



YEREVAN PRESS CLUB

**1999: THE YEAR TOKEN - PRESSURE UPON THE
MEDIA IS TRANSFERRED TO COURTS**

**The Annual Report of the Yerevan Press Club
Commission on Protection of Freedom of Speech**

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JANUARY 1999

The **Republican Telecommunications Centre** state closed joint-stock issued letters to the Yerevan private TV and radio companies informing them of the rise in the annual fee for the use of the frequencies. Taking into account the VAT this amount became 6 million drams per year for television and 2.5 million drams for radio. The pay have to be done by the concrete date, otherwise the media would be deprived of the licence. The response of the independent electronic media was unambiguous: the tariffs are increased unfoundedly, and it is the classic way of pressure upon the mass media. The companies expressed their position at their several joint meetings, in the process of negotiations with the Centre, in their statements for the press. After that the chiefs of the private TV and radio companies told the same to the President Robert Kocharian during their one-hour conversation that led to an agreement on re-consideration of the broadcasting prices. Three hours later it was announced about the five times decrease in tariffs. Meanwhile, the licences to the companies had been given for the period of five years, and, logically, the conditions and prices are not to be changed. It remained unclear what kind of calculations resulted in the new prices, though Artour Andreasian, the Director of the Republican Telecommunications Centre, explained that "the basis was the American variant put into practice in 1971", which means that the coefficient approved by the state, coverage area and the number of inhabitants were taken into consideration.

"**ArmenTel**" provided us with one more New Year "present", such as the rise in the prices of all sorts of phone communications, including entering on the system of a per-minute fee for in-city calls in order "to bring the communication to the international level". What did we have before? Prices for many telephone communications higher than the international ones and the communication and other service quality lower than the world standards. The increase of the tariffs would definitely worsen the existing financial plight of the media. As a result of negotiations of the Government and the Greek enterprise OTE that is the monopolist in the communications in Armenia, charging the per-minute pay was postponed for a while. However, in case it is introduced, according to the rough estimate, even a relatively wealthy daily's editorial office will not be able to afford the month fee. It does refer to only the in-city communications. If we add the much higher tariffs for the inter-city and international calls as well as the special international communications (AT&T), cellular, Internet, we will see the sorry plight the media may face to. How can they work under such conditions? Moreover, another innovation appeared in the payment for the cellular communication - since August 1999: not only subscribers but also callers must pay. Armenia Journalists Union, Yerevan Press Club and Media Association made a statement. It particularly said: "Even in developed countries tax and tariff facilities are established to provide the media with the possibility to play the role of the defender of the public, whereas there is no essential measure to support our media". The statement also expresses solidarity with all the organizations demanding to recognize the RA "On TV communications" Law, that confirms the monopoly of "ArmenTel", as running counter to the Constitution of the country.

FEBRUARY 1999

In October 1998, **Liza Chagharian**, the Editor-in-Chief of the "**Hayastani Hanrapetutiun**" daily was fired according to the decision of Khossrov Haroutiunian, Speaker of the RA National Assembly of that time. A part of the editorial staff came out on strike, thus protesting against the claims in the dismissal order. The most offensive was the fact that those claims had never been laid to the retired editor. The new Editor-in-Chief of "Hayastani Hanrapetutiun" Ashot Aghababian considered the strikers' behaviour as a breach of the labour discipline and decided to fire them. In February, the latter and Liza Chagharian brought suits against the former Speaker and newly appointed Editor-in-Chief of "Hayastani Hanrapetutiun".

On March 2, 1999, the Yerevan Arabkir and Kanaker/Zeytoun Community Court of the first instance did not respond to Chagharian's lawsuit against the Parliament Speaker Khossrov Haroutiunian for "returning her the job, retribution of the damages for forced idleness and moral damages". On March 17 using her right of appeal Chagharian turned to the Court of Appeal but the latter did not change the first instance court's decree.

