%D0%B0%D1%8F-%D0%BE%D0%B1%D0%B6%D0%B0%D0%BB%D0%BE%D0%B2%D0%B0%D0%BB%D0%B0->

Rymasheuskaya's trial was held with numerous procedural violations. None of her appeals to summon more witnesses or to question the police officers who had detained her were satisfied.

Some of the detained journalists however were released without charges:

Kanstantin Lashkevich, a member of BAJ, a correspondent for the Belarusian internet portal TUT.by, who covered the events taking place in the center of the Belarusian capital and kept reporting live from the scene. He was detained at the entrance to the subway despite having a journalistic badge²⁰. Mr Lashkevich was taken to the police department of the Mascousky district, and then released early in the morning of 20th December without drawing a report.

Alexander Vladyko, a freelance journalist. Mr Vladyko was detained during the crackdown on mass peaceful demonstration on 19th December but released the next day without charges.

Vadzim Zamirouski, a photojournalist from Belarusian newspaper *the Belgazeta*. At 00:17 he was arrested at the Nezalezhnasti Square²¹. After a night spent in the detention center, he was released without drawing a report. However the police seized his camera flash card²².

3.2. The documented cases of the use of excessive force by law enforcement officials on 19-20 December 2010

During the crackdown on demonstration on 19 December some of the journalists were injured because of excessive force used against them by the police. Below are the names of injured journalists (According to information provided by BAJ)

Ruslan Harbachou, a correspondent for the Internet newspaper *Salidarnasts*. During the events on the square in front of the Government building at 22.33 on 19 December Special Forces officers tore off his press-card and hit him several times.

Hans Tsezarek and Christoph Leermaer, a correspondent and a photographer for the Austrian online newspaper news.at.²³ Tsezarek and Leermaer were injured while covering the events on 19 December. Special Forces officers broke Tsezarek's finger that prevented him from carrying on his professional duties – taking photos.²⁴

[%D0%BF%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5-%D1%81%D1%83%D0%B4%D0%B0.htm](#)

²⁰ <http://netblya.ru/7918>

²¹ <http://news.21.by/politics/2010/12/21/216281.html>

²² http://b-g.by/ru/51_2010/news/7203/?tpl=200

²³ <http://www.news.at/articles/1051/8/284772/schlagstock-hiebe-news-reporter-christoph-lehermayr-weissrussland-chaos>

²⁴ <http://www.svaboda.org/content/article/2253844.html>

Anton Kharchenko and Viktor Filyaev – representatives of the TV channel *Russia Today*. The journalists were beaten by the police during events that took place on 19 December, both of them got hematomas.²⁵

Jazep Polubiatko, a journalists for the newspaper *Novy Chas*. Mr Polubiatko was beaten with a baton on his head, his cheek was torn with a police shield when he was attempting to help a girl who had been knocked down by the police earlier. Mr Polubiatko was taken to the Interior Ministry hospital for the first aid where he was diagnosed with brain concussion and received 8 stitches to his cheek.²⁶

Dmitry Tarkhov, Ilya Omelchenko, a film crew from the REN-TV channel, were punched on their stomachs several times by the police and knocked down.²⁷

Elena Yakzhik, a correspondent for the Internet newspaper *Salidarnasts*, was knocked with her face down into the snow by the police when she was reporting on presidential candidate Ul. Nyaklyaeu supporters' column marching to Kastychnitskaya square²⁸

Dzmitry Lukashuk, a correspondent for *Euroradio*, was knocked down by the police when he was reporting on presidential candidate Ul. Nyaklyaeu supporters' column marching to Kastychnitskaya square.²⁹

Anton Taras, a correspondent for *BelaPAN*, was knocked down by the police when he was reporting on presidential candidate Ul. Nyaklyaeu supporters' column marching to Kastychnitskaya square³⁰

Yulia Darashkevich, a photojournalist for the newspaper *Nasha Niva*, was also knocked down by the special police forces officers not far from the election headquarters of Ul. Nyaklaeu and was being kept lying with her face in the snow and her photo-equipment put on her back for some time. However she was not detained.

