



YEREVAN PRESS CLUB

**2001: JOURNALISTS LEARN TO FIGHT FOR THEIR
RIGHTS**

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

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JANUARY, 2001

ON JANUARY 10, at the court of primary jurisdiction of Ararat region, city of Artashat, the suit of Marineh Gabrielian versus “**Ararat**” regional newspaper was filed to protect reputation and dignity. In June, 2000, when Ms. Gabrielian was running for the position of the head of the village, “Ararat” newspaper (June 30, 2000) published a letter, signed by 115 residents of Khachpar village, containing compromising information, such as the fact that in 1993 Ms. Gabrielian had been keeping an Azerbaijan prisoner of war and sold him later to his family. On October 4 the editorial board received the written demand of Ms. Gabrielian that a refutation should be published. However, the demand did not specify what the subject of the refutation was and what the grounds for it were. For this reason “Ararat” published the photocopy of the demand, and mentioned in the postscript that the newspaper had to reflect the opinion of 115 villagers, while Ms. Gabrielian, for her part, had a right to present her own arguments, which would be readily publicized by the edition. Marineh Gabrielian, who had lost the elections, addressed the court with the demand to publish a refutation.

After a number of non-appearances of Ms. Gabrielian in the court and a challenge to the judge the case was transferred to the court of primary jurisdiction of Ararat region of Masis city. During the hearings in Masis, the plaintiff did not introduce the text of the refutation, moreover, she did not mention what exactly must be refuted and why. She also maintained that the respondent, in particular, the Chief Editor of the “Ararat” newspaper Karineh Ashughian should be charged with the duty of preparing a refutation. It should also be noted that, according to the existing RA Law “On Press and Other Media Outlets”, the plaintiff had already violated the terms and the procedure of a refutation or a response to the publication.

Marineh Gabrielian again failed to appear at the session of June 15, and the judge decided to leave the suit unconsidered, in accordance with Article 103 of the RA Civil Judicial Code. The plaintiff resorted to her right of addressing the chairman of the regional court of primary jurisdiction to renew the hearings. On June 29 the representatives of the plaintiff again challenged the judge, and their challenge was met.

On August 31 the trial was resumed, this time at the court of primary jurisdiction of Armavir region in Echmiadzin. During the subsequent court sessions in early September the witnesses to the case (those who signed the letter to the newspaper) confirmed the validity of information published. On September 12 the respondent, the Chief Editor of “Ararat” Karineh Ashughian, requested to stop the proceedings and transfer the case to the RA General Prosecutor’s Office to investigate into the main subject matter of the dispute - the fact of Ms. Gabrielian’s keeping and selling an Azerbaijani prisoner of war to his family. The court satisfied the request, and currently an investigation of the incident is under way.

ON JANUARY 12, from 20.00 till 20.45 the majority of TV and radio companies of Armenia interrupted the broadcasts to protest against the RA Law “On Television and Radio”, adopted in October, 2000. The day before, the Constitutional Court of Armenia recognized a number of the provisions of this Law to be contradicting to the Constitution of the country. The broadcasters stated that the action was directed against the whole Broadcast Law, since it did not meet the modern requirements and the international standards. The protests of the broadcasters and the consistent efforts of the leaders of TV and radio companies, journalistic associations aimed at improving the Law were not futile: in the course of year 2001 the National Assembly of Armenia considered and adopted numerous amendments to the RA Law “On Television and Radio”.

IN JANUARY the independent “**Noyan Tapan**” TV company shifted its broadcasts to 35th frequency. The change of the frequency was the outcome of the conflict between “Noyan Tapan” and the Republican Center of Telecommunications in December, 2000. The essence of the conflict was that the Center suddenly demanded that “Noyan Tapan” stop its broadcasts on 34th frequency and unilaterally took measures to restrict the broadcast area. After lengthy negotiations the TV company had to give in and undertake a frequency change.

FEBRUARY, 2001

ON FEBRUARY 1, the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan sentenced the cameraman of “**A1+**” TV company **Robert Kharazian** to 6 months’ penalty, equal to 10% of his monthly salary. In October, 2000, when Kharazian was making shootings in the park around the Sundukian Theater, an intoxicated man, resembling a homeless, came up to him and demanded that the cameraman film what he was going to say to the people. As the witnesses maintain, the cameraman at first took no notice of the man and went on with his professional responsibilities. However, the latter persisted and provoked a scuffle. The cameraman pushed the man aside and left. As it appeared later, the man with traces of beatings got to hospital. A criminal suit was brought against Mr. Kharazian; the court arrived at the verdict of guilty. Kharazian believed that the incident had continued without him, and someone else had beaten the homeless, as the latter was also harassing the people around them. However, the cameraman failed to prove his point.

