



YEREVAN PRESS CLUB

**2005: LACK OF INDEPENDENT BROADCASTING IS THE  
MAIN PROBLEM OF FREE EXPRESSION**

**ANNUAL REPORT OF YEREVAN PRESS CLUB AND  
COMMITTEE TO PROTECT FREEDOM OF EXPRESSION**

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#### JANUARY 2005

**ON JANUARY 5** the RA National Science Academy (NSA) demanded “A1+” TV company to vacate the premises it used at one of the Yerevan buildings, otherwise the eviction issue would be solved through court. This demand had repeatedly been voiced by the Science Academy throughout 2004 - under the pretext of the need to locate in the building the institutes and organizations of the Academy. On December 6, 2004, “A1+” addressed the Government with a request for permission to privatize the premises used. The response, received from the Department of the State Property Management of the RA Government, said that the premises in question were not subject to privatization, since were governed by the NSA (*see details in the Annual Report on Freedom of Speech in 2004 at YPC web site: [www.ypc.am](http://www.ypc.am)*).

The NSA also demanded that the TV company repay the office rental liabilities, equal to 700 thousand AMD (about \$ 1,500). In the opinion of “A1+” director, Mesrop Movsesian, by this NSA violated the existing agreement between the parties, according to which the rent was deduced from the investment “A1+” had made in the building renovation.

On April 11 RA Commercial Court heard the case of the RA National Science Academy versus the founder of “A1+” TV company, “Meltex” LLC. The attorney of “A1+” Tigran Ter-Yesayan made a counter-claim: should “A1+” be evicted, the Academy was to compensate the investment made by the TV company into the building renovation (over \$ 30,000, according to the head of the TV company). The Commercial Court dismissed the counter-claim and two other motions of the respondent (to compensate the expenses on the dissembling and transportation of the equipment, necessary to vacate the premises and to challenge the judge).

The RA Commercial court made a ruling to secure the suit of NAS; the ruling was challenged by the TV company with the court of supreme jurisdiction. On May 26 the RA Court of Cassation declined the suit of the founder of “A1+” TV company. As “Ayb-Feh” newspaper reported (*May 27, 2005*), the notification on the date of the session at the Court of Cassation was delivered to “A1+” editorial office only in the morning of May 26 - an hour before the hearing started. Thus, the newspaper stressed, the ruling of the court of supreme jurisdiction had been read in the absence of “A1+” representative.

On July 20 the RA National Science Academy demanded that “A1+” TV company vacate the premises it used within a week. On the same day the head of “A1+” addressed a letter to the RA Prime Minister Andranik Margarian. “Due to the governmental resolution on the transfer of the premises that we use to the National Science Academy (at 15, Grigor Lusavorich str.) and the court rulings that ensued, the work of “Ayb-Feh” weekly, “A1+” web-site, higher courses of TV journalism and “Hamaspur” network (uniting 11 regional TV companies - *ed. note*) is suspended”, the letter said in particular. Further on Mesrop Movsesian singled out the circumstance that no such demands were posed to other organizations renting offices in the same building; that “A1+” had been accurate in paying the rent, made investment in the capital renovation of the building, and the dismantling of the equipment, server and satellites called for great expenditures. “A1+” head asked the

Prime Minister to contribute to the prolongation of the agreement on the rental with the National Science Academy - so that at least temporarily six rooms on the first floor remain in the use of the editorial office to seat 40 employees. Should this request be met, Mesrop Movsesian expressed his readiness to vacate the rooms on the fourth floor of the building within two days. "We do not doubt that you are ready to demonstrate your assistance to the development of independent press", the address to the Prime Minister stressed. The Prime Minister of Armenia Andranik Margarian assigned the Head of the State Property Department Karineh Kirakosian to study the possibilities for allocating new premises to "A1+" TV company.

As of late 2005 this issue remained open.

**ON JANUARY 18** at the session of the National Commission on Television and Radio a decision was made to impose a fine of 200,000 (over \$ 400) on "**Hayrenik TV**". The grounds for the penalty were the rebroadcasting of the programs of French "Mezzo" TV channel by "Hayrenik TV" on December 23, 26, 27, 2004 and January 3-8, 2005. According to NCTR, by this "Hayrenik TV" violated the provisions of part 2 of Article 10 of the RA Law "On Television and Radio", stipulating the rebroadcasting of programs of foreign companies only on a contractual basis and only with a prior written notification of the National Commission about this. Besides, "Hayrenik TV" made an unauthorized broadcast of a number of films.

The decision of the NCTR caused much response in the press. ("Hayrenik TV", broadcasting since 2001, is the only channel in Armenia intended for children and essentially non-commercial. The owner of the TV company is a well-known entrepreneur Hrant Vardanian, the President of "Grand Holding" company.)

"Ayb-Feh" weekly (*January 21-27, 2005*) was surprised that the NCTR Chairman Grigor Amalian "has just noticed" "Mezzo" on the air of "Hayrenik TV", while the rebroadcasts are made for the third year already. "Iravunk" newspaper (*January 25-27, 2005*) supposed that the "strictness" of NCTR Chairman was not totally without context, "since he is somewhat related to film licensing and the license for demonstration of one film costs over 100 USD, which is quite a burden for the children TV channel", which "Hayrenik TV" is. In its issue of January 29, 2005 "Azg" daily reported the response of the head of the National Commission to article "Who Does the NCTR Head Grigor Amalian Fight With and What For?" published by the daily a day before. Grigor Amalian reminded the newspaper of the biblical commandment "Thou Shalt Not Steal". This response gave rise to new comments. On February 1 "Novoye Vremya" newspaper in an editorial comment to the article by Arman Vaneskeghian, the press-secretary of "Grand Holding", noted, particular: "There are ten commandments, and "thou shalt not steal" is only one of them. There are also others, say, the worldly commandment "thou shalt make no damage..." Make no damage to thousands of lovers of serious musical programs that can hardly be found on any other channel." In the article itself the press-secretary of "Grand Holding" notes: "I was sure that French "Mezzo" channel itself demanded the National Commission on Television and Radio to stop its unauthorized rebroadcasts. (...) Imagine the surprise when it turned out that the French had nothing to do with this and had made no protest." "Haikakan Zhamanak" daily (*February 1, 2005*) voiced a number of questions too: "Is NCTR monitoring all other TV companies to determine violations of the law, is the duration of lotteries, commercials corresponds to the limits stipulated by the law, is the volume of the self-produced programs compliant with the legal provisions, is..? In response to these questions Amalian always says that the technical capacities of the Commission are restricted and it is impossible to be checking everything thoroughly." This opinion was

shared by "Golos Armenii" newspaper (February 1, 2005): "Other, much more outrageous and scandalous facts of incompliance of some Armenian channels with not simply some clauses of the law, but to it in general, can be quoted. And of course, examples of the passive behavior of Commission in terms of revealing such offences can be quoted as well." "Aravot" daily (February 2, 2005) thought it is difficult to determine who is right in the conflict of NCTR and "Hayrenik TV" and advised the owner of the latter to file a suit with the court. At the same time the newspaper expressed its amazement at the fact that "Hayrenik TV" had more supporters than "A1+" and "Noyan Tapan" had when deprived of air by the same Commission: "Currently the National Commission on Television and Radio is accused of lack of state thinking even by those media who used to stand for it might and main." And since, in the opinion of "Aravot", "no one in Armenia expect NCTR to pass a decision, corresponding to the law", in the case of "Hayrenik" many people refused to see it as a purely legal problem: "They are trying to find other reasons for such unusual actions of NCTR - such as backstage fight against the owner of "Hayrenik" TV company, etc. And frankly speaking, this version seems to be the closest to reality."

On February 15 the National Commission on Television and Radio addressed the RA Commercial Court with a suit versus "Hayrenik TV", obliging the TV company to pay the fine. NCTR clarified that the start of litigation was explained by the expiration of the deadline legally stipulated for the fine payment. As a response to it, according to the communication of "Arminfo" news agency of February 15, the owner of "Hayrenik TV" announced that he was not going to be "a victim of bribery", would not follow Grigor Amalian's will and would not pay the penalty. The well-known businessman was even ready to shut down "Hayrenik TV" should the need arise, but he would not stop the rebroadcast of "Mezzo" TV channel that had no claims in this regard. Hrant Vardanian told the correspondent of "Arminfo" that the head of NCTR personally controlled the sale of the right to demonstrate licensed films and for this reason he was lobbying his own economic interests, inducing the TV channels to refuse the rebroadcasts of foreign programs. The court hearings scheduled for March 15 did not take place. As NCTR informed, on March 3 "Hayrenik TV" paid the fine, after which the suit was revoked.