The Yerevan Central and Nork-Marash Community Court of the first instance regarded the action of the "Hayastani Hanrapetutiun" fired journalists' group against its editor Ashot Aghababian on 19 March. The main argument in this case was that Aghababian had made the decision without consulting the paper trade union. The trial was postponed for ten days to convene a trade union meeting and discuss the matter. The meeting was held in due time but no decision was issued. Some of the expelled journalists were not only absent from the meeting but even revoked their applications from court. Later another seven followed their example with a declaration that, in particular, stated the following: "...our strike was against another rude violation of the freedom of speech by a state office holder", but it did not "pursue a banal purpose of filling vacancies once again". Karineh Haroutiunian, having already been reinstated in her position, was the only member of the staff that did not decline her lawsuit. She required reimbursement for five-month forced idleness. On 9 July the Central and Nork-Marash Community Court of the first instance ruled for the defendant's request on partial reimbursement.

MARCH 1999

The Yerevan Central and Nork-Marash Community Court of the first instance considered the action of the "**Oragir**" daily against Serge Sargsian, the Internal Affairs and National Security Minister of those times, and the Minister's counterclaim against the same paper.

The former suit was caused by Serge Sargsian's interview in the "Hayots Ashkhar" daily. His particular words were as follows: "Pertaining to "Oragir" I should say all its publications are a fib". The newspaper required from the Minister to prove that his statement did correspond to reality, i.e. there were no true publications in "Oragir", otherwise he had to disclaim his words and openly apologize to the staff and contributors of the paper.

According to the counterclaim, the newspaper had perpetually discredited the Ministry and, particularly, the Minister by spreading libel and creating erroneous public opinion. In other words, the Minister referred to the publications about his person and the department headed by him (Sargsian made his remark in response to a "Hayots Ashkhar" journalist pertaining to the publications about himself). For his part, Nikol Pashinian, the Editor-in-Chief of "Oragir", took his words out of the context and resorted to logical tricks.

As a result, the court rejected "Oragir"'s suit and ruled for Serge Sargsian's counterclaim ordering the paper to publish a refutation but it was not done.

Another court examination began on the grounds of the lawsuit of the "Mika-Armenia" company. According to the lawsuit, an article published in "Oragir" frustrated a bargain with a Georgian company. As a result, a damage of ,000 was done to the Armenian company. The court ruled for the action and obliged "Oragir" to reimburse the money amount mentioned. Bailiffs tried to attach the editorial office property, i.e. computer equipment, but it was soon returned after finding out that it had been rented.

On the 9th of June Vrezh Markossian, the director of the "Tigran Metz" printing-house refused printing the coming issue of "Oragir". Thus, the newspaper's activity was actually suspended. Here Markossian referred to the letter he had received before from the RA Ministry of Justice. The letter ordered not to print "Oragir" until it reimbursed ,000. Besides, as he added, the newspaper's outstanding debts to the printing-house are 1,200,000 drams. On the other hand, if the debt is paid off, the partnership with "Oragir" will be renewed.

Journalists were upset by the suspension of the newspaper's activity. What happened was regarded as a classical way to square accounts with the media resorted by the authorities, the monopolist in the printing field "Tigran Metz" and, actually, the law-and-order bodies.

In December the RA Justice Ministry's Department on Compulsory Fulfillment of Decrees sent a notification to the guidance of the "Oragir" daily that had not been issued for more than 6 months. The notification informed of stoppage of the legal procedure; also, 40,200 drams instead of formerly appointed ,000 had to be exacted from the paper in favour of "Mika-Armenia" company. Thus, "Oragir" can resume its work.

The main provider of electronic mail and Internet service "**Arminco**" company rented premises from "ArmenTel" and fixed equipment there. "ArmenTel" required from "Arminco" to vacate the premises before March 15. The head of the company Andranik Aleksanian said it would take about 6 months to remove and newly install the technique, but "ArmenTel" did not agree to such a period. This whim could result in loss of the computer communication and Internet for all "Arminco" customers including Armenia's media and... "ArmenTel" itself as it was a subscriber of the company. Moreover, if the country's provided computer net channel is broken off for more than seven days, it is lost automatically. Restoring really requires a lot of efforts and means. Andranik Aleksanian also said that the most part of the floor where the company was situated was empty. The negotiations ended in a mutual agreement.