James Hill, a correspondent for the US *The New York Times*, who had received an official accreditation from the Ministry of Foreign Affairs of Belarus. Mr Hill was knocked down by the police to the snow when he was reporting on presidential candidate Ul. Nyaklyaeu supporters' column marching to Kastychnitskaya square

²⁵ <http://rian.ru/incidents/20101220/310951576.html>

²⁶ <http://www.gs.by/ru/109/80/4532/%D0%A3-%D0%9C%D1%96%D0%BD%D1%81%D0%BA%D1%83-%D0%B7%D0%B0%D1%82%D1%80%D1%8B%D0%BC%D0%B0%D0%BB%D1%96-%D1%81%D0%BB%D0%BE%D0%BD%D1%96%D0%BC%D1%86%D0%B0%D1%9E.htm?tpl=80>

²⁷ <http://www.rian.ru/incidents/20101220/311121482.html>

²⁸ <http://baj.by/m-p-viewpub-tid-1-pid-9503.html>

²⁹ [http://www.nv-online.info/by/136/news/25155/%D0%81%D1%81%D1%86%D1%8C--%D0%BF%D0%B0%D1%86%D1%8F%D1%80%D0%BF%D0%B5%D0%BB%D1%8B%D1%8F-%D1%96-%D0%B7%D0%B0%D1%82%D1%80%D1%8B%D0%BC%D0%B0%D0%BD%D1%8B%D1%8F-%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D1%96%D1%81%D1%82%D1%8B-\(%D0%BF%D0%B0-%D0%B7%D0%B2%D0%B5%D1%81%D1%82%D0%BA%D0%B0%D1%85-%D0%BD%D0%B0-102\).htm](http://www.nv-online.info/by/136/news/25155/%D0%81%D1%81%D1%86%D1%8C--%D0%BF%D0%B0%D1%86%D1%8F%D1%80%D0%BF%D0%B5%D0%BB%D1%8B%D1%8F-%D1%96-%D0%B7%D0%B0%D1%82%D1%80%D1%8B%D0%BC%D0%B0%D0%BD%D1%8B%D1%8F-%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D1%96%D1%81%D1%82%D1%8B-(%D0%BF%D0%B0-%D0%B7%D0%B2%D0%B5%D1%81%D1%82%D0%BA%D0%B0%D1%85-%D0%BD%D0%B0-102).htm)

³⁰ http://openbelarus-pl.ucoz.ru/news/skhvacheny_i_izbity_belorusskie_polskie_i_drugikh_stran_zhurnalisty/2010-12-20-114

According to the testimonies from his colleagues, when he was attempting to show his certificate of accreditation, he got hit in the eye.³¹

Yuras Karmanau, a special correspondent for *the Associated Press* in Belarus, reported to the Belarusian Association of Journalists, that he had been beaten by the police during the "cleansing operation" on the Nezalezhnasci square despite showing his press-card with official accreditation by the Ministry of Foreign Affairs of Belarus.

Volha Hvojn, a journalist for the newspaper *Novy Chas*, has reported to the Belarusian Association of Journalists that on 19 December on the Nezalezhnasci square the policemen strangled her by the throat and pushed to the roadway.

Aliona Daneyka, a journalist for *Deutsche Welle*, was hit by the police baton on her hand while trying to take a photo of the events taking place near the Government House in the centre of Minsk.³²

Uladzimir Hrydzin, a freelance correspondent for the information agency BelaPAN. During the dispersal of a peaceful demonstration Mr Hrydzin was beaten by special forces officers on the steps of Government House. On December 20th when Uladzimir photographed a moment of dispersal of the demonstration Igor Evseev, the deputy head of the Minsk police, kicked him and knocked him down.³³

3.3. Damage and removal of equipment on the 19-20th of December 2010

During the crackdown on demonstration of December 19th a number of correspondents and media workers had their equipment damaged or lost. Below are the names of those journalists whose equipment was damaged or confiscated:

Andrew Lyankevich, an employee of the German photo agency «ERA», who is officially accredited by the Ministry of Foreign Affairs of Belarus, was covering the demonstration of supporters of presidential candidate V. Nyaklyaeu from Niamiha Street to Kastychnitskaya Square. The special forces officers knocked him down, seized his equipment, and broke an expensive camera that costs more than 2 thousand US dollars. The location of his equipment is still unknown.³⁴