**ON JANUARY 19** a number of Armenian media announced an information boycott to the Chairman of "Union of Armenian Aryans" party Armen Avetisian. The reason for the boycott was the insulting statements made by the leader of Armenian Aryans during the press-conference of January 19, given by public union "Against the Numeration of People". According to "Arminfo" news agency, Armen Avetisian "made an inadequate response" to the question of journalists about the public promise made (but never fulfilled) on revealing the list allegedly held of state officials who were homosexual. "I refuse to answer the provoking questions of the sexually perverted journalists and will only answer questions regarding social cards and individual data", the head of Armenian Aryans said in particular, after which some media representatives left the press-conference.

Previously, "Union of Armenian Aryans", headed by Avetisian, was mentioned in the Report on Global Anti-Semitism in 2004, released by the US Department of State on January 5. The section on Armenia of the report tells about the calls of the party "for the country to be 'purified' of Jews and Yezidis". In the same report the owner, the head of "ALM" media holding Tigran Karapetian was also mentioned - as he "frequently made anti-Semitic remarks on the air".

On January 25 the Public Relations and Information Department of the RA General Prosecutor's Office informed about the arrest of the Chairman of "Union of Armenian Aryans". The press release of the General Prosecutor's Office noted that Armen Avetisian

“in his articles published in press, TV and other public speeches, at press-conferences has repeatedly made assessments that were humiliating, discrediting and insulting for representatives of Jewish nationality, disseminated discrediting opinions, thus inciting national hatred and hostility towards them”. On January 24 Armen Avetisian was charged on item 1, part 2, Article 226 of the Criminal Code (“Inciting national racial or religious hostility”). On the same day, January 24, Avetisian was arrested. On March 18 Advertising was sentenced to three years’ conventional imprisonment with two years’ probation and was released from the courtroom.

**ON JANUARY 20** the RA President Robert Kocharian signed a decree to hold a competition for filling in the vacancies in the Council of Public Television and Radio Company of Armenia. The competition was announced due to expiration of a four-year term of service of two Council members - Henrik Hovhannisian and Stepan Poghosian. Such competition was held in Armenia for the first time and was conditioned by the amendments to the RA Law “On Television and Radio”, adopted on December 3, 2003 by the National Assembly.

On February 3, after the deadline for the nomination of candidates (February 1), Yerevan Press Club, Journalists Union of Armenia, Internews Armenia public organization, Committee to Protect Freedom of Expression that noted in particular that the amendments in broadcast law did not in any way comply with the essence and aims of the recommendations of Council of Europe experts to ensure greater transparency of regulatory bodies formation:» In particular, the Law does not stipulate the procedure for forming the competition commission, leaving it completely at the discretion of the President of the republic. If previously the head of the state directly appointed the members of the Council, he now appoints them out of the winners determined by the commission he had formed.” The four journalistic association qualified amendments to the Law and the competition announced basing on them to be “an imitation of democratic procedures” and the need for real reforms was stressed again.

The competition was held on February 7, and the commission (headed by the Chairman of the Council of Public TV and Radio Company Alexan Harutiunian) presented the winners of the competition to the head of the state along with a written justification for the selection. The Commission selected Stepan Poghosian and Henrik Hovhannisian who, “as compared to other applicants, are much more adequate to the criteria stipulated by the law”, “have scientific degrees, are authors of dozens of monographs and articles, have a rich biography and a long-year work experience, including activity as members of the Council of the Public TV and Radio Company in 2001-2005”. The presidential decree on the appointment of new PTRC members was signed on February 14.

A similar competition to fill in vacancies at the National Commission on Television and Radio (the body that regulates private broadcasting) was announced on March 24 due to the expiration of the four-year terms of three NCTR members - Simavon Andreasian, Mushegh Hovsepian and Ara Tadevosian and held on April 9. Out of ten candidates the competition commission, also formed by the President of Armenia, selected Zhirayr Dadasian, Ara Tadevosian and Simavon Andreasian. Thus, only one replacement was made in the NCTR.

## **FEBRUARY 2005**

**ON FEBRUARY 1** in “Golos Armenii” newspaper the Chairman of “Armenian Press” Association of Editors-Publishers Vardan Aloyan raised the issue of disappearance of

newspaper stalls from Yerevan streets. Having listed the places, where the stalls had already been demolished, Vardan Aloyan addressed the guest of the permanent section “HotLine” Yerevan Mayor Yervand Zakharian with the following question: “There is an impression that the municipality has recently announced a war to newspaper stalls. (...) Apparently, the municipality is unable to suppress the wish of our oligarchs to gain these nice pieces of Yerevan land. But then why doesn’t the city administration provide other places on equally animated routes to move the stalls there? Because every newspaper stall demolished is another attack on media accessibility for people.” The head of Yerevan municipality ensured that the issue was “presently on the agenda of city authorities” and “the newspaper stalls will be retained, and so will be their main purpose - the sale of newspapers and magazines”.

It should be noted that still back in 2001 the media heads demanded that the government stop the privatization of “Haymamul” Press Dissemination Agency. The protest was caused in particular by the governmental resolution of November 15, 2001 on the privatization of over 300 newspaper stalls owned by “Haymamul”. The privilege here was given to the newspaper vendors themselves. One of the mandatory terms of the privatization was retaining the direct function of the newspaper stalls during five years (even in the case of a change of owner). In the opinion of media and experts, this term was not sufficient to guarantee that the sale of the publications would not reduce. The events described come to confirm the validity of journalistic fears.

**ON FEBRUARY 9** “Haikakan Zhamanak” daily informed that the day before, on February 8, an employee of the Yerevan Investigation Department of RA Police Ashot Kostanian made a resolution on stopping the investigation on the criminal proceedings on the ignition of the car, owned by “**Haikakan Zhamanak**” and used by its Chief Editor **Nikol Pashinian**. The ruling was grounded on that no one was identified to be charged with the case. At the same time, the investigator thought it necessary to direct a copy of the ruling to Center Department of the Yerevan Police “to continue the operative inquiry to determine the person, who committed the crime”.

The fire of the editorial car occurred on November 22, 2004, and, according to the conclusion of the forensic fire examination, it was caused by an open fire source. The Chief Editor of “Haikakan Zhamanak” Nikol Pashinian qualified the incident as deliberate, directed personally against him, and introduced a version of the well known businessman, head of “Multigroup” concern and a deputy of the RA National Assembly Gagik Tsarukian being partial to it (*see details in the Annual Report for 2004 at YPC web site: [www.ypc.am](http://www.ypc.am)*).

The information on the case closure was placed on the front page of “Haikakan Zhamanak” and was accompanied by a picture of Gagik Tsarukian. The newspaper pointed out the fact that the investigation body did not even interrogate Gagik Tsarukian. The newspaper also reminded that the investigator on the car ignition case was also in charge of the investigation of attacks on journalists during opposition rally on April 5, 2004. (For the two of the media attackers the issue was then settled by just a fine, and the sentence, the trial itself, along with the preliminary investigation on the events of April 5 were qualified by a number of journalistic organizations to be a farce).

On February 23 “Haikakan Zhamanak” daily addressed the Prosecutor of Yerevan Hrachia Badalian with a petition to abolish the ruling on stopping the investigation. In the response of Yerevan Prosecutor’s Office, received on March 8, the ruling of the investigator to discontinue the investigation of the case was recognized to be justified.

**ON FEBRUARY 14** at the session of the National Commission on Television and Radio the results of the broadcast licensing competitions, announced on September 16 and 17, 2004, were released. The greatest interest of the journalistic community was caused by competitions for two FM's in Yerevan - 100.6 MHz and 101.1 MHz. Among the bidders for these was also "MS Explorer" LLC, founded by "A1+" TV company (deprived of air since April 2002) and the Center "Cooperation for Democracy". By the voting of the National Commission, "MS Explorer" LLC lost. Thus, NCTR refused the air – this time, radio- to "A1+" for the tenth time. Meanwhile, in the report of the Monitoring Group of the Council of Europe Committee of Ministers (the group of Roland Wegener) on Armenia implementing its commitments to the CE, approved by the Committee of Ministers on January 22, 2005, it was noted that during the meeting with the RA President in Yerevan, the representatives of the group raised the issue of "A1+", stressing its "symbolic value". To this the RA President repeated that he could not interfere into the frequency allotment process, insisting at the same time on the need for media pluralism in the country and asked again for "an international audit of the Armenian broadcast landscape". The report of the Wegener Group also voiced its unease over the lack of changes in the membership of the broadcast supervisory bodies (NCTR and the Council of the Public TV and Radio Company), the members of which were still appointed by a single authority, the President of the country.

**ON FEBRUARY 28** the US Department of State released its annual report on human rights practices in 2004 in different countries of the world, prepared by the Bureau of Democracy, Human Rights, and Labor.