On the grounds of the claim of the village of Akori community's head (Lori region) a court examination began against the "**Aravot**" daily. The latter published an article named "Chairman and 'Chairwife' of Akori" on 10 December 1998. The court regarded the defendant's arguments persuasive as they stated that the newspaper "published the material after it had verified the facts mentioned" as well as "the newspaper was guided by the readers' right to express their point of view". Thus, the examination was stopped. As for the plaintiff, he took advantage of his right to publish his respond in the same paper, i.e. in "Aravot".

However, the head of the village community appealed to the court with a new lawsuit claiming that his honour and dignity had been at stake. His complaint was as follows: close to his reply article, "Aravot" published a letter of the village inhabitants who thanked the

newspaper for it "had revealed Akori community head's real worth after all". The court rejected the suit considering that the paper had not violated the law.

When the people of the "**Argishti**" cable TV company came to work in the morning, they found out the door of the premises occupied by them was sealed. The Yerevan Nor-Nork community's management explained the fact by the lack of the agreement on renting the premises. Meanwhile, the text of the agreement did exist, but it was not signed because of "the particular position" of the community leader Mkrtych Minasian. It should be mentioned that "Argishti" had rented the premises for several years with no similar incident. According to elucidation of Samvel Doumanian, one of the founders of the TV channel, the metamorphosis took place because Mkrtych Minasian was displeased with the new director of "Argishti" Gayaneh Aleksanian. Doumanian said, "everyone wanted to take media under his control on the eve of the election".

MAY 1999

On 18 May the RA **Ministry of Postal Services and Communications** was about to organize a contest for the last UHF channel, the participants being obliged to deposit a security of 6 million drams, i.e. about , 000. This amount was planned to spend for expansion of the National Television of Armenia broadcasting area. Armenia's Media Association considered it intolerable to realize such a tender since the money is collected from a media outlet before the beginning of its activities, and this will lead to reinforcement of the main rival. Moreover, before recent times the frequencies were given free of charge and with no pre-condition. The Association suggested that realization of the tender should be frozen on the eve of the election while the media are busy with the coverage of the election campaign. It might be possible to come back to the problem under more quiet conditions.

JULY 1999

The "**Haikakan Zhamanak**" daily renewed issuing since 13 July. The reason of its suspension since the 30th of March 1998 was financial. The paper's head became Nikol Pashinian, the Editor-in-Chief of the "Oragir" daily. "Haikakan Zhamanak" paid off its debt of 200,000 drams to the "Tigran Metz" printing-house.

After the renewal, criminal proceedings were instituted against **Nikol Pashinian**. They referred to three sections connected with his work in the "Oragir" daily. The Yerevan Central and Nork-Marash Community Court of the first instance took the following lawsuits for consideration: about libel to the parliamentarian Artashes Geghamian's spouse; about mentioning the nickname of Norik Ayvazian, the NA nominee, Professor of the Yerevan State University; about open insult to the bailiffs during the events connected with the "Mika-Armenia" company. The human rights organizations and Pashinian's solicitor Tigran Janoyan stated a number of violations in the process of preliminary investigation. In spite of this, the court found Nikol Pashinian guilty of all the three imputations on the 31st of August. Pashinian was sentenced to a year of imprisonment. Such an unprecedented action for Armenia like instituting criminal proceedings against a journalist caused a heated response in his colleagues' circles. After a number of pickets in front of the presidential home Robert Kocharian received the media representatives. Giving heed to their arguments, he declared he did not have the right to interfere with the activities of the law-and-order departments.