Aleh Hruzdilovich, a correspondent for "Radio Liberty" and a member of BAJ. Mr Hruzdilovich was beaten during a protest action; moreover the special police forces broke the microphone on his camera.³⁵

Vadzim Zamirouski, a photojournalist for the Belarusian newspaper *Belgazeta*. He spent a night in the police office without drawing any report or bringing charges, the flash card from Mr. Zamirouski's camera however was confiscated by the police.³⁶

³¹ <http://baj.by/m-p-viewpub-tid-1-pid-9503.html>

³² <http://baj.by/m-p-viewpub-tid-1-pid-9517.html>

³³ <http://baj.by/m-p-viewpub-tid-1-pid-9554.html>

³⁴ http://baj.by/m-p-viewpub-tid-1-pid-9575.html?utm_source=twitterfeed&utm_medium=twitter

³⁵ <http://nn.by/?c=ar&i=47632>

³⁶ http://b-g.by/ru/51_2010/news/7203/?tpl=200

Andrew Matushkov, a photojournalist for the newspaper *Observer*. According to his reports to BAJ, a policeman broke his camera flash when he was covering the events on 19 December.³⁷

Ilya Omelchenko, an operator from *REN-TV channel*, had his equipment severely damaged by the police.³⁸

³⁷ <http://baj.by/m-p-viewpub-tid-1-pid-9517.html>

³⁸ <http://www.rian.ru/incidents/20101220/311121482.html>

3.4. Journalists who are being prosecuted under article 293 «Mass riots»

On 19 December, the wife of the former presidential candidate Andrei Sannikau, Iryna Khalip, who works as a journalist for the Russian newspaper *Novaja Gazeta*, was detained together with her husband. She was taken to the detention centre of the Minsk police department but then transferred to the KGB detention centre as one of the suspects in the mass riots case under Article 293 of the Criminal Code of Belarus.

On 21st December, Mrs Khalip's lawyer Uladzimir Toustik, managed to visit his client in KGB prison. Mr. Toustik cannot comment or disclose any details of the case as he signed a non-disclosure agreement. On 20 December, the private apartment of Iryna Khalip and her husband Andrey Sannikau was searched¹. A few days later a 3-year-old son of Iryna and Andrey, Daniil Sannikau, was taken from kindergarten by the social services workers and had to spend some time in the service care together with his granny Lucia Khalip.

At present, Lucia is preparing all necessary documents to get the guardianship of her own grandson. The decision is to be made until 27th January. The boy currently lives in his parents' apartment together with his grand-mother and goes to kindergarten. According to the service care representatives' statements, "all possible efforts will be made to guarantee the right of the child to be brought up in the family."³⁹

According to the recent reports, Iryna Khalip is kept in the internal prison of KGB, or a so called "American prison", and is accused of organizing and participation in mass riots (Article 293 of the Criminal Code of Belarus).⁴⁰ On 12 January 2011, the apartments of Iryna Khalip and her parents were repeatedly searched that followed by confiscation of a computer. Iryna Khalip's mother Lucia was summoned to KGB for interrogation.⁴¹

On 19th December Natallia Radzina was detained for participation in a peaceful mass demonstration. Natalia Radzina is a deputy editor of the opposition news web-site «Charter-97». During the detention Natalia was severely beaten by riot policemen.⁴² According to Natallia's lawyer, her client is accused under Article 293 of the Criminal Code of Belarus (Mass riots)⁴³ and is facing up to by 15 years in prison.

