

Belarus: Criminal defamation case against editor-in-chief of Nasha Niva Yahor Martsinovich must be dropped

The undersigned organisations call for the Belarusian authorities to drop their criminal defamation lawsuit against editor-in-chief of Nasha Niva, Yahor Martsinovich and to immediately release him from custody.

On 23 September 2020, Yahor Martsinovich was taken to the Investigative Committee after his apartment had been searched by the police. His detention is linked to the Nasha Niva article where one of the interviewees claimed that he had been beaten in a detention centre by the deputy head of the Interior Ministry Alexander Barsukou. The police have started criminal proceedings against Martsinovich under Article 188 of the Criminal Code — defamation. Barsukou is recognised as a victim in the case. Martsinovich is regarded as responsible for the article as the editor-in-chief of Nasha Niva.

We consider that the Belarusian defamation and insult provisions allow the imposition of disproportionate penalties, fail to establish adequate defences and are excessively vague, and hence open to abuse. Public authorities, including police and public officials, should take no part in the initiation or prosecution of criminal defamation cases, regardless of the status of the party claiming to have been defamed, even if he or she is a senior public official. Penalties under this article of the Criminal Code include a fine or correctional labour for up to two years, arrest or restriction of liberty for up to three years.

Since the disputed presidential elections on 9 August 2020, journalists have been detained and intimidated over 200 times. We call on the Belarusian authorities to ensure that attacks against journalists and media workers stop and everyone detained is released without delay, including Yahor Martsinovich, and that the criminal lawsuit against him is dropped immediately. Moreover, criminal defamation law should be abolished without delay.

List of organizations supporting the statement:

1. ARTICLE 19
2. Helsinki Foundation for Human Rights
3. European Federation of Journalists
4. Belarusian Association of Journalists
5. Free Press Unlimited
6. European Centre for Press and Media Freedom
7. International Media Support
8. Index on Censorship
9. Human Rights House Foundation
10. Civil Rights Defenders
11. Media Solidarity Belarus Campaign
12. Public Association "Dignity"
13. Human Rights Center ZMINA
14. HR NGO "Citizens' Watch"
15. Center for Civil Liberties
16. Legal Policy Research Centre
17. Free Press for Eastern Europe
18. People in Need/Center for Human Rights & Democracy
19. DRA
20. Helsinki Citizens Assembly Vanadzor
21. The Barys Zvozkau Belarusian Human Rights House
22. Human Rights Center of Azerbaijan
23. Public Verdict Foundation
24. Libereco Partnership for Human Rights
25. Netherlands Helsinki Committee

26. Press Club Poland
27. Polish Association of Journalists
28. Society of Journalists (Poland)
29. Citizens Network Watchdog Poland
30. Izba Wydawców Prasy