

In its replies to these cases, the government defended the action against the journalists, noting that the decisions to withdraw licences were taken on the basis of article 42 of the Act on the Press and other Mass Media. With regard to the detention of the film crew, the government noted that Public Relations Centre of the Committee for State Security (KGB) had issued a clarification regarding the illegal border crossing of the ORT film crew, stating that on 25 July 1997 criminal proceedings were instituted on the grounds that the film crew of ORT's Belorussian office had illegally crossed the border. The crew was taken into custody as a precautionary measure with the approval of the Public Prosecutor of the Grodno region.

The SR stated that media professionals working for foreign media should not have their licences withdrawn, be expelled or threatened in any other way because of the content of their reporting. The rights of journalists to report and comment on all aspects of society, which includes the expression of views opposed to those of the authorities, and the right of the Belorussian public to receive such information must be guaranteed and should in no way be subject to restrictions other than those provided for by international law.

The SR visited Belarus from 28 May to 1 June 1997. The report of the mission (E/CN.4/1998/40/Add.1) provided background and context for the mission, as well as commentary on the legal framework, the media, and other concerns relevant to freedom of opinion and expression. During the visit, the SR met with representatives of government, human rights NGOs, politicians, witnesses, victims of alleged human rights violations, and others in civil society whose work was relevant to the mandate.

In setting the background and providing context, the report notes that a Constitution was adopted in March 1994 and refers to the 1994 and 1995 presidential and parliamentary elections. Conditions following the elections are characterized in the report as including a decline in parliamentary power in tandem with a steady strengthening of the executive branch. The report notes that, with regard to the question of reintegration with Russia, the Charter of Union of Belarus and Russia: specifies as one of the Union's tasks the development of democracy within the Union and the observance and protection of the rights of the human being and citizen and basic freedoms as established in the generally recognized principles and norms of international law; stipulates that the powers of the Union and its bodies shall be directed towards ensuring the equality of citizens' political and socio-economic rights; and establishes the main obligation of Union member states to, *inter alia*, ensure freedom of speech and freedom of the media, as well as to promote the observance of other rights and freedoms set out in international legal documents and national legislation.

In terms of the information sector, the report states that, following independence, the previous state-owned media were simply transferred to ministries in the new government rather than going through a process of privatization. The SR recalled that during the presidential cam-

paign, President Lukashenko had pledged, *inter alia*, to end the state monopoly on mass media, end political censorship and the persecution of journalists for political reasons, and allow independent distribution of information.

Concerning the legal framework, the report recalls that Belarus has accepted a wide range of international human rights obligations through, for example, ratification of the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol, the 1975 Helsinki Final Act, the 1990 Charter of Paris and the 1990 and 1994 OSCE Copenhagen and Budapest Documents.

Commentary on national law refers to the Constitution which contains human rights guarantees that largely correspond to the rights set out in the international human rights conventions to which Belarus is a party. Changes to the Constitution, in November 1996, however, are noted as having included addition of an article related to the protection, by law, of the President's honour and dignity and an addition to article 34 stipulating that the use of information may be restricted with the purpose of safeguarding the honour, dignity, personal and family life of citizens, and the full implementation of their rights.

The narrative on the Law on the Press and Other Mass Media notes that the law, *inter alia*: expressly prohibits censorship under article 4 and, under article 5, the use of the media in such areas as usurpation of power, change by force of the constitutional order, breach of the territorial integrity of the Republic, incitement to intolerance or dissension, propaganda for war and aggression, diffusion of pornography, encroachment on the morality, honour and dignity of citizens, or publication of materials related to inquiries that have not been completed. The report notes that the law: specifies the responsibility of journalists, *inter alia*, to present for publication objective information, without establishing the criteria by which objectivity is to be measured; sets out the procedures and conditions for the closure of press bodies and entities; specifies that media can be stopped by a court decision on the grounds of multiple breaches of article 5, within a certain time period, by the editorial staff; requires all media to register with the authorities and sets out the criteria for the refusal of registration as well as restrictions on the legal distribution of media; protects the right of editors not to disclose sources while at the same time providing for disclosure by order of the court; guarantees the right of citizens to receive reports and materials from foreign media; and, under amendments enacted in June 1996, requires the National State Television and Radio Company to produce and broadcast programmes providing comprehensive coverage of, *inter alia*, addresses and declarations by the President, the Supreme Soviet, the Chairman of the Supreme Soviet, the Constitutional Court and the Cabinet of Ministers, at a time suitable for the viewers and listeners, but within 24 hours.

The report reviews other legislation and measures that have an impact on freedom of opinion and expression, including provisions in the civil and criminal codes