³⁹ <http://kp.ru/online/news/810648>

⁴⁰ <http://new.nv-online.info/by/140/printed/25696/%D0%98%D1%80%D0%B8%D0%BD%D0%B0-%D0%A5%D0%B0%D0%BB%D0%B8%D0%BF-%D0%BE%D1%81%D1%82%D0%B0%D0%B5%D1%82%D1%81%D1%8F-%D0%B2--%C2%AB%D0%B0%D0%BC%D0%B5%D1%80%D0%B8%D0%BA%D0%B0%D0%BD%D0%BA%D0%B5%C2%BB.htm>

⁴¹ <http://charter97.org/ru/news/2011/1/12/35173>

⁴² http://belapan.com/archive/2010/12/21/436675_436676

⁴³ <http://new.nv-online.info/by/141/society/25902/%D0%A3%D0%B3%D0%BE%D0%BB%D0%BE%D0%B2%D0%BD%D0%BE%D0%B5-%D0%B4%D0%B5%D0%BB%D0%BE-%D0%BE-%D0%BC%D0%B0%D1%81%D1%81%D0%BE%D0%B2%D1%8B%D1%85-%D0%B1%D0%B5%D1%81%D0%BF%D0%BE%D1%80%D1%8F%D0%B4%D0%BA%D0%B0%D1%85-25-%D0%BE%D0%B1%D0%B2%D0%B8%D0%BD%D1%8F%D0%B5%D0%BC%D1%8B%D1%85-%D0%B8-8-%D0%BF%D0%BE%D0%B4%D0%BE%D0%B7%D1%80%D0%B5%D0%B2%D0%B0%D0%B5%D0%BC%D1%8B%D1%85.htm>

On 19th December Paval Seviarynec, a member of BAJ and a writer, was arrested. He was taken to KGB,⁴⁴ where he was charged under the Article 293 of the Criminal Code (Mass riots).

Alyaksandr Fiaduta, an independent journalist, a member of BAJ, a political observer and analyst, was beaten⁴⁵ during the events that took place on 19 December in the centre of Minsk. On 20 December, some people in plain clothes appeared in his private apartment and took him to KGB for interrogation without showing any warrant.⁴⁶ After the interrogation he was placed in the KGB detention centre⁴⁷. On 23 December, his apartment was searched by the KGB. Mr Fiaduta's laptop, flash cards, documents, and photos were confiscated. On 30 December, Mr Fiaduta was accused of organizing mass riots on 19 December 2010 in Minsk⁴⁸ and is being kept in the KGB detention centre at present.

On 20th December at 6 a.m. Dzmitry Bandarenka, a member of BAJ, the coordinator of social initiative «Charter-97»⁴⁹, was detained in his own apartment. At present, Mr Bandarenka is among of the accused in mass riots case⁵⁰ and is locked in the KGB prison.

On 20th December at approximately 5 a.m. **Syarhey Vazniak**, a member of the Directory of Belarusian Association of Journalists, an editor-in-chief of the newspaper *Tovarisch* (Comrade), an authorised representative of presidential candidate Uladzimir Nyakliyaev, was detained in his own apartment. At present he is accused of organizing and participation in mass riots on and is being kept in the KGB prison.⁵¹

4.1. Cases of detentions after the events of 19 and 20 December 2010.

The detentions of journalists continued to take place in Belarus after the events of 19-20 December 2010.

On 21 December, Ales Barazhenka, a cameraman of *Belsat TV channel*, who managed to make a record of presidential candidate Nyakliyaev's beating, was briefly detained while leaving home. The police released him after checking his passport. However Mr Barazhenka was taken to KGB for the interrogation. His lawyer was not allowed to interrogation and Mr. Barazhenka had to sign a disclosure agreement.

On 24 December, Ales Kirkevich, a correspondent for *Tvoy styl* and *Radye naviny* editions was detained in Minsk during the peaceful action of solidarity, which was held

⁴⁴ <http://bchd.info/index.php?newsid=4300>

⁴⁵ <http://www.svaboda.org/content/article/2257545.html>

⁴⁶ <http://euroradio.by/by/1434/news/58416>

⁴⁷ <http://euroradio.by/by/1434/news/58439>

⁴⁸ <http://spring96.org/be/news/40304>

⁴⁹ <http://news.tut.by/elections/208899.html>

⁵⁰ <http://www.charter97.org/be/news/2011/1/6/35077/?1>

⁵¹ <http://www.belaruspartisan.org/bp-forte/?page=100&news=74742>

near the Detention Centre in Akrestina Street. On December 27th Kirkevich was sentenced to 10 days of administrative arrest for violation of conditions of organizing and carrying out mass actions and was sentenced to 10 day of administrative arrest.