IN FEBRUARY, before the trial on the terrorist attack of October 27, 1999 at the National Assembly of Armenia, the judicial authorities announced their decision to accredit 60 journalists - not more than one from each medium. The restrictions were motivated by the lack of space in the courtroom.

On February 15, the day when the trial started, the RA Minister of Justice David Haroutiunian stated that certain restrictions would be placed on the media coverage of the court sessions, due to the extreme importance of the case considered. In particular, the media must be prohibited to publish the testimonies made at the trial, and the journalists must confine themselves to information about the testimonies only. This intention was taken very negatively by the media and was viewed to be an attempt to attack the freedom of expression. On February 21, at the RA NA session the deputies solicited explanations from the Justice Minister. David Haroutiunian persisted in his opinion and tried to justify

the restrictions proposed. Notably, the court itself refrained from making a decision on restricting the trial coverage.

IN LATE FEBRUARY the National Scout Movement requested the General Prosecutor of Armenia to file a suit against the Chief Editor of an independent daily “**Haikakan Zhamanak**” **Nikol Pashinian** and journalist **Armenak Mikaelian** by Article 131 (libel) of the RA Criminal Code. The request was a follow-up to an article titled “Coup D’Etat Took Place on October 27”, published in “Haikakan Zhamanak” on February 21. In the opinion of the plaintiff, it contained false arguments about the Scout Movement formed by “Dashnaktsutyun” party is a terrorist organization behind the tragic events of October 27, 1999 in the Armenian Parliament. In March the Chief Editor of “Haikakan Zhamanak” Nikol Pashinian was called to the Prosecutor’s Office of Center and Nork-Marash communities of Yerevan to give explanations on the facts quoted in the article. According to Mr. Pashinian, he “submitted to the Prosecutor’s Office all the information sources, 99% of which were based on the investigative records for October 27 case”. The National Scout Movement was refused in instituting criminal proceedings.

MARCH, 2001

ON MARCH 26, journalist **Vahan Ishkhanian** was called to the Prosecutor’s Office to give testimony on his article “Corruption and the President Office”, published on February 21, 2001, in “Haikakan Zhamanak” daily. The article noted, in particular, that the Chairman of the Board of Converse Bank Smbat Nasibian gave the Counselor of the RA President, the Chairman of the Council on Local Self-Administration Aleksan Haroutiunian a gift of a Jeep car, priced at about \$60,000, for the services provided to the bank. In the opinion of the author of the article, owing to the patronage of the President’s Counselor, Converse Bank was able to monopolize the exchange business on the premises of Yerevan “Zvartnots” Airport, as well as do the financial servicing of the Department of Civil Aviation. Smbat Nasibian requested the Prosecutor’s Office to institute criminal proceedings against the journalist for libel. The request was declined.

ON MARCH 28 the independent “**Chorrord Ishkhanutyun**” newspaper was deprived of the possessions held since 1996. The representatives of the RA Ministry of Interior Affairs announced that the equipment belonged to their entity. Three carpets, two refrigerators, telephones, a fax machine, a VCR, a walkie-talkie set and other items were seized.

IN LATE MARCH the General Prosecutor’s Office of Mountainous Karabagh discontinued the criminal proceedings against the Chief Editor of the independent “**10th Nahang**” weekly **Gegham Baghdasarian** and his deputy **Ruzan Ishkhanian**. The proceedings had been instituted at the end of December 1999. The criminal proceedings against the Chief Editor of “10th Nahang” weekly, the Chairman of the Stepanakert Press Club Gegham Baghdasarian were initiated for the insult to the honor and dignity of the MK President. This was a consequence of an open Address of the Editor to Arkady Ghukasian, published in the weekly, which noted, in particular, that the non-Armenian education of the President sometimes did not allow him to understand the meaning of the phrasings made about him. The Deputy Chief Editor Ruzan Ishkhanian was incriminated with libel on

authorities, having published the interview of former MK Prime Minister Zhirair Poghosian to "10th Nahang" weekly. In the article titled "The Budget Has no Tongue to Complain or the Law is Violated by the Officials Themselves", the former Prime Minister mentioned certain high-ranked officials who used the state budget funds for personal purposes.

