



YEREVAN PRESS CLUB

**2006: PRESSURE ON MEDIA INCREASES DURING THE  
PRE-ELECTION YEAR**

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

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#### JANUARY 2006

**ON JANUARY 18**, “Human Rights Watch” international organization published its 2005 report on human rights situation in over 70 countries of the world.

The report section on Armenia also covered media situation in the country. In particular, Human Rights Watch noted that despite the presence of independent and opposition print media, “the government continued to restrict full media freedom”. It was illustrated by “A1+” and “Noyan Tapan” TV companies deprived of air, as well as the ceased broadcasting of Russian NTV channel in Armenia, “which had aired independent news coverage about Armenia”. As mentioned in the report, amendments to RA Constitution were to increase independence of National Commission on Television and Radio (the body engaged in broadcast licensing), giving Parliament the right to elect half of its members, while the other half will be appointed by the President. However, journalistic associations, NGOs and the ombudsman had criticized the Council of Europe for endorsing the proposed constitutional amendments, which, they argued, failed to ensure freedom of broadcast media. Besides, they criticized the authorities for the unwillingness to institute changes increasing the independence of the Council of Public TV and Radio Company, stressed “Human Rights Watch”. It reminded that independent public broadcasting was one of Armenia’s obligations to the Council of Europe.

**ON JANUARY 26** “Haikakan Zhamanak” daily published information that US Embassy in Armenia deprived the newspaper of “the opportunity to participate in the press conferences and other similar events organized by the Embassy”. The newspaper wrote that “an official representative of the Embassy” (whose name was not mentioned) had notified the editorial office about it the day before. He stated that “Haikakan Zhamanak” is a “non-objective and unfair medium”. Commenting on the situation, the daily particularly noted that it was an “expected and, frankly speaking, desired event”, since it meant that the assessments and statements of “Haikakan Zhamanak” on the activity of the diplomatic mission in Armenia and the policy conducted by the USA in the RA “not only reached the addressees but also excited them”. On January 27 the US Embassy in Armenia confirmed that “Haikakan Zhamanak” was temporarily excluded from the list of print media, invited to the events of the diplomatic mission. According to Elisabeth Zentos, representative of US Embassy Public Affairs Section, this decision was made due to “lack of responsible reporting by ‘Haikakan Zhamanak’”. Elisabeth Zentos stated, “if ‘Haikakan Zhamanak’ begins to report on the facts of Embassy events, rather than publishing groundless accusations and personal attacks, it may review its decision”.

**ON JANUARY 27** “Partnership for Open Society” initiative (uniting several dozens of Armenian public organizations) got a response from RA Ministry of Transport and Communication to its statement as of December 22, 2005. The statement of the “Partnership” expressed concern over applying the provisions of RA Law “**On Postal Communication**” and “On Licensing” to the companies, engaged in distribution and subscription of print periodicals. In late 2005, making a reference to these laws, the tax bodies demanded a license from the companies for distribution of newspapers and magazines by subscription. Since this requirement was a real surprise to the companies, they faced the threat of sanctions, likely to plunge them in bankruptcy. Alarm over the

situation was also expressed by four professional organizations - Yerevan Press Club, Journalists Union of Armenia, Internews Armenia and the Committee to Protect Freedom of Expression. They stated that the law requirements run contrary to the right of freedom of expression and create a risk of monopolizing the distribution market of print media by subscription. Both the "Partnership" and the journalistic associations called on the relevant state bodies, including the Ministry of Transport and Communication - author of the Law "On Postal Communication", to review the law provisions (*see details in the report for 2005 on YPC web-site: www.ypc.am*).

The response to the "Partnership" statement, signed by Deputy Minister of Transport and Communication Vruyr Arakelian, noted that on January 20, 2006 the Ministry, proceeding from the Law "On Legal Acts", sent to RA Ministry of Justice an official clarification on Article 11 of the Law "On Postal Communication". According to the clarification, the subscription for periodicals was not a postal service and, consequently, was not viewed as an activity subject to licensing. (The clarification was published in the Bulletin of RA Normative Administrative Acts, No. 4, February 1, 2006). However, the explanation itself and the draft law "On Introducing Amendments to the RA Law 'On Postal Communication'", prepared later on the initiative of the Government, only referred to subscription, whereas the delivery of the periodicals remained to be classed as activity subject to licensing. In other words, a company, implementing subscription cannot engage in press dissemination without an appropriate license.

At a press-conference on June 8 in Yerevan the representatives of journalistic associations expressed their concern over this stance, as it would mean a shutdown for many private companies engaged in newspaper and magazine delivery by subscription: their small profits will not afford the payment of 5 million AMD for the license (over \$ 11,500). The monopolist position, with all the resulting negative consequences, will be taken by the national communication operator "Haypost" ("Armpost"). The opinion of the government that the deliveries of print periodicals are the same as letter (parcel, money orders, etc.) delivery, and its licensing is necessitated by the interests of consumers, was completely illogical, the journalistic organizations stressed: the letters, parcels and other postal communications contain confidential information and hence the activity of the organizations that deliver them to the addressees must be under certain control of the state, it is completely wrong to put an equality sign between it and delivery of newspapers and magazines, since the press publications are open information.

At the same time the representatives of journalistic associations approved the legislative initiative of the parliamentary faction of the United Labour Party: in the draft law it presented to the RA NA on February 17 it was proposed that the subscription for periodical be removed from Article 3 of the Law "On Postal Communication", listing the postal services. The adoption of this amendment would eliminate all the fears above. Both the Government and the specialized NA Standing Committee for Finance, Budgeting and Economic Issues assessed the draft negatively and are inclined to retain licensing, reducing the amount of the license fee.

As of late 2006 the issue remained open.

**ON JANUARY 30** in Yerevan downtown sports reporter of "**Haikakan Zhamanak**" daily **David Jalalian** was assaulted. An unknown male hit the journalist with a knife in the belly. The wound - due to the clothes - turned to be light and not dangerous for life. Encountering the resistance of David Jalalian, the perpetrator disappeared from the scene. David Jalalian himself and Chief Editor of "Haikakan Zhamanak" Nikol Pashinian could not

explain the reason, however they thought it might be related to professional activity of the journalist. The investigation on the incident, launched by the Police of Yerevan Center community, was stopped.

