



YEREVAN PRESS CLUB

**2002: A YEAR THAT ENDED WITH AN ASSASSINATION
OF A JOURNALIST**

**The Annual Report of Yerevan Press Club and
Committee to Protect Freedom of Expression**

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JANUARY, 2002

IN MID-JANUARY the RA Ministry of Justice introduced to public discussion its **draft RA Law "On Mass Communication"**. A number of professional associations made a very critical assessment of the document. In particular, the brief comment of Yerevan Press Club was published in YPC Weekly Newsletter (*January 26 - February 1, 2002*), and the detailed analysis of the draft appeared in "Hayots Ashkhar" daily (*February 2, 2002*). At the same time not all the local and international organizations had time to analyze the document and submit their conclusions to the Justice Ministry. Despite all these circumstances, at the session of the Government on February 7, chaired by the President of Armenia Robert Kocharian, the draft law "On Mass Communication" was approved.

The public of the country, including media and the journalistic associations, took the document to be very restrictive and regressive - even if compared with the RA Law "On Press and Other Media Outlets", passed in 1991, which has long ago become obsolete and does not comply with international standards. The greatest protests were raised by the provisions establishing censorship (as a state body supervising the communication activities by studying the information disseminated) and stipulating the licensing of communication activities.

On February 15 National Press Club appealed to remove the draft law from circulation, as its adoption "will not only restrict the freedom of media, but will also infringe the constitutional right of RA citizens to information".

On February 18 "Asparez" Journalists' Club of Gyumri addressed a letter to eight deputies of the RA National Assembly from Shirak region, calling upon them to vote only against the draft law "On Mass Communication", if it were to be introduced to the consideration of the Parliament. The address said, in particular, that the draft law was a serious attempt to retreat from democracy principles and "is the very leopard that cannot change his spots".

On February 21 at the joint conference of media and journalistic associations in Yerevan a statement was passed, demanding the authorities not to introduce the document to the consideration of the RA NA. "Otherwise we, proceeding from the necessity to protect the freedom of information and democracy, reserve the right to make every effort for the dismissal of the officials who, by their deliberate support to this draft, attempt to lead the country away from democratic development. At the same time we confirm our willingness to contribute to the development of another draft law, which would be truly compliant with the democratic standards, while continuing to operate under the existing legislation", the statement said. As an argument for rejecting the document the comment developed by YPC on the main most unacceptable and antidemocratic provisions of the law was enclosed to the statement.

On February 25 "Shirak Regional Party Consensus" (an organization uniting 14 regional branches of opposition parties, active in Gyumri and Shirak region) supported the

statement of media and journalistic associations and called upon the Government not only to refrain from submitting the draft to the consideration of the Parliament, "but also keep from any explosive actions that are directly or indirectly aimed at restricting the democracy and freedom of speech".

On February 28 the Board of the Writers Union of Armenia joined the statement of journalistic community. "The introduction of post-censorship in the draft law means an attempt to restore the Soviet Glavlit, the negative effect of which, we, the writers, have felt the most. The provision on licensing the communication activities, honoraria to the officials for interviews, the inappropriate restrictions on information receipt are unacceptable", the address of the WUA stressed.

On March 1 and 2 the front pages and web sites of most Armenian media and professional associations featured the same slogan: "No to Censorship! Remove the Draft Law 'On Mass Communication' from Circulation!" This was a joint action undertaken by the "fourth estate" as another step in the struggle against the draft.

On March 4 at the Journalists Union of Armenia the experts of the Council of Europe who had arrived in Yerevan to discuss the draft law presented to the journalists their evaluation of the draft law, previously submitted for the CE review. This evaluation was to the effect that the draft law had more negative than positive features, and it significantly restricted the freedom of expression. In other words, the positions of the Council of Europe and the journalistic community of Armenia coincided on all the principal aspects.

A number of parties, NA deputies made an appeal to remove the draft from the circulation. Thus, the representatives of the Political Union "Socialist Armenia", the parties "Ramkavar Azatakan", "Orinats Yerkir", "Republic", "Dashnaktsutyun", National Democratic Union shared the opinion that the draft law was a serious menace to the freedom of speech and democracy.

All this had its effect and during March the author of the draft law, the Ministry of Justice, held a number of meetings with the heads of media and journalistic associations to eliminate the controversies on the draft law "On Mass Communication".

On March 27 the Ministry of Justice introduced the new revised edition of the draft law to the journalistic community. In the new version the provisions, causing the greatest concern, were eliminated: in particular, those on the state control on communication activities and its licensing. The article on the protection of information sources was modified (in the new edition their identification can only be demanded by the court decision). Yet, in the opinion of experts, the draft had not undergone any essential changes. The Deputy Minister of Justice Ashot Abovian expressed his willingness to collaborate on the draft with the media representatives, until the controversies are eliminated.

On November 7 the RA Government approved the new edition of draft law "On Mass Communication". Deputy Minister of Justice Ashot Abovian noted that before the document was submitted to the National Assembly, it would be introduced for the discussion of the journalistic community. On November 12 during discussions at the Ministry of Justice representatives of media and journalistic associations noted that certain articles of the draft were still in the need of significant revision: in particular, the draft law gave an excessively expansive definition of a "mass communication medium", no

guarantees against censorship application were stipulated, the cases that allowed for restricting the freedom of speech were presented vaguely. The proposals, presented by Yerevan Press Club, told about the need to remove the articles on the unacceptability of freedom of speech abuse and the transparency of funding sources, include a point which would prohibit monopolies in the media and establishment of state-owned media, introduce changes into the RA Code "On Administrative Offences", according to which penalties for those who would impede the publication and the dissemination of media, as well as refuse to give information to the media, if not stipulated otherwise by the law, would be defined.

On November 15 the National Press Club made a statement, again calling on the authorities not to introduce the draft law "On Mass Communication" to the consideration of the National Assembly on the eve of presidential and parliamentary elections, because during the pre-election period any change in the existing or the adoption of a new law will not contribute to the strengthening of freedom and expression and democracy in the country.

Yet, in mid-November the draft law was submitted to the Parliament. On December 13 the National Assembly held hearings of the draft, initiated by two NA standing committees. During the hearing the representatives of Armenian media and journalistic associations again voiced their suggestions on both the content of the draft and the preferability of its consideration by the NA after the parliamentary elections in May 2003.

ON JANUARY 17, Yerevan Press Club addressed Sergey Karapetian, employee of the Division for Registering Public Associations, Non-for-Profit Legal Persons, Unions and Media of the State Register Department of the RA Ministry of Justice, with a request of providing information on the number of media registered in Armenia as of January, 2002. In reply Mr. Karapetian said that according to the RA Law "On State Registration of Legal Persons", enacted since August, 2001, this information was provided only after an appropriate application and the payment of a state fee of 1,000 drams (about \$2). Having expressed his disagreement with the innovation, Mr. Karapetian found it difficult to mention the specific terms of the provision of information after the necessary procedure is carried out by the applicant. Sharing the disagreement of Sergey Karapetian, we looked up the Law mentioned above, Article 4 of which stipulates, in particular, that "(...) a fee is charged for the use of information from the state register, and the amount (...) of this fee is defined by the RA Law 'On State Duty'".

FEBRUARY, 2002

ON FEBRUARY 13 the consideration of the suit of a major Armenian bank, HSBC-Armenia, versus private "**Golos Armenii**" newspaper and the print organ of "Dashnaktsutyun" party "**Yerkir**" started at the RA Commercial Court. The plaintiff demanded to refute the information disseminated on October 29, 2001 by "Noyan Tapan" news agency and published the next day by the two editions. According to "Noyan Tapan" piece, Ruben Hakobian, the author of the Armenian "Artarumian" fonts used in software, filed a suit against HSBC-Armenia on the violation of the copyright and demanded a compensation of \$10,000. The accusation of computer piracy was based on the bank's use of non-licensed fonts as a software product, as well as a type set in its advertising production: billboards, booklets, etc.

The motivation behind the claim of HSBC-Armenia to the newspapers was that the news agency was not a mass communication medium. This argument came as a surprise not only to the respondents but also the whole journalistic community. While the RA Law "On Press and Other Media Outlets" did not provide a sufficiently definite regulation of the subject of the dispute, the legal rationale and the international practice implied that the newspapers did not have to publish refutation to information disseminated by a news agency.

On February 18 the Commercial Court secured the petition of the attorney of the newspapers to ensure the participation of "Noyan Tapan" in the trial, yet it was also ruled that the news agency would act not as a separate party responding on the suit, but as a third entity on behalf of respondents.

At the session of February 22 the plaintiff restated its demand to the newspapers to publish a refutation, along with an editorial comment, explaining the reasons for the delay in publishing the disclaimer. Besides, the bank thought that "Yerkir" newspaper had obliquely damaged its business reputation, by publishing the article "B. Gregory demands a refutation" on November 8, 2001. Accordingly, the plaintiff made a request of charging 2,480,000 drams (over \$4,000) to "Yerkir", while noting this amount was far too small if compared to the damage incurred, and would grow along with the procrastination in publishing refutation. (Yet, a few days later, at the session of February 28 this demand to "Yerkir" was annulled by the plaintiff.)

On February 25 the Director of "Noyan Tapan" Tigran Harutiunian during his appearance in the court confirmed that "Noyan Tapan" was registered with the RA Ministry of Justice as a mass medium and called upon HSBC-Armenia to revoke the suit against the newspapers and settle the dispute with agency directly, announcing his willingness to publish a refutation, if the invalidity of information on the copyright violation was proved.

Despite the conclusive evidence that the production of "Noyan Tapan" was a mass medium and therefore the news agency is responsible for the information disseminated, on March 4 the Commercial Court satisfied the suit of HSBC-Armenia versus "Golos Armenii" and "Yerkir" newspapers and obliged them to publish a refutation.

Thus, a precedent was created that, as we dare to suppose, has no analog in the civilized judicial practice. Following the rationale of the court ruling, the print and electronic media of Armenia would since that day have to verify any information received from any news agency. Apparently, the operations of the information sphere were for some reason unclear to judge Vardan Avanesian. It is also important to note that the interests of HSBC-Armenia were defended in court by attorney Haik Harutiunian, the brother of the RA Minister of Justice, who has the second decisive (after the President) vote in appointing judges.

