



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

Analytical review No. 2-1
“**Situation with journalists’ rights in the light of the
events in the Republic of Belarus during
the period of December 2010 – January 2011**”

This document is a systematic compilation of the facts of intervention in the work of journalist community in the Republic of Belarus.

I. Introduction

This review is based on information from free published sources, including the media, interviews with journalists and the Belarusian Association of Journalists messages. The review includes incidents attending detentions and other forms of restrictions on freedom of journalists performing their professional duties in covering the events, as well as well known facts - use of physical force by the authorities, cases of searches and seizures of equipment before, during and after the events of December 19th, 2010 on the Independence Square. The review is divided into three main parts in accordance with these periods.

The profession of journalist is considered dangerous not by accident. Covering mass events, there is always a possibility of injuries and damage of equipment by the participants of these events representing the government or simple people. The attention of the review is especially focused on the actions of the authorities against journalists, because these actions concern human rights and demonstrate the level of compliance of the international obligations by the State, including ensuring freedom of expression and access to information, protection of journalists' professional activity. That's why it is the direct obligation of the State representatives to distinguish between members of any public meetings and journalists who cover their course, as well as to provide journalists with the full access to information. Moreover, the unhindered coverage of demonstrations is an element of freedom of assembly in many respects, since the demonstrations and other mass actions are a form of freedom of expression.

It should be noted that the Republic of Belarus, as a member of such international organizations as the UN and the OSCE, has undertaken a number of specific commitments on human rights and human dimension. In particular, these commitments concern the providing of journalists' professional activity. This includes the guarantee of creating necessary conditions for the journalists' activity without legal or administrative restrictions. The law-enforcement authorities are responsible for protecting the journalists' rights to cover events, regardless of its legal status as well as for the peaceful prevention of the spread of violence. Journalists are responsible for being easily identified as journalists, for the implementation of reporting without provoking an aggravation of the situation, in addition, they shouldn't participate in demonstrations.

The OSCE countries, including Belarus, justly recognized that free and highly developed mass media is the cornerstone of stable and peaceful society. Document of the Moscow meeting of the Conference on the Human Dimension in 1991, Declaration of the Lisbon Summit in 1996, Copenhagen Document 1990 include appropriate OSCE

commitments – all these documents were endorsed by Belarus. The European Court of Human Rights, defining the European standards for the protection of freedom of expression, rightly noted: "The freedom of press provides citizens with one of the best ways to discover and develop an opinion about the views and positions of their political leaders," and the press in its turn "is responsible to give information and ideas on political and other issues of public interest". By that, the freedom of expression is one of the most important foundations of a democratic society and one of the main conditions for its progress.

The pressure on journalists, creation of obstacles for their activity is unacceptable and violates international obligations as well as domestic laws of the Republic of Belarus, the Criminal Code stipulates criminal responsibility for obstruction of lawful journalists professional activity (Article 198 of the Criminal Code).

Based on these considerations, we want to focus the international community's attention on conditions of journalists in Belarus.

II. The situation before the election on December 19th, 2010

In the period immediately preceding the 2010 elections government intervention in journalists' work had an episodic nature. Some analysts have noted a positive change in the situation with freedom of speech in Belarus than in previous election cycles and forecasts¹.

Nevertheless, there were revealed several cases of arrests of journalists, including a few days before the events on December 19th, 2010:

December 14th, 2010 Sergey Vozniak, a member of the Board of Belarusian Association of Journalists, the editor of "Tovarishch" (Comrade) newspaper, was arrested after a search of his personal garage. After a search in Partizansky district police department of Minsk he was released². He was detained again by KGB agents in the morning on 20 December in his own apartment. At the moment, Vozniak is in the KGB jail as a suspect in the case of the riots, he faces up to 15 years in prison³.

December 18th, 2010 Dmitry Ivanov and Maxim Petrovich, the journalists of magazine called "National Control", were detained in the apartment of Dmitry Dashkevich – leader of a registered in the Czech Republic opposition youth organization "Malady Front". Dashkevich, Petrovich and Ivanov had been delivered to the Zavodsky district police department of Minsk. Police officers explained detention of Petrovich and Ivanov of doubts about the authenticity of travel documents on which they arrived from Russia⁴. After a while Ivanov and Petrovich were released.