**ON JANUARY 30** the court of primary jurisdiction of Center and Nork Marash communities of Yerevan heard a case on the suit of the Mayor of Noyemberian city (Tavush region) Sereja Amiraghian versus “**168 Zham**” newspaper on protection of the honor, dignity and professional reputation. The plaintiff demanded that the newspaper publish a refutation to the open letter of Noyemberian residents to RA Prime Minister Andranik Margarian and RA President Advisor Bagrat Yesayan. The text of the letter titled “The Building Given to the Council of Senior Citizens as Present” was published in “168 Zham” (*No. 58, November 26-28, 2005*). In the letter, the Noyemberian residents stated that during his election campaign the candidate to the City Mayor Sereja Amiraghian, alongside other obligations, promised to repair the building of the former city baths for public use. However, the letter noted that after his election Amiraghian had “presented” this building to his supporter, an “influential” resident of the city and the newly elected member of the Council of Senior Citizens of Noyemberian municipality. As the Chief Editor of “168 Zham” newspaper Satik Seyranian said, in December 2005 a representative of City Mayor called the editorial office and demanded to refute the information in the letter, trying also to reveal the authors. On December 22, the editorial office got a letter from Sereja Amiraghian stating that the published information was not true and discredited him. Again, the demand for refutation was voiced. Enclosed to the letter was a certificate from Noyemberian municipality that the former bathhouse was still administered by the municipality. This letter was quoted in “Who Sues Whom?” article of “168 Zham” (*No. 71, December 28, 2005 - January 12, 2006*), in which the newspaper took up the Noyemberian story.

The court ruled to dismiss the suit against “168 Zham”.

## **FEBRUARY 2006**

**ON FEBRUARY 7**, around 21.00, the car of football commentator, founder of “**Football Plus**” weekly *Suren Baghdasarian* went on fire. The car was parked near the building of the editorial office, located on one of Yerevan main routes. “Football Plus” (*February 8, 2006*) published information on the incident titling it “Sly and Low-Grade Revenge”. The piece refers in particular to the recently voiced confrontation between Suren Baghdasarian and President of Football Federation of Armenia (FFA) Ruben Hairapetian (the latter is also a deputy of RA National Assembly and a known entrepreneur). On the same day, February 8 the statement of the President of Armenian Football Federation Ruben Hairapetian was publicized. It noted in particular that Ruben Hairapetian had applied to RA General Prosecutor’s Office to start proceedings against Suren Baghdasarian for libel and insult, as the latter publicly accused him of organizing a grave crime.

The conducted investigation into the incident did not find those responsible.

**ON FEBRUARY 14** the US-based Committee to Protect Journalists released its annual report on attacks on the press in various countries in 2005.

The report section on Armenia mentioned a number of events in the media field in 2005. The rejection of the authorities for the 10th time in February 2005 of the broadcast license to “A1+” TV company, deprived of air since 2002, “despite recommendations from the Council of Europe and other international organizations”. The closed investigation in February 2005 into the arson of a car of Chief Editor of “Haikakan Zhamanak” daily Nikol

Pashinian in November 2004 in Yerevan. The culprits were not found also in the case of burning the car of Chief Editor of “Syunyats Yerkir” regional newspaper Samvel Aleksanian in April 2005, in Goris. The press freedom situation in Armenia is illustrated in CPJ report also by RA Law “On Fight against Terrorism”, adopted by RA National Assembly on March 22 and signed by the RA President on April 19, 2005. With a reference to Yerevan Press Club, CPJ noted that the Law came into force “ignoring concerns over vaguely worded prohibitions on reporting of antiterror tactics”. These restrictions were introduced as reason for “war on terror”, CPJ stressed.

**ON FEBRUARY 23**, around 23.00 in Vanadzor an incident occurred with Executive Director of “Lori” TV company **Narine Avetisian**. According to the journalist, in a food store, where she dropped by on her way home, the owner of two lines of the city mini buses approached her and started insulting and threatening her, demanding “to stop counting his money or she will end badly”. The discontent of the entrepreneur was caused by the topic, constantly raised by Narine Avetisian on the air of “Lori” TV, related to ungrounded increase of city transportation fees. The new tariffs for the use of buses and mini buses were introduced in Vanadzor since January 1, 2006 and with a violation of the due requirements, as Narine Avetisian insisted. The participants in the TV discussions on this urgent issue for the Vanadzor residents included both independent experts and representatives of city municipality. At the same time, their host, Narine Avetisian, was constantly and unsuccessfully inviting the owners of the up-grown mini bus routes to express their position on air. One of the programs, as Narine Avetisian said, presented the calculations of the net profit gained as a result of price rises for the city transportation. After the incident at the store, Narine Avetisian decided to return to the editorial office. She said that a car, with the entrepreneur in it, had followed her all the way. The same car, as Narine Avetisian noted, had long circulated around the TV company building. The journalist had to wait it over at the office until 2 a.m. before she could go home. Investigation of the incident started at the city police department of Vanadzor. According to Narineh Avetisian, the entrepreneur was summoned to the police for a confrontation and this was how the investigation ended.

## **MARCH 2006**

**ON MARCH 8** US Department of State released its report on human rights practices in 2005 in different countries of the world, prepared by the Bureau of Democracy, Human Rights, and Labor.

Referring to the situation of freedom of speech and press in Armenia, US Department of State noted in particular “while the law provides for freedom of speech and of the press, the government partially limited freedom of speech” and “there were incidents of violence, intimidation, and self-censorship in the press”. According to the authors of the report, private print media actively expressed various views, “but no newspaper was completely independent of the patronage from economic or political interest groups or individuals”.