On March 19 the National Press Club hosted the meeting of journalists with the Chief Editor of "Golos Armenii" Flora Nakhshkarian, the representative of the Editorial Board of "Yerkir" Hamlet Davtian, the Director of "Noyan Tapan" Tigran Harutiunian and the author of the Armenian unlicensed computer fonts "Artarumian" Ruben Hakobian. The meeting participants discussed the situation around the decision on the case of HSBC-Armenia versus the newspapers mentioned above. At the meeting with journalists Ruben Hakobian informed that the court of primary jurisdiction of Center and Nork-Marash communities of

Yerevan refused his suit. According to him, the defense of the respondent was built on the argument that the advertising production was made not by the bank but by another organization. Yet, the respondent failed to submit the documents confirming this outsourcing order. This, however, did not stop the court. The decision made was in favor of HSBC-Armenia. Haik Harutiunian was able to convince the judge that the bank had not violated the copyright, even though he had not substantiated the existence of this another producing organization.

It was the same Haik Harutiunian that had been able to place the fault on the newspapers in the case of "how wrong one medium is when it does not re-check the information disseminated by the other one". The Chamber on Civil and Commercial Cases of the RA Court of Cassation where the heads of the newspapers had challenged the decision by the Commercial Court got a chance to save the reputation of the Armenian judicial.

On April 5 at the hearings of the Cassation Court HSBC-Armenia bank accepted the proposal of the attorney of the newspapers on reconciliation agreement. The agreement was publicized on the session of May 3. According to the document signed by HSBC-Armenia, "Golos Armenii", "Yerkir" and "Noyan Tapan", the news agency was to disseminate, within three days, a refutation of the piece of October 29, 2001, to be published in the editions above. The refutation appeared in the next issues of "Golos Armenii" (May 7, 2002) and "Yerkir" (May 10, 2002) and was accompanied with editorial comment. In particular, the comment of "Golos Armenii" noted that the newspaper initially offered HSBC-Armenia bank to send its observations to "Noyan Tapan", yet, for unclear reasons, the bank preferred to start a litigation.

ON FEBRUARY 13 the Prosecutor's Office of Center and Nork-Marash communities of Yerevan has instituted criminal proceedings against the Chief Editor of "**Haikakan Zhamanak**" private opposition daily **Nikol Pashinian** on Article 132, s.2 of the RA Criminal Code (insult). The proceedings were based on the appeal of Hovhannes Eritsian, the Head of the RA Main Civil Aviation Department (RA MCAD), who addressed the law and order bodies after a piece published by "Haikakan Zhamanak" on November 6, 2001. According to this piece, Hovhannes Eritsian commissioned his deputy "to study and report to the MCAD Head how, despite the regime zones, airplanes happen to carry aboard such periodicals that present authorities in a distorted manner". The postscript to the piece informed that "the previous day the Chief Editor of 'Haikakan Zhamanak' held an extraordinary meeting and commissioned the journalists to study and report how imbeciles find their way to the state administration system". Apparently, the Head of MCAD took this to be an insult to himself personally.

The Chief Editor of "Haikakan Zhamanak" had already been criminally prosecuted for his professional activities: thus, in January, 2000, Nikol Pashinian was sentenced to one-year confinement with a year's deferral (*see details in the Annual Report of the Yerevan Press Club on Freedom of Speech in 2000 at YPC web site: www.ypc.am*). A similar punishment was looming over the Chief Editor this time, too.

On March 1 Nikol Pashinian was charged with insult. "The case of imbeciles" was immediately in the limelight of public attention. Representatives of media, professional associations, a number of parties and NGOs consistently made statement in protection of Nikol Pashinian. Thus, on March 5 "Aravot" daily published an open address of journalist Tigran Hakobian to the Senior Assistant Prosecutor of Center and Nork-Marash

communities Sergey Abrahamian. The letter said, in particular, that having instituted criminal proceedings, the Prosecutor's Office "impedes the journalistic investigation aimed at answering the question of great concern to the public - how imbeciles, incapable personalities and bribe-takers, who found their way into the state administration system by unknown means, have managed to wreck the Armenian aviation". "Since all the citizens of the Republic enjoy the inseparable right to information (see the RA Constitution), I appeal to include myself as a defendant on the case, as I also want to know how imbeciles find their way into the state administration system", were the concluding words of Tigran Hakobian's address. The editorial staff of "Aravot" announced its willingness to publish this address everyday with the names of those Armenian citizens, who joined it. In March-April this letter, published on the pages of "Aravot", was signed by 130 people.

On March 11 the attorneys of the Chief Editor of "Haikakan Zhamanak" filed an appeal with the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan against the decision of the Prosecutor's Office stipulating an institution of criminal proceedings, a preventive punishment and an accusation against Nikol Pashinian. On March 20 the court declined the appeal, ruling that the actions of the Prosecutor's Office were compliant with the RA legislation. The session was held with doors closed. Judge Gayaneh Karakhanian explained this decision by the fact that in the course of the hearings "documents, which were investigative secret", may have to be disclosed.

Chorusing the publication of "Haikakan Zhamanak" the same "Aravot" (*March 12, 2002*) published the picture of Hovhannes Eritsian, with a text identical to the one that insulted the MCAD Head. Yet this time the journalistic investigation bearing the conventional title of "where do the imbeciles come from" was initiated by the Chief Editor of "Aravot". According to "Aravot", all 8 reports of "Haikakan Zhamanak" addressed the Prosecutor's Office demanding to institute criminal proceedings against them, as they were the authors of the unsigned publication, for which charges to the Chief Editor were introduced.

The Armenian editions gave the floor to the attorney of the "victim" as well. In the interview of Robert Aghajanian, the lawyer representing Hovhannes Eritsian, to "Taregir" online daily (*March 13, 2002*), quoted by several media, he explained the wish of MCAD Head to restrict the presence of the opposition media aboard the planes by his aspiration to maintain the calmness of the passengers "who go up the ladder scared as it is", concluding that "Hovhannes Eritsian is a treasure for the Armenian aviation". In the opinion of the lawyer, the MCAD Head who was so zealous in protecting the peace of mind of the passengers was beyond any suspicion in imbecility.

On April 11 the criminal proceedings instituted against the Chief Editor of "Haikakan Zhamanak" were stopped. This decision by the Prosecutor's Office was substantiated by Item 4 of Article 18 (unconfirmed suspicions are interpreted to the benefit of the defendant) and Item 2 of Article 35 (the participation of the defendant in the crime is unproved and the possibilities to obtain other evidence exhausted) of the RA Criminal Procedures Code.

ON FEBRUARY 22 RA Court of Cassation declined the challenge of the Ministry of State Revenues of Armenia on the decision of the RA Commercial Court. On January 4 the Commercial Court secured the suit of private press dissemination agency "**Ogostos**" versus the Ministry of State Revenues. The agency, which is also the founder and the publisher of the radically opposition "Chorrord Ishkhanutyun" newspaper, challenged at

court the requirement of the Ministry for the payment of 8 million drams (over \$14,000). The sanction specified was inflicted on "Ogostos" for the violations revealed during the financial and administrative revisions in May-June 2001. According to the plaintiff, the financial revision of the Agency's operation was made with law infringements. This was confirmed also by the appraising document of the RA General Prosecutor's Office. Thus, the requirement of the tax authorities to "Ogostos" was discarded as ungrounded (see details in the *Annual Report of the Yerevan Press Club on Freedom of Speech in 2001 at YPC web site: www.ypc.am*).

ON FEBRUARY 22 the RA Court of Cassation left the decision of the RA Court of Appeals (made on January 16) on the suit of journalist **Shushanik Abrahamian-Hairapetian** versus state-owned "Armenpress" news agency. The plaintiff demanded to be restored in the job previously occupied and compensation of the salary for the unintended idleness to be paid. The substantiation for the suit filed in September 2001 with the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan was that the plaintiff's dismissal notice (on the basis of contract expiration) was illegal (see details in the *Annual Report of the Yerevan Press Club on Freedom of Speech in 2001 at YPC web site: www.ypc.am*). The hearings of the suit were held on all three levels of jurisdiction of the country and were declined on the grounds that the actions of the respondent were compliant with the law.

ON FEBRUARY 23 eighteen Armenian broadcasters and Internews Armenia public organization made an address to the RA President Robert Kocharian, the National Assembly Speaker Armen Khachatrian, the Prime Minister Andranik Margarian, the chairmen of the specialized parliament committees and the head of the National Commission on Television and Radio. The address voiced a demand to review the amendments to the RA Law "On State Duty" (adopted by the Parliament and in force since January 1, 2002), referring, in particular, to the charges of annual state duty on production and broadcasting of TV and radio programs. The broadcasters mentioned that Article 53 of the RA Law "On Television and Radio" stipulates license payment to be made for the broadcasting of TV and radio programs, and thus, charging a state duty means a double charge on the same activities. Imposing a state duty on program production, in the opinion of the broadcasters, was incongruent with Article 47 of the broadcast law, according to which only the broadcasting of programs can be licensed, and not their production. The TV and radio companies noted in their address to authorities that they evaluated the adoption of such amendments to be an attempt to exert financial pressure on them, which may lead to a monopolization of Armenian broadcast market.

Further activities by broadcasters and Internews Armenia did change the situation for the better. On April 3 the RA National Assembly passed the new amendments to the Law "On State Duty". The provision on charging state duty on TV and radio production was abolished. Different tariffs were introduced for the duties on broadcasting - depending on the medium type and area covered.

ON FEBRUARY 28 at the RA Commercial Court hearings on the suit of "Noyan Tapan" LLC versus "Ararat Service" Ltd./"Lotos" TV company were held. The conflict between the parties occurred due to discontinuation on September 14, 2001, of broadcasts by "Noyan Tapan" TV channel. The channel was a product of a joint project between these two

organizations, which rebroadcast the Russian TV 6 and aired its own programs (newscasts and "The 5th Microphone" interactive program). "Lotos" TV company (the owner of a broadcast license and the representative of TV 6 in Armenia) canceled the partnership with "Noyan Tapan" on the grounds of the latter one's refusal to go on air without its own programs and to rebroadcast TV 6 only. This violated one of the cooperation agreement items, according to which "Lotos", having expressed a wish to annul the cooperation, should have given an official six months' prior notice to "Noyan Tapan". The notice was given on the very day when the operations of the transmitter ensuring the air of "Noyan Tapan" were stopped (*see details in the Annual Report of the Yerevan Press Club on Freedom of Speech in 2001 at YPC web site: www.ypc.am*).