III. Events on 19-20 December 2010

3.1. Detention during the campaign on 19-20 December 2010

According to the Belarusian Association of Journalists, as a result of termination of the event on December 19, 23 journalists were detained, including:

Tatiana Bublikova - member of Belarusian Association of Journalists, working in the Polish edition of "N.E.W.S. Informacje". By order of the editorial board she was sent to Minsk for coverage of events on December 19. Despite the fact that during the arrest

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>

Tatiana showed his press card and an editorial job, she was not released⁵. On December 20 Tatiana Bublikova was sentenced to 10 days of administrative arrest.

Dmitry Savko – "Belsat" TV journalist, a linguist and a member of the Belarusian Association of Journalists. Due to overcrowding of jails, Dmitry was driven in a paddy between the city of Minsk and Zhodino for about 10 hours (from the moment of arrest and till 6 a.m.). On his requests to the police to give some food and water he heard a refusal. Dmitry Savko was sentenced to 15 days of administrative arrest⁶.

Timophei Kasperovich – freelance journalist. Due to overcrowding of jails, Timophei was driven in a paddy between the city of Minsk and Zhodino for about 10 hours (from the moment of arrest and till 6 a.m.). Was sentenced to 12 days of administrative arrest by the court of Oktyabrsky district of Minsk⁷.

Ilya Kuznetsov - freelance journalist, member of the Belarusian Association of Journalists. On December 20, 2010 Kuznetsov was sentenced to 15 days of administrative arrest by the Frunzensky district court of Minsk⁸.

Eugene Vaskovich – journalist of Bobruisk edition called "Bobruisk Courier" and a member of the Belarusian Association of Journalists⁹. Sentenced to 12 days of administrative arrest for participation in an unsanctioned rally.

Jan Logvinovich – member of the Belarusian Association of Journalists, an independent journalist, journalist of bulletin called "For Molodechno" and founder of an information site "For Molodechno". During the detention SWAT (Special Forces) officers broke Jan's hand and hit on head. Logvinovich was sentenced to 10 days of administrative arrest¹⁰.

Olga Chernykh – student of the Faculty of Journalism of Jagiellonian University (Krakow, Poland), helped the Polish television TVN24 to cover events that took place in Minsk on December 19. Sentenced to 12 days of administrative arrest¹¹.

Ruslan Ignatovich - student of the Faculty of Journalism of Belarusian State University, a freelance correspondent for the sports newspaper "Pressball". Was arrested near the entrance to the subway¹². Sentenced to 10 days of administrative arrest.

Aleksei Shein - member of the Belarusian Association of Journalists. He was arrested on December 19 during a mass rally and convicted by the Sovietsky district court of Minsk to 12 days of administrative arrest¹³.

Andrei Pochobut - freelance journalist, journalist of edition called "Gazeta Wyborcza", member of the Belarusian Association of Journalists. Andrei was brought to the Oktyabrsky district court of Minsk, but after requests from the summit of the Ministry of Foreign Affairs of Poland, was released on 20 December for lack of guilt¹⁴.

Nikolai Khalezin – playwright, director, actor, journalist of "Charter-97", one of the founders of the Belarusian Free Theatre. Was arrested on December 19, but released. On December 20 2010 Nikolai managed to leave the country with the troupe "Free Theatre". On 4 January in private apartment of Nikolai Khalezin and his wife Natalia Kolyada KGB officers came and search for "Free Theatre" troupe, including Nikolai¹⁵.

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>

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>

Maria Antonova – employee of Russian Information Agency "France Presse". She was accredited by the Ministry of Foreign Affairs of the Republic of Belarus. She was detained on her way to the hotel in the center of Minsk. According to her, the order for her detention by Special Forces was given by unknown in civilian clothes¹⁶. Maria Antonova was placed in the paddy, where she spent about 2 hours. After that, she was taken about 4 a.m. on December 20 to the Leninsky district police department. She was released on December 21.

Alexander Astafyev – non-accredited at the Ministry of Foreign Affairs employee of Petersburg's newspaper "Moy Rayon" ("My District"), employee of web site MR7, photojournalist. Was arrested on December 19 at a peaceful rally and held in custody for 3 days¹⁷.