Because of low newspaper circulation, most people in Armenia relied on broadcast media for information, which, similarly to print media, are mainly private. In the capital and regional cities, private television stations offered generally independent news coverage of good technical quality. Alongside this, the report emphasized that the substantive quality of TV and radio news reporting varied due to self-censorship by journalists and the stations' dependence on patronage. The major broadcast media “generally kept to progovernment lines”. Economic pressure on broadcast media is more common than outright political pressure, including authorities requesting bribes, and advertising revenues used to

influence programming. Senior officials of RA President's office "continued to provide policy guidance" to First Channel of Public Television of Armenia. While its coverage was mainly factual, "First Channel avoided editorial commentary or criticism of the government". Not giving broadcast license to "A1+", "one of the country's last independent television stations", was, as observers think, politically motivated for criticizing President Kocharian's administration. The attempts of the TV Company to resume air were still unsuccessful, the report noted.

According to US Department of State, foreign media overall freely operate on the territory of the country. At the same time, for three days beginning on the day of the constitutional referendum (November 27, 2005), Radio "Free Europe"/Radio "Liberty" broadcasts were periodically inaudible. The Public Radio of Armenia (the First Program of which is aired on the same frequency as the Armenian Service of RFE/RL) explained these disruptions by technical problems. However, some observers alleged the disruptions were politically motivated.

Harassment of the journalists was still a problem, the State Department emphasized, noting that "there were unconfirmed reports of incidents of harassment and intimidation of journalists outside the capital". In contrast to the previous years, in 2005 "there were no reports of police beating journalists". One of the official documents of the Ministry of Foreign Affairs mentioned one case "involving possible violence against a reporter" still under investigation, "at year's end the circumstances surrounding the case were unclear". The report also referred to a very mild punishment on the case of assaulting a photo reporter in August 2004 in Tsaghkadzor. "There was no official censorship; however, there were continued reports of intimidation of journalists, and some print journalists continued to practice self-censorship to avoid problems with the government and because of pressure from official sources", the report stressed. US Department of State concluded that during the year there were no charges brought against journalists for libel of a public official.

**ON MARCH 8, 2006** in the interview to "Haikakan Zhamanak" daily (*March 8, 2006*), titled "First Channel Freedom of Expression Under Pressure" the Chairman of **the Council of Public TV and Radio Company Alexan Harutiunian** stated that the Council of PTRC plans to officially address the Chairman of RA National Assembly, Arthur Baghdasarian with the proposal to reconsider the relations between the TV company and the Parliament. This referred to the **RA NA Regulations** (adopted on February 20, 2002), according to which the sessions of MPs' statements and question-and-answer sessions with the Government, are recorded and broadcast by Public Television (PTA First Channel - *Ed.*) on Wednesdays at 21,30. In the opinion of the PTRC head, this legal commitment creates a controversy between the Charter of the European Broadcasting Union, of which PTRC has become a full-fledged member in July 2005, namely: violates the principle of editorial independence by the latter and the right to use TV air on their own discretion. While, Alexan Harutiunian emphasized, the current legislation actually empowers the Parliament to limit freedom of expression on the First Channel. To remove the controversy, Alexan Harutiunian noted, it was essential to primarily annul the legal provisions, obliging the Public Television to broadcast parliamentary programs. Afterwards, he said, there were several options of problem settlement: for instance, giving a separate channel to the National Assembly, or paid broadcast of parliamentary programs on some other channel, or their broadcast on Public TV by mutual agreement - after NA appeal to the management of the Council of PTRC. "I even agree to the option of a certain part of our budget sums to be allotted to the Parliament for broadcasting programs on the channel of its own choice", Alexan Harutiunian noted.

At March 15 session of RA NA Standing Committee on Science, Education, Culture and Youth Issues, which, in particular, heard and considered the account on the work of the Council of PTRC in 2005, Alexan Harutiunian again turned to the issue of covering the Parliament activity and stated that he already sent the letter to the RA NA Speaker Arthur Baghdasarian (the letter was also addressed to RA President Robert Kocharian).

NA deputies commented on the proposal of the Chairman of the Council of PTRC. In particular, the article "Deputies Will Give Up Life, But Not TV Air", published in "Hayots Ashkhar" daily (*March 11, 2006*), quoted the opinions of several parliamentarians. Thus, the head of the parliamentary faction of the Republican Party of Armenia Galust Sahakian views the proposal of the Council of PTRC inexpedient, primarily because it was made in undue time - "Let us not forget that it is pre-election year". Representative of "National Unity" faction Aghasi Arshakian said: "Parliamentary statements and questions-answers to the government are the only real opportunity for the opposition to get access to TV air. If such a proposal is introduced, it will mean an attempt at restricting this opportunity too".

The letter of the Chairman of the Council of PTRC was considered at the meeting of the Speaker of Parliament with the representatives of parliamentary factions and groups. At the meeting it was decided that there will be no amendments to the RA National Assembly Regulations as to the broadcasting of the parliamentary programs.

In the interview to "Aravot" daily (*March 28, 2006*), titled "The NA Forces Want Promotional Privileges for Themselves?", Alexan Harutiunian reminded that the necessity to reconsider the legal provisions is conditioned not by his personal initiative but by the requirement of the Constitution and the European criteria of press freedom. "The deputies admitted that they are against this proposal since elections are coming, and this argument meets my statement that there is a gross violation of our editorial independence. It is unacceptable that any political force, moreover a state body, attempt to legally endorse their own privileges on air not only of the Public but also any other TV company", head of the Council of PTRC emphasized. Alongside this, Alexan Harutiunian proposed new solutions. In particular, he thought that the relevant amendments to the law might be introduced already then, specifying, however, that they would be enforced after the elections. He also expressed willingness to make an agreement with the National Assembly even right now for broadcasting the parliamentary programs under the same conditions as stipulated by the law, so that the current restrictions be removed from the NA Rules of Procedure.

At the April 4 press conference, National Assembly Speaker Arthur Baghdasarian explained the decision of the parliamentary forces not to amend the Rules of Procedure also proceeding from the "international experience". "In particular, the parliament regulations of Moldova, Lithuania, Italy and other countries clearly stipulate for the manner of broadcasting the parliamentary agenda. (...) It would be fine if we had our own TV channel, similarly to Russia, France and other countries. However, considering that this is pre-election year, and all types of talks, debates and speculations are likely (...), we unanimously decided not to return to this problem", Speaker of RA National Assembly said. In the package of amendments to the RA NA Regulations, adopted in the first hearing on October 3, 2006, this issue was in not considered in any way.