Referring to the situation on freedom of speech and press in Armenia, the US Department of State noted that while the Constitution provides for freedom of speech and of the press, "the Government partially limited freedom of speech, and there were several incidents of violence, intimidation and self-censorship". The assessments of the report for 2004 mostly repeated the ones given previously. Thus, the state printing house and the distribution agency functioned as commercial enterprises - "with no apparent government intervention", "no newspaper was completely independent of patronage from economic or political interest groups or individuals". The news coverage of the private TV companies in the capital and other cities of the country are generally independent and of good technical quality, however, the substantive quality of news reporting varied due to self-censorship by journalists and the stations' dependence on patronage. As to the Public Television of Armenia, by the assessment of the US Department of State, its news coverage continued to be significantly influenced by senior officials within the office of the President of the country; while its news reporting was mostly factual, it avoided editorial commentary or criticism of the Government: "For example, it provided little coverage of the April 12 and 13 political demonstrations in the capital." The report also noted that "A1+", "one of the countries last independent television stations", did not get a broadcast license in 2002 "because of sharp critical coverage of the President Kocharian's administration". The report also mentioned the refusal of "Kentron" TV company in October 2004 to continue broadcasting the program of Radio Free Europe/Radio Liberty. The statement that "major media outlets in the country were generally pro-government" was illustrated by the report authors with the 2003 presidential election campaign, when "the majority of the media, including Public TV of Armenia, most private television stations, and the major state-funded newspaper, all provided heavily biased news coverage that favored incumbent President Kocharian". The situation of freedom of speech and press in 2004 was also defined in the report in the context with the cases of "harassment of journalists". Among the specific examples are the incidents at the opposition rallies of April 5 and on April 12-

13, the violence against the photojournalist in Tsaghkadzor on August 24. The report also noted the adoption of amendments to the RA Criminal Code, in particular, the certain mildening of the punishment stipulated for the libel and insult of an official. However, it is stressed that the libel and insult remain criminal offences. In the section of the US Department of State's report on the freedom of religion in Armenia it was noted also that the head of "ALM" TV company "frequently made anti-Semitic remarks on the air".

## **MARCH 2005**

**ON MARCH 14** the US Committee to Protect Journalists released its annual worldwide report "Attacks on the Press in 2004".

In the section of the report on Armenia it was noted that the government failed to protect journalists during the demonstrations in April, and "in some cases, authorities were directly involved in attacks on the press". Among the specific examples of attacks on press the report lists the events of April 5 and April 13, 2004. "The impunity surrounding these attacks made journalists more vulnerable", CPJ noted, illustrating this point by another case of violence against the photojournalist on August 24, 2004 in Tsaghkadzor. In the opinion of the CPJ, "television coverage of the spring opposition rallies and other politically sensitive issues favored" RA President Robert Kocharian, "who ensured that TV stations remained in the hands of government supporters or those who would not criticize his policies". The report also told about the situation and developments with regard to deprivation of "A1+" of air - "an independent and influential TV station that had sharply criticized government policies". While unlike television, the print media enjoy greater autonomy from government control, but most publications "are controlled by political parties and wealthy businessmen, compromising their editorial independence and professional standards". CPJ also paid attention to the continuing negligence of Armenian authorities towards the appeals of journalistic associations, Council of Europe and OSCE on decriminalization of libel and insult.

**ON MARCH 22** the National Assembly of Armenia passed the RA Law "**On Fight Against Terrorism**". A certain concern of the journalistic community was caused by the provisions of the draft, restricting the rights of the media representatives to access and dissemination of information, related to terrorism.

In particular, Article 14 of the Law, "Restriction of Information on Antiterrorist Actions", prohibits the dissemination of information that disclose the methods and devices used in antiterrorist actions, can obstruct their implementation and represent danger for the life and health of citizens, as well as are directed to promotion or justification of terrorism. Besides, the journalists are not allowed to disseminate information on the activities of state bodies, participating in the anti-terrorist actions, the staff of special services and their subdivisions on fight against terrorism, as well as on people who assisted the anti-terrorist actions.

On April 19 the President of Armenia Robert Kocharian signed the RA Law "On Fight Against Terrorism". In other words, provisions had come into force that can very loosely be interpreted and become another barrier for the freedom of expression and access to official information.

**ON MARCH 22** the Vienna-based International Press Institute (IPI) published its annual World Press Freedom Review for 2004. Examining the media situation in 191 countries and territories, the IPI has revealed "the overwhelming failure of the authorities in many parts of



the world to properly investigate and prosecute the killers of journalists". 2004 was one of the worst years since IPI first started keeping records.

In the review section on Armenia it was noted that although there is no direct censorship and plurality of media exists, the media in Armenia are not completely free. The review described the situation of the media legislation of the country and listed the examples of the right infringements of journalists and media, freedom of speech restrictions in 2004: in particular, the attacks on journalists during the opposition rallies in Yerevan on April 5 and April 12-13 were presented, along with numerous other cases of violence against journalists that occurred in the capital and other cities of the country. IPI also told about the non-granting a broadcast license to "A1+" independent TV Company, deprived of air since April 2002. "Attacks on journalists and independent media did not decrease, and while the government tried to support journalists, the journalists still maintain that these attempts were very much for show. As a result the media in the country are still far from being free", International Press Institute concluded.

**ON MARCH 31** at Journalists Union of Armenia the representatives of the country's several journalistic and human rights organizations announced the start of "A1+" support actions, devoted to the three years of the TV company's loss of air (April 2, 2002). Initiators of "A1+" support actions called on journalists for participating in the procession and rally on April 2, 2005, where a campaign was to be held on gathering signatures for the petition to RA Ministry of Transport and Communication to allocate a vacant frequency for conducting a new broadcast licensing competition.

On the same day, March 31, the joint statement, adopted by Journalists Union of Armenia, Yerevan Press Club, Internews Armenia public organization, Committee to Protect Freedom of Expression and Helsinki Committee of Armenia, noted in particular that assessing "A1+" bids in all the eight competitions as lower than competitive ones, National Commission on Television and Radio proceeded not from their content or professional level of the TV company, but complied with the political order of the authorities. The signatories supported the demand of "A1+" action initiators urging the NCTR and RA Ministry of Transport and Communication as well as other competent bodies to allocate a vacant frequency and conduct a new - open and transparent - licensing competition. The statement of the five public organizations ended with the call for supporting this civil claim and filing similar addresses to the National Commission on Television and Radio. One day before and on the day of the action itself some newspapers, on their front pages, made an appeal to public to join the action and support the demand made.

On April 2 in Yerevan a procession and a rally to support "A1+" were held in Yerevan by Komitas monument, where the signature gathering to support the demand started, too. The action was supposed to last for 10 days. During the rally to support "A1+", the representatives of the State Traffic Police took the car owned by the TV company, carrying the banners, loud-speakers and other equipment, to the penalty area. (As the Press Secretary of the RA Police Sayat Shirinian announced to the press, after the penalty is paid, the car will be returned to the owner and the remaining equipment will be confiscated, according to the law).

On April 12 in Yerevan by Komitas monument another rally to protect "A1+" TV company was held, where the signature campaign prolongation till May 3 was announced.

On May 3 at the Journalists Union of Armenia at a meeting with journalists it was stated that 5,750 signatures were made by citizens. On the same day, May 3, the petition to

allocate a vacant frequency with the signatures gathered was sent to the RA Government. However, the petition had no consequences.

## **APRIL 2005**

**IN THE EARLY MORNING OF APRIL 1** in Goris (Syunik region) the Niva car, owned by the Chief Editor of “**Syunyats Yerkir**” newspaper **Samvel Alexanian** and parked in his yard, went on fire.

On April 1 the Chief Editor of “Syunyats Yerkir” released an address to the RA President Robert Kocharian, Armenian media, diplomatic missions accredited in the country, international and journalistic organizations, Head of OSCE Office in Yerevan Vladimir Pryakhin. In his letter Samvel Alexanian qualified the incident as “yet another display of unleashed terrorist actions of the Syunik Governor against “Syunyats Yerkir” newspaper”. The reason for the incident, in Alexanian’s opinion, was his interview to “Novoye Vremya” newspaper (*March 12, 2005*), “after which the editor of the newspaper received numerous warning from the Governor through intermediaries and anonymous night calls”. In the interview the Chief Editor was telling about the continuing pressure on him and his family from the representatives of the local authorities, in particular, the Governor of Syunik region Suren Khachatryan. (The Chief Editor of “Syunyats Yerkir” was the press-secretary of the Syunik Governor and was dismissed from that position in late September, 2004). The Governor himself publicly denied all the accusations to his address and said he would punish Samvel Alexanian in accordance with the law.