On 8 January 2011, Andrei Pachobut, a reporter for *Gazeta Wyborcza*, was repeatedly detained and interrogated by KGB in connection with the events on 19 December in Minsk. After the interrogation Mr Pachobut wrote in his blog that he chose the tactics of silence in KGB, and was hit on his face, breast and head for that. As a result, the regional KGB chief Ivan Korzh gave the journalist an official warning about “the inadmissibility of illegal behavior”. The document states, that the journalist “is in preventive supervision since 5 January 2010”. On 12 January 2011, a search was conducted in Mr. Pachobut’s apartment, after which the journalist was detained and delivered to Minsk where he had to stand a trial for participation in mass disorders on 19 December in Minsk (earlier he was released in the same trial in the absence of evidences). The Minsk court fined Mr Pachobut for approximately 600 US dollars.

4.2. Questioning in KGB, searches and other consequences

After the events that took place on 19-20 December 2010 several journalists were summoned to KGB for interrogations, a number of searches were conducted in their apartments that was often followed by the confiscation of their professional equipment. The searches and interrogations were conducted in the frames of investigations of the criminal case on mass riots:

On 30 December 2010, a search took place in the apartment of **Katsiaryna Tkachenka**, the staff member of the Belsat TV-channel. Her notebook, diskettes and other materials were seized. Several hours before the search she had been invited to KGB for a conversation.⁵²

On 31 December 2010, staff members of KGB came to private apartment of **Yulia Darashkevich**, a photo-correspondent for the *Nasha Niva* newspaper and her husband, **Pavel Yukhnevich**, an activist of the campaign “**European Belarus**” with a warrant signed for Yulia's name. During the search 15 different items of equipment were confiscated from the journalist, including two notebooks, a winchesters, memory sticks, a voice recorder, and etc. Yulia's husband was detained and sentenced to 10 days of arrest.⁵³

On 31 December the search took place in private apartment of **Tatsyana Haurylchik**, a camera-woman for the *Nasha Niva* newspaper. During the search a video-camera, PC and flesh memory sticks were taken by KGB officers. **On 3 January**, after Ms Haurylchik had refused to talk to investigators of KGB without an attorney, she received threats on her home number that were repeated two times: «You will have pale face and only some teeth left».⁵⁴ **On 10 January**, KGB staff called her and suggested to take back the seized equipment. Everything, except one disk, was returned.

On 4 January 2011, around 6 a.m. KGB staff forcibly entered the apartments of **Alyaksey Barazhenka**, a cameraman of the *Belsat TV channel*, and conducted a search

⁵² <http://baj.by/m-p-viewpub-tid-1-pid-9637.html>

⁵³ <http://www.belaruspartisan.org/bp-forte/?page=100&news=74092>

⁵⁴ <http://www.newsby.org/by/2011/01/04/text17778.htm>

that took approximately two hours and resulted in seizure of PC and banner "Where is mother of Kolya?"⁵⁵ Then Barazenska was taken to KGB for interrogation, his lawyer was not allowed to accompany the journalist. Mr Barazenska had to sign a nondisclosure agreement.⁵⁶

On 6 January, Alyaksey Shein, a BAJ member, was questioned in KGB as a witness in the criminal case of 19 December 2010.⁵⁷ Before that he spent 12 days in the administrative detention center for participation in mass protest action.

On 6 January a search was conducted in private apartment of **Yan Lahvinovich**, a member of BAJ, a free-lance journalist and journalist for the information bulletin "Za-Maladechna", a founder of the informational web-site "For- Maladechna".⁵⁸ Before that Mr **Lahvinovich** spent 10 days in the administrative detention centre for participation in mass demonstration on 19 December.⁵⁹

On 6 January a journalist **Victoria Kolhina** who is shooting a movie about beaten journalists for TV-channel *Belsat* was summoned to KGB for interrogation. After a conversation with the investigator in the presence of her attorney, Ms Kolhina signed a non-disclosure agreement.⁶⁰

On 11 January the search was conducted in the apartment of **Larysa Shchyrakova**, a journalist and a member of BAJ. As a result two fixed PCs with monitors and mouses, one notebook, several hundreds of disks, several flesh memory stick, a player, two voice recorders were taken away from her.⁶¹