The suit of "Noyan Tapan" contained a number of demands, also about the compensation to be made by the respondent for the material losses due to the unilateral annulment of the agreement, and execution of the agreement commitments in kind. The non-property claims of "Noyan Tapan" were fully secured by the court and the property demands were met in part. In particular, a decision was made on restoring joint activities until the cooperation agreement is legitimately invalidated, and on compensation to be made by the respondent for the material damage suffered due to idleness.

APRIL, 2002

ON APRIL 1 in the evening the private "**Tsayg**" TV company of Gyumri aired the speech of the Chairman of the opposition party "National Unity" Artashes Geghamian at a party meeting. According to the Chairman of Shirak regional organization of "National Unity" Marzpetuni Margarian, after the report, a group of insober people, with the Mayor of Gyumri Vardan Ghukasian among them, intruded into the office of "Tsayg" and started a brawl. As Marzpetuni Margarian informed, the TV company itself preferred to forget the episode, as the Mayor apologized to "Tsayg". However, the Executive Director of "Tsayg" Margarita Minasian, confirming the fact of Mayor's visit to the TV station, said there was no brawl: the head of the municipality asked additional questions pertaining to the speech of Artashes Geghamian. Margarita Minasian also noted that later Marzpetuni Margarian refuted the information about the brawl on the air of "Tsayg".

ON APRIL 2 the National Commission on Television and Radio of Armenia announced the results of **broadcast licensing competitions** announced on February 22. The bids were received for four UHF's in Yerevan (21, 35, 37 and 44), however, the greatest concern of the journalistic community was the fate of frequency 37, rather, the future of "A1+" TV company broadcasting on it. Starting from mid-March (the deadline for the bid submission) a number of media, journalistic associations, opposition party members voiced their concern over the possibility that one of the oldest private broadcasters (founded in 1991), the only TV channel of general nature on air for 24 hours a day, "A1+" will be refused a license. The fears for the possible loss of air by "A1+" were argued by saying the supreme authorities of the country, especially in the view of upcoming elections, would try to settle accounts with the unwanted TV company - practically the only electronic medium in the capital that was of open and consistent opposition to the authorities.

The 35th frequency was also a source of alarm, one of the bidders for it being "Noyan Tapan" TV company, the broadcasts of which were stopped on September 14, 2001 due

to a conflict between the partnering parties (*see above*).

The fears were not groundless: both TV companies were refused licenses.

ON APRIL 2 at 22.30 "**A1+**" **TV company** received a written notification from "Television Network of Armenia" SCJSC, informing that the broadcasts of the company would be stopped at midnight following the directions in the letter signed by the Chairman of the National Commission on Television and Radio Grigor Amalian. Having said good-bye to the viewers at 24.00, "A1+" announced its programs could still be seen on AATV cable network. Yet in 12 minutes AATV stopped broadcasting "A1+". According to the Director of "A1+" Mesrop Movsesian, by doing this AATV violated the contract provisions. The haste with which AATV CJSC switched "A1+" out from air may be explained by the pressure exerted "from above". In early September 2001, the National Commission on Television and Radio refused re-licensing AATV as previously this company, transmitting programs of various TV channels, was awarded a license for the construction and servicing of air and cable systems only, and not for broadcasting. However, AATV continued to operate. This circumstance might have become a pretext for exerting pressure.

The founder of "A1+" "Meltex" LLC challenged with the RA Commercial Court both the procedure of the broadcast licensing competitions and their results. The suit was filed against the National Commission on Television and Radio. As a means of securing the suit "A1+" founder petitioned to prohibit the National Commission stopping the broadcasts of the TV company until the litigation ends. On April 3 the petition was declined.

After three sessions, on April 25 the court ruled against securing the suit.

It is the nearly the word-by-word similarity of the arguments by judge Nakhshun Tavaratsian and the attorneys of the respondent against some items of the suit that catches one's eye first of all in the substantiation of the court presented to the public on May 2. The attorneys of "Meltex" were proving the duty of the National Commission on Television and Radio to strictly follow the letter of the law. The attorneys of the respondent, on their behalf, justified the right of the National Commission to freely interpret some of the legal norms referring to organizing and holding competitions. In particular, the provision of the Broadcast Law about including data on "the technical facilities, equipment used" by the applicant was replaced by the National Commission with the data on "the possible technical equipment and facilities". The stipulation of the Law to consider the "professionalism of the staff" was not met in case of the rival of "A1+", who won the competition: there were no appropriate data in the proposal. The proposal also did not mention the date when the broadcasts would start, if the license was granted. Yet, the National Commission ignored these obvious incongruities and preferred this proposal, refusing a license to a TV company that had been truly operational and successful for five years. The court took the side of the National Commission.

On May 10 "Meltex" challenged the decision of the Commercial Court with the Chamber for Civil and Commercial Cases of the RA Court of Cassation. On June 14 at the very first session of the Court of Cassation the suit was dismissed.

Thus, having passed through all the local levels of the judicial, the management of "A1+" TV company announced its intention to appeal to the European Court of Human Rights.

On November 1 the suit of the founder of "A1+" TV company, "Meltex" LLC, versus the Republic of Armenia was accepted for consideration by the European Court of Human Rights. The suit challenged the decisions of the judicial bodies of the country on the legitimacy of the broadcast licensing competitions, held by the National Commission on Television and Radio.

Previously, on October 3, the President of the European Court Luzius Wildhaber, during his visit to Yerevan, answered the question of journalists on when the hearings of "A1+" case start should the European Court accept it for consideration. He said that as the practice of similar cases shows, this can happen within two years. The European Court, as Luzius Wildhaber noted, can accept the appeal for consideration, but would only start the hearings after there was a judge from a CE member country on its board. The judge from Armenia was not as yet represented in the European Court.

The broadcast license refusal to "A1+" and "Noyan Tapan" TV companies caused a strictly negative response of the journalistic community.

Thus, on April 2 Yerevan Press Club and Internews Armenia made a joint statement which said that the decision of the National Commission on Television and Radio of April 2 "politicizes the issue and may become a precedent for silencing and intimidation of the unwanted media". Ousting "A1+" from the broadcast sphere, the statement said, "may impoverish the TV air of the country, restrict the diversity of information and opportunities to express various opinions". The situation that "A1+" and "Noyan Tapan" found themselves in "is the consequence of the imperfect legislation allowing the judgmental formation of the National Commission on Television and Radio and reshaping the broadcasting sphere, ignoring the interests of the acting and established TV companies", the address of the journalistic associations stressed.

Joining the statement of YPC and Internews, "Asparez" Journalist's Club noted that having deprived "A1+" and "Noyan Tapan" of frequencies, the National Commission "became a serious lever for restricting the freedom of speech and opinion".

On April 2 the joint statement of the Association of Investigative Journalists of Armenia, the Journalists Union of Armenia and "Iravunk" newspaper qualified the decision of the National Commission as "huge attack on the democratic achievements of Armenia, including freedom of speech" and contained a demand of its annulment.

A number of politicians and public figures of the country made statements to protect "A1+" and "Noyan Tapan". Since April 5 the rallies of the opposition political forces of the country were held, staging mass protest actions and voicing demands to the supreme administration, which focused, among other issues, on the situation with the TV companies, the removal of the draft "On Mass Communication" from the circulation, the endurance of free tribune for political debates on the Public Television of Armenia.

The authorities assessed the uproar around the TV companies as a political manipulation. Before the results of the competition were announced, the President of Armenia Robert Kocharian confessed he would like to see "A1+" on air: "If there were no 'A1+', it would need to be invented." At the same time the President wished the staff of "A1+" did not become a tool for those who were consistently attempting to destabilize the situation in Armenia. On April 5 "A1+" declined the invitation of Robert Kocharian to meet the staff of

the TV company, the motivation for the refusal being "this meeting would be more effective after the solution of the issue in the legal field".

On April 5 the offer of air time of the Public Television of Armenia to the "A1+" newscast "Ayb-Feh" made the day before was also declined. "We want to keep our face on our frequency", the Director of "A1+" Mesrop Movsesian said. A similar offer to "A1+" and "Noyan Tapan" TV companies was made by the founder of Armenian Center of National and International Studies, the former RA Foreign Minister Raffi Hovannisian: to use the media published by the Center for the preparation and issuance of the news and analytical pieces of the TV companies.

The support of "A1+" was also voiced by representatives of foreign, international organizations, Armenian Diaspora. Thus, in his letter (*April 2*) addressed to RA President Robert Kocharian, the Secretary General of "Reporters Without Borders" Robert Menard qualified the loss of broadcast license by "A1+" as "the most serious violation of pluralism in Armenia in the past few years" and appealed to the President to make a personal intervention for the National Commission to reconsider its decision. Serious concern over the situation was expressed by the US Embassy in Armenia (*press release of April 3*): "If the broad spectrum of political opinion loses its access to the media, this will only undercut Armenia's efforts to attain its place in the community of democratic nations, integrated in all appropriate international structures." The statement of the US Embassy was answered by the RA Ministry of Foreign Affairs, which noted that the competition was held in compliance with the Law "On Television and Radio". "The Kocharian Government is blatantly abusing the frequency licensing in an attempt to silence a critical media voice", said the statement (*of April 8*) of the Committee to Protect Journalists and a hope was expressed that "the Economic Court will reverse this unjust decision". The International Helsinki Federation for Human Rights added "its voice to those of other organizations that have protested the closure of two independent TV stations - 'A1+' and 'Noyan Tapan'" (*April 10*), describing the situation "as the Armenian government's attempt to silence free media ahead of presidential elections". During his visit to Yerevan, the Lithuanian Foreign Minister, the Chairman of the Council of Europe Committee of Ministers Antanas Valionis at a meeting with the heads of the Armenian opposition media and Yerevan Press Club (*April 13*) noted that the issues of complying with the European Convention of Human Rights and the media-related legislation reforms were constantly attended to by the Council of Europe and asked the Armenian journalists to actively inform the appropriate CE structures about their problems. The events related to the draft "On Mass Communication", the broadcast licensing competitions, other alarming facts of speech and media freedom violation were the main subject for discussion also at the meeting (*May 7*) with the members of the OSCE Parliamentary Assembly, organized by the OSCE Office in Yerevan.