On June 1 the Prosecutor’s Office of Syunik region suspended the investigation on the ignition of Samvel Alexanian’s car. And on June 24 the court of primary jurisdiction of the Syunik region ruled to discontinue the litigation on the attack on Samvel Alexanian that happened on October 13, 2004 in the editorial office of “Syunyats Yerkir”. Criminal proceedings were instituted on the case by Article 258 (“Public Disorder”) of the RA Criminal Code (*see details in the Annual Report for 2004 at YPC web site: www.ypc.am*). On June 30 “Syunyats Yerkir” disseminated a statement on the discontinuation of the litigation. “The grounds for this court ruling were, as specified in the resolution, the change of the situation. The main circumstance that affected the changed situation, judging from the resolution, was the decoration of one of the criminals with a medal, invented by organization he himself heads and distributed in this region by kilograms”, the statement of newspaper said. It is further reported that after the start of the hearings “Syunyats Yerkir” had three times challenged the judge, these motions being refused all the time, for this reason it boycotted the subsequent sessions. Samvel Alexanian protested the ruling made with the RA Court of Appeals who left it unchanged on August 29. On December 2 the RA Court of Cassation rejected the appeal of Samvel Alexanian.

**ON APRIL 20** the National Commission on Television and Radio held a working meeting of NCTR Chairman Grigor Amalian with the heads of the national and local TV companies. At the meeting the issues of strong alcoholic drinks advertising, actively broadcast on Armenian TV air, was discussed. According to NCTR representatives, the National Commission is not always able to apply sanctions to broadcasters due to the imperfection of the RA Law “On Advertising”. The amendments to the Law, prohibiting, in particular, the advertising of strong beverages (but for brandy) and tobacco products in broadcast media, were adopted by the Parliament on June 26, 2002 and enacted since January 1, 2003. Yet the amounts of alcohol, particularly, of vodka type, on the air did not reduce since that time. The TV companies started to indirectly advertise alcoholic drinks by brand promotion, since the Law did not stipulate any punishment for such a “trick”. However, this

“indirectness” was so straightforward that the viewers had no doubts as to the advertising object.

At the NCTR meeting it was agreed to completely stop the TV advertising of strong alcoholic drinks since June 1, 2005. Meanwhile, the “alcohol” advertising on the air continues.

**ON APRIL 22 “Ankyun+3”** TV company (Alaverdi, Lori region) went on air with almost a three-hour delay. According to the Director of the TV company Sos Siradeghian, the reason was the damage of cables, connecting the studio to the TV tower. The damage was revealed at about 18.00, right before the start of the broadcasts. The cables drawn to the TV tower on the roof of the neighboring building were cut by nippers. In the opinion of “Ankyun+3” head, the incident is related to the election campaign for the position of Alaverdi Mayor currently underway (the ballot is to be held on May 8). Sos Siradeghian noted, though, that all three candidates for the position of the head of the municipality expressed their indignation at the occurrence. The Director of the TV company also informed that he had notified the territorial subdivision of the RA National Security Service. A report on the incident was shown the next day, on April 23, by the newscast of “Ankyun+3”.

**ON APRIL 22** at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan the process on the suit of “**Investigative Journalists**” versus Republic of Armenia started. The plaintiff demanded to be compensated the court losses and other expenditures incurred during the lengthy litigation against the Yerevan municipality. The losses were estimated to be 308,000 AMD (over \$ 700). The litigation against the Yerevan municipality started more than a year before, on April 14, 2004, due the refusal to provide the resolutions, necessary for the journalistic investigation. The documents requested were adopted by the municipality in 1997-2003 and referred to the construction in the public green zone around the National Opera and Ballet Theater. Courts of primary and secondary jurisdiction rejected this claim, the court of supreme jurisdiction directed the case for repeated consideration of the Court of Appeals (in new composition), which secured the claim. Then the municipality challenged the ruling made, however, on February 10, 2005, the Court of Cassation left it unchanged (*see details in the Annual Report for 2004 at YPC web site: [www.ypc.am](http://www.ypc.am)*). Despite the ruling, the city authorities did not provide the documents, and on March 17 “Investigative Journalists” addressed the RA Compulsory Execution Service. Access to information was only granted to “Investigative Journalists” in early 2006.

At the court session of April 22 the representative of the RA Ministry of Finance and Economy (which, according to the legislation, is a respondent on such cases) made a motion to involve the Yerevan municipality as a second respondent, to determine why the latter did not comply with the court ruling. On May 24 the court ruled to secure the demand of “Investigative Journalists” and obliged the Ministry of Finance and Economy to compensate for the expenses of the plaintiff. The Ministry challenged the ruling with the Court of Appeals and Court of Cassation. The courts, on their part, ruled that the compensation had to be paid (the resolution of the court of supreme jurisdiction was made on November 25).

**ON APRIL 26** at the press-conference of the RA Human Rights Defender Larisa Alaverdian the report on the violation of human rights and fundamental freedoms in 2004 in Armenia was presented.

One of the sections of this annual report was devoted to the right to free expression and the right to seek receive and impart information. It states, in particular, that the RA Law “On Mass Communication” guarantees the right to free speech, free expression of opinion and dissemination of ideas, and Article 164 of the RA Criminal Code stipulates liability for impeding the legal professional activities of a journalist. “However, the failure to disclose and punish those, who committed violence and caused physical, moral and material damage to media representatives in April 2004 and later, shows that the guarantees, envisaged by the law, are insufficient and do not enable the media representatives fully, freely and safely exercise their profession”, the report of the Human Rights Defender notes. This statement was illustrated by a number of incidents that occurred in different cities of the country.

“There are serious objections against criminal insult. The corresponding Article of the Criminal Code endangers the freedom of expression; it particularly restricts the freedom of criticism, since the person criticized can view any expression to be humiliation of his honor and dignity. It is also unacceptable to stipulate different punishments for the insult of an official and a simple human being”, the report says.

The existence of a big number of media is, in the opinion of the Human Rights Defender, a source of hope with the regard to realization of free expression. However, as the report notes, “the involvement of the President of the Republic in the formation of the National Commission on Television and Radio disrupts trust in the independence of the Commission”.

The document also stated the problem of the application of the RA Law “On Freedom of Information”, in particular, “in implementing the legally stipulated procedure for the information provision by state bodies and local self-government of all levels”: “The groundless refusal to provide information to citizens or NGOs has become very common”. This statement was confirmed specific cases when information provision was refused. Besides, the report said, the notions of “commercial secret” and “personal data” are given loose interpretation. The unreserved implementation of the requirements of the Law “On Freedom of Information” by the authorities and administrative structures of all levels is one of the most important guarantees of human rights protection, the annual report of the Armenian Ombudsman reminded.

**ON APRIL 27** international human rights organization “Freedom House” published its annual press freedom study for 2004. The overall level of press freedom worldwide worsened, continuing a three-year downward trend – such is the conclusion of the “Freedom House” researchers of the assessment of media situation in 194 countries. “Even in established democracies press freedom should not be taken for granted”, said “Freedom House” Executive Director Jennifer Windsor. “It must be defended and nurtured.” The media situation was assessed by “Freedom House” by assigning a numerical score from 1 to 100 by the following categories: free (1-30 points), partly free (31-60 points), not free (61-100) - the lower the score, the higher the freedom. In 2004, similarly to 2003, the Armenian rating made 64 points. In other words, Armenian media remain in the category of not free, to which they were downgraded in 2002.

## **MAY 2005**

**ON MAY 3** at an event held in celebration of the World Press Freedom Day by the UN Office in Armenia and Yerevan Press Club the **YPC** press release was disseminated. It noted in particular, that in 2004 the theme for World Press Freedom Day this year was

chosen to be “Media and Good Governance”; thus, the UN places particular emphasis on the role of media - and the active public involvement it can channel - in the debate and decision-making on the major problems faced by the country. “In case of Armenia such problems are several - the maximum democratization, constitutional amendments, improvement of the electoral process and conductance of free and democratic elections, peaceful resolution of Karabagh conflict. In all these issues it is the media that must ensure the dialogue between the citizens and the state, the effective use of the intellectual potential of the society”, YPC press release said. The opportunities of media to enhance the effectiveness of the country governance is restricted by the obstacles the media face. Among such the following were named: “The numerous cases of violence against media and journalists - and year 2004 was exceptional in this regard. Those responsible for violence either stay unpunished, or the penalties applied to them are inadequate to the offences committed. “A1+” TV company still remains out of air, despite the protests voiced by numerous local and international organizations. The two bodies, regulating the broadcast sphere, the National Commission on Television and Radio and the Council of the Public TV and Radio Company, are still supervised by the executive power and dependent on it, despite the formal amendments in the law. This, in its turn, results in the dependence of the broadcast media.”

## **JUNE 2005**

**ON JUNE 4** the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan selected arrest as a preventive punishment of **Theresa Asatrian**, a member of the Journalists Union of Armenia.