Some of the professional associations also got upset by the court's verdict. On September 3 Armenia Journalists Union, Yerevan Press Club, Media Association, National Press Club made a statement. They particularly noted "...the case that should have remained within the frame of journalistic ethics, groundlessly was, on one hand, politicized, and, on the other hand, it was given a criminal nature. Thus, a critical precedent appeared for the media of Armenia". The statement also called the judicial bodies "to re-consider the verdict if they give the corresponding appeal, to annul the decree and to transfer the case into the bounds of the law on media and to come to nothing more than a moral punishment..." Pashinian appealed against the sentence at the Court of Cassation, but the latter hasn't finished the hearing till the end of 1999.

The Yerevan Central and Nork-Marash Community Court of the first instance considered the lawsuit of the NA nominee Aghasi Simonian against **Rouzan Minasian**, the correspondent of the "Aravot" daily. The reason for the trial was the publication of two articles in "Aravot" - "The Intellectuals' Pre-Election Campaigning" (May 13) and "Such a Sweet Word: Pre-Election Bribe" (May 15). The second article ran about distribution of flour and fodder before the election, which looked like a bribe. The court regarded this and other pieces as "unverified information that defames the plaintiff's honour and dignity". The court's resolution also mentioned that the decree could be appealed against at the Court of Appeal during next 15 days after the pronouncement; but the resolution itself was typed and sent to "Aravot" on the last 15th day only. It prevented the defendant from appealing.

AUGUST 1999

The Department of Public Relations of RA NA reduced the number of the journalists who covered the Parliament's activities. There used to be 300 reporters but now there are 73. Two conditions were taken as a basis for accreditation of print media, such as: the periodical must issue at least once a week, and its circulation must not be less than 2,500 copies. Thus, scores of reporters became unable to cover the activities of the country's legislative power.

On August 16, after a fifteen-day vacation, the editorial staff of "**Yerkir**" started the regular issue. Next morning, when they gave it to the "Tigran Metz" printing-house, they found out that the issue of August 17 had not been printed. The Director of the printing house Vrezh Markossian explained the reason: the paper had not paid expenses for printing the last 15 issues. According to Markossian, he tried to let the Editor-in-Chief Shaghik Maroukhian know but could not find her. "Yerkir" made a statement in which it announced about annulment of the August 13, 1998, agreement with the printing-house. The basis of such a decision was as follows: "Tigran Metz" had broken the working process of the newspaper and cannot be a hopeful partner any longer. At present the paper is issued at the "Artashat" printing-house.

Proceedings were instituting against Grigor Avetian who, being drunken, had assaulted some people from the "**Avangard**" paper. As a result, its Editor-in-Chief **Julietta Martirossian** got a hurt. In the process of the examination Avetian tried to prove that he had not had anything against the paper and its staff but he "had had a hothead" that moment. By the way, Martirossian was also of the same opinion. At the same time, she stated in the court that the Association of lawyers and political scientists set Grigor Avetian against the newspaper as that organization had a dispute with the editorial office because of the premises. However, the court disregarded Martirossian's statement and did not put it down the record of evidence.

SEPTEMBER 1999

In his interview with the "Azg" daily Vrezh Markossian, the Director of the "**Tigran Metz**" printing-house, said that newspapers' printing would be suspended from 1 October because of the paper sheets shortage. The printing-house is unable to provide itself with the supplies of paper due to the millions' debts of the editorial offices. However, in October and the following months the newspapers kept on issuing, but, according to Markossian, only two periodicals, "Yeter" and "Hayastani Hanrapetutian", provide the printing-house with the paper sheets. In the middle of October he threatened again the newspapers that would fail to pay off their debts till the end of the month would not be published any more.

Refusing the services of "Tigran Metz" since October 1, the "Respublika Armenia" daily started being published at the "Noah" printing-house. As Vrezh Markossian said, he intended filing a charge against "Yerkir" and "Respublika Armenia" in order to make them clear their debts - 3 million and 6 million drams respectively.