Dmitry Galko and Konstantin Chernec – freelance correspondents of "Radio Liberty". Were arrested about 00 p.m. (Galko - at Independence Avenue, Chernec – at Freedom Square¹⁸). Leninsky district court of Minsk sentenced Dmitry Galko to 10 days of administrative arrest, Konstantin Chernec (disabled second group) – to a fine of 1,000, 000 bel. rubles (about 330 USD).

Julia Rymashevsky – freelance journalist, member of the Belarusian Association of Journalists, press secretary for Vladimir Neklyayev. She was arrested on December 20 at about 2 a.m., during the storming of the election headquarters of presidential candidate Vladimir Neklyayev. In the daytime of December 20 Julia was sentenced to 13 days of administrative arrest by decision of Pervomaisky district court of Minsk¹⁹. The trial of Julia Rymashevsky was held with numerous procedural violations: were not satisfied application of Julia of summons witnesses and denied the questioning of witnesses – police officers.

Some journalists detained on December 19th were released without charges, in particular:

Konstantin Lashkevich – member of Belarusian Association of Journalists, correspondent of the Belarusian internet portal TUT.by, who covered the events taking place at a peaceful demonstration in the center of the Belarusian capital and kept reporting live from the scene. He was detained at the entrance to the subway, despite the journalistic badge²⁰. Konstantin was taken to the police department of the Moscovsky district, and then released early in the morning of 20 December without a protocol.

Alexander Vladyko – freelance journalist. He was detained during a crackdown mass peaceful demonstration on 19 December, but released in the morning on 20 December without being charged.

Vadim Zamirouski – photojournalist of Belarusian newspaper "Belgazeta". At 00:17 he was arrested at the Independence Square in the performance of their professional duties²¹. After a night spent in the detention center, he was released on 20 December without a protocol. Law enforcement officers seized a camera flash card²².

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-%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

3.2. Documented cases of excessive use of force by law enforcement officials on December 19-20th, 2010

During the crackdown of demonstration on December 19 the number of journalists had been physically harmed because of using force. Among the injured, according to information received from the Belarusian Association of Journalists, were the journalists listed below:

Ruslan Gorbachev – the correspondent of the Internet newspaper "Salidarnasts". During the events on the square in front of the White House at 22.33 on 19 of December special forces officers tore off his press-card and hit him several times.

Hans Tsezarek and Christoph Leermaer – a reporter and photographer for the Austrian online newspaper news.at.²³ Tsezarek and Leermaer were injured while covering the events of December 19th. Special forces officers broke Tsezarek's finger on his hand, now he can't perform his professional duties – to make photos.²⁴

Anton Kharchenko and Viktor Filyaev – representatives of the TV channel «Russia Today». During the coverage of December 19th events they were beaten by policemen with baton in their faces, got a haematoma.²⁵

Jazep Polubyatko – from the newspaper "Novy Chas", helping girl who was poked down to rise on December 19th, was beaten with baton on his head, his cheek was harmed with a police shield. He was taken to the Interior Ministry hospital, where he was given first aid. According to the doctors conclusion Polubyatko has a concussion. In the hospital he underwent eight surgical sutures.²⁶

Dmitry Tarkhov, Ilya Omelchenko – film crew of the REN-TV channel. The policemen hit both journalists in the stomach several times and threw them in the snow.²⁷

Elena Yakzhik – correspondent of the Internet newspaper "Salidarnasts". Policemen threw her in the snow while she had been covering the demonstration of presidential candidate Vladimir Neklyayev with his supporters on the way to October Square.²⁸

Dmitry Lukashuk – correspondent of "Euroradio". While covering the demonstration of presidential candidate V. Neklyayev with his supporters on the way to October Square he was thrown in the snow.²⁹

Anton Taras – correspondent of BelaPAN. While covering the demonstration of presidential candidate V. Neklyayev with his supporters on the way to October Square he was thrown in the snow.³⁰

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>

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

Yulia Doroshkevich – photojournalist of the newspaper «Nasha Niva». Security service officers threw her in the snow close to the election headquarters of the presidential candidate V. Neklyayev and laid her photo equipment on her back. She wasn't arrested.