**ON MARCH 16** by the end of the working day, the editorial office of "A1+" TV company was visited by the representatives of RA Compulsory Execution Service. In compliance with the court ruling, they demanded to vacate the premises used by "A1+" at one of the buildings of the capital until 12.00 next day (March 17), rented by the TV company from

RA National Academy of Sciences since 1992. In 2004 the latter raised the issue of evicting “A1+” and in 2005 filed a suit to RA Economic Court. On April 11, 2005 the suit was secured, and founder of “A1+”, “Meltex” LLC, challenged this ruling at RA Court of Cassation, which left it unchanged on May 26, 2005. According to Director of “A1+” Mesrop Movsesian, the refusal to vacate the premises was conditioned by National Academy’s violation of existing financial agreements. On July 20, 2005 National Academy again demanded to vacate the premises within a week. On the same day, Director of the TV company sent a letter to RA Prime Minister Andranik Margarian to contribute to the prolongation of the rental agreement with the Academy. The request said in particular that left without the office, “A1+” would have to suspend the work of “Ayb-Feh” weekly, “A1+” website, higher courses of TV journalism and “Hamaspur” network, uniting 11 regional TV companies. In response to the letter, the Prime Minister addressed the Department of the State Property Management of the RA Government to consider the possibility of giving the TV company new premises (*see details in the report for 2005 on YPC web-site: www.ypc.am*).

The imminent threat of “A1+” appearing in the street since March 17 raised the protest of several media, journalistic and human rights organizations, who expressed their willingness to support the TV company. The intervention of the Prime Minister prevented the “speedy” eviction of “A1+”. On May 4 at the session of the RA Government it was decided to allocate to the “A1+” TV company founder, “Meltex” LLC territory of 221 sq. m in a building in the center of Yerevan with a right of free use for five years’ term.

On June 9 the representatives of the RA Service of Compulsory Execution of Judicial Acts visited the editorial office of “A1+” TV company and demanded to vacate the premises, as the court ruling required. After the negotiations with the administration of the TV company the compulsory executors gave “A1+” a week to move to the premises, allocated by the Government.

The delay in the move occurred in particular because of the lack of power supply and telephone connection. On June 16 the editorial staff of “A1+” TV company moved to its new office, and since July 3 “A1+” TV company has taken a vacation to resolve a number of technical issues, in particular, getting a phone connection, Internet, power supply, etc. Since autumn the operation of “A1+” web-site and of “Hamaspur” TV network was resumed in full, while “Ayb-Feh” weekly did not resume publication till the end of 2006.

**ON MARCH 30** International Press Institute (IPI), based in Vienna, published its annual world press freedom review for 2005. Having studied the situation in various countries, IPI concluded that “in virtually every region of the world the media are engaged in a struggle to uphold their fundamental right to report news”. Similarly to 2004, in 2005 journalism remained one of the most dangerous professions. Commenting on the situation in general, IPI Director Johann P. Fritz noted: “A free media has always been essential to democracy; however, 2005 saw a subtle shift in this thinking and there is now a worrying political mindset that views some of the media's work as damaging to both the war on terror and relations with Islam.”

In the section on Armenia, several cases of pressure on media and journalists were cited: in particular, the continuous attempts of the National Academy of Sciences to evict “A1+” TV company from its premises. The IPI review also mentions the incident on the night of April 1, 2005 in Goris with the car of Chief Editor of “Syunyats Yerkir” newspaper Samvel Alexanian burnt down.



International Press Institute also paid attention to the constitutional reform in Armenia. The IPI review quoted the July 13 joint statement of the seven journalistic organizations (Yerevan Press Club, Journalists Union of Armenia, Internews Armenia, Committee to Protect Freedom of Expression, Investigative Journalists, "TEAM" Research Center and "Asparez" Journalists' Club of Gyumri - *Ed.*), which had criticized the provisions of constitutional amendments on the freedom of expression and media. In particular, the statement referred to inadequate guarantees for independence of the National Commission on Television and Radio, regulating private broadcasting, and the absence of the provisions on the formation of the Council of Public TV and Radio Company. The IPI review noted that media organizations on July 27 released another joint statement, criticizing the July 21 Final Opinion of the Council of Europe Venice Commission, which positively evaluated the latest version of the draft of constitutional amendments, proposed by the Armenian authorities. The review emphasized that journalistic organizations believed, "the Venice Commission's proposals on the freedom, independence, and diversity of mass media are flawed and cannot put in place the necessary guarantees of freedom of speech in Armenia."

## **APRIL 2006**

**ON APRIL 8 "Golos Armenii"** newspaper apologized to its readers for their inability to buy at many newspaper stalls the issue of April 6, since, "as the news vendors explained, all the copies were bought out by unknown people in the morning". In the opinion of "Golos Armenii", the reason of the action was the article of its correspondent Ara Meliksetian "Human Resources as the Party Gold", and "its 'heroes' tried not to make it public". The article was dealing with numerous violations revealed at "Hayseismshin" research institute. It said in particular that in late February the conclusion of the inspection made by the Control Service of the RA President was sent to RA Minister of Urban Development Aram Harutiunian, however, no measures were taken. This idleness is explained in the story by the fact that the Minister of Urban Development and the director of the research institute (ministerial structure) are members of "Orinats Yerkir" party (*Ed. note*: the party was then in ruling coalition). The incident was qualified by the newspaper as "information terrorism" and in the issue of April 8 repeated the publication of the article "that hit the target so well". "Golos Armenii" expressed confidence that "the talk about the content of the article and the disappearance of the issue will continue" and a hope that "'Orinats Yerkir' will not be rich enough to buy every print run of 'GA'".