On 12 January a search was conducted in the apartment of **Alyaksey Salei**, a photo-correspondent for the *Glosa znad Nemna* newspaper.⁶²

On 12 January Andrei Bastunets, the Deputy Head of the Belarusian Journalists Association, was interrogated in KGB.⁶³

On 13 January 2011 a search was conducted in the apartment of **Iryna Charnyauka**, a *Belsat* TV channel journalist. The KGB staff came with a search to a rented by the Belarusian journalist's sister apartment. After the search Ms Charnyauka was taken to KGB for interrogation where she signed a non-disclosure agreement.⁶⁴

On 15 January 2011 two searches were conducted in the apartment of **Viktar Fedarovich**, a staff member of the information company *BelaPan* and journalist of the

⁵⁵ <http://www.belsat.eu/be/wiadomosci/a,1072,apieratara-bielsatu-dapytali.html>

⁵⁶ <http://baj.by/m-p-viewpub-tid-1-pid-9648.html>

⁵⁷ <http://bchd.info/index.php?newsid=4308>

⁵⁸ <http://spring96.org/be/news/40450>

⁵⁹ <http://www.maladechna.eu/2011/01/07/2011-stane-1937>

⁶⁰ <http://baj.by/m-p-viewpub-tid-1-pid-9669.html>

⁶¹ <http://baj.by/m-p-viewpub-tid-1-pid-9693.html>

⁶² <http://baj.by/m-p-viewpub-tid-1-pid-9714.html>

⁶³ <http://baj.by/m-p-viewpub-tid-1-pid-9707.html>

⁶⁴ <http://baj.by/m-p-viewpub-tid-1-pid-9720.html>

internet-media, as well as in his parents' apartment. According to him, at 10 a.m. some people knocked to his door presenting themselves as KGB staff. The journalist mentioned that had not been involved in the events that had taken place on 19 December on the streets of Minsk. According to Fedarovich, his notebook, a system block of the PC, a voice-recorder, flash memory sticks, notepads, some documents and notes about investigator Sviatlana Baikova and other working materials related to his professional activities were taken away. It was unclear to journalist why the searches took place.⁶⁵

4.3. Interferences in Some Media Editorial Offices and Journalists Associations Work

On 12 December 2010 the Belarusian Association of Journalists received an official letter from the Ministry of Justice asking to inform the Ministry before 24 December 2010 which paragraph in the mandate of the organization was used to advocate and protect "civil activists who took part in mass disorders in Minsk on 19 December 2010".⁶⁶

On 25 December 2010, a search was conducted in the premises of **European Radio for Belarus** in the staff absence. As a result several PCs, notebooks, server, voice recorders, cameras, portable video-cameras - altogether 43 items were seized.⁶⁷

On the night of 25-26 December some unknown people forcibly entered the office of the TV channel *Belsat* in Minsk by crashing the entrance doors in the absence of the staff members.⁶⁸

On 28 December 2010 a search was conducted in the premises of Belarusian Pen-centre, where the editorial office of the **Nasha Niva** was located. KGB staff seized 12 PCs, flash memory sticks and CD-disks. At the same time, the search took place in private apartment of Andrey Skurko, the editor-in-chief of the newspaper. His personal PC was seized. According to the search warrant, all searches were carried out in the frames of the criminal cases on mass riots and disrespect to governmental symbols.⁶⁹

On 29 December 2010 the Belarusian Ministry of Justice sent an official request to the **Belarusian Association of Journalists** asking to share list of journalist the organization was advocating for and explain if those journalists were the BAJ members.