James Hill – correspondent of the American newspaper «The New York Times» who is officially accredited by the Ministry of Foreign Affairs of Belarus. While covering the demonstration of the presidential candidate V. Neklyayev with his supporters on the way to October Square he was thrown in the snow, according to the testimony of colleagues when attempting to show his certificate of accreditation, he got hit in the eye.³¹

Yuri Karmanov – special correspondent for the Associated Press in Belarus. As he reported to the Belarusian Association of Journalists, that during the "cleansing" the square on December 19th he was standing covering his head with hands and held his press-card (officially accredited by the Ministry of Foreign Affairs of Belarus). Nevertheless he was beaten with batons.

Olga Hvojn – employee of the newspaper «Novy Chas». As she reported to the Belarusian Association of Journalists that on December 19th on Independence square policemen strangled her by the throat and pushed to the roadway.

Aliona Daneyko – journalist of "Deutsche Welle". As she reported to the Belarusian Association of Journalists, that while trying to make photo what is happening near the Government House on December 19th, was hit with baton on her hand.³²

Vladimir Gridin – freelance correspondent of informational agency BelaPAN. During the dispersal of a peaceful demonstration was hit by security service officers on the steps of Government House. On December 20th when Vladimir photographed a moment of dispersal of the demonstration Igor Evseev, the deputy head of the Minsk police, kicked him and threw him in the snow.³³

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

During the crackdown of demonstration on December 19th a number of correspondents and media workers faced with cases of damaged or lost equipment. In specifically, according to information received from the Belarusian Association of Journalists, those, whose equipment was damaged or removed were the journalists listed below:

Andrew Lyankevich – the employee of 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. Neklyayev from Nemiga to October Square. Special forces officers pushed him into the snow, seized equipment, and broke expensive camera (more than 2 thousand dollars). Location of equipment is still unknown.³⁴

Oleg Gruzdzilovich – the correspondent of "Radio Liberty" and a member of the Belarusian Association of Journalists. He was beaten on December 19th during a protest action, besides special forces officers broke the microphone on his camera.³⁵

Vadim Zamirouski – the photojournalist of the Belarusian newspaper "Belgazeta". He spent the night in the police office without any report and charges, law enforcement officers seized the flash card from Vadim's camera.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 – the photojournalist of the newspaper "Observer". As he reported to the Belarusian Association of Journalists, while covering the events of December 19th policemen broke his camera flash.³⁷

Ilya Omelchenko – the operator from REN-TV channel. Policemen heavily damaged his equipment.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 prosecuted under the art. 293 «Mass riots»

On December 19th Irina Khalip was detained. Irina is a correspondent of the Russian newspaper «Novaya Gazeta» and wife of the former presidential candidate Andrey Sannikov. First Irina was taken to the detention centre of the Minsk police but then she was immediately replaced in KGB detention centre as one of the accused in the case of organizing mass riots in the Minsk center on December 19th, 2010.

On December 21st, Vladimir Tolstik (Irina's lawyer) visited her. Vladimir can't give any comments and details as he made a signed statement not to disclose secrecy of investigation. On December 20th the private apartment of Irina Khalip and her husband Andrey Sannikov was searched. A 3-year-old son of Irina and Andrey, Daniil Sannikov, was taken from kindergarten by workers of social services. Some time he spent in a service care together with his grandmother - the mother of Irina Khalip.

At present, the mother of Irina, Lucia Khalip, is preparing documents for the establishment of the guardianship of her grandson. The decision is to be made till 27th January. The boy lives now in the parent's apartment with his grand-mother and attends kindergarten. According to the trusteeship services' statements, all possible efforts will be done in order to guarantee the right of the child to be brought up in the family.³⁹ According to the recent information Irina Khalip is kept in the internal prison of KGB – “American prison” - as the accused in the case of organizing and participation in mass riots (Article 293 of the Criminal Code of Belarus).⁴⁰ On January 12th 2011 r. the apartment of Khalip and her parents' flat were searched again. The computer that had been left after the previous searches was taken away. Mother of Irina, Lucia Khalip, was called for interrogation in KGB.⁴¹

On December 19th Natalia Radina was detained for participation in peaceful mass demonstration. Natalia Radina is a deputy editor of the opposition news web-site «Charter-97». During the detention Natalia was strongly beaten by riot policemen.⁴² According to the lawyer of Natalia, at the moment she is detained as accused in the Article 293 of the Criminal Code of Belarus «Mass riots»,⁴³ and she is threatened by 15 years in prison.