MAY, 2001

ON MAY 3, the World Press Freedom Day was marked in Echmiadzin by an exceptional incident: the camera of **Haik Eghiazarian**, the cameraman of independent "**Echmiadzin**" TV company, was broken. That day the TV company received information that one of the central streets of the city was flooded with mud. Having arrived on the site, the director of "Echmiadzin" Alvard Sakhkalian and Haik Eghiazarian saw liquid cement pouring out of a store under construction. Soon the owners of the store turned up. These were Levon Ghazarian, a Member of the Senior Council of Echmiadzin Municipality, and his brother Hakob. The latter, with little thought being given to the matter, attacked the cameraman and broke the camera. The Echmiadzin Division of Interior Affairs started the investigation of the incident. According to criminal expertise department of Interior Ministry, the material damage caused was evaluated as 28,000 drams (about \$50).

ON 10 MAY the Chief Editor of "**Chorrord Ishkhanutyun**" newspaper, leader of women's party "Shamiram" **Shogher Matevosian** was summoned to the Military Prosecutor's Office. She was interrogated over several of the latest publications containing criticism of authorities' handling of terrorist attack on the Parliament on October 27, 1999. The representatives of the Prosecutor's Office demanded to reveal the authors of the publications. The Chief Editor refused to answer, saying the whole responsibility for the pieces published is hers, as that of the leader of the newspaper.

ON MAY 16 at 17.00. the tax inspection began a revision of the financial activities of the independent press dissemination agency "**Ogostos**", the founder and publisher of "Chorrord Ishkhanutyun" newspaper. The tax inspectors, however, did not produce a written order of the RA Minister of State Revenues, as the law requires it. The representatives of the tax inspection seized a large amount of documents of the Agency and forced its Executive Director to sign a declaration about agency's activities, taken down from their dictation. The official order for the revision, signed by the Minister of State Revenues, was issued only on May 18. Accordingly, the tax inspection had a right to start a check-up only on May 23. The revisions, conducted before May 23, have been presented by the tax inspection as "visit". To justify their actions the Ministry of State Revenues issued a statement (published in the "Aravot" daily on May 19) saying, "as to the fact that the law does not provide for such visits, what is not prohibited by law is allowed". Meanwhile, Article 5 of the Armenian Constitution stipulates that state bodies and officials are competent to perform only those activities for which they are authorized by legislation.

On May 21 "Chorrord Ishkhanutyun" made a statement, qualifying the actions of the tax authorities as a persecution of the newspaper for the criticism of the authorities.

On June 27, "Ogostos" press dissemination agency filed a complaint with the Ministry of State Revenues on the illegitimacy of the actions of the tax officials during the revisions.

The complaint was never answered.

On December 5 at the Economic Court of primary jurisdiction of Center and Nork-Marash communities of Yerevan the consideration of the suit of “Ogostos” agency versus the Ministry of State Revenues started. The Agency challenged the legitimacy of the requirement of the Ministry for the payment of 8 million drams (over \$14,000) to be made by the company. The sanction specified was inflicted on “Ogostos” for the violations revealed during the financial and administrative revisions. According to the plaintiff, the financial revision of the Agency’s operation was made with law infringements, and the requirement of the tax authorities of the 8 million drams to be paid is unjustified. During the court proceedings the appraising document by the RA General Prosecutor’s Office was read out, according to which the materials developed by the Ministry on the activities of “Ogostos” were compiled with the provisions of RA Criminal Code being violated. On January 4, 2002, the suit was satisfied. The Ministry of State Revenues challenged this decision of the court of primary jurisdiction at the Chamber for Civil and Commercial Cases of the RA Court of Cassation.

IN THE EARLY MORNING OF MAY 17 the car of the well-known Bulgarian TV journalist, the author of a series of documentaries on the Karabagh War *Tsvetana Paskaleva* was damaged. The unknown criminals broke the glass, tore out the walkie-talkie set and threw it on the floor of the car. Yet, neither the personal belongings of Ms. Paskaleva were touched, nor the documents and videotapes. The incident took place near the building of the House of Cinema, where, during the nights, in the studio of “Sharm” company Paskaleva was editing the new documentary “The Faith and the Spirit”. The film is devoted to the reminiscences of the participants of Shushi-Lachin operation and their concern over the future of the territories, currently controlled by the troops of Mountainous Karabagh. Ms. Paskaleva qualified the incident to be an action of threat. She linked the attempt to exercise pressure not only to the film, but also to her activities in protection of Samvel Babayan (the former Minister of Defense of Mountainous Karabagh, sentenced to 14 years’ imprisonment for plotting the attempted assassination of MK President Arkady Ghukasian in March, 2000). The investigation of the attack on the car of Tsvetana Paskaleva was started at the Central Division of Interior Affairs of Yerevan, yet the offenders were not found.