**ON APRIL 21 "Pakagits"** daily reported that its two previous issues did not reach the readers. As the newspaper wrote, on April 19 the editorial office started receiving phone calls that the "Haymamul" newspaper stalls did not have the fresh "Pakagits" issue. It turned out later than the print run was bought out from the stalls. The reason, in the opinion of "Pakagits", was the article published in the issue, "Andranik Margarian's Corruption Risks". The piece was dealing with the business, allegedly owned by the RA Prime Minister and his family, and was accompanied by photographs. "Pakagits" believed that the action of print run purchase was implemented by people, close to the government and the Prime Minister. As YPC was told by the Chief Editor of "Pakagits" Agapi Haykazuni, this very article was repeatedly printed in the next newspaper issue, of April 20. However, the print run "was stolen by unknown individuals from the editorial car", delivering the issues to the disseminating agencies. According to the Chief Editor, this had happened when the driver came into the editorial office to leave 50 copies of the issue there. The article above appeared again in "Pakagits" issue of April 21.

The news of "Pakagits" print run disappearance was published by "Azg" daily on April 21.

The next day, April 22, "Azg" published the response of the Department of Information and Public Relations of the RA Prime Minister, titled "Much Ado About Nothing". The response of the Department noted in particular that over the past few months "Pakagits" published a series of articles about the Prime Minister "of humiliating and personally insulting quality", and this is why these stories "were never significant enough to receive the attention" of the head of the government. In the opinion of the Department, the loss of the print run is organized by "Pakagits" itself and is "nothing but a trick to raise the interest to the newspaper at least a little". "Until this newspaper ensures due journalistic professionalism, it will be neglected: no response will follow to any article about the Prime Minister", the response of the Department of Information and Public Relations of the RA Prime Minister said.

**ON APRIL 26** at the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan hearing on the suit of Progressive Party of Armenia (PPA) versus "**Pakagits**" daily started. The plaintiff demanded refutation of information, published by "Pakagits" that damages the honor and reputation of the party and its leaders, as well as a public apology. The reason for the suit were three pieces of "Pakagits" of March 7, 8 and 11, 2006, in which the PPA and its leader Tigran Urikhanian were criticized and the financial capacities of the party were questioned. The suit application informs that PPA had addressed the editorial staff of "Pakagits" in writing, demanding to refute the discrediting information, however, the daily refused to do so in the subsequent article.

On April 25 the newspaper stated to the court that the suit lists "Pakagits" daily as a respondent, while it is not a legal person. In this regard on the session of April 26 the plaintiff filed a motion to replace the wrong party and involve the daily founder "Agap-Hrat" LLC as the respondent. The motion was secured.

Hearings on the case completed on June 13. The suit of PPA was refused.

**ON APRIL 26** at "Yerevan" Hotel the first Human Rights Defender of Armenia Larisa Alaverdian presented her annual report on the activities of the Ombudsman and the violations of human rights and fundamental freedoms in 2005 to public. According to the amendments to the RA Constitution, adopted at the referendum of November 27, 2005, the term of service of the first Human Rights Defender ended on January 5, 2006. The activities of the Ombudsman's Office were stopped until the election of the new Defender by the Parliament. Nevertheless, Larisa Alaverdian addressed the National Assembly with request to present her report for 2005 at the spring session. The report was included into the session agenda, but Larisa Alaverdian was only given an opportunity to speak during the debate. The report itself was read out to the deputies on April 13 by the newly elected Ombudsman Armen Harutiunian. At the presentation of April 26 Larisa Alaverdian noted that she would like to make a personal account to the public for her activities as the Ombudsman, which is the reason for the event.

One of the sections of the report of the first RA Human Rights Defender dealt with the freedom of expression and information. It listed the laws and provisions, regulating the media system of the country. Generally, in the opinion of the first Ombudsman, "if the existing laws are strictly followed, the obstacles to the freedom of information can be overcome". The report listed specific cases of obstructing access to information, restrictions on the free expression, violence against journalists and media in 2005. It was emphasized, that the constitutional reform did not take into account most of the proposals by journalistic associations and the Human Rights Defender. As a result, the amended Constitution refers to only one body, regulating the broadcasting sphere (instead of two);

its mission, status and function are not duly specified. Among other legislative shortcomings the report also mentions the RA Law “On Fight against Terrorism” that “endangered the rights of journalists, accessibility and dissemination of information on terrorism”.

“While the number of violations of journalists’ rights, attacks on media representatives in 2005 reduced, in the opinion of independent experts, Armenia displays a trend towards deterioration in terms of freedom of expression and access to information. This is witnessed by the assessments of domestic and international journalistic associations”, the report of the first RA Ombudsman noted. The results of the TV channel monitoring, made by NGOs, show that “the broadcast sphere of Armenia is excessively influenced and controlled by oligarchic groups, closely related to power structures”, resulting “in the dependence of TV companies on the authorities and penetration of censorship into Armenian TV air”. “Public Television of Armenia does not comply with its direct function - to reflect the interests of the public at large, provide impartial information to the population - and is influenced by the higher authorities and related oligarchic groups”, Larisa Alaverdian believed. As an objective parameter, proving the dependence of the TV channels, the first RA Human Rights Defender referred to the findings of media monitoring on constitutional referendum coverage, made by NGOs, including Yerevan Press Club, as an objective indicator, proving the dependence of the TV channels.

In the opinion of Larisa Alaverdian, the freedom of expression situation in broadcast media (less so in print media) remained vulnerable. The main reasons for that included the economic dependence of the media and the mechanism for the formation of regulatory bodies - the Council of Public TV and Radio Company, and the National Commission on Television and Radio. The constitutional reform had much room for the improvement of the NCTR formation procedures; however, the amendments adopted give little chance to hope that the broadcast licensing process will become more objective and professional, the section on freedom of expression and information of the report of RA Human Rights Defender concluded.

**ON APRIL 27** “Freedom House” international organization published its annual global survey on freedom of press in 2005. 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. “These findings are a source of real concern”, declared Jennifer Windsor, “Freedom House” Executive Director. “We find particularly disturbing the deterioration in press freedom in countries that had made overall democratic progress - including in press freedom - in the past. We need to remain vigilant in noting the erosion of press freedom in democratically-elected countries.”

The rating of Armenia, similarly to the previous two years, did not change - 64 points. Thus, the Armenian media for the fourth year already, since 2002, were classed as not free by “Freedom House”.