According to the June 2 press release of the Public Relations and Information Department of the RA General Prosecutor’s Office, Theresa Asatrian was detained on June 1 on a charge of attempted cheating (clause 2 part 2 of Article 34-178 of the RA Criminal Code) and of involvement in bribing (clause 1 part 3 of Article 38-312 of the RA Criminal Code). On May 17, 2005, the press release of the General Prosecutor’s Office informed, Theresa Asatrian provoked the notary of Vanadzor notary region Arusiak Azarian to give a bribe of 3,500 USD allegedly to prevent the submission to the court of the materials against the notary gathered by the RA National Security Service, and the publication of a revelatory article written by the journalist herself. “Under this pretext, on May 17, 2005 Theresa Asatrian received from Arusiak Azarian \$ 1,000, and she did not get the remaining \$ 2,500 for reasons beyond her control”, the General Prosecutor’s Office reported.

The detainment of the journalist was broadly covered by Armenian media which, basically, each in its own way, described the details of the meeting of Theresa Asatrian and Arusiak Azarian. Thus, Armineh Ohanian, in her article “Accused of Cheating” (*“Haikakan Zhamanak” daily, June 3, 2005*) wrote that on May 30 she had received an unexpected telephone call from Theresa Asatrian, who said she had prepared an article on Vanadzor notary Arusiak Azarian, which she would like to have published in the daily. The lengthy article by Theresa Asatrian given to “Haikakan Zhamanak” told, in particular, about the possible involvement of Arusiak Azarian in several questionable deals, as well as, to a certain extent, to the murder - in summer 2004 - of a Vanadzor major criminal nicknamed Goga (Gevorg Arakelian, “Aravot” daily specified on June 3, 2005, quoting the same version). When describing the situation, “Haikakan Zhamanak” noted that so far it was unclear, whether the law enforcement bodies possess weighty proofs of the guilt of Theresa Asatrian (apart from the statement and the testimony of the notary). The publication promised to follow the developments and to inform the public, since “the defendant is a journalist, and we know numerous cases when attempts to restrict freedom

of expression were disguised as criminal proceedings, and the time will show whether it is the same case or we are dealing with a completely different reality”.

On July 15 the RA Human Rights Defender Larisa Alaverdian addressed the RA General Prosecutor Aghvan Hovsepiyan with a request to consider the issue of how appropriate the custody of Teresa Asatrian is. According to the appeal of Theresa Asatrian to the Ombudsman, in the preventive punishment selection her health condition and her two minor children were not taken into account. The grounds for Ombudsman’s addressing the General Prosecutor were also the report on the visit of the Fast Response Group of the Human Rights Defender’s Office to Theresa Asatrian. Theresa Asatrian also addressed Journalists Union of Armenia and Helsinki Committee of Armenia requesting to make a motion of changing her preventive punishment. JUA and HCA on their behalf sent corresponding letters to the General Prosecutor. However, the preventive punishment remained the same.

On August 31 in Vanadzor in the court of primary jurisdiction of Lori region the trial on the case started. On October 6 the court convicted Theresa Asatrian to 3 years’ imprisonment and a fine of 400,000 AMD (about \$ 900). The sentence was challenged with the RA Court of Appeals. On December 5 the Court of Appeals recognized Theresa Asatrian not guilty on one of the charges - involvement in bribery. On the other charge, attempted cheating, the fine imposed was twice reduced - to 200 thousand AMD (about \$ 450). Theresa Asatrian was released from the courtroom.

## **JULY 2005**

**ON JULY 13** seven NGOs of Armenia - YPC, Journalists Union of Armenia, Internews Armenia, Committee to Protect Freedom of Expression, "Investigative Journalists", "TEAM" Research Center and "Asparez" Journalist's Club of Gyumri - passed a joint statement **on the draft amendments to the RA Constitution**.

The statement presented the proposals of journalistic organizations on some provisions of the draft amendments, directed by Armenian authorities to the consideration of Venice Commission, and on August 29 were to be discussed at an extraordinary session of the RA National Assembly. In particular, it was stressed that the draft amendments to the Constitution had a provision, according to which the members of the **authority** regulating the broadcast media, are appointed by the RA National Assembly upon the nomination by the RA President. Further in the statement it was noted that the RA Law “On Television and radio” stipulates the existence of two regulatory bodies – the Council of Public TV and Radio Company and the National Commission on Television and Radio, and therefore, the provision was to refer not to an authority, but to **authorities**, particularly since many CE documents mention “media regulatory **authorities**”. The authors of the statement also noted: “It would be more reasonable and effective that the National Assembly, as a representative institution that expresses the interests of various groups of society, nominate the members of the regulatory bodies, and the President, as the constitutional guarantee and the head of state, make the appointment. This will ensure the active involvement of various power branches and of the public in the formation of these bodies”.

The seven journalistic associations also proposed that the Constitution should contain a provision that prohibits any form of censorship: “This proposal of ours is based on the reality that in countries committed to democracy that used to have censorship agencies in their recent past retain the threat of introducing certain forms of disguised censorship. The provision on prohibiting any form of censorship in the Constitution will be a guarantee for

eliminating its concealed manifestations in different laws”.

On July 27 the journalistic associations mentioned above made another statement saying, in particular, the following: “(...) we received a response from the Venice Commission to the effect that our proposals (of July 13 - *ed. note*) will be studied in the course of developing the Final Opinion on the Constitutional Reform in the Republic of Armenia. In the Draft Final Opinion, sent from Strasbourg on July 21, it is actually proposed to change the provision on the appointment of the regulatory body for broadcasting (National Commission on Television and Radio): instead of what was prescribed by the authorities (appointment by the RA National Assembly on the nomination by the President), the Venice Commission proposes the appointment of the 1/2 members by the President and of 1/2 - by the National Assembly. As to the Council of the Public Televisions and Radio Company, the document only notes that its formation by the President has been seen as problematic, however, no specific proposals are made in the context of constitutional amendments. Nothing is said about our proposal to include a provision that would prohibit any form of censorship in the Constitution, either.”

In the opinion of seven journalistic associations, “the recommendations of the Venice Commission with regard to media freedom, independence and diversity are deficient and fail to provide the necessary guarantees for freedom of expression in Armenia”: “a constitutional provision can be of significance if it conveys certain values, principles and guarantees. The equipotent participation of the President and the Parliament in the appointment of the NCTR does not add anything of substance to the guarantees of independence for this body, and the Council of Public TV and Radio Company, as mentioned above, is completely neglected. Moreover, the constitutional stipulation of the fundamental, yet quite imperfect mechanisms for the formation of this body restricts the possibilities for developing adequate procedures in specific legal acts and their further improvement.”

The signatories called on the RA National Assembly deputies to either accept our previous proposal or to develop general provisions that would ensure the involvement of the Parliament in the formation of various independent bodies, regulating the spheres of public importance (including the NCTR and CPTRC), or else to simply remove from the draft amendments to the Constitution any clause defining specific mechanisms for the formation of a specific body (NCTR). It was also proposed that the issues of appointing regulatory bodies for broadcasting be solved by a radical reformation of the RA Law “On Television and Radio”.

A statement on the draft constitutional amendments regarding media was made on July 28 by the RA Human Rights Defender Larisa Alaverdian. The ombudsman, too, was of the opinion that “the RA Constitution must record the provisions referring to at least two bodies”, regulating the broadcasting. The most optimal of the existing options for forming these bodies, as Larisa Alaverdian believes, is the nominations of the candidacies for the NCTR and CPTRC by the Parliament with the subsequent approval of the head of the state. “The new composition of the regulatory bodies must be formed immediately after the adoption of the draft constitutional amendments”, the RA Human Rights Defender noted in her statement.

On September 1, 2005 the National Assembly of Armenia passed in the second hearing the draft amendments to the RA Constitution. And if one of the most debated provisions of the draft (Article 83.2, defining the procedure for the formation of the regulatory body) in the new version corresponded to the recommendation of the Venice Commission, the

deputies failed to take into account the opinion of the ombudsman and the journalistic community.

On September 15 Yerevan Press Club disseminated a statement where the insufficient involvement of Armenian public into the constitutional reform process was noted and concern over certain draft provisions was voiced – in particular, with regard to freedom of expression and information: “The primary subject of our concern is the mechanisms for the broadcast regulatory body formation, as stipulated by the draft constitutional amendments, since its independence is not guaranteed”. As after the adoption in the second hearing the project could not be radically improved, Yerevan Press Club submitted submit our proposals of editorial nature that enabled making the existing clauses more specific and contributed to achieving greater clarity of definitions.

On September 28 the RA National Assembly passed the draft amendments to the Constitution of Armenia in the third reading and finally. The proposals of editorial nature made by YPC were taken into account in the final text of the Constitution. However, Article 83.2 did not undergo significant changes, but for one clarification: the body mentioned in it is now specified on only as “independent”, but also as “regulatory”. Thus, the Article was narrated as follows: “To ensure freedom, independence and diversity of broadcast mass media, in accordance with the law, an independent regulatory body is established. Half of its members are elected, for 6 years’ term of service, by the National Assembly, half is appointed by the President of the Republic - for 6 years’ term of service. The National Assembly elects the members of this body by a majority of the total number of deputies.” In other words, the purpose of establishing a regulatory body and its status remained vaguely defined in the Main Law.

