

14 April 2005

President Alyaksandr Lukashenka
President of the Republic of Belarus
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Dear President Lukashenka,

ARTICLE 19, the Global Campaign for Free Expression, is greatly concerned about the deteriorating state of freedom of expression in Belarus. We call upon you to take all necessary measures to ensure that Belarus complies with its international responsibilities as a State Party to the International Covenant on Civil and Political Rights, and brings its legislation and practice in line with international standards of freedom of expression. The following cases are of particular concern.

The presidential decree of 1 February 2005 stipulated that a new version of the draft Law on Press and other Mass Media should have been submitted to the National Assembly in March this year. It has been difficult to obtain information as to whether the draft Law was in fact submitted to Parliament for consideration. Further, we recall that there has been very little public discussion on previous versions of the draft Law. ARTICLE 19 is concerned about the adoption of a law through a process surrounded by secrecy, and fears that it will introduce further restrictions on freedom of expression in Belarus.

ARTICLE 19 would also like to bring to your attention the case of journalist *Veranica Charkasava*, who was stabbed to death in her apartment in Minsk on 20 October 2004. Prior to her murder, Ms Charkasava had investigated alleged arms sales of Belarus to Iraq and had published a series of articles on the methods of surveillance used by the Belarusian Security Services to monitor civilians' activities. According to ARTICLE 19 information, the investigation into her murder has produced no conclusive results and the investigating authorities are considering closing it. The investigation has so far primarily focused on Ms Charkasava's 15-year-old son and her chronically ill stepfather, who were initially identified as main suspects in the murder. These accusations were launched without any evidence, and the fierce interrogations of the accused resulted in Ms Charkasava's son being hospitalised with severe depression.

Article 19 of the Universal Declaration of Human Rights:

'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'



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This is the second case in Belarus in the last five years in which those responsible for the murder of journalists remain unpunished. We refer here to the case of *Dmitri Zavadski*, a cameraman with television station ORT, who disappeared on 7 July 2000, and on whose fate the Belarusian authorities failed to shed light. The murder of a journalist causes a ‘chilling effect’ of the most extreme nature on the journalistic community. Ms Charkasava’s case warrants a thorough and impartial investigation; those responsible for her murder should be brought to justice.

ARTICLE 19 is also concerned about a number of other cases, listed below, in which the Belarusian authorities have allegedly intimidated journalists and prevented them from fulfilling their responsibilities.

- Andrei Pachobut, a journalist working for the online newspaper *Pahonia*, was found guilty of violating Article 176(1) of the Code of Administrative Offences and sentenced to ten days in prison for being present at a protest meeting in Hrodna on 4 March 2005. Mr. Pachobut had attended the event in his professional capacity as a journalist.
- Pavel Mazheyka, also a *Pahonia* journalist, was detained on 27 October 2004, allegedly in connection with a picket held by Hrodna journalists on 4 October.
- Volha Klasouskaya, a *Narodnaya Volya* journalist, was detained on 28 December 2004 while covering a solidarity action organised by the Belarusian opposition in support of the Ukrainian democratic movement.
- Three Polish journalists were detained on 20 March 2005, on the occasion of the parliamentary by-elections in Hrodna.
- On the same day, Alona Andrejeva of the newspaper *Zhoda*, was denied access to polling stations to cover voting procedures.
- On 24 March 2005, the police and unknown individuals entered and searched the premises of the newspaper *Zhoda* without a search warrant; some of its equipment was confiscated, effectively halting the newspaper’s activities.

ARTICLE 19 is also concerned with the fact that the UN Special Rapporteur on the Situation of Human Rights in Belarus, Adrian Severin, was unable to obtain a visa for his planned visit to Belarus in December 2004. The Belarusian Foreign Ministry reportedly stated that “Belarus [is] not going to cooperate with the [UN] Special Rapporteur,” thereby precluding the possibility of any form of dialogue with the United Nations.

ARTICLE 19 is also troubled by the findings outlined by the OSCE Representative on Freedom of the Media Miklós Haraszti in his report of 10 March 2005, and by the Special Rapporteur on the Situation of Human Rights in Belarus Adrian Severin in his report of 18 March.

Following his visit to Belarus between the 9 and 11 February 2005, Mr Haraszi expressed his alarm at the state of media freedom in Belarus, which he believes has deteriorated in the last couple of years. In particular, Mr Haraszi expressed his concerns at: harsh insult and libel legislation and the regular imposition of prison sentences in defamation proceedings; the growing number of warnings and closures of the non-State and independent media, and other administrative and economic restrictions; the lack of independent nationwide broadcasting outlets in Belarus; the existing Law on Press and other Mass Media, which gives the Ministry of Information exceedingly broad powers to sanction media outlets.

The report of the UN Special Rapporteur on the Situation of Human Rights in Belarus, presented to the UN Commission on Human Rights in Geneva on 29 March 2005, denounced “the phenomenon of what could be called ‘mainstreaming of State censorship’.” The report particularly highlighted the fact that 160 registered print media institutions were forcibly shut down in the eight months preceding the elections and referendum of 17 October 2004, and the numerous difficulties related to printing and distribution.

As a State Party to the International Covenant on Civil and Political Rights, which, *inter alia*, guarantees the right of freedom of expression for everyone, we urge the Belarusian authorities to take the following steps to bring its legislation and practice in line with the international standards of freedom of expression:

- The flourishing of a diverse media environment should be encouraged rather than repressed. In particular, efforts should be made to facilitate the establishment of genuine public service broadcasting and non-State nationwide broadcasters.
- The new Law on Press and other Mass Media should be adopted following an open, consultative process with various stakeholders. In the adoption of the new provisions, the Belarusian authorities should strive to harmonise Belarusian media legislation with international standards of freedom of expression.
- A prompt, thorough and impartial investigation into the murder of Veranica Charkasava should be conducted as a matter of priority.
- The practice of arbitrarily detaining journalists who are simply doing their work should be immediately suspended.
- Provisions envisaging prison sentences for defamation and insult should be repealed. Criminal defamation provisions should be repealed and replaced with civil provisions.
- The practice of suspending and closing non-State newspapers should be immediately discontinued.
- The Belarusian authorities should make a commitment to implement the recommendations made by the OSCE Representative on Freedom of the Media and the UN Special

Rapporteur on the Situation of Human Rights in Belarus in their reports of March 2005.

We remain at your disposal to provide assistance in the implementation of the above recommendations.

Yours sincerely,

Dr. Agnès Callamard
Executive Director