When speaking on advocating and protecting journalists interests the Ministry of Justice of Belarus meant the appeal filed by BAJ on 24 December 2010 to the Justice Minister, the Minister of Internal Affairs as well as to the General Prosecutor calling the officials to pay attention to the journalists' rights violation and punish the guilty ones.⁷⁰

On 10 January 2011 according to order, signed by KGB Department in Minsk region, the search took place in editor's office of the **Borisovskie novosti** and in the apartment of

⁶⁵ http://naviny.by/rubrics/society/2011/01/15/ic_articles_116_172055

⁶⁶ <http://baj.by/m-p-viewpub-tid-1-pid-9634.html>

⁶⁷ <http://baj.by/m-p-viewpub-tid-1-pid-9595.html>

⁶⁸ <http://baj.by/m-p-viewpub-tid-1-pid-9596.html>

⁶⁹ <http://baj.by/m-p-viewpub-tid-1-pid-9611.html>

⁷⁰ <http://baj.by/m-p-viewpub-tid-1-pid-9634.html>

the newspaper's editor-in-chief **Anatoly Bukas**. Searches took place in the frames of the investigation of the criminal case on mass riots in Minsk on 19 December with the aim to find "subjects of the crime". This resulted in seizure of all office equipment – (according to the information received from the editor-in chief), 12 PCs (with monitors and mouses), 3 fax machines, 3 cameras, flash memories, disks and private notebook of Bukas.⁷¹

On 12 January the broadcasting of **FM-station "Autoradio"** stopped its broadcasting for airing agitation materials of the former presidential hopefuls A. Sannikau and Ul.Nyaklyaeu.⁷²

⁷¹ <http://baj.by/m-p-viewpub-tid-1-pid-9679.html>

⁷² <http://baj.by/m-p-viewpub-tid-1-pid-9701.html>

V. Conclusions.

During the pre election period journalists and mass media have become targets of sporadic persecution by the authorities. The key event of 2010 election campaign in Belarus, the opposition protest on Independence square, became the main source of problems for journalists and reporters of various mass media outlets, who were covering both the election campaign and the opposition protest on 19 of December 2010. The investigation into these events resulted in further intimidation and harassment of mass media representatives and carried out by the law-enforcement officials.

A number of journalists were badly beaten during the protest on December 19 and the following night. It is worth mentioning that not all the reporters representing various professional journalists associations and mass media outlets were there to cover the events. However, the law-enforcement officials used excessive force against protesters and journalists who were covering the events, equally brutally treating even those reporters who showed their official press cards.

Fifteen journalists were sentenced to 10-15 days of administrative arrest for participation in an unsanctioned mass event. Three mass media reporters were detained and later released without a formal charge. Such actions against journalists taken by the government officials, demonstrate disrespect for the role of journalists in a democratic society, and implicitly confirm the assumption that the Belarusian authorities are not willing to promote objective and comprehensive news coverage on Independence Square on December 19, 2010.

Some cases where journalists were ill-treated during arrests and further legal proceedings can be considered as the violation of prohibition of torture and cruel treatment, inhumane or degrading treatment or punishment, as well as the violation of the right to liberty and security of person.

Facts about damage and confiscation of the equipment of journalists who were filming and covering the events of 19 December 2010, as well as their detention can be considered as grounds for criminal prosecution under Article 198 "Obstruction of lawful professional activity of journalists" of the Criminal Code of the Republic of Belarus.

Searches and confiscation of computer equipment, digital recording devices were conducted in editorial offices of various mass media outlets, homes of several

journalists. On December 19, 2010 some equipment was seized in violation of the procedure, without filling a required report (protocol). Therefore, it is worth mentioning about the deliberate obstruction of the journalists' professional activities, and damage / seizing journalists' property.

It is doubtful whether the purpose to seize computer equipment and digital recording devices was justified. It was obvious and has been confirmed by representatives of law-enforcement agencies, the purpose for such actions was to have an access to the information stored in confiscated media equipments.

Using modern technologies it is very easy to access the data. There is no need to confiscate the equipment since, for example, information can be copied on-the-spot to portable information devices. Therefore, actions of the law enforcement agencies and security services demonstrate either their lack of professionalism, or their conscious intention to prevent journalists from carrying out their professional activity – a timely coverage of events occurring in the country. Thus, we can state the abuse of powers in the procedural law (ie abuse of procedural powers) and excessive government interference in issues related to the exercise of freedom of expression and the right to access information.