Thus, the renewed Constitution did not solve the two main problems related to media: it did not ban censorship and did not ensure the independence of two bodies, regulating the broadcasting.

**ON JULY 14** at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan hearings were to start on the suit of the Chairwoman of “**Femida**” NGO **Julietta Amirkhanian** on protection of honor and dignity versus citizen Lia Revazian.

The plaintiff demanded to refute the invalid information, discrediting the honor and dignity, as contained in the letter of Lia Revazian sent to the RA President, Chairman of the RA Justice Council Robert Kocharian, the Chairman of the RA National Assembly Artur Baghdasarian, Yerevan Mayor Yervand Zakharian, RA Human Rights Defender Larisa Alaverdian, a number of other officials, the editorial offices several media and missions of some international organizations. The letter contained, in particular, insulting remarks regarding “Datakan Alik” (“Judicial Channel”), hosted by Julietta Amirkhanian on the Second Armenian TV Channel since June 1, 2004 till May 31, 2005. The reason for the indignation of Lia Revazian was the story in “Datakan Alik”, shown by the Second Channel on April 7, 2005. It told about the litigation between the residents of one of the houses in Yerevan and “Tornik Eva” LLC, headed by the father of Lia Revazian, Hamlet Revazian.

On July 25 the court ruled to partially secure the suit of the “Femida” Chairwoman. The information quoted in Lia Revazian’s letter was recognized to be invalid. However, the demand of the plaintiff - to disseminate the prepared refutation text among the recipients of the letter - was rejected by the court, with no specification how the information that discredits Julietta Amirkhanian should be refuted.



The ruling of the court of primary jurisdiction was challenged with the RA Court of Appeals that on October 11 secured the appeal obliging Lia Revazian to send the refutation to all addressees of the letter that was the reason for the litigation. Lia Revazian, on her behalf, challenged the ruling with the RA Court of Cassation. On March 2006 the supreme jurisdiction left the ruling of the Court of Appeals unchanged.

The story in “Datakan Alik” program of April 7, 2005 became a reason for litigation on protection of honor and dignity. This time the plaintiff was Lia Revazian’s father, the head of “Tornik Eva” LLC Hamlet Revazian, and the respondents were the Second Armenian TV Channel and the host of “Datakan Alik” program, Chairwoman of “Femida” Julietta Amirkhanian. Hamlet Revazian demanded to refute the discrediting information in “Datakan Alik” program. The court session on August 25, having hardly started, was postponed at the plaintiff’s motion. After a number of similar motions the plaintiff challenged the judge, and the challenge was secured. However, with the new judge the plaintiff stopped appearing at the sessions, and as a result on February 2, 2006, the suit was left unconsidered.

## **SEPTEMBER 2005**

**ON SEPTEMBER 8** the reason for the press-conference of the Chairman of “European Integration” NGO Karen Bekarian was the publication in “**Azg**” daily on August 17, 2005, titled “One Armenian Way of European Integration”. The vast article was based on the letter of Armenian State Award laureates Ashot Zakarian, Alexander Kashin and the USSR State Award laureate Marat Krmoyan, addressed to the RA National Assembly Speaker Arthur Baghdasarian (Karen Bekarian is also the expert of the Parliamentary Committee on Foreign Relations). The letter, in particular, accused the NGO head in “harming the international reputation of his country by his activities”. The publication told about the conflict that arose in the course of implementation of a research project by Cosmology Unit of the Yerevan Physics Institute, headed by Dr. Vahagn Gyurzadian. The project was funded by the US Trade Development Agency, contracted by US “Sky Broadband Services”, Inc., and subcontracted by “European Integration”, acting as a treasurer.

According to Karen Bekarian, in late January 2005, two month before the project ended, Vahagn Gyurzadian proposed that “European Integration” transfer the remainder of the grant (making up over 70% of the funds transferred to the subcontractor - \$ 102,720.45) to the account of a natural person, contrary to legal norms. Then the implementer attempted to get the amount transferred to the account of “Cosmology” NGO that was not registered at that point - as confirmed by RA Ministry of Justice in reply to the inquiry of “European Integration”. Because of the mistrust of the subcontractor, the issuance of money to the implementer was suspended. The lengthy debates between the parties of the project did not clarify the situation; Karen Bekarian resolved to pass on a demand draft for this amount to the US Embassy in Armenia.

As the head of “European Integration” noted at the press-conference, his organization did not intend to publicize the conflict and only had to do so after “Azg” refused to publish a response to the article of August 17. To the question of why “European Integration” did not file a suit against “Azg”, Karen Bekarian explained that he believed the activities of such institutes as NGOs and media extremely important and that the litigations between them will damage the common cause - the establishment of civil society in the country.

In his letter to the head of “European Integration” of August 31 the Chief Editor of “Azg” Hagop Avedikian explained the reasons for the refusal to publish a response “at this point”.

Since the latter is “over than twice as long as” the article itself and “does not provide factual proofs”, “does not refute” the information, published by the newspaper.

**ON SEPTEMBER 8** the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan started and postponed the hearing on the suit of Karen Khachatrian, the assistant of Electrical Energy Chair of State Engineering (Polytechnic) University of Armenia versus “**Chorrord Ishkhanutiun**” newspaper. The plaintiff demanded that the newspaper be required to publish a refutation (as written by him) for the article “The Odyssey of the Khachatrians of Polytechnic”, published in “Chorrord Ishkhanutiun” on June 28, 2005. The article described the “unhealthy atmosphere, created at the University” by a professor of the same Chair Varos Khachatrian and his son Karen, who came to defend him. It should also be noted that “Chorrord Ishkhanutiun” enabled Karen Khachatrian to speak out on the matter, having published on July 26 a piece, titled “Explanations of K.Khachatrian of Polytechnic”.

The consideration of the suit of Karen Khachatrian versus “Chorrord Ishkhanutiun” newspaper was delayed since at that time criminal proceedings were instituted on the appeal of the father of a female student of the Engineering University, and the investigation was underway. The court had no competence to consider the civil suit, filed by Karen Khachatrian, until the investigation was over.

A similar suit with a similar demand was filed by Karen Khachatrian versus another newspaper, “**Aravot**”. This time the dispute centered on article “Sexual Harassment of a Student”, published in “Aravot” on June 24. The publication based on the complaint of several students and professors of the Engineering University about the behavior of Varos and Karen Khachatrian, addressed to the RA Human Rights Defender. The court hearing on the case started on September 23 and were postponed for the same reason.

On September 24 “Aravot” daily reported with a reference to the Rector of the Engineering University Yuri Sargsian, that Karen Khachatrian was no longer employed by the University. Considering the big amount of complaints from students, the administration did not find reasons to sign a contract with Karen Khachatrian.

As of late 2005 none of the cases was considered.

**ON SEPTEMBER 20** the court of primary jurisdiction of Lori region started the hearings on the suit of **Vanadzor Branch of Helsinki Citizen's Assembly** versus the Lori Regional Department of RA Service of Compulsory Execution of Judicial Acts. The Vanadzor Branch of HCA demanded to oblige the Service of Compulsory Execution to perform the court decision on the suit of the organization versus the municipality of Vanadzor. The lengthy litigation between the HCA Vanadzor Branch and the city administration started in 2004 due to the refusal of the latter to provide the human rights organization with the copies of all 2,614 resolutions, adopted by the municipality and the Council of Elderly of the community in 2002-2003. On April 30, 2004 the court of primary jurisdiction of Lori region secured the demand of the plaintiff: the documents requested were to be provided, excluding those containing secret information. The total amount of duty for the documents was defined to be 1,000 AMD (about \$ 2). This resolution was further confirmed by courts of supreme jurisdiction (*see details in the Annual Report for 2004 at YPC web site: [www.ypc.am](http://www.ypc.am)*). The HCA Vanadzor Branch addressed the RA Service of Compulsory Execution of Judicial Acts. As YPC was informed by HCA Vanadzor Branch, in February 2005 the staff of the Service of Compulsory Execution provided the NGO with copies of about 240 resolutions of the municipality and the Council of Elderly - for 2004, instead of

2002-2003. The next set of documents (around 270 resolutions), this time for 2002-2003, was received by the human rights organization in May 2005. After this the HCA Vanadzor Branch got no documents, which prompted it to address the court. The hearings on the case ended on October 21. The court took into account the repeated attempts of the compulsory executors to get the court ruling implemented, noting at the same time that the Service was inconsistent in fulfilling its mission. Thus, it did not demand the complete list of the resolutions above, to determine which constitute a secret and are not to be disclosed. The court obliged the Lori Regional Department of RA Service of Compulsory Execution of Judicial Acts to take all the necessary means for the human rights organization to receive the documents.