The section of the survey on Armenia noted, in particular, that “throughout the year the government sometimes limited constitutional protections for freedom of the press”. The RA Law “On Fight Against Terrorism”, in force since 2005, restricts media coverage of terrorism issues, notes the “Freedom House” study, and the opinion of Yerevan Press Club is quoted that characterized the law as “vague and open to abuse”. “The government has yet to decriminalize libel offenses”, “Freedom House” believed: the Criminal Code allows imposing stricter sanctions, up to imprisonments for insulting officials. At the same

time, the report notes that no libel cases were brought against journalists in 2005.

Despite the local pressure and Council of Europe recommendations, the broadcast license of “A1+” TV company, deprived of air in 2002, was not renewed, “Freedom House” stressed. “Although there is a good amount of media diversity and pluralism, some major broadcast media maintain progovernment bias, and there is no independent public broadcaster. There is no official censorship; however, the president's office provides policy guidance, particularly for Public Television of Armenia (H1). Expressing political opposition often results in prosecution, harassment and intimidation”, “Freedom House” noted. Most journalists resorted to self-censorship in covering controversial topics, such as corruption or issues involving Mountainous Karabagh, the report said.

While most newspapers are privately owned, “they are dependent on support from business conglomerates or political interests”. “Because of low print circulation, television is the main provider of news and information. Economic pressure, such as the use of official advertising to influence coverage was more common than direct political pressure”, “Freedom House” believed.

Among the examples of pressure on journalists and media the report quoted an incident with the ignition of the car of the Chief Editor of “Syunyats Yerkir” newspaper Samvel Alexanian and the closure of investigation on the similar case of the editorial car of “Haikakan Zhamanak” daily, as well as the clutter during the broadcasts of the Radio “Free Europe”/Radio “Liberty” Armenian Service on the day of the referendum on constitutional amendments (November 27, 2005) and the subsequent days.

## **MAY 2006**

**ON MAY 2** the National Assembly of Armenia adopted in the second hearing and finally **the RA Law “On Introducing Amendments and Additions to the RA Law ‘On Advertising’”**. The amendment initiator was the RA Ministry of Health, and they mostly referred to advertising in media and outside advertising of medication, medical equipment and treatment methods. The first hearing of the draft was made on March 22, and in the opinion of Yerevan Press Club, along with well-grounded restrictions, it proposed excessive bureaucratic procedures, namely: introduction of a procedure for authorizing such advertising, to be defined by the RA Government. Unfortunately, no changes occurred in the final document. On May 31 the President of Armenia Robert Kocharian signed the RA Law “On Introducing Amendments and Additions to the RA Law ‘On Advertising’”.

Hence, now the advertising of medication in broadcast and print media must be accompanied by the number and the date of the certificate of their state registration in the Republic of Armenia, as well as the issue and the number and the date of the authorization of the RA Ministry of Health. The advertising of controlled medication, sold by prescription and not registered in RA, as well as the advertising of medication on outdoor posters is prohibited. The number and the date of the authorization of the Ministry of Health must be present also in the advertisements of the medical equipment and treatment methods in media and on outdoor vehicles. The advertising of organizations or individual entrepreneurs, practicing medicine, production and sale of medication, implementing educational programs, must contain the number and the date of the license, allowing this activity.

The authors of these amendments to the RA Law “On Advertising” justified them by the

need to protect the consumers' rights and to ensure proper quality of medical service. While sharing this stance completely, YPC, nevertheless, believes that the introduction of additional procedures for being authorized to do medical advertising is obstructing the free dissemination of advertising information and considers it as an unnecessary bureaucratic restriction, actually, characteristic for the majority of the lawmaking initiatives in media.

**ON MAY 3**, at an event dedicated to the World Press Freedom Day, organized by **Yerevan Press Club, Journalists Union of Armenia, Internews and the Committee to Protect Freedom of Expression**, the four journalistic associations presented a joint statement. It noted in particular that the freedom of expression guarantees and the existence of strong, independent media are among the most important factors, conditioning the achievement of a number of crucial challenges, faced by Armenia in the upcoming years. In this regard the organizations announced the priorities of their activities: assistance to the reformation of the legislation on media (first and foremost, television and radio); lobbying of legislative initiatives and practical steps, aiming at the greater legal protection of the journalists themselves, the insurance of their unobstructed access to official information, the elimination of possible imprisonment for libel and insult, increased responsibility of the authorities for the hindrance of the professional activities of journalists; assistance to wide-scale, open and free political debate and impartial coverage of election campaigns in media, primarily, helping the appearance of such programs on the TV air, particularly, on the Public Television, that would assist the citizens in making a free and informed choice; contributing to the professional and consistent reporting on all the stages of the implementation of the European Neighborhood Policy and Millennium Challenge Account and to close cooperation of media with the interested and competent representatives of the civil society; creation of conditions for a wide press coverage of the possibilities for the resolution of Karabagh conflict, overcoming other regional problems and activation of European integration processes in the South Caucasus through various forms of dialogue and information exchange with the colleagues from the neighbor countries, opposing the trends of mutual isolation and "cold war" methods; increase of transparency and impartiality of the activities of the National Commission on Television and Radio, the trust to which has reduced significantly, in particular, after the competitions it held with unsuccessful participation of "A1+" and "Noyan Tapan" TV companies, advocating the involvement of independent experts in the bid consideration with a consultative vote, as stipulated by the RA Law "On Television and Radio"; introduction and observation of norms of professional journalism by the establishment and development of self-regulation institutes and media accountability systems. The four journalistic associations called on the journalistic community, colleagues to unite efforts and to coordinate joint actions to meet the targets above, leading to strengthening of freedom of expression and media in Armenia.

**IN THE EARLY MORNING OF MAY 16** in Vanadzor the Volkswagen owned by the Executive Director of "Lori" TV company **Narineh Avetisian** was stoned. The glasses of the car were broken. In the opinion of Narineh Avetisian, the incident can be related to the talk show aired in the evening of May 15 on "Lori" TV and dealing with the problems of Vanadzor residents, living in the temporary dwellings in one of the city areas, in particular, their eviction process and the sale of the land lots at low prices and with no auctioning. After the talk show was over its organizers stayed in the studio for a discussion, which ended after midnight. Going then out into the street they found the journalist's car damaged. The two other cars standing by were intact.