The situation with "A1+" became a certain catalyst that displayed vividly the watershed within the journalistic community of the country.

On April 10 a statement by seven broadcasters, seven newspapers and three news agencies of Armenia was published. The parties to the statement expressed their regret over the competition failure of "A1+" and evaluated the meetings and protest actions organized by "certain political forces" "as an attempt to shift the media problems of purely legal nature to a political plane, entangle them in the pre-election games and present Armenia to the world community as an undemocratic country to reach their own political targets". Having emphasized that the "freedom of speech in Armenia is not violated, and

proper conditions are in place for the media to operate", the media representatives advised "all political forces" not to speak "on our behalf", not to politicize "our problems" and not to use them "for their own purposes".

On April 15, in response to "the statement of 17" "the statement of 18" media and journalistic associations of the country, including "A1+" TV company was passed. The address said that by means of the leaders of 17 media "the authorities aim at finally destroying the journalistic solidarity, introduce a split into the information field and set media against each other" and made an appeal to all the colleagues "not to become a playing card of the authorities and jointly fight against the restrictions of freedom of speech".

ON APRIL 3 at the session of the RA National Assembly the Chairman of the Parliament Standing Committee on Science, Education, Culture and Youth Issues Shavarsh Kocharian, NA deputies Hrant Khachatryan and Haik Babukhanian proposed to summon an extraordinary session the next day to introduce amendments to the **RA Law "On Television and Radio"**. The amendments were to legally entitle the TV and radio companies that lost their licenses and challenged the competition results in court to continue broadcasting till the court decision. Had these amendments been adopted, "A1+" TV company would have been able to resume its broadcasts. Yet the "Unity" faction, possessing the majority of seats in the Parliament, asked for a 20-minute break and since as few minutes were left till the end of the session, the discussion of the proposal of the deputies was postponed till the next three-day session. At the rally of opposition parties to protect "A1+" held on April 12 Shavarsh Kocharian called on people to come on Monday, April 15 to the houses of Parliament and thus support the initiative of the deputies on summoning an extraordinary session. As it turned out, it was the deputies that should have been appealed to come to the session room: the extraordinary session on introducing amendments to the Broadcast Law summoned at last on the evening of April 16 failed because of the lack of quorum.

ON APRIL 25 the press service of the RA President refused to accredit the journalists of "Ayb-Feh" news agency of "A1+" TV company, saying that "the list of entities to be accredited is limited". "Ayb-Feh" applied for an accreditation to cover the visit of the First Lady of the Russian Federation Lyudmila Putina, who arrived in Armenia on April 26 on the invitation of the RA First Lady Bella Kocharian to participate in the closing ceremony of the International Russian Language Competition. The need for covering the visit was due to the request of Russian RTR TV channel to provide technical and creative assistance to the shooting crew of "Vesti" newscast, in particular, assign it an "A1+" cameraman with a camera.

Earlier, on April 21 "Ayb-Feh" celebrated the fifth anniversary since its first air. Having lost air on April 2 (due to the non-issuance of license to "A1+") this popular newscast did not cease working, producing news on-line on the web site of "A1+", and later - since mid-December - "Ayb-Feh" journalists were the core staff of the homonymous daily, founded and published by the founder of "A1+" "Meltex" LLC. On the occasion of the jubilee "Aravot" daily (*issue of April 23, 2002*) gave its pages to the pieces by "Ayb-Feh" journalists. The numerous congratulations by colleagues expressed a wish to see the newscast back on the TV screens.

ON APRIL 29 "Meltex" LLC, the founder of "A1+" TV company, filed a suit with the RA Commercial Court versus "Television Network of Armenia" SCJSC. The National Commission on Television and Radio was summoned as a co-respondent. The plaintiff demanded to annul the decision of "Television Network of Armenia" about the discontinuation of "A1+" broadcasts, grounded by the letter of the National Commission (see above). The demand of the plaintiff to restore the broadcasts of the TV company was justified by the fact that by switching "A1+" out of air in the early morning of April 3 "Television Network of Armenia" violated the existing agreement about the transmission of the programs of the TV company. Notably, neither the RA Law "On Television and Radio", adopted in October 2000, nor the charter of the National Commission on Television and Radio stipulate a precise procedure of stopping the air of a broadcaster if it is refused a license. On May 6 the suit was accepted for consideration and declined on the very session of May 17. The founder of "A1+" challenged the decision of the Commercial Court with the supreme judicial body of the country. However, on June 28 the Chamber for Civil and Commercial Cases of the RA Court of Cassation dismissed the appeal.

ON APRIL 30 another suit was filed with the RA Commercial Court versus the National Commission on Television and Radio, similar to that of "Meltex" LLC versus the same Commission. "**Noyan Tapan**" LLC, having also lost the competition for broadcast licensing, demanded to cancel the competition results announced by the National Commission on April 2. The suit application of "Noyan Tapan" mentioned, in particular, that the competitions for broadcast licensing were announced by the National Commission for each frequency separately, while the RA Law "On Television and Radio" stipulated one competition for all the vacant frequencies. In this manner, according to the plaintiff, its right to participate in a competition for any vacant frequency was violated. The plaintiff also argued that the National Commission demonstrated partiality in the competition. On the session of May 24 the suit was declined. The decision of the Commercial Court was challenged by "Noyan Tapan" with the court of supreme jurisdiction. On July 12 the Chamber for Civil and Commercial Cases of the RA Court of Cassation did not secure the claim.

ON APRIL 30 at the General Meeting of **Yerevan Press Club** the statement on the World Press Freedom Day May 3 was passed, appraising the events in the media of Armenia during the past months. Thus, the adoption of the draft law "On Mass Communication", approved by the RA Government on February 7 "would lead the country to a retreat from the achievements of freedom of speech gained during the last years". Only powerful protest raised by media and the public induced the authors of the draft to review it. "Yet, the mere appearance of such a restrictive document, the absence of a dialogue with the journalistic community during its development and the approval of the draft on the highest level cannot but cause fear for the freedom of speech in Armenia", the YPC statement said.

Equally alarming were two precedents created on the same day (!) of February 13: the institution of criminal proceedings versus the Chief Editor of "Haikakan Zhamanak" daily Nikol Pashinian and the start of the trial on the case of HSBC-Armenia bank versus "Golos Armenii" and "Yerkir" newspapers. Both these cases were assessed to be absurd and "again prove that the law-and-order bodies and the judicial system of Armenia continue to ignore the commonly accepted principles of freedom of speech, and the

officials do not even attempt to understand that their activity is to be always critically considered by media".

Finally, the address considered the situation with the broadcast licensing competitions held in February-April by the National Commission on Television and Radio. In the opinion of YPC, the incompliance with the sufficiently imperfect RA Law "On Television and Radio" was obvious, and as a result of purely subjective assessment of the National Commission "one of these competitions actually banned from air 'A1+' TV company that enjoyed popularity with the audience and had an established niche among the broadcasters of the country". The other competition did not take into account the broadcast experience and the reputation of "Noyan Tapan" TV company, which was also refused a license. "The Commission, in essence, decided for the society what it should watch, and what it should not", the statement said.

Further, the statement contained appeals: to colleagues - "not to subject the journalistic solidarity to the instantaneous interests of this or that medium and unite efforts to assert the principles of the freedom of information"; to political forces - "to stop using media as a small change to realize their short-term goals, not squander the potential of the free press for their narrow group interests"; to the RA President and other administrative structures - "not to divide the media into 'friends' and 'foes', have an open dialogue with all for the sake of public consensus".

Yerevan Press Club also confirmed its willingness to continue the efforts "aimed at restoring the broadcasts of 'A1+' TV company, strengthening the media diversity and freedom of speech, also by improving the legislative field".

MAY, 2002

ON MAY 3, the World Press Freedom Day, a journalistic protest action was held, initiated by the **National Press Club and a number of Armenian media**. The action took place under the slogan of "No to Censorship!" and with the demands to take the draft law "On Mass Communication" out of circulation and annul the competitions for TV and radio broadcast licensing that ended in the defeat of "A1+" and "Noyan Tapan" TV companies. These demands were voiced by the buildings of the RA Ministries of Justice and Foreign Affairs, the procession to which started from the House of Press. Then the demonstration participants headed for the presidential residence, where a rally was held. The certificate of granting the title of "Enemy of Press" to the RA President Robert Kocharian by National Press Club was delivered to the reception of the President's Office. On May 10, upon his return from a trip to the countries of Latin America, Robert Kocharian in his conversation with journalists said that he treated the title with humor since he did not believe that there were presidents who communicated with media more often than he does. At the same time he expressed his regret that currently journalists were becoming a tool for political forces and lose their face. "Today they do not exist for me as journalists", Robert Kocharian stressed. The RA Prime Minister Andranik Margarian gave a similar response to the "award", announcing he did not take it seriously.

ON MAY 15 the Chairman of the Public Council on Human Rights and Fundamental Freedoms Ashot Bleyan addressed the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan demanding to recognize the decisions of the National

Commission on Television and Radio of April 2, 2002 (refusing licenses to "A1+" and "Noyan Tapan" TV companies) to be in compliance with the RA Law "On Television and Radio", the RA Constitution and the International Covenant on Civil and Political Rights. The decisions passed by the National Commission were qualified as a violation of the inseparable right of the plaintiff to the freedom of speech, including the right to seek, receive and disseminate information and ideas with not interference of the state. In early June the same judicial body had a similar suit filed by the member of the Political Council of "Republic" Party Artak Zeynalian. The claims were signed by a number of citizens.

The proceedings on the case started on July 18. The interests of citizens were represented at the trial by Ashot Bleyan, Artak Zeynalian and the Chairman of Liberal Democratic Party Vigen Khachatryan.

Further, the representatives of the plaintiffs filed another suit - versus the RA Ministries of Transportation and Communications, of Justice, the founders of "A1+" and "Noyan Tapan" TV companies ("Meltex" LLC and "Noyan Tapan" LLC respectively). Both suits were untied into one legal action. Thus, apart from recognizing the decisions of the National Commission to be in compliance with national and international legislation, the plaintiffs made the following demands: to eliminate the obstacles for the broadcasting of "A1+" and "Noyan Tapan"; invalidate the acts of the National Commission, by which these companies were not granted broadcast licenses; oblige "A1+" and "Noyan Tapan" fulfil their commitments to the consumers and resume their broadcasts.

