

amnesty international

PUBLIC



AI Index: EUR 49/007/2002

Date: 07/05/2002

BELARUS:

**“As long as there are journalists,
there will be prison cells”**

On 5 April 2002 Leninsky District Court in Grodno transformed the words seen on the banner in the photo below into practice, sentencing six journalists, who had participated in the protest, to periods of imprisonment between three and ten days. The statement had appeared on a banner held by a group of journalists in Grodno earlier in the day, protesting against the impending trial of two of their colleagues, who are facing up to five years' imprisonment for allegedly slandering the Belarusian President, Alyaksandr Lukashenka. Amnesty International condemned the arrests as a crack-down on the rights to peaceful assembly and free expression and adopted the imprisoned journalists as prisoners of conscience.

Figure 1 Journalists protesting in Grodno, 5 April 2002. The banner states: “As long as there are journalists – there will be prison cells”. (c) IREX/ProMedia

A group of journalists had assembled earlier in the day outside a municipal administration building in Grodno, which is located approximately 230km to the West of Minsk on the Polish-Belarusian border. The peaceful protest action had been planned to protest against the trial of journalist Nikolai Markevich, who is the editor of one of Belarus' few independent newspapers, *Pagonia*, and his colleague, Pavel Mozheiko. Forty-year-old Nikolai Markevich and 23-year-old Pavel Mozheiko were charged under Article 367 (2) of the Belarusian Criminal Code in mid-February 2002 for allegedly slandering President Alyaksandr Lukashenka in an edition of *Pagonia* in the run-up to the presidential elections in early September 2001. The 4 September edition of the newspaper, which was seized by public officials before being published, alleged President Alyaksandr Lukashenka's involvement in the abduction and murder of several leading opposition figures in the period 1999–2000 (see below).

In total, around 13 journalists were initially detained by detachments of police officers on 5 April 2002, on the grounds that the picket had not been sanctioned by the city authorities. The organizers of the protest action had repeatedly applied to the city authorities for permission to stage a peaceful protest action but had had their requests subsequently rejected. According to the Belarusian radio broadcaster, *Radio Racyja*, the detained journalists included several *Pagonia* staff members, a small number of freelance journalists and journalists from the independent newspapers *Barcnews*, *Belaruskyy Chas*, *Birza Infarmacyji*, *Dien*, *Glos znad Niemna*, *Nasha Niva*, and *Navinki*. A journalist associated with *Radio Racyja* was also reportedly among the detainees.

The detained journalists were brought before Leninsky District Court in Grodno later the same day, resulting in six of them being sentenced to periods of imprisonment. Among those deprived of their liberty were Stas Pachobyt and Andrey Pislalnik from the respective newspapers *Glos znad Niemna* and *Dien*, who received 10-day sentences of imprisonment; Andrey Meleshko of *Nasha Niva*, who was imprisoned for eight days; the freelance journalist Alyaksandr Dvorestkov, who was sentenced to four days' imprisonment; and *Barcnews*' Dmitry Egorov and *Third Sector* magazine's Vitaut Rudnik, who received respective prison sentences of three days. Other journalists escaped imprisonment with fines and official warnings.

The imprisonment of the six journalists drew vociferous criticism from several international and domestic non-governmental organizations which defend and promote press freedom and human rights. Amnesty International is particularly concerned that the arrests and convictions of the journalists were not only a clear violation of Belarus' international obligations to allow individuals to exercise their right to peaceful assembly, but also a further example of the Belarusian authorities' inability to tolerate peaceful dissent. In recent weeks there have been persisting reports of other peaceful protestors who have been deprived of their liberty for periods of up to 15 days, particularly following the Protest March and Freedom Day demonstrations in Minsk on 19 April and on 24 March 2002 (AI Index: EUR 49/008/2002).

In addition to adopting the six imprisoned journalists, referred to above, as prisoners of conscience, Amnesty International will consider Nikolai Markevich and Pavel Mozheiko to be prisoners of conscience, if they are convicted and imprisoned for raising legitimate concerns about the alleged involvement of President Alyaksandr Lukashenka and his immediate circle of government appointees in several high-profile "disappearances" in the country. The trial of the two men, which was due to begin on the morning of 9 April 2002 at Leninsky District Court in Grodno, was postponed due to the reported sickness of the chairing judge. Around 100 supporters and observers are reported to have attended what was to be the first day of the trial, including journalists and press freedom monitors from abroad.