ON MAY 17 “Haikakan Zhamanak” daily was not issued. According to Chief Editor Nikol Pashinian, the previous evening he had been called by “Gind” private publishing house and told that the current issue will not be published because of the debts the editorial office held to the publisher (about 700,000 drams, or \$1,300). By the agreement signed between the daily and “Gind”, the publisher had to give the newspaper a month’s notice prior to the discontinuation of the publication. The Chief Editor offered to repay the debt completely to prevent the stoppage of publication, the printing house refused, referring this time to the lack of paper. The management of “Gind” also declined Pashinian’s offer to solve the problem of paper. This gave Nikol Pashinian grounds to believe there was another, more serious reason for the reluctance to publish the newspaper. On his behalf the Director of “Gind” publishing house Karen Avetian announced that he was not subject to any political influence and that his enterprise was a privately owned business, and the reasons for discontinuing to publish “Haikakan Zhamanak” were purely financial.

The incident immediately caught the attention of media and international organizations, mostly due to the fact that the private publishing house “Gind” was established with the

support of Eurasia Foundation to eliminate the monopoly of “Tigran Mets” printing house on production of print editions (“Tigran Mets” is the former publishing house of the Central Committee of the Communist Party of Armenia, later it was transferred into the competence of the RA Government, and currently is partly privatized). The main purpose of the Eurasia Foundation project was the elimination or at least minimization of possibilities for exercising financial and economic pressure on media.

On May 19, “Haikakan Zhamanak” renewed publication, but at another publishing house - “Noy”.

ON MAY 19, at the Congress of Writers Union of Armenia, when the Chairman of the Union was to be elected, Abgar Apinian, the Secretary of the Board acting at that time, demanded that media leave the session room. Having not heard any weighty arguments to substantiate the demand, the journalists refused to go. When **Lusineh Barseghian**, the correspondent of “**Haikakan Zhamanak**” daily, was taking pictures of the ballot box, Mr. Apinian snatched the camera of the journalist and broke it.

JUNE, 2001

ON JUNE 24 the iron bars at the entrance to the editorial office of “**Haikakan Zhamanak**” daily were broken, and the office was burglarized. The offenders stole a digital camera, a recorder, a few dozens of CDs, other office supplies. In late July the suspect was arrested. This was Hrachia Sahakian, born in 1958, having three convictions, unemployed, who lived not far from the editorial office. In the course of examination Sahakian admitted having committed the crime and returned the possessions stolen.

ON JUNE 26 the bus-atelier owned by a free-lance journalist **Vahagn Ghukasian** collaborating with “Haikakan Zhamanak” daily was set on fire. Ghukasian made and sold leather goods in this atelier, and this craft made his main source of revenues. The Interior Affairs Department of Center and Nork-Marash Communities of Yerevan instituted criminal proceedings. In early September the proceedings were suspended. In the opinion of the journalist, the expert evaluation, according to which this was not arson, but an unintended accident, was not valid. The photographs of a broken bus window made after the incident prove this point. Vahagn Ghukasian is certain that the incident is related to his professional activities, in particular, the series of analytic articles on the terrorist attack in the Armenian Parliament on October 27, 1999. The journalist kept political materials in the bus, including those on the case of October 27.

JULY, 2001

ON JULY 2 the free-lance journalist **Vahagn Ghukasian** was summoned to the Military Prosecutor’s Office of Armenia to testify on the case of his being subjected to violence last year by the employees of the Criminal Investigations Department of the RA Interior Ministry. According to the journalist, the investigator was particularly interested in the participation of the Head of Department, Hrachia Haroutiunian, in the beatings. The violence towards the journalist was committed after the publication of his brochure titled “The Version of an Observer” on the terrorist attack in the Armenian Parliament on

October 27, 1999. One of the main characters mentioned in the book was Hrachia Haroutiunian.

IN JULY the journalist of independent “**Aravot**” daily **Anna Israelian** was not allowed to be present at an ordinary session of the Commission on Human Rights at the RA President. The Commission Chairman Parour Hayrikian announced that he was personally responsible for this order. Mr. Hayrikian, who is at the same time the leader of a political party (“Self-Determination” Union), motivated his decision by the fact that “Aravot” had published information that discredited him and was false.

AUGUST, 2001

THE AUGUST PEACE in the Armenian journalistic profession caused by the summer vacations of many media was broken by an incident between “**Haylour**” **newscast of the Public Television of Armenia** and the Information and Public Relations Department of the RA Government. The essence of the conflict was the fact that, because of an ancient disagreement between the head of the Department Mary Haroutiunian and “Haylour” reporter Lilit Sedrakian, the latter was not allowed to enter the Houses of the Government where she was to cover the ordinary session of the Cabinet. In its turn, the Public Television of Armenia, as protest, refused to cover the work of the Government. Subsequently, the Prime Minister held a meeting with the management of PTA and head of the Information and Public Relations Department, after which the conflicting parties considered the incident to be settled.

