

Convictions Overturned After Subway Surveillance Video Proves Couple Weren't Protesters

Minsk is the capital and largest city in Belarus, which was formerly a part of the Soviet Union. Belarus' internal security force is still known as the KGB. Minsk was rocked by a huge demonstration protesting alleged corruption and vote-rigging in the presidential election on December 19, 2010. Almost a thousand people were arrested by heavily armed riot police. Mikhail Plyuta and his wife Zhana Buseva were two of those people. They were charged with participating in an unauthorized mass event.

Mikhail and Zhana both work as biologists with the National Academy of Sciences in Minsk. During their trial in the Leninski District Court they both testified they were erroneously grabbed by riot police while they were waiting for a bus near where the demonstration was taking place. They testified that just before their arrests they had emerged from the nearby subway and had directly walked to the bus stop.

The Court rejected their defense and found them both guilty. Mikhail was sentenced to 15 days in jail and his wife Zhana was fined 1,050,000 rubles (US\$350).

Zhana was able to gain access to the subway surveillance tapes. The video footage

showed the couple entered a suburban subway station several miles from the city center at 11:30 p.m. They emerged from a downtown subway station at 11:45 p.m. several minutes before their arrest at the bus stop near Independence Square where the demonstration was taking place.

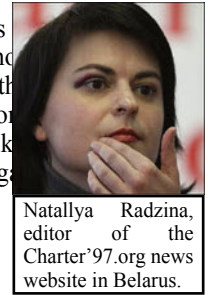
The police arrest report stated the couple had been arrested near the House of Government on Independence Square at 10:30 p.m.

Based on the new evidence they were not part of the demonstration and were miles from Independence Square at 10:30 p.m., Mikhail and Zhana's convictions were overturned on December 30, 2010 and Mikhail was immediately released from jail. After his release Zhana said she was "partially" satisfied with the ruling and intended "to restore justice."

Six presidential candidates who opposed Alyaksandr Lukashenka, who has been president since 1994, were criminally charged with organizing and participating in the mass demonstrations on December 19. Lukashenka was reelected to his fourth term winning almost 80% of the vote.

Also arrested was Natallya Radzina, editor of Charter'97 which is the leading independent Belarus Internet news site. While reporting on the demonstrations she was injured by being beaten about the head and chest by the riot police who dispersed the demonstrators. She was arrested several hours later when the KGB raided Charter'97's office and confis-

cated equipment. She was with organizing mass demonstrations participating in them. As the Radzina remains imprisoned in a detention center in Minsk she was investigated. That investigation will take several months after which she will either be tried or released. It is reported that the prison officials have refused to treat her injuries.



Natallya Radzina, editor of the Charter'97.org news website in Belarus.

Belarus is considered one of the world's least free countries politically and for freedom of the press. In 2010 Belarus ranked 154th in press freedom, and it has not submitted a human rights report to the United Nations for 13 years. Although officially a democratic republic, Belarus' President Lukashenka has near dictatorial powers.

The legitimacy of Belarus' December 2010 presidential election is so suspect that the heads of the Polish and German foreign affairs committees in the respective Parliaments have issued a joint declaration that the election showed a "complete lack of respect for European values and standards."

Sources:

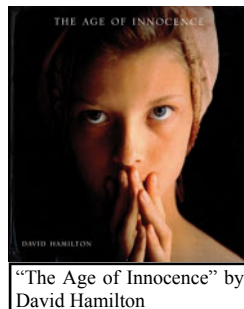
- "Couple win appeal against conviction over post-election demonstration," *Belarus News*, Naviny.by, December 31, 2010.
- "Ex-candidates, campaign aides charged in mass riot case," *Belarus News*, Naviny.by, December 30, 2010.
- "Charter'97 editor Natallya Radzina charged in mass riot case," *Belarus News*, Naviny.by, December 31, 2010.
- "Poland and Germany issue joint declaration on Belarus," Charter97.org, December 31, 2010.

Child Pornography Conviction Tossed For Possessing Books Available On Amazon.com

Aburd prosecutions for alleged child pornography are as alive and well in England as in the United States.

Stephen Neal was convicted in November 2010 of "level one" child pornography charges for possessing four books that included photos of children that the prosecution at his trial described as "indecent images." The prosecution did not allege there was any evidence Neal had ever done anything improper with any child -- only that the books constituted child pornography.

However, Neal had bought all of the books from a bookshop in Walthamstow, a suburb of London, England. Furthermore, the



"The Age of Innocence" by David Hamilton

books are available on Amazon.com in England (and the United States.) The books include images by professional photographers and are considered artistic. Two of the books are "The Age of Innocence" by David Hamilton, and "Still Time" by Sally Mann. One of the 5-star reviews on Amazon.com's UK website describes "The Age of Innocence" as a "A beautiful and inspiring work of art." A 1-star review described it as "Startlingly banal and irritating." A 5-star review of "Still Time" raved, "This book has been a true inspiration to me. I had lost interest in taking photographs until flicking through this." What is missing from the reviews is the suggestion there is anything "indecent" in the books.

Even though Neal was prosecuted for pos-

sessing the books, neither the bookshop where he purchased them, or the publishers were prosecuted. Neither was Amazon.co.uk, nor any other book seller or art gallery in England prosecuted for selling the books.

The 59-year-old Neal appealed and England's Court of Appeal quashed his guilty verdict and barred his retrial. Lord Justice Richards stated when the Court's ruling was announced:

"It is, however, very unfair for a person in the position of Mr Neal to be prosecuted for possession of the photographs in these books in these circumstances. If the Crown Prosecution Service wishes to test whether the pictures in the books are indecent, the right way to deal with the matter is by way of prosecuting the publisher or retailer -- not the individual purchaser."

Sources:

- "Conviction overturned for abuse images bought from bookshop," *The Register* (London), February 24, 2011.