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To the attention of:
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Minsk, Belarus

Allegation letter

(information regarding blocking access to the Belarusian online media KYKY.ORG)

According to the publication of June 17 on the official site of Ministry of Information access to the website KYKY.ORG has been restricted for all users in Belarus according to point 1.3 of article 38 of the Law on Mass Media – the website could damage the national interests of the Republic of Belarus. On June 18 several Internet providers have blocked the access to the site for the users. This is the first officially recognized case of blocking access to online media in Belarus under the new Law on Mass Media.

“In a number of publications on the informational resource, there are derogatory statements concerning the state holiday of the Republic of Belarus – Victory Day, citizens of the country who participate in it, significance of the event in the history of the country is disputed, by which historic truth about the Great Patriotic War is distorted. Also the materials on the website kyky.org contain tabooed lexicon, squeamish, sometimes disgracing statements regarding representatives of certain social groups, nationalities and religious confessions,” says the Ministry¹.

The website kyky.org has been mirrored to the new domain - it is now called kyky.io.² The article, which allegedly caused the restrictive measures, was deleted from the new site.

Background

On December 20, 2014 the President of Belarus approved the law “On introducing amendments to the Law on Mass Media of the Republic of Belarus”. The law, without any public debates or discussion, was adopted by the Chamber of Representatives on December 17 in two hearings, and

¹ <http://www.mininform.gov.by/ru/news-ru/view/ministerstvo-informatsii-ogranichilo-dostup-k-sajtu-wwwkykyorg-261/> (RU)
Translation by the Belarusian Association of Journalists (BAJ)

² <http://euroradio.fm/en/kyky-moves-new-domain-kykyio> (EN)

approved by the Council of the Republic on December 18. The amendments tighten state control over informational sphere in Belarus (over the Internet in the first place) and restrict citizens' right to free expression and the right to gather and disseminate information, guaranteed by the Constitution³.

On March 26, reports appeared that some Belarusian providers blocked access to Charter'97, Belaruspartisan, Viasna. On March 28, access for individual users to the websites has been restored. No official comments have been given⁴.

In mid-May several websites providing independent socio-political news have received letters from the Information Minister; the letters request information about owners of the websites and warn that the websites contain some "violations of the mass media legislation". Such letters were sent, for instance, to e-mail boxes of websites of the radio station Radio Racyja, music portal Tuzin.fm, the site of the United Civil Party and freeregion.info.

In the letters, the Information Minister Liliya Ananich reminds that the owners can get an official warning for dissemination of untrue information, which can harm state or public interests (point 1.2 of art. 49 of the Law on Mass Media). She underlined that the Ministry can block the resource after issuing two warnings, unless the website corrects the violations (point 1 of art. 51 of the Mass Media Law). The Ministry also proposes the sites to submit information about their owners⁵.

We call for action

We consider the arbitrary restrictions imposed by the Belarusian authorities on the work of independent media in Belarus to be unacceptable. Current procedure of blocking access to online resources lacks legal predictability and allows authorities to pursue illegitimate aims. Recent actions by the state violate obligations according to Article 19 of the International Covenant on Civil and Political Rights and are not consistent with the obligations under OSCE treaties.

We urge **Mrs Dunja Mijatović**, OSCE Representative on Freedom of the Media; **Mr Miklós Harazti**, Special Rapporteur on the situation of human rights in Belarus and **Mr David Kaye**, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to take all possible actions within the mandates including but not limited to:

- drawing attention to and influencing relatively new and developing practice of blocking access to independent online media in Belarus according to the repressive provisions of the Law on Mass Media;
- initiating an international legal assessment of the Belarusian legislation which stipulates restrictions on access to websites for Belarusian users;
- insisting on country visits in order to assess the working conditions for journalists in Belarus.

Elena Tonkacheva
Chairperson of Legal Transformation Center

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³ <http://baj.by/en/node/27559> (EN)

⁴ <http://baj.by/en/node/28250> (EN)

⁵ <http://baj.by/en/node/28691> (EN)