SEPTEMBER, 2001

IN EARLY SEPTEMBER the media leaders voiced their protest against the decision of “ArmenTel” company to introduce a per-minute payment of telephone conversations that would endanger the activities of media.

IN EARLY SEPTEMBER the antagonism between the media and the Ministry of State Property was intensified on a number of disputable issues: the further lot of the premises at the Yerevan House of Press where the majority of newspapers are concentrated, and at 28, Isahakian str., where the major news agencies are located (both buildings are subject to privatization), as well as the privatization process of “Haymamoul” dissemination agency. On September 4, the media leaders gathered and decided to address two major appeals to the Government: allow the media to use the premises occupied free of charge but with no ownership rights, and stop the privatization of “Haymamoul”. On September 5, at the session of the state commission on privatization of premises used by media these demands were rejected. The Minister of State Property David Vardanian persistently advised the media to unite and to establish a condominium, in particular, in the House of Press, so that later every edition has a possibility to privatize its territory. Mr. Vardanian gave no specific answer to the question of what the prices for the privatization would be, he only promised they would be most favorable. Besides, the Ministry of State Property intended to triple the rents charged to media for the premises in the buildings above starting from January 1, 2002.

The November 15 session of the Government of Armenia passed a resolution on privatization of 306 newsstands belonging to “Haymamoul”. The advantage in the privatization process was given to the vendors themselves. Within one month, purchase contracts were to be signed with “Haymamoul”, and the price of the stalls would be paid in installments in the course of five months, half of it being paid off within the first month. The funds generated by the privatization will be proportionately allocated by “Haymamoul” to repay the current liabilities of the Agency to the print media, accumulated before 1998 (150 million drams - about \$300,000). A mandatory condition for the privatization was the preservation of the specialization of the newsstands for five years, even if the owner of the newsstand is changed. In the opinion of media and experts, there are no guarantees that this requirement will be truly met in practice, and that the vendors will not start a policy of benefit to themselves but endangering the sales of newspapers and magazines. Thus, the only more or less operational press dissemination network of the country is on the verge of demise. The author of the privatization project for the newsstands and the “Haymamoul” itself, the Ministry of State Property represented by Minister David Vardanian, saw no danger for the print media; moreover, he advised the newspaper people to make newspapers that would be in demand and, therefore, would sell. Considering the small circulations, due primarily to the low purchasing ability of the population, this advice of the Minister sounded quite cynical. Meanwhile, the Press Secretary of the RA President Vahe Gabrielian informed that Robert Kocharian commissioned the legal experts to develop and define such requirements for the vendors that would ensure the further media dissemination.

All these actions of the Government were severely criticized by media and were qualified as an attack on press. It is probably this discontent of media that accounted for the decision of the Government dated December 26 allowing the media to use the premises currently occupied by them free of charge. Thus, the agreements for the office use will now be signed not annually, as they used to be, but for five years' time. The 300 drams (about 50 US cents) per square meter of maintenance fee, charged previously from the editions, is currently reduced to 250 drams. At the same time it is still unclear what will be the future of the editions if the buildings they are located in are privatized.

ON SEPTEMBER 7, the representatives of the Interior Affair Department of Arabkir community of Yerevan seized the camera of the correspondent of “**Haikakan Zhamanak**” daily **Arman Karapetian**, shooting the arrest of one of the newspaper founders, the leader of opposition party “Zhoghovrdavarakan Hairenik” (“Democratic Motherland”) Petros Makeyan. Later that evening the camera was returned to the journalist.

IN THE EVENING OF SEPTEMBER 10, representatives of tax inspection paid an unexpected visit to the editorial office of independent cable company **Ashtarak TV** (Aragatsotn region), broadcasting since June, 1987. Having discovered the absence of broadcast license, inspectors announced that it was necessary to stop the activities of the company (notably, the mandate of tax inspectors does not include a check of this kind). According to head of the TV company Vahram Botsinian, this unexpected visit was linked to the TV appearance of Ashot Manucharian, a leader of “Socialist Armenia” Union and National Consensus Front, which are opposed to the authorities. The appearance was scheduled for that very evening. On the 22nd minute, when Manucharian was answering the questions of TV viewers, the live program was stopped, as the power supply was