On December 19th Pavel Severinets was detained. Pavel is a member of Council of the Belarusian Association of Journalists and a writer. He was taken to KGB,⁴⁴ where he was charged under Article 293 of the Criminal Code of Belarus «Mass riots».

On December 19th at the time of events in the center of Minsk Alexander Feduta, an independent journalist, a member of Belarusian Association of Journalists, political observer and analyst, was beaten⁴⁵. On December 20th some people in civil clothes appeared in the private apartment of Alexander and took him for the interrogation to KGB

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>

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

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

without warrant.⁴⁶ After interrogation he was placed in the KGB detention centre⁴⁷. On December 23rd KGB officers searched the apartment of Feduta and took away 17 things: laptop, flash cards, documents, and photos. On December 30th Alexander was accused in organizing of riots on December 19th 2010 in Minsk.⁴⁸ Now he is in the KGB detention centre.

On December 20th at 6 a.m. Dmitriy Bondarenko was detained in his private apartment. Dmitriy is a member of Belarusian Association of Journalists, the coordinator of social initiative «Charter-97»⁴⁹. At present Bondarenko is in KGB prison being accused in mass disorders' organization on December 19th 2010 in Minsk.⁵⁰

On December 20th at approximately 5 a.m. Serhey Vozniak was detained in his own apartment. Serhey is a member of the Directory of Belarusian Association of Journalists, a chief editor of the newspaper "Tovarisch" (Comrade), trustee of Vladimir Nekliyaev. At present he is in KGB prison accused in organizing and participation in riots on December 19th 2010 in Minsk.⁵¹

4.1. Cases of detention after the events of December 19th and 20th, 2010.

After the night events of December 19 and 20th separate cases of detention of journalists also took place.

On December 21st – Ales Borozenko, the cameraman of “Belsat” TV channel, has recorded on his videocamera a case of beating of the candidate in presidents V.Neklijaev. Ales was detained while leaving his home, he was delivered to the Frunzensky district police station and after the checking his passport he was set free. Subsequently Borozenko was delivered to KGB for the interrogation, where the lawyer had not allow to go. Ales signed subscription on secrecy of investigation.

On December 24th – Ales Kirkevich, the correspondent of «Tvoy styl” and “Radye naviny” editions was detained in Minsk during the peaceful action of solidarity, which was held near the Isolator Center for offenders, where the people arrested after the events on December 19th were kept. On December 27th Kirkevich was convicted in the court of the Moscow District of Minsk for infringement of conditions of the organization and carrying out of the action and was sentenced to 10 day of administrative arrest.

On January 8th, 2011 – The reporter of “Gazeta Wyborcza” **Andrew Pochobut** was repeatedly detained, and then he was interrogated by employees of KGB about the events on December 19th in Minsk. Pochobut wrote in his blog that he chose the tactics of silence at the interrogation, for what he was hit on his face, breast and the head. As a result, he was given the “Official warning about the inadmissibility of illegal behavior”, which was declared by the chief of regional KGB Ivan Korzh. The document states, that the journalist since January 5th is "to preventive supervision". On January 12th, 2011 in his apartment a search was conducted, then the journalist was detained again and was carried to Minsk under an escort, where the next day he was judged in connection with the prosecution sent back for revision about participation in mass disorders in Minsk on December 19th. Pochobut was fined on 1 million 750 thousand Belarusian rubles (600 US dollars).

4.2. Questioning in KGB, searches and other consequences

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-forfe/?page=100&news=74742>

After events happened on December 19-20, 2010 several journalists were questioned in KGB and searches took place, in particular with seizure of the technical equipment. Main reason of these events - investigations related to criminal cases about mass disorders on the square:

On December 30, 2010 search took place in apartment of **Ekaterina Tkachenko**, the staff member of the **TV-channel «Belsat»** with seizure of notebook, diskettes and other materials. Several hours before on December 30 she was invited to questioning to KGB.⁵²

