

Minister Liliya Ananich

Ministry of Information of Belarus

Stockholm, 22 October 2014

Re: Prosecution of Belarusian freelance journalists

Dear Minister,

The Swedish Union of Journalists backs the voice of the Belarusian Association of Journalists in support of Belarusian freelance journalists, who contribute materials to foreign mass media.

The recent wave of administrative pressure on these journalists bears clear characteristics of threat and blackmailing, and contradicts to national legislative norms as well as to obligations of the Republic of Belarus to ensure freedom of information under international agreements.

The Swedish Union of Journalists has noted that provisions of art.22.9 of the Code on Administrative Offences were misused against journalists who send their materials to foreign media. Such legal practice violates the national legislation of Belarus as well as the state obligations in the field of freedom of expression under international agreements.

The referred article 22.9 of the Code on Administrative Offences of Belarus does not provide for legal liability for work without accreditation. Equating "work without accreditation" to illegal production and distribution of mass media products" is wrong at least owing to the fact that mass media products are produced by editorials of mass media. They are not produced by individual journalists on their own. Also, it is the editorial that distributes the media product, not the author alone. It is clearly stated in article 1 of the Belarusian Mass Media Law (points 6, 7, and 12).

Moreover, the demand for Belarusian citizens to have accreditation from the Ministry of Foreign Affairs of Belarus to seek and distribute information violates the Constitution and international legal obligations of Belarus.

Article 34 of the Constitution guarantees the Belarusian citizens' right to seek, store and disseminate full, accurate and well-timed information about activities of state bodies, public associations, political, economic, cultural and foreign life, and about the environment.

The same right is ensured by article 19 of the ICCPR, ratified by Belarus. According to part 2 of article 19, every person has the freedom to seek, receive and disseminate information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his/her choice.

According to the Constitution of Belarus, access to information and its dissemination can be restricted only to defend the citizens' honor, dignity, personal and family life for full enjoyment of their rights.

Actions of freelance journalists (i.e., those who are not employed by any media outlet and who offer their materials to different mass media, both Belarusian and foreign ones) do not fall within any acceptable grounds to restrict the right to seek, store and impart information. Moreover, prosecution of journalists for professional activities and prosecution of citizens for the exercise of their rights violates provisions of the Constitution of Belarus and the country's international obligations that undermines the image of Belarus.

The Swedish Union of Journalists objects to administrative prosecution of journalists who publish their materials in foreign mass media.

We demand that:

- law enforcement agencies, employees of other state bodies stop administrative prosecution of freelance journalists and stop pressurizing them if they publish their materials in foreign mass media;
- the authorized officials appeal against the recent arbitrary judicial decisions against journalists under part 2 of art. 22.9 of the Code on Administrative Offences;
- the Belarusian legislators bring legal acts related to the field of free expression in compliance with the Constitution of Belarus and the ICCPR.

Yours respectfully,

A handwritten signature in blue ink, appearing to be 'JN', followed by a horizontal line.

Jonas Nordling
President