The international community is deeply concerned about the detention of the journalists, especially Iryna Khalip, Natalya Radzina, Alyaksandr Fyaduta, Syarhei Vaznyak, Zmitser Bandarenka, Paval Sieviarynets, who were suspected and accused in criminal cases connected to the events on December 19, 2010 on Independence Square. Thus, the OSCE Representative on Freedom of the Media Dunja Mijatovic, in a letter addressed to Foreign Minister of Belarus Syarhei Martynau on 5 January 2011, urged the Belarusian authorities to put an end to the attacks on independent media and to immediately release imprisoned journalists.

It is important to note that the facts that lawyers and relatives were denied the access to mentioned above journalists, there is lack of in-depth information about conditions of their detention, failure to deliver correspondence, all those facts expose the violation of human rights standards in the area of humane and respectful of human dignity treatment of prisoners, exercise of the right to personal security, inviolability and freedom concerning these persons.

Based on the aforesaid facts, we can conclude that during recent four years after the previous presidential elections, the government of the Republic of Belarus has not moved forward in promoting freedom of expression and freedom of

assembly, did not fulfill its obligations under international UN and the OSCE treaties, including the recommendations of the Special Report: Handling of the media during political demonstrations, issued by OSCE Representative on Freedom of the Media Miklos Haraszti on 21 June 2007.

VI. Recommendations.

To the Prosecutor General of Belarus: to conduct a thorough investigation of all facts of obstruction to the journalists' professional activities, primarily performed by the security forces during a crackdown on opposition protest on December 19, 2010. If there is evidence of crime in the actions according to the Article 198 of the Criminal Code of the Republic of Belarus "Obstruction of lawful professional activities of journalists, to initiate appropriate criminal proceedings. Such investigation should be carried out in compliance with all provisions of national and international law, as well as guaranteeing security of journalists.

To authorities of the Republic of Belarus, including the Ministry of Internal Affairs, the State Security Committee, General Prosecutor's Office and the Ministry of Information to ensure the unhindered functioning of the media. In particular, to stop the practice of confiscating equipment during investigation, disproportionately used as a tool to receive information on electronic devices. When investigations are necessary, to minimize the interference into the work of mass media. To return the confiscated equipment immediately.

To the authorities of the Republic of Belarus, including the Ministry of Internal Affairs and Ministry of Information, in cooperation with professional journalists' organisations to develop and implement effective mechanisms that will allow police and other security agencies to quickly identify journalists involved in demonstrations, to ensure their safety and access to information.

To Ministry of Internal Affairs to provide training to police officers about the role and function of journalists in a democratic society, including their coverage of demonstrations and campaigns, as well as unauthorized events, training on police actions about ensuring journalists' safety, the proper treatment of their equipment and providing them full access to information on what is happening.

To the authorities of the Republic of Belarus to closely examine the contents of the Special Report: Handling of the media during political demonstrations, issued by OSCE Representative on Freedom of the Media Miklos Haraszti on 21 June 2007 in order to implement its provisions and recommendations in police activities

To the authorities of the Republic of Belarus to invite the OSCE Representative on Freedom of the Media Dunja Mijatovic on official visit to Minsk in order to receive consultation on how to ensure the compliance with media freedom commitments undertaken by the government of the Republic of Belarus within the OSCE framework.

To OSCE Representative on Freedom of the Media Dunja Mijatovic to regularly monitor how the Republic of Belarus, as an OSCE member, implements its obligations to freedom of the Media and to facilitate immediate revision of the current situation, including an official visit to Belarus.

To UN Special Rapporteur on the promotion and protection the right to freedom of opinion and expression to send to the government officials of the Republic of Belarus reports on specific cases of pressure and harassment of journalists and mass media, interference and obstruction of their activities in the country. To request an official permission to visit Belarus and to examine the situation in the country after the elections on December 19, 2010

To professional unions of journalists in Belarus to coordinate with law enforcement authorities an adequate tool of identifying journalists involved in demonstrations and other mass actions, and to take necessary steps to inform the media about these requirements. The press emblem created by Geneva journalists can be used as an example - <http://www.presseblem.ch>

To professional journalists' associations from different countries, organisations involved in defending journalists and freedom of speech, to express their support to colleagues in Belarus, sending letters of solidarity to Belarusian Association of Journalists, other journalists' associations, as well as submitting statements and appeals to the Belarusian government, explaining the role and importance of media in a democratic society.

January 17, 2011