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Permanent Delegation of the Republic of Belarus to the OSCE

**STATEMENT BY MR. ALEXANDER OPIMAKH,  
DEPUTY PERMANENT REPRESENTATIVE OF THE REPUBLIC OF  
BELARUS TO THE OSCE, AT THE MEETING OF THE OSCE  
PERMANENT COUNCIL**

6 October 2005

**Situation regarding the newspaper *Narodnaya Volya***

Mr. Chairman,

In reply to the statements we have just heard from the delegations of the European Union and the United States of America with respect to the situation regarding the newspaper *Narodnaya Volya*, we should like to note the following.

In accordance with the Belarusian Civil Code, any citizen of the Republic of Belarus has the right to apply to the courts to refute information which discredits his honour, dignity or business reputation if the person who has spread this information cannot prove that it is true.

On 1 March 2005, the newspaper in question published an article entitled "letter to Gaidukevich and a fax from Gaidukevich". The article contained excerpts from a letter addressed to Mr. Sergei Gaidukevich demanding that he return a sizeable sum of money in foreign currency that he allegedly owed.

Following the publication of that article, Mr. Gaidukevich, chairman of the Liberal Democratic Party, exercised his right to defend his honour and dignity through legal recourse and filed a lawsuit. During the judicial examination of the case, the newspaper's senior management were unable to produce any convincing proof that the information contained in the article was true.

Mr. Gaidukevich's suit was satisfied in part under a ruling by the Leninsk district court in Minsk on 14 June 2005. The *Narodnaya Volya* private publishing enterprise was obliged to publish a retraction in its newspaper and pay Mr. Gaidukevich financial compensation. This ruling was upheld without change under a decision of a panel of judges of the Minsk municipal court on 25 July 2005. In addition, the Supreme Court of the Republic of Belarus also verified the legality and justification of the court rulings handed down on this matter and found no reason to reverse them.

Accordingly, the judgements that have been passed are the result of a careful judicial examination, and we have no reason to doubt their validity.

As regards issues concerning the printing and circulation of newspapers, under current legislation matters concerning the conclusion and termination of contracts with the publishers of newspapers fall under the jurisdiction of the parties to the transaction. Neither the Ministry of Information nor anyone else for that matter is entitled to interfere in these affairs.

At present, the *Narodnaya Volya* newspaper is being printed in Smolensk and is appearing according to the same schedule as before, i.e., five days a week. Subscribers to the newspaper have also not suffered any negative effects because the *Belpochta* postal company has not terminated its contract with the newspaper and is continuing to deliver it. Furthermore, the newspaper has signed contracts with independent distributors.

We are surprised that this question has been raised today at the Permanent Council. As some delegations would have said if this question had concerned the situation in their countries, there are courts with the authority to examine issues of this kind.

Thank you, Mr. Chairman.