On May 18 Yerevan Press Club, Journalists Union of Armenia and the Committee to Protect Freedom of Expression adopted a joint statement, noting that for the third time

already during the year (in April 2005, February 2006 and on May 16, 2006) Narineh Avetisian was harassed while performing her professional duties. The indifferent stance that the local authorities, in particular, the law enforcement bodies took on the first two cases resulted in further violence. "It is hard to say whether the local law enforcement bodies are unable or unwilling to disclose the case. May the lack of disclosure be in the interests of the local administration, as violence each time followed the criticism of its activities?", the three journalistic associations stressed, reminding the administration of the Lori region and Vanadzor that the obstruction of the legitimate professional activities of the journalist was a criminal offence and demanding that the law enforcement bodies make an objective investigation into this and previous facts.

This statement was published by a number of newspapers, including "Azg" daily of May 20. In its issue of May 25 "Azg" gave the response of Vanadzor Mayor Samvel Darbinian to the statement. Condemning the stoning of the car of the "Lori" Executive Director and noting that the municipality was just as interested to know who the author and organizer of the action was, the Mayor expressed his indignation "over the ungrounded attempt to blame the Vanadzor authorities for the incident", which was perceived by the letter author to be a similar "stoning". "Unfortunately, it has become fashionable to blame authorities for everything. In our opinion, it makes no honor to such serious organizations", the letter stressed, in particular, ending with a request that the journalistic associations "should not make groundless statements and misinform the public".

Noting that the response of the Vanadzor Mayor is published in full, "Azg" made an editorial comment to it: "(...) Blaming of Vanadzor authorities does not imply they are the authors of what had happened to the journalist. Our accusation is that the authorities - not only in Vanadzor - have made the lack of punishment so habitual, so few of such cases are disclosed, that the assaults on journalists and media continue unobstructed."

Two months later the investigation into the incident that had been launched in the Vanadzor Police Division was suspended due to lack of suspects.

**ON MAY 23** at the RA National Assembly an incident occurred between a deputy of Republican Party of Armenia Alexander Sargsian (brother of the RA Defense Minister Serzh Sargsian) and the parliament correspondent of "**Iravunk**" newspaper **Taguhi Tovmasian**. The discontent of the deputy was caused by Taguhi Tovmasian's article titled "Skirmish on the Plane?" published in "Iravunk-Hetaknnutiun" ("Iravunk-Investigation") weekly supplement of May 18-24, 2006. It said, in particular, that on May 2, before the departure of the aircraft Yerevan-Sochi that crashed during the landing in the morning of May 3, at one of Yerevan restaurants during a birthday party of a major criminal a clash happened, with the involvement of Alexander Sargsian among others. Some of the guests later went on the airplane crashed, and the article made a hypothesis of a possible conflict aboard. The deputy demanded that the author of the article identify the information source.

After the incident in the parliamentary backstage, "Iravunk-Hetaknnutiun" (May 25-31, 2006) published a piece "For the Information of Sashik Sargsian and Law Enforcement Bodies", signed by the Chairman of the Editorial Board of the newspaper Haik Babukhanian. "(...) Sashik Sargsian committed a criminal offence on the territory of the NA: abused, threatened and obstructed the professional activities of our correspondent Taguhi Tovmasian", the piece stressed. Further Haik Babukhanian noted that he himself provided Taguhi Tovmasian with the information which "raised the keen interest" of the deputy. The Chairman of the Editorial Board addressed the RA General Prosecutor's Office, the Police and the National Security Service, proposing to consider the piece to be

“a report on the crime, institute criminal proceedings on the commitment of criminal offence by Sashik Sargsian and to take speedy measures to ensure the safety of our correspondent Taguhi Tovmasian”.

“Zhamanak-Yerevan” daily (*June 1, 2006*) published an interview with Alexander Sargsian, in which he announced he had said nothing insulting to the journalist. “How can I insult a lady? I only told her: in what you have written the whole information is wrong”, the deputy said. At the same time Alexander Sargsian noted that he would not be addressing the court not to raise the newspaper rating. According to “Aravot” daily (*June 1, 2006*), at the press-conference, held on May 31, to mark the 100 days of holding the position, the RA Human Rights Defender Armen Harutiunian said it was “a serious neglect” on his behalf not to make a statement with regard to the incident in the parliament. Also, as “Aravot” quotes, the ombudsman noted: “What would the statement of the Human Rights Defender give, if they (“Iravunk” editorial board - *Ed. Note*) have already addressed the appropriate bodies?”

Meanwhile, as the Editor of “Iravunk” Hovhannes Galajian informed, the deputy apologized and that ended the incident.

**ON MAY 25** the National Commission on Television and Radio announced the results for radio broadcast licensing competitions of December 27, 2005 for two vacant FMs in Yerevan - 90.3 and 90.7 MHz. Among the claimers for both frequencies was “A1+” TV company founder, “Meltex” LLC. Each of the frequencies had another bidder: “Ulis Media” LLC applied for FM 90.3 MHz and “Radio Pro” LLC for FM 90.7 MHz. By the voting of the National Commission members, the latter two organizations gained the right to broadcast on these frequencies.

Thus, the 12<sup>th</sup> attempt of “A1+” TV company to return on air feel flat again: since being deprived of air in April 2002 “A1+” took part in 8 broadcast licensing competitions for TV and in 4 - for radio, and every time its bid was assessed lower than those of its competitors. The situation remained unaffected also by the appeals of the international, local community to the authorities of the country to change their politically motivated attitude to the TV company.

## **JUNE 2006**

**ON JUNE 7 “Football Plus”** sports weekly published a piece by the founder of the weekly, a football commenter **Suren Baghdasarian**, titled “Ousted from the pitch...” According to Suren Baghdasarian, he was unable to make a complete report on a football match of Armenian Championship, since before the game started an employee of the Republican Stadium asked him to leave. The director of the stadium, as Baghdasarian writes, confirmed that he was prohibited from attending matches on the pitch. When requested to show the official prohibition paper, the director assured that it would be done the next day, however, the promise was not fulfilled, the story tells. Besides, as the author of the article maintains, “the President of Football Federation of Armenia Ruben Hayrapetian decreed that no “Football Plus” staff should be allowed to enter the Federation, no information should be provided to them and their presence at events of the Federation should be banned”. “For almost two months “Football Plus” is being subjected to certain information blockade by the Federation”, Suren Baghdasarian stressed.