On September 2 the suit was declined. The representatives of the plaintiffs challenged the decision of the court of primary jurisdiction with the RA Court of Appeals, which dismissed the challenge on November 29.

JUNE, 2002

ON JUNE 20 Freimut Duve, the OSCE Representative on Freedom of the Media, introduced his regular report to the OSCE Permanent Council. The section of the report on Armenia read that "although, in general, freedom of the media does exist in Armenia, several worrying developments have raised some questions regarding the government's commitment to the fundamental right of freedom of expression". Among the examples cited were the situation of "A1+" TV company "that lost its license this April", and "Noyan Tapan" that "was taken off the air last year". "'A1+' was the only broadcaster that basically provided air-time to all parties and movements in the highly politicized climate that exists in Armenia: opposition leaders, intellectuals, journalists were able to speak and debate on 'A1+'. Now this television station, one of the most popular in the country, is off the air replaced by nothing", the report of the OSCE representative stressed.

In the opinion of Freimut Duve to rectify the situation the authorities of Armenia were to take the following steps. Firstly, as soon as possible, "preferably this summer" hold a new broadcast licensing competition and "'A1+' and 'Noyan Tapan' should be encouraged to participate". For the time being, as the report noted, "the authorities can easily introduce an amendment" to the Broadcast Law "allowing a TV company that has lost its license to continue broadcasting until the new licensee is ready to replace it". Secondly, the report said, it was necessary to amend the RA Law "On Television and Radio" and willingness was expressed to assist the Government and the NA in this endeavor, along with the Council of Europe. And thirdly, in the opinion of OSCE representative, the draft law "On

Mass Communication" "should be thoroughly analyzed by international experts before being submitted to the National Assembly for approval".

ON THE SAME DAY, JUNE 20, the European Union passed a statement in response to the report of Freimut Duve. The statement was subscribed to by 13 EU associated countries. "We share Mr. Duve's view that in Armenia, the TV stations 'A1+' and 'Noyan Tapan' should be encouraged to participate in a new tender for existing and non-used frequencies that should be held as soon as possible", the statement said.

ON JUNE 24-28 at the session of the Parliamentary Assembly of Council of Europe the conclusions of the "Group Ago" on Armenia and Azerbaijan were introduced. (The official visit of the representatives of the CE Committee of Ministers studying honoring of commitments assumed by Armenia was made in mid-May.) Paragraphs 28 and 29 of the report by "Group Ago" were devoted to the situation of media in Armenia. In particular, the report stressed the need to revise the draft law "On Mass Communication" in the light of the comments by the Council of Europe experts, as well as to revise some disputed provisions of the RA Law "On Television and Radio" "in close consultation with the Council of Europe experts". The report touched upon the situation with "A1+" TV company, which can have dangerous consequences, as after the departure of "A1+" the opposition lost is information platform "so that (in the opposition's view) demonstration was its sole recourse".

ON JUNE 24 "Article 19", the Global Campaign for Free Expression, disseminated a statement, expressing its concern over the situation present in the broadcast field of Armenia. After the National Commission on Television and Radio refused broadcast licenses to "A1+" and "Noyan Tapan" TV companies in April 2002, in Armenia "there are now virtually no major independent television stations", the statement said. The absence of mechanisms in the broadcast field that would ensure the independence of the National Commission, in the opinion of "Article 19", is "a clear breach of the right to freedom of expression" and "is a fundamental problem in the Armenian broadcasting system". "Article 19" called on the Armenian authorities to radically review the Broadcast Law and bring it into line with international standards. "Recent decisions by the National Commission on Television and Radio should not be implemented until they have been reviewed by an independent body", the statement read.

ON JUNE 26 the RA National Assembly having held the second hearing, finally adopted the amendments to the **RA Law "On Advertising"**. According to the amendments passed, since January 1, 2003 in Armenia the advertising of strong alcoholic beverages (with the exception of cognac) and tobacco goods in the electronic media was banned. The veto refers also to the placement of such advertisements on the first and last pages of the newspapers, the cover, the first and last pages of magazines. According to the same document, at least 10% of the advertising of tobacco goods in the print media, the outdoor posters, announcements, billboards, electronic boards, other technical means and transportation vehicles must contain warning information on the damage caused by smoking.

In the opinion of the Armenian broadcasters, this ban would greatly harm their pockets,

poor as they currently were: the advertising volumes in media leave much to be desired. The efforts of our deputies to protect the health of the nation would have been quite laudable, but for the exception provided for by the Law. Why did the ban on advertising strong alcoholic beverages bypass cognac? Is this drink out of the strong beverage class? Or does its use not harm the health for the simple reason it is our national brand? The answer was obvious: someone was very eager to protect the interests of someone else.

JULY, 2002

ON JULY 9 during his official visit to Armenia the Secretary General of the Council of Europe Walter Schwimmer expressed his opinion on the situation of "A1+" TV company that lost the broadcast licensing competition on April 2, 2002. Mr. Schwimmer stressed that the Council of Europe placed special importance on the diversity of information market, especially the private media, able to compete with the state-owned ones. So, as the CE Secretary General mentioned, it was necessary to make every effort for "A1+" to participate in the next broadcast licensing competition. The Council of Europe would watch the process intently, Walter Schwimmer said.

ON JULY 26 the co-editors of the online weekly **ArmeniaWeek** **Tony Halpin** and **John Hughes** disseminated a press release, announcing their resignation and the start of publication of a new electronic weekly ArmeniaNow. This followed a conversation with the Advisor of the RA Ministry of Foreign Affairs Salpi Ghazarian, who was also a key person in publishing the English-language "Armenian International Magazine" (AIM) and "ArmeniaWeek" itself. On July 23 Salpi Ghazarian informed Tony Halpin and John Hughes that the AIM and "ArmeniaWeek" founder "Forth Millennium Society" (Glendale, California) planned to appoint her to the position of Editorial Director and now all the pieces of "ArmeniaWeek" before their publication must be submitted for her review. The co-editors decided that the direct affiliation with a governmental agency would result in conflict of interests, loss of editorial independence and resigned their posts. 17 out of 21 staff members of "ArmeniaWeek" joined the editors. "ArmeniaWeek" appeared on the web in September 2001 and captured attention due to a number of publications on sensitive issues and good, professional journalism. Apparently, the attempt of "introducing censorship" directed at the weekly was to be explained by its pieces running contrary to the interests of very important persons, and considering the proximity of elections of different administrative structures its being "out of control" started to cause the alarm of certain circles. On July 26 the former editorial staff of "ArmeniaWeek" launched the new electronic weekly "ArmeniaNow". "ArmeniaWeek", on its part, was now issued with a new editor and staff.

AUGUST, 2002

ON AUGUST 22 the RA Central Electoral Commission made **a decision on accreditation of journalists for covering the elections to local administration bodies**, scheduled for October, 2002. According to the new procedure, each medium could only have two journalists accredited at the CEC and two for each of the polling station commissions. Thus, this decision ran contrary to the RA Electoral Code, prohibiting restricting the rights of media representatives. A similar attempt to restrict the access of journalists to covering the elections was last made on the eve of the 1996 presidential

elections.

ON AUGUST 24, at the editorial office of "**Abovian**" TV company (city of Abovian, Kotayk region), the founder of the TV company **Artashes Mehrabian** and the Executive Director **Azniv Chizmechian** were beaten by a group of strangers. The assailants motivated the violence by "unauthorized" shooting of a trade stall owned by one of them. Then they took the tape with the material shot and a video camera away from the studio. In an hour the camera was returned without the tape. The next day the investigator who visited the editorial office offered Azniv Chizmechian to go to the Interior Affairs Department of Abovian. According to Ms. Chizmechian, at the Department the city Mayor Karo Israelian, accompanied by one of the offenders, poured threats to the address of the Director of the TV company and her sons. The representatives of the Interior Department started correcting the statement filed by her and made every effort to protract the forensic examination to be made. On the same day Ms. Chizmechian sent a complaint to the RA Minister of Interior Affairs Haik Harutiunian, and later left the city in fear for the life of her children and her own. On August 30 at a press conference in Yerevan the Director of "Abovian" TV placed the responsibility for the incident on the head of the Abovian municipality, whose activity is strongly criticized by the TV company. As Azniv Chizmechian noted, the relations between the editorial office and Karo Israelian became especially tense after on April 4 the Mayor made insulting remarks about some local entrepreneurs on the air of the TV company. The latter ones filed a suit and won the process. The TV company gave an extensive coverage to the whole issue. The head of the Abovian administration himself denied his partiality to the harassment of the management of the TV company, yet he did not conceal his discontent with its policy.

The incident became the focus of attention of not only the Armenian public, but also the diplomatic missions and international organizations, accredited in the country. On August 29 the Ambassadors of a number of European countries and the representatives of OSCE Office in Yerevan visited Abovian, where they met with the city administration and the management of the TV company.

On September 3 Artashes Mehrabian and Azniv Chizmechian issued a statement where they voiced their distrust towards the Abovian Interior Department in charge of the investigation. The violations made by the investigative bodies are illustrated, in particular, with the fact that the results of the forensic examination have not been received yet, and the founder of the TV company has not been recognized the injured party. Because of the situation in place, the statement said, on September 2 Artashes Mehrabian and Azniv Chizmechian addressed the RA General Prosecutor with a request to put an investigative body of Yerevan in charge of the case and ensure an objective and thorough investigation. The request was met, and the investigation of the case was transferred to the Prosecutor's Office of Avan and Nor Nork communities of Yerevan.