On December 31, 2010 staff members of KGB came to private apartment of **Yulia Doroshkevich**, photo-correspondent of the newspaper "**Nasha Niva**" (**Our Field**) and her husband, **Pavel Yukhnevich**, activist of the campaign "**European Belarus**" with warrant signed for search on Yulia's name. During search 15 data carriers, in particular two notebooks, Winchesters, flash-memories, dictating machine were seized. Yulia's husband was detained and convicted for 10 days of arrest.⁵³

On December 31 the search took place in private apartment of **Tetyana Gavrilchik**, video-operator of the media "**Nasha Niva**". During search video-camera, PC and flash-memories were taken. **On January 3** after refusal of Tetyana to talk to investigators of KGB without attorney, unknown person called on her home number and threatened her with phrase that he repeated two times: «You will have pale face and only some teeth».⁵⁴ **On January 10** KGB staff called her and suggested to take back seized equipment. Everything, except one disk, was returned.

On January 4 2011 around 6 a.m. KGB staff forcibly entered apartment of the **Aleksey Borozenko**, operator of the **TV channel "Belsat"**, and during two hours took a search resulted in seizure of PC and banner "Where is mother of Kolya?"⁵⁵ Then Borozenko was taken to KGB for questioning, attorney of Borozenko was not allowed to be present. Aleksey had signed acknowledgment about nondisclosure of investigation.⁵⁶

On January 6 Aleksey Shein, member of Belarusian Journalists Association, was questioned in KGB as witness of the case of December 19, 2010.⁵⁷ Before that he spent 12 days in detention under conviction for participation in protest action.

On January 6 a search took place in private apartment of **Yan Logvinovich**, member of Belarusian Journalists Association, free-lance journalist and journalist of the bulletin "Za Molodechno" ("For youth") and founder of the informational site "For youth".⁵⁸ Before that Yan spent 10 days under administrative detention for participation in events happened on square.⁵⁹

On January 6 journalist **Victoria Kolhina** who is shooting movie about beaten journalists for TV-channel "Belsat" was called for questioning to KGB. After conversation with the investigator with presence of attorney of Victoria, she signed acknowledgment about nondisclosure of investigation.⁶⁰

On January 11 the search took place in apartment of **Larisa Shchirakova**, journalist, member of Belarusian Journalists Association, resulted in seizure of two fixed PCs with monitors and mouses, one notebook, several hundred of disks, several flash-memories, player, two dictating machines.⁶¹

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>

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>

On **January 12** search took place in apartment of **Aleksey Salei**, photo-correspondent of "Glosa znad Nemna".⁶²

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

On **January 13, 2011** search took place in apartment of **Irina Chernyavka**, journalist of "Belsat" TV channel. KGB staff came with search to the apartment rented by sister of the journalist in Minsk. After search journalist was taken to questioning to KGB. She signed acknowledgment about nondisclosure of investigation.⁶⁴

On **January 15, 2011** searches took place in apartment of **Viktor Fedorovich**, the staff member of the company BelaPan and journalist of the internet-media and apartment of his parents. As informed by Fedorovich, at 10 a.m. people knocked to his flat and presented themselves as KGB staff. Journalist mentioned that he has no relation to events happened on 19 December on streets of Minsk. According to Fedorovich, notebook, system block of the PC, dictating machine, flesh memories, notepads, documents and notes about investigator Svetlana Baikova and other working materials related to his professional activities were taken. It was unclear to journalist why the searches had happened in his and his parents apartments.⁶⁵

4.3. Interferences in editors' offices of some media and journalists' unions

On **December 12, 2010** **Belarusian Journalists Association** received official letter from Ministry of Justice with the suggestion to inform before the 24th of December which paragraph in the mandate was used when association advocated for "civil activists, participated in mass disorders in Minsk on December 19, 2010".⁶⁶

On **December 25, 2010** – search took place in the premises of "**European Radio for Belarus**" without presence of the staff. PCs, notebooks, server, dictating machines, cameras, portative video-cameras - altogether 43 items were seized.⁶⁷

On **December 25-26** – at night unknown people forcible entered office of the **First Independent TV-channel «Belsat»** in Minsk by destroying doors with special saw, where no one of the staff was present.⁶⁸