interrupted. The representatives of law-and-order bodies asked the employees to leave the office and surrounded the building. The next day, on September 11, Ashtarak TV did go on air, yet, its broadcasts were stopped on September 12. This day the TV station was visited by representatives of Republican Center of Telecommunications and the RA Ministry of National Security, who sealed the equipment. The reason they quoted was the fact that Ashtarak TV had no license. Some time later the broadcasts of Ashtarak TV were resumed. On November 7, the representatives of the same agencies visited the editorial office again and demanded to stop the air for the same reason. Vahram Botsinian linked the incidents with the activities of the head of local self-administration Hrair Karapetian, who repeatedly voiced his discontent with the fact that Ashtarak TV gave floor to opposition. Some time after these events the TV company restarted broadcasts.

IN THE EARLY MORNING OF SEPTEMBER 14, in the city of Gyumri, Shirak region, journalist *Hovhannes Grjian* was killed. Hovhannes Grjian was in charge of culture department of “**Kumayri**” weekly and at the same time was the art director of “Sevan” Theater of Poetry of the city. Criminal proceedings were instituted on the murder, yet the investigation was not completed by the end of the year. None of the versions under consideration relates the murder of the 47-year-old journalist to his professional activities. This opinion is also shared by the colleagues of the victim.

ON SEPTEMBER 14 the operations of “**Noyan Tapan**” TV channel which rebroadcast the Russian TV 6 channel and aired its own programs, namely the newscast and the interactive “5th Microphone” program, stopped. “Noyan Tapan” TV channel was a product of a joint project between “Noyan Tapan Alik” TV company and “Ararat Service” Ltd./“Lotos” TV company. According to the agreement signed on November 1, 1999, and envisioned to remain in force for three years, “Lotos” TV company (which had a broadcast license and was the representing partner of TV 6 in Armenia) entitled the opposite party, in particular, to use its UHF and rebroadcast the programs of the Russian TV channel. “Noyan Tapan Alik”, on its part, provided the television equipment, studio, human and information resources, etc. In late August General Director of “Lotos” Pavel Avagian announced that the cooperation would be continued only if the self-produced programs of “Noyan Tapan” were removed from the air. The offer was declined. According to the cooperation agreement above, “Lotos” TV company, wishing to annul the contract, should have given an official six months’ notice to “Noyan Tapan”, but this was done only on the very day, September 14, when it stopped the transmitter, ensuring the operations of “Noyan Tapan” channel. The parties signed a document putting an end to their cooperation on the same day. In the opinion of General Director of “Noyan Tapan” Tigran Haroutiunian, this decision may be explained by political pressure exerted on “Lotos”, however the head of “Lotos” TV company denied any kind of pressure on his organization.

At the end of September, a public committee to support “Noyan Tapan” was established, aiming at promoting various initiatives by means of political parties, lobbying at the Parliament, etc., to restore the broadcasts. Also, “A1+” TV company expressed its journalistic solidarity. Since October 15 “Noyan Tapan” newscasts are aired on “A1+” twice a day. The support of colleagues, according to Tigran Haroutiunian, allowed the journalists to stay on form until “Noyan Tapan” regains its place on the Armenian TV screens. To achieve this, the company needs to get a broadcast license from the National Commission on Television and Radio (the competition for these licenses will be held in early 2002). According to Tigran Haroutiunian, “Noyan Tapan” intends to file a suit

against “Lotos” TV company as the latter had violated the above-mentioned item of the cooperation agreement.

ON SEPTEMBER 20, the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan started the consideration of the suit of journalist **Shushanik Abrahamian-Hairapetian** against “**Armenpress**” state news agency. The plaintiff demanded to be restored in the job previously occupied and a salary payment for the unintended idleness. Shushanik Abrahamian-Hairapetian had worked as “Armenpress” correspondent in Mountainous Karabagh since October, 1998. In October, 2000 she returned to Yerevan and continued working for the same agency. On March 1, 2001 she and the agency signed a temporary labor contract, which was further extended till June 30, 2001. When the contract expired the journalist was dismissed from work, according to Item 2 of Article 32 of the RA Labor Law Code. This Item stipulates the expiry of the contract term to be sufficient for the discontinuation of the contract, excluding the cases when the labor relations factually continue and none of the parties requires their discontinuation. Ms. Abrahamian-Hairapetian substantiated her suit, saying that her dismissal was illegitimate: the notice was dated June 29, 2001, but given her only on July 12, after the “Armenpress” head returned from a business trip. Till that time she went on with her duties, and therefore, Article 33 of Labor Code was violated, which stipulates that if the labor relations factually continue after the labor contract expires, and none of the parties demands their interruption, the agreement remains in force for an indefinite period of time.