## **OCTOBER 2005**

**ON OCTOBER 7** the head of the pre-election staff of Vardan Ghukasian, the incumbent Mayor of Gyumri running for re-election, Gagik Manukian addressed the Prosecutor of Shirak Region with a demand to institute criminal proceedings against the correspondent of “168 Zham” newspaper **Arman Galoyan** on a libel charge. The reason for the appeal to law enforcement bodies was the article of Arman Galoyan “Tense Pre-Election Campaign Expected in Gyumri”, published in “168 Zham” (*October 6-12, 2005*). In the opinion of the complaining party, the libel on Vardan Ghukasian was contained in the following fragment of the newspaper piece: “Some of the incidents that occurred lately in Gyumri, the murders and the machine gun shots that are actually ascribed to the Mayor and his family members, were the last straw. To say nothing to the law infringements, discovered in the process of apartment allocation, about the lands sold for almost and nothing and thus the huge damages inflicted on the state, which became the subjects for the criminal proceedings at the Prosecutor’s office. And it seems that now in Gyumri, everyone is preoccupied with the task of getting rid of Vardan Ghukasian as soon as possible”. On October 13 Arman Galoyan was summoned to an interrogation at the Prosecutor’s office, and on October 24 the Prosecutor refused instituting criminal proceedings, due to in the article.

**ON OCTOBER 18** “Aravot” daily informed that on October 15 in Gyumri an attempt was made to impede the dissemination of the previous, Saturday issue of the daily. In the opinion of “Aravot”, the discontent of the city authorities was caused by “Armed and Unbalanced: It is Dangerous When “Psychopath”-Mayor Carries a Gun” article, containing certain details from the biography and activities of Gyumri Mayor Vardan Ghukasian. The supporters of the latter, as newspaper reports, not only withdrew “Aravot” from the stalls, but also went through the copying centers of the city, prohibiting their owners to make copies of the article above upon the request of those who managed to buy the daily.

After the elections in Gyumri, held on October 23, by the results of which Vardan Ghukasian was re-elected to the position of the head of the city administration, “Aravot” daily continued the theme. On October 25 in “Aravot” an article by Anna Israelian “‘Psychopath’ Re-elected Mayor” was published. The article told about the pre-election tension and the elections themselves in Gyumri. This time no response was made by the head of Gyumri administration.

**ON OCTOBER 20** “Reporters without Borders” (RSF) international organization released its fourth annual World Press Freedom Index. The study was conducted in 167 countries of the world and based on events between September 1, 2004 to September 1, 2005. RSF Index was compiled by surveying 14 partner organizations and 130 correspondents of RSF, as well as journalists, researchers, lawyers and human rights activists. The

respondents were assessing the press freedom in each country with a questionnaire compiled by RSF and including 50 criteria: ranging from various forms of pressure on journalists and media to legislative restrictions, the behavior of authorities towards the state-owned media and foreign press. Armenia this time was rated 102-105. Similarly to the previous researches of RSF, this one either did not explain what factors affected the jumps in Armenia's ranking in positive or negative direction: from 90th rank in 2003 our country went up to 83rd in 2004 and went back to 102nd in 2005.

## **NOVEMBER 2005**

**ON NOVEMBER 4** at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan hearings on the suit of the Chairman of “Arshil Gorky” Fund Badal Badalian versus “**Hayots Ashkhar**” daily were held. The plaintiff demanded that the newspaper publishes a refutation of Kima Eghiazarian’s article titled “Shall We Celebrate Arshil Gorky’s 100th Anniversary? Sons of Lieutenant Schmidt Appeared”, published in “Hayots Ashkhar” on January 25, 2005 (*Ed. note*: in the article headline allusion to literary characters, signifying imposture, is made). In the opinion of Badal Badalian, it contained information discrediting his honor, dignity and business reputation. The publication described the efforts of the Armenian Government and Holy Echmiadzin, made to get from the USA several dozens of pictures by American Armenian artist Arshil Gorky for further storage in Armenia. The works were willed by his widow to Armenian Apostolic Church. At the same time the article criticized the activities of the Chairman of “Arshil Gorky” Fund, which, in the opinion of the piece author, went contrary to the efforts of the Government and the Church.

According to the explanations of “Hayots Ashkhar”, on June 15 the editorial staff received a letter from Badal Badalian with a request to publish a refutation. The newspaper however did not do so, since the RA Law “On Mass Communication” allocated one month’s timeframe for publishing a refutation. The court ruled to reject the suit of Badal Badalian.

**ON NOVEMBER 11** at the Journalists Union of Armenia the press-conference of Executive Director of **Radio “HAY” Aram Mkrtchian** was held. The reason for the meeting with journalists was the protest of the company against Republican Telecommunications Center (RTC), which, made ungrounded demands of payment for a number of services. The conflict with RTC started after, in February 2005, Radio “HAY” became the winner of the competition, announced by the National Commission on Television and Radio for a package of 20 FM frequencies in different cities of the country, and started proceeding with its commitments, listed in the bid for the competition. For the registration and permission to use each transmitter RTC demanded that it pay for “international registration and coordination of frequencies, allocated to terrestrial stations” (300,000 AMD or about \$ 650) and for the “choice of frequencies of TV and radio broadcasting stations and assessment of electromagnetic compatibility” (1 million AMD or about \$ 2,175). In other words, for the right to use 20 transmitters the radio company had to pay 26 million AMD (about \$ 56,520). Radio “HAY” addressed the RA Ministry of Transport and Communication, to which RTC belongs. The Ministry sent an answer that the payments imposed on the radio company could be reduced only by 300,000 AMD, since the international registration and coordination of frequencies, allocated to terrestrial stations, was already made. Meanwhile, Aram Mkrtchian believes, RTC must not impose payment on the services above, because it contradicts to the RA Law “On Television and Radio”. Thus, Article 48 of the broadcast law stipulated: “The body of the state telecommunications management, using the list provided by International

Telecommunication Union, makes up a list of air frequencies, stipulated for the translation of TV and radio programs on the territory of Republic of Armenia and regularly submits it to the National Commission.” Article 53 stipulates that for “the use of broadcasting frequency the license owner annually pays the air fee defined solely by the expenses necessary to maintain the frequency”.

To fulfill the conditions of license provision, Aram Mkrtchian stressed, Radio “HAY” will continue the installation of its transmitters. The head of the radio station called on all operating broadcasters to demand back the amounts they paid to RTC.

Besides, Aram Mkrtchian noted, in late October 2005 Radio “HAY” filed a complaint on actions of the Republican Telecommunications Center with the law enforcement bodies of Armenia. The RA General Prosecutor’s Office accepted the application. As of the end of 2005 the situation did not become any clearer. meanwhile, according to Aram Mkrtchian, the radio company installed all the transmitters and uses them, without getting permission from RTC. By unofficial data, Aram Mkrtchian said, the problem of the illegitimate charges was solved within the agency: the Ministry of Transportation and Communication prohibited RTC from charging transmitter use fees on the broadcasters.

**ON NOVEMBER 24** during the actions of opposition held in the run-up for the referendum on draft amendments to RA Constitution on November 27, 2005, two incidents occurred with correspondent of "Haylur" newscast of the **Public Television of Armenia Tatevik Nalbandian** and the correspondent of "Ayb-Feh" newspaper **Diana Markosian**.

The incident with the correspondent of “Ayb-Feh” Diana Markosian happened in one of the central streets of the capital, where the traffic police stopped the car, moving in a chain with the representatives of the opposition. According to Diana Markosian, an argument started between the people in the car and the traffic policemen, into which soldiers of special troops interfered. During this the head of the Shengavit division of “Republic” party Ashot Poghosian was injured and taken to hospital. The journalist on the site was making pictures of the incident, when one of the “purple berets”, trying to strike the camera out of her hands, missed and hit her in the face instead. Diana Markosian said she had not appealed to the police.

The attack on the correspondent of “Haylur” Tatevik Nalbandian was made at the rally at Malatia-Sebastia community of Yerevan. When the rally was drawing to its end, and the shooting crew of "Haylur" program, covering it, directed for the car, several women, present at the action, attacked two teenagers. The journalist tried to defend the children, and one of the women hit her. According to Tatevik Nalbandian, but for the assistance of her colleagues she would not be able to hide in the car. On the same day she appealed to law enforcement bodies. A few days later the journalist felt unwell. The medical examination showed she had injuries of medium gravities and is in need of surgery. The attacker was resident of Yerevan Anna Badalian, 1961. Criminal proceedings were started against her, and she was charged on Point 4, Part 3 of Article 258 of RA Criminal Code (gross violation of public order, using force and inflicting medium-gravity damage to health). The hearings on the case started on February 9, 2006 and ended on February 23 at the court of primary jurisdiction of Malatia-Sebastia community of Yerevan. Taking into consideration the extenuating circumstances, the court sentenced Anna Badalian to two years of confinement with two-year probation.