On September 5 a group of strong young men intruded into the editorial office of "Abovian" TV and demanded the staff to tell them where Artashes Mehrabian was. To avoid a new conflict the editorial staff had to stop their work. In the afternoon of September 6 Azniv Chizmechian told Yerevan Press Club that "since this morning we do not know the location of Artashes Mehrabian, the founder of the company, who has called from somewhere and asked to stop the work of the TV company". In the early morning of September 9 during a meeting with journalists Artashes Mehrabian explained this decision saying that in the morning of September 6 in Yerevan at the entrance of the editorial office

of "Or" daily three men had been waiting for him. One of them demanded the TV company "to promote Mayor Karo Israelian only", and promised "a significant remuneration". Otherwise, the TV company had to stop the broadcasts until the elections to the local administration bodies, scheduled for October 15, were over. Mehrabian was also told to leave Abovian city for that period. The stranger threatened to get even with the founder himself, his family and the staff of the TV company, should he fail to comply with the demands. According to Artashes Mehrabian, the threats sounded so real that he immediately called the editorial office and required to stop the work of the TV company. The whole incident was narrated by the founder of the TV company in his address to the supreme authorities of the country, the text of which was passed by Artashes Mehrabian to colleagues and in which he asked to take measures to ensure the security of his family, the editorial staff as well as to resume the work of the TV company. On September 9 at a press-conference in Yerevan this statement was disseminated among media representatives, and Azniv Chizmechian, also present at the conference, said she was not going to hide any longer.

On September 10 on the air of the Public Television of Armenia and "Prometheus" TV Artashes Mehrabian announced that the problems of "Abovian" TV were solved and there was no necessity in the intervention of the third party. He explained his several-day absence by personal reasons. The next day in his interview to "Or" daily (*September 12, 2002*) Mehrabian said that this TV announcement was made under pressure: "I had to narrate other people's ideas."

On September 18 "Abovian" TV company resumed its broadcasts. On September 19 in Abovian the representatives of media and journalistic associations met the management of the TV company and Mayor Karo Israelian. The conflict between "Abovian" TV and the city authorities as well as the necessity to ensure the freedom of speech in general were discussed. In the evening of the same day the head of the city administration appeared live on the air of "Abovian", who actually apologized for what had happened.

The experts and media, covering the incident in Abovian, linked it to the upcoming elections to the local self-administration bodies. This idea was substantiated by the sad statistics of the previous election campaigns that set off long before their official announcement. It is obvious that Armenian media find it extremely hard to retain independence during the pre-election campaigns. And it has to be stated with regret that in the heat of political struggle the media become toys at the hands of those seeking power. It should also be noted that the majority of the cases of violence against journalists are to this day undisclosed.

As of early 2003, the investigation on the assault of "Abovian" management continued.

ON AUGUST 28 at the court of primary jurisdiction of Vedi, Ararat region, the trial of the unemployed **Janik Adamian** and the typist **Jemma Sahakian** on the charge of disseminating libel upon RA President Robert Kocharian. On June 14, 2002, Janik Adamian pasted leaflets with self-composed verses in the popular areas of Ararat city (Ararat region). The verses accused the Armenian President of being partial to the terrorist attack in the Parliament of the country on October 27, 1999. On June 15 Janik Adamian was arrested; Jemma Sahakian, who had typed the verses, was also charged as an accomplice. At the court session of September 4 the petition of the attorney of Janik Adamian to discontinue the proceedings in the absence of corpus delicti was declined.

On September 10 the court took a decision of stopping the criminal proceedings against Janik Adamian and Jemma Sahakian. According to the court decision, the proceedings were stopped due to the absence of a complaint of the injured party and because the defendants did not represent a threat to the society.

Experts classified the case as an illegal persecution and violation of freedom of expression principles.

SEPTEMBER, 2002

ON SEPTEMBER 4 the "Constitutional Right" Union and "**Iravunk**" newspaper (the print organ of the CRU) made a statement, expressing their indignation at the actions of "ArmenTel", owned by "OTE", the Greek state communications company. For over a month the monopolist of telephone services in Armenia had been keeping the three phones and the dedicated Internet line at the office of CRU and the editorial office of "Iravunk" switched off, the statement said. The interruption of telephone connection was evaluated in the statement to be an attempt of certain political circles of Greece to intervene into the internal political life of Armenia on the eve of elections. Commenting on the situation in place, the management of "Iravunk" noted that the edition had no debts and qualified the behavior of "ArmenTel" as an action directed against the newspaper that had published a number of critical pieces on the company. "ArmenTel" itself justified the disconnection of the phone lines, saying they were used to provide illegal services.

It should also be noted that the only phone line operator in Armenia is also at permanent "war" with the local Internet service providers. As a result, the numerous subscribers, including media, are often deprived of Internet connection. The providers themselves explain this tactics of "ArmenTel" by its wish "to invade" the Internet market, on the top of the existing monopoly for the ordinary and mobile telephone services.

ON SEPTEMBER 9 the RA National Assembly passed an interesting decision: if a journalist left the session room during the work of the Parliament for whatever reason, he could not re-enter the press sector any more until the break. The new rule perplexed not only the journalists but also the Chairman of the Parliamentary Committee on Science, Education, Culture and Youth Issues Shavarsh Kocharian, who thought such tough regulations to be improper. "This is not a penitentiary, it is a National Assembly", Mr. Kocharian reminded the "public servants". On September 10 the journalists accredited at RA NA addressed the Speaker Armen Khachatryan with a written request to revoke this decision. The request was satisfied. The representatives of "fourth estate" regained the freedom of movement.

ON SEPTEMBER 19 the Government of Armenia passed a decision on the privatization of the Press Dissemination Agency ("Haymamul" SCJSC) - through a direct sale of the shares to the staff of the enterprise. The total cost of the shares comes to 30 million drams (about \$53,000). According to the management of the Agency, after the privatization, the company will focus on the revenues generated by subscription for periodicals. The decision of privatizing the newspaper stalls owned by "Haymamul" was passed by the Armenian Government on November 15, 2001 (*see details in the Annual Report of the Yerevan Press Club on Freedom of Speech in 2001 at YPC web site:*

ON SEPTEMBER 26 at the session of the Parliamentary Assembly of the Council of Europe the Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe presented its reports on Armenia and Azerbaijan. The document on Armenia in its section on freedom of expression noted in particular that the Broadcast Law adopted by Armenia was imperfect, not satisfactory by Council of Europe standards and hotly contested by the media themselves, primarily because the members of the Council of the Public TV and Radio Company and the National Commission on Television and Radio (the bodies that regulate the public and private broadcasting, respectively) are appointed by the President of the country. Besides, as the report noted, "the technical standards laid down are so high that private television companies might find them impossible to comply with, and consequently lose their license". Further the situation of "A1+" and "Noyan Tapan" TV companies that were not granted licenses was presented.

In general, as the document said, "Armenia has clearly made progress with regard to freedom of speech, pluralism and free functioning of media". It was also stressed that "in the opinion of the international observers, the media are generally free to write what they please, and do so without restraint, regularly overstepping the boundaries of defamation". The CE representatives noted that there could be no truly independent media unless their sources of funding were independent of public subsidies, the business world and foreign states, which was not the case in Armenia. The rapporteurs believed that "the question of freedom of the media in Armenia is not so much one of any material and administrative obstacles or political pressure (...), as one of (absence) of professionalism or journalistic ethics, which both fall very far short of European standards". "Many journalists behave like mercenaries, ready to offer their columns to the highest bidder", the rapporteurs thought. Stressing the importance of the appropriate journalistic training, the CE representatives found at the same time the Armenian media appeared to be much more tolerant and conscientious than those in the other Caucasian countries. "The Council of Europe should undoubtedly strengthen its program of co-operation with Armenia in respect of freedom of expression, the media and the ethics of journalism", the document said.

The PACE resolution adopted on the same day said that since its accession on January 25, 2001 Armenia had made substantial progress towards honoring the obligations and commitments it accepted. As to the media legislation, as resolution noted, the draft law "On Mass Communication" had not as yet been submitted to the RA National Assembly, in spite of the commitment entered into. Considering that the allocation of the radio and television broadcasting licenses had given rise to strong protests in April 2002, PACE called on the Armenian authorities "to amend the law on broadcasting without delay, taking into account the recommendations made by the Council of Europe" and reminded the authorities of the country about their "firm commitment to organize a new call for tenders for new frequencies" on October, 2002.

The section of PACE report on freedom of expression in Armenia, or rather the characteristic of Armenian journalists and the situation in general caused negative response of the media and non-governmental organizations of the country.

Thus, the YPC Electronic Weekly Newsletter (*September 21-27, 2002*) in its comment to the report noted: "Not disputing the PACE assessment of the Armenian media, we cannot but ask how ethical the definitions used to characterize Armenian journalists are. Also, the

rapporteurs, apparently, did not take into account the obvious fact that the professional standards in the Armenian media world were not shaped on their own; they are a direct consequence of the state policy in the area that has been in place for the past 12 years. It is the Armenian political and business elite (it is homogenous, being represented by the same individuals), including all the branches of power, was the one persistently shaping the vices of journalism mentioned in the report. The professionalism and the journalistic ethics that 'fall very short of European standards' cannot pre-determine the media situation to a greater extent than the 'material and administrative obstacles or political pressure', as they are a derivative of the latter. Doesn't this look like the tail wagging the dog?"

On October 10 this section of the PACE report became the main discussion subject at the seminar "Freedom of Press in Armenia: Assessment by Council of Europe", held in Yerevan by an Armenian NGO "Center for Public Dialogue and Development". According to some seminar participants, the situation of media freedom in Armenia was presented unobjectively by the PACE. Others thought the document gave a shallow and mild assessment of the Armenian authorities. Natalia Voutova, the Special Representative of the CE Secretary General in Armenia, present at the seminar, noted that all delegations voted for the report, that is, it was actually approved by 44 parliamentary delegations of the CE member countries. At the same time she stressed that the assessments made in the documents that PACE adopts do not always coincide with the attitude of CE Committee of Ministers. The joint monitoring of these two structures on the honoring of obligations and commitments of Armenia continues, Natalia Voutova said.

OCTOBER, 2002

ON OCTOBER 15 the National Commission on Television and Radio announced new **broadcast licensing competitions**. 11 frequencies have been introduced at the competitions in Yerevan and in other cities of the country. The deadline for the bids was on November 8 and the bids had to be considered by the National Commission on November 19 and 20.