On **December 28, 2010** – search took place in premises of Belarusian Pen-center, where editor's office of the newspaper "**Nasha Niva**" was located. KGB staff seized 12 PCs, flesh memories and CD-disks. At the same time the search took place in private apartment of Andrey Skurko, Chief-Editor of newspaper "Nasha Niva". His home PC was seized. According to warrant, searches were related to criminal cases about mass disorders and disrespect to governmental symbols.⁶⁹

On **December 29, 2010** – Ministry of Justice sent official request to **Belarusian Journalists Association** to share list of journalist protected by organization who are its members. This is an appeal to Public Appeal to Minister of Justice, Minister of Internal Affairs and General Prosecutor to pay attention to violation of journalists' rights and prosecute guilty. Letters to the above-mentioned officials were sent by organization on 24th of December.⁷⁰

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>

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>

On January 10, 2011 – according to order, signed by KGB Department in Minsk region, the search took place in editor's office of the newspaper "**Borisov news**" and in apartment of Chief-Editor **Anatoliy Bukas**. Searches took place within investigation of the criminal case about mass disorders in Minsk on 19 December with the aim to find "subjects of the crime". This resulted in seizure of all office equipment - according to Chief-Editor, 12 PCs (with monitors and mouses), 3 fax machines, 3 cameras, flash memories, disks and private notebook of Bukas.⁷¹

On January 12 – broadcasting of **FM-station "Autoradio"** was stopped for broadcasting agitation materials of former candidates for President post A. Sannikov and V.Neklyayev.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

Preventing the work of the journalists and Mass Media before the elections was occasional. The main event of the election campaign in the Republic of Belarus in 2010 – the opposition rally at the Freedom square became the main source of problems, which many journalists and mass media workers, covering the elections and the very opposition rally on December 19, 2010, had to do deal with. Moreover, an investigation of the above events presented the formal reasons for the further interference of the law-enforcement agencies with the mass media work.

A significant number of journalists suffered on the rally day of December 19, 2010 and the night following. Although, we cannot omit the fact that some members of the professional journalist unions and some mass media correspondents did not join the rally as journalists, we have to mention that the government made no effort to distinguish between the rally participants and the journalists who were covering the rally, which revealed the same attitude towards everyone (including violence and physical abuse) even after the journalists showed their affiliation with the mass media.

15 journalists were sentenced to an administrative detention for participating in a rally that was not authorized by the Government. They served from 10 to 15 days of administrative arrest. 3 mass media workers were arrested and subsequently released without charge. These government authorities' actions towards the journalists show their disrespect towards the significance of journalists in a democratic society, besides it indirectly proves the fact that the Government of Belarus is reluctant to promote an objective and comprehensive coverage of the events that took place at the Freedom square on December 19, 2010.

Some facts that reveal how the journalists were treated during their arrest and the following proceedings can be regarded as a violation of the prohibition of torture, inhuman or degrading treatment or punishment, as well as a violation of the right to liberty and security of a person.

Evidence of the damage and confiscation of the technological appliances from the journalists who were covering and recording the events of December 19, 2010, as well as the arrests, can be regarded as sufficient reason for instituting proceedings in accordance with article 198 "Impediment of the lawful professional activities of a journalist" of the Criminal Code of the Republic of Belarus.

Searches and confiscation of computer technologies and digital media took place in the mass media editorial offices, as well as at some journalists' homes. On December 19, 2010, some technological appliances were confiscated in violation of procedure, without drawing any records up, which leads to the discussion of the impediment of the professional activities of the journalists as well as the damage/destruction of their property.

The justification of the computer technologies and digital media confiscation is a subject of doubt. The obvious reason for such actions as stated by the law-enforcement agencies themselves, is obtaining an access to the information stored on the confiscated media. Modern technologies make it possible to gain access to such information without confiscating the actual technological appliances; for instance, by instantly copying the information to a portable media device. Therefore, the actions of the law-enforcement agencies and the security service indicate either their lack of professionalism or their conscious intention to obstruct the implementation of the journalists' activities connected to covering the current events in the country. This gives us a reason to talk about the abuse of authority and excessive government interference in the matters of the realization of the right to freedom of opinion and expression and the right to access information.