**ON NOVEMBER 27, 28 AND 29** the broadcasts of **Radio Free Europe/Radio Liberty Armenian Service** on the air of Public Radio of Armenia (107.6 MHz frequency) was

accompanied by strong noise and clutter. On November 28 the web site of the Public Radio ([www.armradio.am](http://www.armradio.am)) displayed a communication that PRA programs with no problem were aired on all its channels with no problem, but for the one mentioned above. According to the PRA, the technical problems were probably due to the fact that a new transmitter had recently been installed at FM 107.6. Meanwhile, in the press information appeared that the clutter occurred on other PRA frequencies, too - during the broadcasts of Radio Liberty Armenian Service. A hypothesis was voiced that in this manner the opinions of opposition figures on the November 27 referendum on draft amendments to the RA Constitution were “jammed”.

**ON NOVEMBER 30** in Yerevan at the final seminar for journalists, covering the campaign for the referendum on amendments to the RA Constitution (November 27, 2005) and the general process of constitutional reform, **Yerevan Press Club** presented the findings of the monitoring of Armenian media coverage of the constitutional referendum. The study was made on November 5-25, 2005. The newspapers and TV companies it focused on have generally paid sufficient quantitative attention to the referendum subject. Yet, their vast majority neglected the principles of impartiality and diversity of opinion in the campaign coverage and did not ensure the truthful and competent reporting on the content of the constitutional reform. (*The YPC report on the media monitoring can be viewed in full on [www.ypc.am](http://www.ypc.am), in “Studies” section.*)

## **DECEMBER 2005**

**ON DECEMBER 2-8, 2005** in “Irvunk” newspaper a report “Spies are Sought” was published. According to the piece, the RA General Prosecutor's Office demanded that “ArmenTel” telecommunications company “to report every two hours about all telephone conversations of the most informed opposition journalists”. The newspaper referred to a source, close to “ArmenTel”, noting that, as the source supposed, “in this way the Prosecutor's Office tries to reveal all the representatives of the power team that provide journalists with confidential information on the sentiments within the administration and its 'secret' steps”.

The press-secretary of “ArmenTel” Hasmik Chutilian did not confirm this information, saying the General Prosecutor's Office had not addressed them with such requests.

**ON DECEMBER 6** at the press-conference at the House of Journalist Yerevan Press Club, Journalists Union of Armenia, Internews Armenia and the Committee to Protect Freedom of Expression expressed their concern over the situation that private press dissemination agencies had found themselves in. These agencies had been receiving visits from tax inspectors who demand to be shown the license for disseminating newspapers and magazines by subscription. The tax inspectors justified this by a reference to corresponding provisions of the RA Law “On Postal Communication” (adopted on December 14, 2004) and RA Law “On Licensing”. Meanwhile, these provisions came as a surprise not only to the disseminating agencies, but also to media, journalistic associations who were not aware that the press dissemination activities can be included into the licensing list.

To obtain a license to disseminate print media by subscription a fee was defined of 5 million AMD (over \$ 11 thousand), which was a burden, impossible to shoulder for small private agencies. Moreover, for the absence of the license a fine on disseminating agencies could be imposed, amounting to 50% of their annual turnovers. The fulfillment of these financial liabilities would have brought almost all disseminating agencies to

bankruptcy, and a couple of major companies will thus have dominated the market. In other words, there might be a serious threat of monopolization of subscription dissemination market.

The four journalistic associations stated that these provisions ran contrary to right to freely impart information, confirmed by Article 10 of European Convention of Human Rights and Fundamental Freedoms, Article 19 of Universal Declaration of Human Rights and Article 27 of the Constitution of Armenia. There were also inner controversies with the Law “On Licensing”, a provision of which stipulates that the licensing of the activities of the economic subjects must primarily contribute to the market development.

The representatives of journalistic associations announced their readiness to address the corresponding power bodies, including the RA National Assembly, demanding to revise the legislative provisions, restricting the dissemination of print media by subscription.

On December 22 Partnership for Open Society Institute initiative (uniting several dozens of public organizations of Armenia) issued a statement, appealing in particular: to the Government - “to stop imposing the same demands on companies engaged in print media dissemination and subscription as on companies providing postal services”; to RA National Assembly - “to introduce corresponding amendments in Laws “On Postal Communication” and “On Licensing”, thus creating guarantees for the subscription for periodicals not to be viewed as a postal service and not to be subject to licensing”.

**ON DECEMBER 6** in Nor Hachn city of Kotayk region the police attempted to impede the professional activities of the correspondent of “**Aravot**” daily **Naira Mamikonian** and photo correspondent of “**Chorrord Ishkhanutiun**” newspaper **Gagik Shamshian**. Before entering the city the taxi carrying the journalists was stopped by the state traffic police. The police, according to Naira Mamikonian, were taking their time until a car with state number plates arrived on site. A young man in civilian clothes went out of the car. Having talked to the traffic policemen, the young man left, and the taxi driver was permitted to continue his route. Arriving in the city, the journalists started to make shootings of the land plots that was once, allegedly, allocated to the families of the periled Karabagh war volunteers, and then re-allocated by the city administration to senior officials from Yerevan. During the conversation with one of the locals, Naira Mamikonian said, his house was intruded in by the young man mentioned above and called the photographer for “a talk” outside. Soon the representatives of the city police department drove up, started inquiring what the journalists were doing and tried to take away the photo camera. Naira Mamikonian called the Deputy Head of the RA Police Hovhannes Varian and told him about the occurrence. Journalists were taken to the city police division, were the attempts to find out the purpose of the visit and what was photographed continued. Having kept the journalists for 40 minutes, the policemen released them, apologizing and saying there was a misunderstanding, they were looking for a car with similar numbers.

On December 7 “Aravot” published a story by Naira Mamikonian on the visit to Nor Hachn with the picture of the land plots. The piece was accompanied with an editorial afterword where a reminder was made that impeding the professional activities of journalists is a criminal offence.

The Nor Hachn incident received the attention of freedom of information task force that operates within the Commission on Monitoring the Anti-Corruption Strategy Implementation at the RA President. The head of the Commission Bagrat Yesayan officially demanded the explanations from the RA Police. On February 2, 2006 an answer

signed by the First Deputy Head of Police Major General Ararat Magtesian was received. The Commission provided a copy of the letter to "Aravot" daily. On March 8, 2006 in "Aravot", under the headline of "Major General Lying. Policemen Did Obstruct the Work of Journalists" the comment of Naira Mamikonian on the response was published. The comment noted, in particular, that the official investigation conducted, as the Police response informed, cannot be impartial, since it was held without the interrogation of the journalists involved, with no account for their arguments. Moreover, the interpretation of the incident by the Police is not truthful. "Being the journalist mentioned in the explanation of the Deputy Head of the RA Police, I maintain that the Major General is simply lying. And if the case goes to court, I am ready to substantiate my statement by proofs", Naira Mamikonian wrote in conclusion.

**ON DECEMBER 9** Human Rights Watch organization called the European Union to press Armenia, Azerbaijan and Georgia for concrete progress on human rights. The statement was released on the eve of December 12 meeting of the EU representatives with the Ministers of Foreign Affairs of Armenia, Azerbaijan and Georgia in Brussels to discuss Action Plans with these countries under European Neighborhood Policy.

In its description of the freedom of expression situation in Armenia, Human Rights Watch notes: "Despite the emergence of significant independent and opposition print media, the government continues to restrict full media freedom in the country, including taking away the broadcasting frequencies of television channels that air independent news coverage about Armenia."

**ON DECEMBER 9 the Freedom of Information Center** announced the results of an annual competition, held by this public organization and designed to celebrate the International Corruption Fight Day. The competition winners received the prizes of Gold Key - the symbol of openness, and the prizes of the Lock - the symbol of secrecy. The closest institution was recognized to be the Yerevan municipality. The most peculiar official response in 2005 was received from Gyumri municipality: "The decisions of the Council of Elder of Gyumri and the budget for 2005 may be seen at our web site which is so far under construction." This caused the FOI Center to file a suit versus the Gyumri administration on November 16, 2005, and on November 21 the Center received all the information requested by e-mail.

**ON DECEMBER 14** the RA Human Rights Defender Larisa Alaverdian disseminated a statement, expressing her concern at the recently increased frequency of violations of the rights of media representatives. "Attacks, grave injuries, violence, obstruction of the work of journalists, bringing them to police stations become a common practice, seriously damaging the reputation of the country", the Ombudsman statement said in particular. It is not accidental that the deterioration of freedom of expression situation was recorded by international organizations, too, Larisa Alaverdian noted. The Human Rights Defender expressed a hope that each case of obstructing professional activities, and particularly, of violence against journalists would be thoroughly investigated and those guilty would be duly punished.