At the session of November 2, the court passed a decision of refusing the suit, as the actions of the respondent complied with the law. In early December Shushanik Abrahamian-Hairapetian challenged the decision of the court of primary jurisdiction at the RA Court of Appeals. On January 16, 2002, the body of secondary jurisdiction left the decision unchanged.

OCTOBER, 2001

ON OCTOBER 1, at the court of primary jurisdiction of Shirak region, city of Gyumri, the first session on the suit to rehabilitate and protect the rights of citizens and journalists to information was held. The co-plaintiffs on the suit were the Chairman of the Board of “**Asparez**” Journalists’ Club **Levon Barseghian** and the Correspondent of “**Iravunk**” newspaper in the Shirak region **Gagik Nikoghosian**. The legal defense to the co-plaintiffs was provided by the Gyumri branch of Armenian Center of Human Rights Protection named after A.D. Sakharov. In the course of entrance examinations to the institutions of higher education of the country, in August, the City Examination Commission on Admissions to the State Higher Education Institutions of Gyumri at one of its sessions made the decision of prohibiting the journalists to be present in the examination room during the last hour of the written exams. Besides, the Commission refused to provide the journalists with the copies of the minutes of its sessions. The co-plaintiffs voiced the following demands: to annul the decision of the Admissions Commission prohibiting the presence of journalists in the examination room during the last hour of the exam; require the Commission to open to the journalists the minutes, which do not contain state or official secrets. By the time the trial began, the duration of the mandate (till September 3, 2001) of the Commission had expired, and, legally, the RA Ministry of Education and Science had to respond to the suit. At the session of October 25, the court passed a

decision of transferring the proceedings to the court of primary jurisdiction of Center and Nork-Marash Communities of Yerevan. The hearings were resumed in Yerevan on November 22. At the last session of December 28 the court decided that the prohibition of the presence of journalists in the exam room was truly ungrounded, however, it proceeded from the explanations of the parties that after the intervention of the “Asparez” representatives, the entrance of the journalists was allowed by the Admissions Commission. Thus, as the resolution mentioned, the dispute had already been settled during the exams and out of the court, and therefore, no rights of journalists had been violated. The court decision mentioned also that currently the minutes of the sessions of the Admissions Commission were freely accessible, and therefore, the rights of the plaintiffs had not been infringed in this regard, either.

According to the Chairman of the Board of “Asparez” Journalists’ Club Levon Barseghian, during the court proceedings, the respondent presented the minutes of four sessions of the Admissions Commission, and “Asparez” will solicit the rest of them. To this effect, on January 9, 2002, the organization addressed a written request to the RA Minister of Education and Science Levon Mkrtchian for the provision of the copies of all session minutes of the Admissions Commission of Gyumri, which were to be further reproduced and disseminated among journalists by “Asparez”. In the opinion of Levon Barseghian, it is also necessary to investigate the possible fraud on behalf of the Admissions Commission. As the representative of the respondent said in court, the documents, adopted by the Commission and currently at the disposal of the Ministry of Education and Science, prohibit the video shooting the exam room and said nothing about the disallowance of journalists’ presence. The suspicions of the plaintiff that the document might have been forged were introduced into the court minutes. In Mr. Barseghian’s opinion, it was reasonable to expect the judge to separate this incident into a case for further investigation, yet this did not happen. “Asparez” addressed the Ministry of Justice of Armenia, the Control Service at the RA President and the General Prosecutor’s Office calling their attention to the possible violations committed by the Gyumri Admissions Commission.

ON OCTOBER 21 the apartment of the political observer of “**Noyan Tapan**” news agency **David Petrosian**, as of the moment absent from home, was visited by two men. One of them was dressed into the uniform of an officer of the Armenian Military Forces, the other - into that of Interior Affairs officer. Without producing any documents verifying their authority, the unknown visitors explained their appearance to the journalist’s family by the fact that the senior reserve lieutenant David Petrosian fails to be present at the Military Commissariat of the Center Community of Yerevan to pass the six-month military training, held to higher the ranks of the reserve officers. The next day, October 22, when David Petrosian arrived at the Commissariat to clear up the situation, it turned out, no one had summoned the 48-year-old journalist for training, and therefore, no representatives of this structure visited his apartment.

OCTOBER 27, the cameraman and the correspondent of “**A1+**” TV company were not allowed by the security service of the RA President to enter “Yerablur” cemetery to cover the commemoration of the victims of the terrorist attack at the RA Parliament in 1999 by Robert Kocharian. Vahe Gabrielian, the Press Secretary of the President, explained the actions of the security service by the absence of the TV company in the list of media, who were allowed to be present at the event. Yet, the media were not previously notified about

the necessity of submitting an application for the coverage of the event.