The competitions themselves, the frequencies to be introduced there and the terms had been discussed by the journalistic community long before the announcement. Similarly to the first competitions, announced in February, it was the requirements to the bidders for frequencies that were the source of the greatest anxiety. In the opinion of media experts, both then and now the National Commission rigidly stuck to its old policy of strictly regulating the activities of the private broadcasters. A question arose again: what were the grounds for the National Commission to stipulate certain parameters? Thus, why, of all the 11 frequencies, only the 27th UHF in Yerevan, rebroadcasting Russian "MuzTV", had a profile requirement (music and youth-oriented)? Why, along with this requirement, a complete rebroadcasting of a foreign TV station for the 27th frequency was not stipulated, being done exclusively for the 58th UHF in Yerevan, airing CNN programs? Moreover, the bidders for 58th frequency could either be making programs of general profile or a complete rebroadcast of a foreign TV channel. In the opinion of experts, this combination was, mildly speaking, incorrect. And, finally, why in case of a complete rebroadcast, the programs in English, Russian, French, German and Spanish languages did not have to be translated into Armenian simultaneously, while the translation from other languages was obligatory? What researches confirmed that the population of Armenia had a better command of, say, Spanish than Persian?

However, the main issue on the pages of press, especially opposition media, was the participation of "A1+" and "Noyan Tapan" which previously did not receive a license in the competitions.

As further events showed, the fears of the journalistic profession were not groundless: if the competitions for six frequencies were held within the timeframes stipulated, the fate of five UHF's in the capital is still unclear (*see below*).

IN THE EVENING OF OCTOBER 22 in the center of Yerevan an explosion occurred leaving the Deputy Director of Caucasus Media Institute **Mark Grigorian** injured. The explosion was caused by a trench bomb. According to Mark Grigorian, he did not remember the man who had thrown the bomb. The journalist also found it hard to give reasons for the incident, mentioning that lately he had been preparing a story on the trial on the terrorist attack in the Armenian Parliament of October 27, 1999, for the electronic newsletter of the London Institute of War and Peace Reporting. The incident was actively covered by Armenian media and was mentioned in the reports of a number of international organizations. Thus, on December 12 at the session of OSCE Permanent Council its Representative on Freedom of the Media Freimut Duve in his regular report on the media freedom in the region, including Armenia, expressed a hope that the Armenian authorities will thoroughly investigate into the incident.

The criminal proceedings instituted by the Prosecutor's Office of Yerevan on the Article of "attempted premeditated murder with aggravating circumstances" was not disclosed as of early 2003.

ON OCTOBER 23 the National Assembly of Armenia passed the **draft RA Law "On Freedom of Information"** in the first reading. The draft law had been developed by the Chairman of the Parliamentary Standing Committee on State and Legal Issues Viktor Dallakian and NA deputy Vardan Bostanjan, basing on the document developed by the task force of Yerevan Press Club. Further, YPC, the Association of Investigative Journalists of Armenia, the Civil Society Development Union and Internews Armenia took part in the discussion of the draft. Before the adoption of the document in the first reading the representatives of these NGOs and Toby Mendel of "Article 19" reviewed the last version of the draft. In their opinion, the Law "On Freedom of Information" must cover only the state structures and local self-administration bodies. The inclusion of non-governmental organizations into the draft made no sense, since the mere status of NGO called for transparency and openness in their activities. Besides, contrary to the numerous suggestions of journalists, the obligation of the state structures to provide information has not been stipulated by the draft, the notion of "information officer" in the state organization was lacking, too. Also, what was most important, the restrictions of information provision were not narrated clearly enough and could cause diverging interpretations: it was crucial to give a complete listing of all the possible cases when the information provision can be restricted. The possibility of getting an immediate answer to oral and not time-consuming queries was not envisaged, either.

These and other suggestions of the NGOs were submitted to the appropriate Parliamentary Committee. The authors of the draft law expressed their readiness to continue collaborating so that the draft is improved before its adoption in the second

reading.

IN THE EVENING OF OCTOBER 25 the journalist of "**Haikakan Zhamanak**" daily **Gegham Nazarian** was assaulted. As "**Haikakan Zhamanak**" (*October 26 issue*) reported, unknown individuals "beat an employee of our daily severely, in particular, hit him on the head with a blunt item". The newspaper refrained from making comments on the incident for "the law and order bodies to take the communication as a signal about the crime committed and took steps to identify the offenders".

On October 29 the Department of Public Relations and Information of the RA Ministry of Interior Affairs published a statement in a number of newspapers under the title of "Write the Truth". The statement said, in particular, that three hours after the incident the law and order bodies received the signal about it from the hospital where the injured man was taken. Several hours later the participants of the incident were discovered - 16-year-old Ashot Ustabashian and two 13-year-old teenagers, one of them being a student of Gegham Nazarian (who teaches geography at school). According to Ustabashian, he asked a passer-by for matches rudely and received an equally rude answer from the latter. During the scuffle, which ensued, Ustabashian pushed the passer-by, who fell down and hit his head at the pavement. "Expressing our regret on the incident, we at the same time think it necessary to note that "**Haikakan Zhamanak**", as its habit goes, distorted the facts and gave quite a different context to the incident", the statement emphasized.

The next day, on October 30, "**Haikakan Zhamanak**" made a response to the statement. In the opinion of the edition, the tone of the statement is quite unsuitable, since "our publication was quite reticent and the statement that followed was nervous". The daily expressed its amazement at the fact that while refuting the publication in "**Haikakan Zhamanak**", the Interior Ministry proceeded from the narration of an initiator of the assault and not on that of the injured party. The newspaper also informed that the details of the crime as presented in the statement are not valid: the journalist was assaulted by two individuals, and the 13-year-olds mentioned had nothing to do with the incident at all. "The comparison of the facts induces us to assume that the incident is a provocation organized against '**Haikakan Zhamanak**'. And the answer of the Interior Ministry allows to put forth the following hypothesis: apparently, the provocation was prepared by the Ministry of Interior Affairs itself", the editorial staff of "**Haikakan Zhamanak**" claimed.

ON OCTOBER 31 the ordinary issue of "**Aravot**" daily did not reach the readers. The print run of the daily was handed to "Haymamul" Dissemination Agency, but later "**Aravot**" was not received either by the newspaper stands of the Agency, the subscribers or other distribution agencies who get their share of periodicals from "Haymamul". The Deputy Director of "Haymamul" Arshaluys Manukian could not clarify the details of the mysterious disappearance. According to him, the whole print run was bought out, but Arshaluys Manukian was unable to say by whom.

"**Aravot**" daily had put forth its version of the incident, according to which the reason for the disappearance of the print run was the story "Those Close to the Prime Minister Abusing", published by the daily. The story told, in particular, about the illegal actions of the senior officials of the Government, including the aide of the Prime Minister and the former Head of Government Office during the privatization of the resort complex in Tsaghkadzor. In the opinion of "**Aravot**", the delivery of the newspaper to the reader was

impeded by people who were seriously worried that compromising information would be disclosed.

In the joint statement of Yerevan Press Club and the Journalists Union of Armenia made on the same day, October 31, the disruption of the distribution of the daily was qualified as a crime, gravely infringing the rights of citizens to information and a violation of Article 24 of the RA Constitution and international agreements adhered to by Armenia. The journalistic associations demanded the law and order bodies to find and punish those guilty.

Yet despite the promises of Prime Minister Andranik Margarian that the reasons for the incident would be revealed and those responsible would be punished, it was all confined to the punishment of a "switchman", namely, "Haymamul": the Head of Supplies Department of the Agency Artavazd Arsenian was dismissed, and the Deputy Director Arshaluys Manukian received an administrative punishment (some time later the latter was appointed to the position of the Director of "Haymamul").

"Aravot" on its behalf answered the measures taken by a confession that the edition a confession that the daily "continues to view 'Haymamul' to be a reliable partner and is satisfied with the work of many years that the Head of Supplies Department Arsenian did". Economically, the newspaper was not damaged, that is, "Haymamul" would pay the full amount owed to the edition, but "Aravot" regretted its inability to convey the up-to-date information to its readers.

NOVEMBER, 2002

ON NOVEMBER 7 at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan a session on the suit of Andranik Poghosian versus "**Taregir**" electronic daily was held. The suit referred to the article of Lilit Seyranian "The Price of Blood" (*published in "Taregir" on January 24, 2002*) on the case of murder of the plaintiff's brother Poghos Poghosian, committed last autumn at Yerevan "Aragast" cafe by Aghamal Harutiunian, the bodyguard of the RA President. The publication, quoting a member of the Supreme Body of "Dashnaktsutyun" party, said that "the defendant on the case (...) Aghamal Harutiunian gave \$90,000 to the brother of Poghos Poghosian Andranik Poghosian for the latter not to oppose the 'scenario' presented in court". The plaintiff Andranik Poghosian demanded the newspaper to either publish a refutation of the article or give proofs to the information contained, in particular, to disclose the source of information. The author of the article Lilit Seyranian refused to do this. On the same day the court passed a decision obliging "Taregir" to publish a refutation. On November 23 the refutation was published.

It should be noted that the demand to the journalist and the media to disclose the information source was introduced in the judicial practice of independent Armenia for the first time.

ON NOVEMBER 11 "Noyan Tapan" TV company issued a statement, saying that on November 8 National Commission on Television and Radio did not accept the bid of the company to participate in the broadcast licensing competition announced on October 15 (*see above*). The refusal of the National Commission was substantiated by the fact that

the bid did not specify the frequency claimed by the TV company. The National Commission also failed to issue an appropriate receipt to "Noyan Tapan" where the lacking data of the application package were to be mentioned and opportunity to fill the omissions in within 10 days was to be given. By doing this, the National Commission violated Items 10 and 11 of the Procedure for holding broadcast licensing competitions. Besides, the demand to specify the frequency in the bid was incongruent with Article 49 of the RA Law "On Television and Radio", where the data to be presented in the application were defined, but no mentioning of the frequency specification was made.

In its statement "Noyan Tapan" TV company called on all the human rights organizations, journalistic associations, political parties, deputies of the National Assembly to thoroughly study the incident, assess it impartially and join in the protection of the rule of law. On the same day Yerevan Press Club and the Journalists Union of Armenia passed a joint statement, demanding to annul the decision on refusing to accept the bid of "Noyan Tapan" and restore the legitimate right of the TV company to participate in the competition. Statements to protect "Noyan Tapan" were also made by political parties and journalistic associations of the country.

