



ՀԱՅԱՍՏԱՆԻ ԶԱՆԳՎԱԾՍՆԻԿԻ լրատվության միջոցների էթիկայի  
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**EXPERT OPINION OF  
MEDIA ETHICS OBSERVATORY  
REGARDING THE APPEAL OF JOURNALIST  
TEHMINEH YENOKYAN**

Freelance journalist Tehmineh Yenokyan appealed to Media Ethics Observatory (MEO) with a request to clarify: is it fair to accuse a journalist, if the video materials shot by him/her during public events are later used by law enforcement bodies for instituting a criminal case and serve as grounds for charges? Aren't such accusations a violation of impartiality in journalism, and which are the ways to protect journalist from similar attacks?

MEO released its expert opinion guided by Point 5.1 of its Regulations.

**A. Facts**

**1. Extract from Tehmineh Yenokyan's Appeal:**

“On July 19, 2016, I received an alert about a protest organized in Sari Tagh district. Due to the capture of the RA Police Patrol-Guard Service Regiment by “Sasna Tsrer” armed group there was no electricity, water, gas and means of communication in the district for three days; the residents appeared in harsh living conditions. This situation made people take the streets to protest. There was no journalist at the scene of the protest, except Hayk Grigoryan, who at the request of his friends from Sari Tagh was filming the event with an amateur camera, which, let me note, belonged to me. During the protest there was a clash, after which it could be noticed that the police were filming with their telephones. The video shot by me was published on Lragir.am without any editing or any demand to blur the faces of the protesters and mute the swear words... The video published on the Internet, being the only one from the scene of the incident, sparked a wide response, and the police instituted a criminal case and arrested Sari Tagh residents based on the video. The police did not publish the materials shot by them, indicating my video as the only source. I started receiving accusations that I was to blur the faces of the protesters through editing. Moreover, both the investigators and the residents of Sari Tagh said that if I hadn't filmed and published the incident, those arrested would be free now.”

2. Radio Free Europe/Radio Liberty Armenian Service, “A1+” TV company and other media received similar accusations at different times.

## **B. Legislative and Ethical Norms**

### **I. Article 4 (“Guarantees of the Freedom of Speech in the Sphere of the Media”) of the RA Law “On Mass Communication”:**

“1. Implementers of media activity and journalists shall operate freely in compliance with the principles of equality, legitimacy, freedom of speech (expression) and pluralism.

(...)

3. The following is prohibited:

1) censorship;

2) to compel the implementer of media activity or a journalist to disseminate or refrain from the dissemination of information.”

### **II. Article 7 (“Restrictions to the Right to Freedom of Speech in the Sphere of Communication”) of the RA Law “On Mass Communication”:**

“(…) 2. It is prohibited to disseminate information obtained through video and audio recording conducted without notifying the person on the fact, or recording, when the person expected to be out of sight or earshot of the implementer of video and audio recording and has taken sufficient measures to ensure it, with the exception of cases, when such measures were obviously not sufficient.

3. The dissemination of information related to one’s personal or family life as well as those mentioned in the second part of this Article is allowed if it is necessary for the protection of public interest.”

### **III. Principle 1. Accuracy and Impartiality** of the Code of Ethics of Armenian Media and Journalists:

“This principle entails the following obligations for editors and journalists:

(...)

1.6. Not to distort the content of photo or video materials, to mention about technical tricks in photos and video materials if any.”

### **IV. Principle 4. Respect for Privacy and Other Human Rights** of the Code of Ethics of Armenian Media and Journalists:

“4.2. In case of a conflict between the freedom of expression and other fundamental human rights, the media independently decides what to give preference to, and bears responsibility for its decision.”

### **V. Principle 6. Integrity in Relations with the Public** of the Code of Ethics of Armenian Media and Journalists:

“6.4. To encourage the public to express critical opinions about media and to be ready for a public discourse on matters of journalistic ethics.”

### **VI. Guidelines on Conduct of Journalists and Media during Wars, Armed Confrontations and Internal Conflicts**, adopted by MEO, Part A, P. 2:

“(…) During wars, armed confrontations and internal conflicts facts, opinions and comments shall be differentiated more clearly. Otherwise, the audience may consider someone’s opinion or comment as an accomplished fact, which will give the audience a wrong impression on developments (...).”

## C. Opinion

1. There are no special legislative or ethical requirements to blur faces when covering public events or showing the video material shot at public events or about events which happen in public places, including rallies, protest actions, clashes.
2. The professional activities of journalists and media cannot be limited by the consideration how in the future third parties, e.g., representatives of law enforcement bodies or other structures would comment, use these pieces to their advantage or start manipulating with them taking out of context the episodes favorable to them. Moreover, without journalistic materials the possibility of more manipulations increases.
3. The society can react in a different way to the publications in the media, and a journalist, as a person with social mission, can receive praise or blame for his/her actions. Thus, a journalist must be ready for public discussions of the most pressing questions presented to him/her by the society.

***Adopted at the October 16, 2017 MEO outgoing session in Ijevan  
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*[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 46 as of today. In its judgments MEO is guided by Code of Ethics of Armenian Media and Journalists, adopted at the self-regulation body's meeting on March 10, 2007, and revised on May 16, 2015.*