The "Self-Determination" Union's vice-leader Norair Khanzadian took legal action against the "**Aravot**" daily. Khanzadian represented the interests of Parour Hayrikian, the Chairman of Committee on Protection of Human Rights under the RA President. The requirement was "in prescribed manner, to refute the information" in the article "Relax and Enjoy". Two court sittings did not take place as Khanzadian lacked Hayrikian's written authority. "Aravot" told the court that it would not take part in the trial until the "lawsuit was introduced in due form": the paper meant the statement of the plaintiff Parour Hayrikian. The newspaper received the decision of "the open court sitting" on September 16, but the editorial staff was not informed of that sitting, hence, its representatives did not attend it. However, the court ruled for the action and obliged the newspaper to publish the refutation.

OCTOBER 1999

The Central and Nork-Marash Community Court of the first instance considered the lawsuit of Nora Dayan, the head of Department on Cultural Values Protection at the RA Ministry of Culture, Sports and Youth, against Armenia Artists Union's Chairman Karen Aghamian as well as against "**Hayastani Hanrapetutian**" and "**Aravot**" as two co-defendants. The latter turned out in suchlike status due to the published interviews with Aghamian in which the Union's Chairman criticized inefficient activities of the Department. He particularly said that the Department "...has caused considerable damage to the Armenian painting". The plaintiff required from "Hayastani Hanrapetutian" and "Aravot" to refute the "information that defames the business reputation of the Department". The court agreed to the requirement and provided the newspapers with notifications, but the suit transcripts and the list of other introduced documents were not attached. As for the refutation, "Aravot" published another interview with Karen Aghamian in which the latter relieved the situation.

On October 16, in the evening, a group of gunmen headed by the Mayor Felix Karabaghtsian and his brother Albert Karabaghtsian passed through the area of the "**Yerankyuni**" TV company of the town of Gavar. Threatening the staff with guns, they removed the air-ready cassette with a film about the candidate to the prefect position Rouben Khachikian, and then they escaped. A criminal case is entered on the fact.

NOVEMBER 1999

Broadcasting of the Gyumri "**Tsayg**" TV channel was stopped on November 16. The reason was the 5 million 200 ths debt of the company to the "Teletransmission network" state closed joint-stock. In the end of the negotiations between the parties, "Tsayg" programmes renewed temporarily since November 17 until they reached a decision on the period of time for paying off. "Tsayg", in its turn, asked the nominees to local government and the Parliament to pay off for the political advertisement during the election campaigns, otherwise, the company will enter an action against the debtors.

In the night of November 20 strangers passed through the editorial offices of the "**Geghard**" paper and the radio channel of the same name. They are situated on the ground floor of the Mayor's Office of the town of Abovian. Radio-, telephone- and fax equipment was stolen. As a result, the staffs incurred great losses and they suspended their activities. Therefore, a criminal case is entered.

DECEMBER 1999

The interview of Vigen Ghazarian, the former trade-union leader of the "Armenia" hotel, to the "**Noyan Tapan**" news agency became the reason for the hotel's new owners' suit against him. Ghazarian accused them of the violation of the law while taking part in the tender for privatizing "Armenia". The Yerevan Malatia-Sebastia Community Court of the first instance regarded "Noyan Tapan" as the third party of the conflict and postponed the session till notifying the news agency about its decision. At the December 21 sitting with the participation of the representatives of "Noyan Tapan" the court agreed to the plaintiff's requirement and obliged Vigen Ghazarian to make a refutation by "Noyan Tapan".

As the "**Haikakan Zhamanak**" daily's staff informed, on December 23 a group of people headed by the Executive Director of the "Castel-Kotayk" company Gagik Tzarukian burst into the editorial office and assaulted the people of the paper. The reason for settling a score was the article "Don't Disgrace the Republic" published the same day. It was written that the representatives of the "Castel" company, the owner of the main block of shares, made a request to Gagik Tzarukian that he would not call himself the Company's President any more. According to the information in "Haikakan Zhamanak", the Executive Director used to introduce himself as the President of the company a few times. At the same time, a criminal case on the assault was not entered. However, Artak Vardazarian, the head of the Department on Public Relations and Information of the Internal Affairs Ministry, none of the editorial staff appealed to the law-and-order bodies; they also added they did not have any complaint.