Amnesty International considers that the use of the Belarusian Criminal Code to curb the legitimate exercise of the right to freedom of expression violates the government's international human rights obligations, particularly under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Amnesty International recognizes that Article 19 of the ICCPR specifies that certain restrictions on the right to freedom of expression may be imposed if they are necessary to respect the rights or

reputations of others, or for the protection of national security or public order. However, Article 19 also recognizes a wide latitude for robust criticism of government and other public officials. Criminal law should therefore not be used in such a way as to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of the state authorities.

Figure 2 Nikolai Markevich in Grodno, 9 April 2002. His t-shirt reads: “I’m a journalist, not a criminal”. (c) IREX/ProMedia

Amnesty International is concerned that Article 367 (2) of the Belarusian Criminal Code is being used by the Belarusian authorities for these very purposes. The organization believes that the charge of criminal slander is being used to intimidate and punish Nikolai Markevich and Pavel Mozheiko for their journalistic activities in raising legitimate concerns about possible state involvement in a series of “disappearances” of high-profile opposition figures. Repeated concern about the apparent failure of the Belarusian authorities to initiate prompt, impartial and thorough investigations into the “disappearances” of the former Minister of the Interior, Yury Zakharenko, in May 1999, the former first secretary chairman of the dissolved Belarusian parliament, Viktor Gonchar and his companion Anatoly Krasovsky in September 1999, and the *Russian Public Television* cameraman Dmitry Zavadsky in July 2000 has been echoed by a wide range of regional governmental bodies, international treaty bodies and non-governmental organizations. The apparent failure to investigate the circumstances surrounding the “disappearances” was set against a backdrop of nonchalance on the part of the Belarusian authorities at the fate of the “disappeared” and the suffering of their families. From the middle of 2001 onwards President Alyaksandr Lukashenka and his immediate circle of government appointees came under increased domestic and international suspicion after two officials of the Prosecutor General’s Office, who had been assigned to investigate the “disappearances”, fled to the USA and made incriminating statements against the incumbent administration (see AI Index: EUR 01/002/2001 and EUR 01/003/2002).

Amnesty International also remains concerned about the overall precarious state of press freedom in Belarus. The right to freedom of expression in Belarus is guaranteed both domestically, by Article 33 of the Belarusian Constitution, and by international treaties which Belarus has ratified and is therefore legally bound to observe. However, Belarus has frequently been criticized both domestically and internationally for violation of these rights, particularly with regard to lack of press freedom in the country. The Belarusian authorities have been successful not only in stifling free debate through its virtual monopolization of the press and tight control of domestic television but also in keeping the nascent independent press in check through a campaign of harassment and intimidation. The fragile existence of *Pagonia* has become a very good case in point. On 12 November 2001 *Pagonia* was legally liquidated as a registered newspaper by the Belarusian Supreme Economic Court, after the newspaper received two official warnings from the State Press Committee in the course of a 12-month period, one of which related to comments the newspaper made about President Lukashenka. Amnesty International believes that the system of warnings has been employed by the Belarusian authorities to threaten the vestiges of an independent press into submission. Since its closure, *Pagonia* has ceased appearing

in a printed form and has only been available via the Internet. Disturbingly, the experiences of Nikolai Markevich at *Pagonia* have been anything but an isolated incident.

Amnesty International is therefore urging the Belarusian authorities to take immediate steps to put an end to the harassment and intimidation of the *Pagonia* journalists Nikolai Markevich and Pavel Mozheiko. The organization believes that it is wholly unacceptable to prosecute the two journalists solely for giving voice to widely held concerns and fears relating to the fate of the country's missing opposition leaders. The authorities should also take immediate action to ensure that they fulfil their obligations under various international human rights treaties, particularly those relating to the rights of peaceful assembly and freedom of expression. Amnesty International will consider anyone imprisoned solely for exercising these rights as prisoners of conscience and will call for their immediate and unconditional release.