The arrests of the journalists, in particular Irina Khalip, Natalya Radina, Alexander Feduta, Sergey Voznyak, Dmitry Bondarenko and Pavel Severinets, on the charge of

committing a criminal offence (or on the charge of suspicion of a criminal offence) connected to the events of December 19, 2010 at the Freedom Square, have caused a great concern in the international community. Thus, on January 5, 2011 the OSCE Representative on Freedom of the Media Dunja Mijatovic wrote a letter to the Minister of Foreign Affairs of the Republic of Belarus Sergey Martynov, in which she called the Government of Belarus to stop the attacks on the mass media and immediately release the arrested journalists. It is important to note that the available information on the facts of not letting the lawyers and relatives visit the journalists, the lack of comprehensive information about the conditions of their custody, failure to transfer the mail indicate violation of the human rights standards in the sphere of providing a humane and not degrading treatment of prisoners, realization of the right to protection, freedom, and personal immunity with regard to these persons.

Based on the above facts, we can conclude that during the course of the 4 years that have passed since the last presidential elections, the Republic of Belarus has not moved on the path of providing the freedom of expression and freedom of assembly, has not been fulfilling its undertaken obligations in the context of the international UN and OSCE agreements in this sphere, in particular the recommendations mentioned in the Special Report on Handling of the media during political demonstrations that was presented by the OSCE Representative on Freedom of the Media, Miklos Haraszti on June 21, 2007

IV. Recommendations

To the General Prosecutor's Office of the Republic of Belarus: to organize scrupulous investigation of all cases of blocking of professional activities of journalists, primarily by power structures, at the time of liquidation of the opposition protest on December 19th, 2010. If there are elements of a crime set in the Article 198 of the Criminal Code of the Republic of Belarus: "Blocking the legal professional activities of journalist", initiate appropriate criminal proceedings. Such investigations should be carried out in compliance with all provisions of national and international law and guarantees of safety for journalists.

To the authorities of the Republic of Belarus, particularly to the Ministry of Internal Affairs, the Committee for State Security, the Prosecutor's Office and the Ministry of Information: to ensure the unobstructed functioning of media, in particular, quit the practice of confiscation the equipment for the needs of investigation as a disproportional way of receiving information contained on electronic carriers; to minimize interference in the media if necessary for the investigations; to return the confiscated equipment in the shortest time.

To the authorities of the Republic of Belarus, particularly to the Ministry of Internal Affairs, the Ministry of Information: in cooperation with journalists' trade unions to work out and to embed an effective mechanism of quick identification of journalists among others by the police and other enforcement bodies and providing them security and access to information during mass actions.

To the Ministry of Internal Affairs: to provide trainings for the police on the role and function of journalists in a democratic state, particularly in reporting demonstrations and mass actions including even unauthorized ones, also on the activities of police to ensure the safety of journalists, proper attitude to their equipment, ensuring full access to the information concerning all running actions.

To the authorities of the Republic of Belarus: to examine attentively the content of Special Report on Handling of the Media during Political Demonstrations: Observations and Recommendations, prepared by Miklos Harasti, the OSCE Representative on Freedom of the Media, on June 21st, 2007 for the purpose of implementation its requirements and recommendations in the police' everyday practice.

To the Authorities of the Republic of Belarus: to invite for the official visit the OSCE Representative on Freedom of the Media, for the purpose of receiving advice how to implement obligations in the sphere of media freedom, which Belarus assumed within the OSCE framework.

To the OSCE Representative on Freedom of the Media: to carry out constant control over the execution of the official commitments on the media freedom by the Republic of Belarus and encourage urgent mending of the current situation by all possible methods including the official visit to Belarus.

To the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: to post to the authorities of the Republic of Belarus official messages on every specific case of persecution of journalists and media, blocking

their activity on the territory of the state. To request the official permit to visit the country and examine the situation after the elections on December, 19th, 2010.

To journalists' trade unions of the Republic of Belarus: to coordinate with law enforcement bodies the admissible method of identifying journalists at demonstrations and other mass actions, also to take the necessary steps to inform journalists about this requirement. An example of such way of identification can be the press emblem created by Geneva journalists – www.presseblem.ch.

To journalists' trade unions of different countries, organizations for journalists' rights and freedom of speech: to express support to your Belarusian colleagues by sending letters of support to the Belarusian journalists' association, other journalists' unions and directing to appeals the state's administration with explanations of the role and value of media in democratic society.