On November 15 "Noyan Tapan" filed a suit with the RA Commercial Court versus the National Commission on Television and Radio. To secure the suit a petition was also submitted, requesting to suspend the competition proceedings until the court decision was enforced. This was due to the circumstance that even if the court considered the suit of "Noyan Tapan" within the shortest period possible, the decision would only come into force 15 days after it was passed. Yet, the applications for the competition were to be reviewed by the National Commission on November 19. On November 18 the petition was secured. The suspension of the competition aroused the concern of "A1+" TV company, which was among the applicants. In the opinion of the leader of "A1+" Mesrop Movsesian, the suspension of the competition was beneficial to the authorities, because the court proceedings could be protracted for months. As a result, the TV company would have no chance to go on air for a long time and would be unable to cover the presidential elections in February 2003. The leader of "Noyan Tapan" Tigran Harutiunian admitted the danger and called upon the public to do everything possible for the court decision to be passed as soon as possible.

On November 19 Tigran Harutiunian addressed the Chairman of the National Commission on Television and Radio Grigor Amalian with a suggestion for a reconciliatory agreement before the proceedings start. The agreement would specifically stipulate: "a) The National Commission accepts the bid of 'Noyan Tapan' LLC to participate in the competition for five UHF's of Yerevan and schedules the application package review and competition results announcement as soon as possible; b) 'Noyan Tapan' on its behalf assumes the obligation to refrain from further litigation on the matter." On November 23 at the session of the RA National Commission the proposal of "Noyan Tapan" was rejected on the grounds this reconciliation agreement would contradict the Procedure for holding broadcast licensing competitions and would violate the rights of other bidders.

On November 26 "A1+" TV company strictly condemned "Noyan Tapan", announcing it was acting to the benefit of authorities and pursuing its own petty interests.

On December 2 the RA Commercial Court secured the suit of "Noyan Tapan" and obliged the National Commission to accept the bid of "Noyan Tapan" within three days after the court decision is enforced. Yet, this time the application must specify the frequency

claimed by the TV company.

On December 10 at a press-conference the Head of OSCE Office in Yerevan Roy Reeve, when speaking about the assistance to the freedom of speech and media in Armenia, stressed the necessity of amending the RA Law "On Television and Radio", the adoption of which has resulted in non-issuance of licenses to "A1+" and "Noyan Tapan" TV companies. The Head of the mission said that OSCE followed closely the events surrounding the TV companies and the broadcast licensing competition. Roy Reeve expressed a wish for the competition to be held as soon as possible, before the presidential elections in February, 2003.

On December 12 at the session of OSCE Permanent Council the regular report of its Representative on Freedom of the Media Freimut Duve on the situation with media freedom in the region, including Armenia, was presented. Mr. Duve noted in particular: "I am still concerned regarding the state of affairs around the two independent TV stations: 'Noyan Tapan' and 'A1+'. Following a court decision in favor of 'Noyan Tapan' on 2 December, I hope that the tender for five frequencies can proceed quickly so that during the upcoming presidential elections and the preceding campaigns these two respected channels will be operational."

On December 16 the National Commission on Television and Radio challenged the decision of the Commercial Court of December 2 with Chamber for Civil and Commercial Cases of the RA Court of Cassation, thus confirming the fears of the journalistic community (and "A1+" TV company in particular) that this litigation would protract as the authorities were interested to freeze the competition with the elections coming.

On January 17, 2003 the supreme judicial body declined the challenge of the National Commission. On January 20 "Noyan Tapan" LLC submitted to the National Commission an application to compete for the 58th UHF in Yerevan.

ON NOVEMBER 14 private "Or " daily published an article by its editor Gayaneh Mukoyan and photographs referring to the intimate life of the Chief Editor of "**Aravot**" daily ***Aram Abrahamian***.

This publication was immediately condemned by the leading Armenian newspapers, journalist associations and was assessed as a most insolent, cynical and dirty intrusion into privacy.

On November 15 a number of media and journalistic associations of the country passed a joint statement, sighing, in particular, that "by this publication the newspaper has placed it outside the journalistic community and does not exist as a mass medium for us any longer. We call on our colleagues to refuse from any contacts or cooperation with this newspaper, display professional dignity and ignore the mere fact of its existence". Stressing that "this will be the treatment of all the media and journalists who will try to discredit our profession by similar pieces", the parties to the statement called on " all organizations not to invite the representatives of this newspaper to press-conferences, briefings and other events, thus demonstrating their attitudes to the edition". The statement also contained a demand to law and order bodies "to ensure the intactness of privacy, because this publication shows that not a single resident of the country can be sure that no one eavesdrops him or makes secret shootings of his private life, thus

brutally violating the RA Constitution and the commonly accepted international norms".

On November 15 the author of the article Gayaneh Mukoyan was expelled from two organizations: the National Press Club and the Association of Investigative Journalists of Armenia. Correspondent of "Or" Susanna Tonoyan thought it impossible for her to continue working for an edition, which allowed itself such demeanor.

On November 19 the RA Ministry of National Security denied its partiality to the appearance and dissemination of the videotape, the shots from which were published in "Or". The statement of the MNS Department of Public and Press Relations stresses that the Ministry is engaged in much more important state issues and the privacy of any individual is beyond the scope of its interest. Condemning the intrusion into privacy, the agency noted that this "is in no way compliant with the norms of journalistic and human ethics".

The publication (also repeated in the next issue of "Or", but this time with a white spot on the place of the pictures) caused even greater repudiation due to the fact that the author persisted in justifying this with high-flown aims, namely the zealous defense of the purity and morality of the journalistic profession. The occurrence was taken by journalistic community to be a consequence of the struggle of oligarch groups for control over media intensified before the elections and a very dangerous incident that can start a war of compromising materials for media.

ON NOVEMBER 27 in Gyumri (Shirak region) a conflict between the bodyguards of the Gyumri Mayor Vardan Ghukasian and the correspondent of "**Haikakan Zhamanak**" daily in Shirak **Arman Galoyan** occurred. According to the journalist, after the session of the Regional Council he was suddenly approached by the Mayor's bodyguards who started insulting him. Arman Galoyan tried to record what was being said, yet his recorder was immediately taken away and was returned some time later without the tape and the batteries. On the same day "Asparez" Journalists' Club disseminated a statement, in which it condemned the unhealthy relations that had been formed during the past eight months between Arman Galoyan and Gyumri municipality. In the opinion of "Asparez", the situation was caused by inadequate, often somewhat unethical publications of the journalist, on the other - the emotional and exaggerated response of people these publications told about. "This mutual intolerance may lead to tough consequences, unacceptable and abnormal for media-authorities relations", the statement of "Asparez" said.

DECEMBER, 2002

ON THE EVENING OF DECEMBER 28 a tragedy unmatched in the history of independent Armenian journalism occurred: the well-known journalist, the Chairman of Council of Public TV and Radio Company of Armenia, one of the founders of Yerevan Press Club **Tigran Naghdalian** was assassinated. The assassin made one shot at the head of Tigran Naghdalian with a TT gun, when the journalist was leaving the entrance of his parents' house in Yerevan. At about 19.30 the injured 36-year-old journalist was brought to one of the city hospitals, however, the doctors were unable to save his life.

On the same day the RA President Robert Kocharian made a statement, condemning the

murder of the journalist, qualifying it "as a vile display of terrorism". Statements and addresses of condolence were made also by the RA Ministry of Foreign Affairs, the Speaker of the National Assembly Armen Khachatrian, the Prime Minister Andranik Margarian, Catholicos of All Armenians Garegin II, a number of parties and politicians. At the funeral of the journalist, the RA Defense Minister Serge Sargsian, heading the governmental commission on the organization of the funeral, announced: "The law and order bodies of Armenia will do everything to disclose this vile assassination."

The Investigative Department of the RA General Prosecutor's Office instituted criminal proceedings on the fact of the assassination, according to Articles 61 and 232, s. 1 of the RA Criminal Code - terrorist attack and illegal storage, carriage and use of arms and ammunition. The General Prosecutor's Office addressed the public requesting assistance to the investigation of the crime and promised a reward of \$250 thousand to those who will help in the disclosure of the crime, search for people who ordered and implemented it.

The statement of Yerevan Press Club, released on December 29, emphasizes that year 2002, ending with a cynical murder of the head of a leading Armenian medium, was unrivaled in the history of independent Armenia with regard to violence towards journalists. "Whatever the motive for this crime is, it is another example of insolent defiance to our society and Armenian journalism, in particular. Such appalling deeds plunge one into horror, instill the atmosphere of fear, disrupt the freedom of speech and democracy. Yerevan Press Club has to state again that up to day not a single case of violence against journalists has been disclosed and demands that the competent agencies find the organizers and the implementers of this assassination", the statement said. "We hope and will do everything in our power for the journalistic community today to be united not only by the grief, but also the resolve to put an end to violence. We are to unite, regardless the political affiliations, to protect our rights and freedoms", YPC appealed.

Statements and condolences with regard to the tragic death of Tigran Naghdalian were voiced not only by Armenian, but also foreign professional associations. The address of the International Confederation of Journalists Unions said the death of Tigran Naghdalian was a huge loss for both the Armenian journalistic profession and the journalistic community worldwide. A hope is expressed that "the administration of the country and the law and order bodies will find those who ordered and executed this cynical murder". The statement of Baku Press Club, whose representatives had repeatedly met Naghdalian at various regional events, said: "He always strove for mutual understanding, tolerance, advocated the principles of freedom of expression and press. (...) Terror against journalists must be strongly condemned by everyone, everywhere and every time. The murder of a journalist is a barbaric act, a symptom of a most dangerous disease, which, if developing, can plunge the whole society into fear and silence." The President of the Association of Diplomatic Correspondents of Turkey Yusuf Kanli on behalf of his organization condemned "this cynical murder and cowardly attack", mourning "the tragic death of our distinguished colleague Tigran Naghdalian". " We also would like to express at this sad moment once again our solidarity with our colleagues in Armenia", the address said.

On January 8, 2003 the statement of Secretary General of the Council of Europe Walter Schwimmer was published, who strongly condemned the assassination of "one of the most prominent journalists in Armenia" and qualified it as "not only a crime against that person, but an attack on freedom of the media": "Armenian Public TV and Radio are

destined to play a crucial role in the democratic life of the country, especially in covering the forthcoming presidential and parliamentary elections." Paying particular tribute to Tigran Naghdalian's efforts to reform public broadcasting in Armenia in the line with European standards, and calling on everybody concerned to continue his work in the same open-minded spirit, the head of CE stressed: "This appalling and senseless act should not be allowed to disrupt the democratic process in Armenia. I call on the competent Armenian authorities to conduct a thorough and transparent investigation in order to bring those responsible to justice."