DECEMBER, 2001

IN EARLY DECEMBER the print media of Armenia managed to defend their tax privilege - the exemption from VAT on newspaper and magazine sales, legally stipulated in 1997. The intention of the RA Ministry of State Revenues to deprive the print media from the only existent privilege was vigorously fought back, and the protestations did not go unnoticed for the Parliament of the country. This suggestion of the tax authorities was not included into the draft law on amendments to the RA Law "On Value Added Tax" presented to the National Assembly and adopted in the first hearing. Yet, while the press succeeded in retaining Item 10 of Article 15, the broadcasters were not that lucky. Item 9 of the same Article, according to which "the radio programs and TV programs not paid for by the consumers, including the funds received by the third parties for the marketing of these programs" used to be VAT exempt, was abolished.

ON DECEMBER 12 the Board of **Stepanakert Press Club** issued a statement to support journalist **Vahram Aghajanian**. The statement says, in particular: "Lately another campaign against journalist Vahram Aghajanian has been raised in Stepanakert. Whatever the attitude of the public to the activities of the journalist may be, regardless of how valid and compliant with the journalistic ethics the stories of Mr. Aghajanian are, we have to state that campaign unfolded against him has surpassed all acceptable and unacceptable limits and has degenerated into a flow of vulgar and coarse obscenities. The situation reached its peak when an ordinary issue of "Ple Pugh" satirical magazine expresses doubts as to the national and sexual identity of the journalist." Further in the statement a regret was voiced that a "discussion" of this level was conducted by the Karabagh intellectuals, represented by the MK Writers Union, and an appeal was made to immediately stop the campaign against the journalist.

ON DECEMBER 18, at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan hearings on the suit of the **Association of Investigative Journalists of Armenia** versus the Head of the State Customs Committee at the RA Government Armen Avetisian were held. On October 9, 2001, the Association of Investigative Journalists addressed the Head of the Customs Committee with a written request to provide journalists Edik Baghdasarian (the President of the Association) and Gayaneh Mukoyan (a member of the Association) information, needed for an investigation on the exploitation of non-metallic mines. The journalists posed three questions: 1) which organizations, engaged in the exploitation of non-metallic mines, exported their production to other countries; 2) what was the exports volume of this production; 3) how much had been paid as customs duties starting from 1997 till now? The reply to the journalists, signed by the Deputy Head of Customs Committee, contained a refusal of providing the information, with a referral to the stipulations of the RA Customs Code on the non-disclosure of official secrets. Proceeding from the fact that a number of articles of national and international legislation were violated, and that the information requested was not secret, the Association of Investigative Journalists filed a suit, soliciting the Head of the Customs Committee to answer the questions posed by the journalists in ten days' time. The court rejected the suit, and the Association challenged this decision with the secondary jurisdiction body. During the hearings of February 1, 2002, at the RA Court of

Appeals the representative of the respondents said that the customs officials failed to answer the first two questions since their agency did not possess such information. The court made a decision of partially satisfying the claim of the Association and obliged the Customs Committee to answer the third question of the journalists.

ON DECEMBER 25 “Aravot” daily received a letter from Hrachia Hunanian, the father of Nairi and Karen Hunanians, who are responsible for the terrorist attack at the Parliament of Armenia on October 27, 1999. The letter of Hrachia Hunanian contained threats and accusations to the address of “Aravot” observer **Ruzan Minasian**, saying she discredited Benjamin Minasian, the attorney of defendant Nairi Hunanian. Previously Benjamin Minasian himself addressed the edition with a demand to publish a refutation to the report made by the journalist from the courtroom (“Aravot”, December 13, 2001), which mentioned the unethical behavior of the attorney during the court session. Yet, this was not the personal opinion of Ruzan Minasian, but a fact stated during the trial. In his letter, Hrachia Hunanian openly threatened not only Ruzan Minasian, but also other journalists covering the trial on the case of October 27: “I have recently learned that 100 journalists died this year in the world. If Minasian or I were younger (...), it is quite possible that Ruzan Minasian would become the 101st. (...) Not only the mentioned journalist but also others distort the facts and endanger their lives. Let them think about living longer and not dying.” Ruzan Minasian qualified the letter as a provocation on behalf of Hrachia Hunanian and said that so far she did not intend to address the law-and-order bodies. If the aggression to her address persisted, she would resort to specific steps.