According to the press-secretary of the Football Federation of Armenia Araik Manukian, the Federation has nothing to do with the incident at the Republican Stadium. The staff of

“Football Plus” never made an appropriate information request as well as never expressed a wish to be present at the events, held by the Federation; therefore, there are no grounds for the accusations of “information blockade” of the weekly by the Federation. Should a written inquiry be made, there will be no problem of information provision to the weekly, Araik Manukian said.

**ON JUNE 15** the RA National Assembly adopted in the third hearing and finally the new **RA Law “On Copyright and Adjacent Rights”**. The Law contains a number of provisions on media activities that are mostly similar to the stipulations of the old law of December 8, 1999. Thus, clause 2 of Article 4 of the new Law defines that “the information of the news of the day or current affairs and facts” is not an object of copyright. Article 32 provides that “the copyright for an interview belongs to the person interviewed and the person interviewing, as co-authors, unless they have a different arrangement between them” (cl. 1) and that “publication of an interview is allowed by the consent of the individuals interviewed and interviewing” (cl. 2). The Law also stipulates a free use of the works without the author's consent and remuneration but with a mandatory specification of the author and the source, unless it runs contrary to the legitimate interests of the author (Article 22). According to Article 26, if TV or radio companies have a right for broadcasting a certain work, they may - without the author's consent and additional remuneration - produce audio and video records for free short-term use. The broadcaster should destroy such records in six months' time, unless there is an agreement with the author about the subsequent use.

**ON JUNE 21 “Syunyats Yerkir”** newspaper (Kapan, Syunik region) disseminated a statement due to the power cutoff at its editorial office. The reason for the incident was article published in “Syunyats Yerkir” of June 15, 2006 “Syunik Energy System is Corrupt, If Not Fully Corrupt”. On June 21, as the statement of the editorial staff tells, the office was visited by the heads of “Tatev” branch of “Electric Networks of Armenia” CJSC, who were offered to publish their response or objections to this article. However, the statement stressed, this offer did not satisfy the management of the regional electrical network, and they orders to cut off the power supply of the “Syunyats Yerkir” office. As a result, the work of the editorial staff was suspended. The newspaper ended its statement with an appeal to RA President Robert Kocharian as a Constitution guarantee to stop “the persistent harassment of ‘Syunyats Yerkir’”. Reporting on the incident , “Aravot” daily (*June 23, 2006*) quoted also the explanation given by the press-service of “Electrical Networks of Armenia”, where the power cuts at the editorial office were motivated by inconsistencies in the documentation and debts for the previous months. The power supply of the building, where the editorial office of “Syunyats Yerkir” is located, was resumed on June 26.

**ON JUNE 26** the Chief Editor of “**Zhamanak-Yerevan**” daily **Arman Babajanian** was detained. According to the press release of the RA General Prosecutor's Office, on June 24, basing on the data provided by the RA Military Police, criminal proceedings were instituted against Arman Babajanian, on clause 2, part 2, Article 327 of the RA Criminal Code (“Avoidance of military service, military exercise or summons”). On June 26, the press release says, Arman Babajanian was examined and “in the presence of an attorney made a confession” that “he had forged documents to avoid drafting for military service” in November 2002.

On the same day the management of “Zhamanak-Yerevan” held a press-conference, during which the Director of “Zhamanak-Yerevan” Manuk Sukiasian doubted the validity of the reason for the detainment, at least because Arman Babajanian (lives in the USA, being a citizen of Armenia - *Ed. note*) had repeatedly visited Armenia and never before did he



have problems related to avoidance of military service. In the opinion of “Zhmanak-Yerevan” management, the reason for the incident is in the journalistic activities of the Chief Editor and is a matter of freedom of speech infringement. (“Zhmanak-Yerevan”, the version of US-based “Zhmanak-Los Angeles” intended for Armenia, was launched in May that year and immediately expressed itself as a strongly oppositional daily. Arman Babajanian heads both newspapers.)

On June 27 the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan made a resolution on the arrest of Arman Babajanian for two months’ term. In the issue of June 28 “Hayots Ashkhar” daily with the heading of “How Documents are Forged” published an interview with the investigator of the General Prosecutor’s Office Samvel Sinanian, in charge of Arman Babajanian’s case. The investigator noted, in particular, that as the criminal and legal practice shows, the preventive punishment of Arman Babajanian could not have been any different. “In the course of 2005 76 cases were directed to the courts on part 1 of the same Article, stipulating milder punishment, and in all cases arrest was chosen as preventive punishment”, Samvel Sinanian explained. “Hayots Ashkhar” article further described the details of the fraud. The piece was accompanied by photocopies of the documents.

Protest actions, organized by the editorial staff of “Zhmanak-Yerevan” were held by the General Prosecutor’s Office on June 27, 28 and 29.

In the statement of June 29, 2006, prepared at Nubarashen pre-trial detention center Arman Babajanian qualified what happened to him as political persecution by the authorities aiming “to silence another incorruptible and independent medium”.

On June 29 over 20 journalists of Gyumri, Shirak region, made a joint statement demanding that the General Prosecutor’s Office change the preventive punishment and release Arman Babajanian.

A similar appeal was made on the General Prosecutor’s Office by a statement of the heads of Yerevan Press Club, Internews Armenia, Committee to Protect Freedom of Expression, Helsinki Committee of Armenia, “Investigative Journalists”, Center of Law and Freedom on July 5. “The choice of arrest as a preventive punishment became even more resonant, since, firstly, it is taken to be a blow on the newspaper, and, secondly, is viewed as an infringement of the right of a journalist, moreover, an opposition journalist, to freedom of expression, and as a response to his activities”, the statement by six NGOs says. Not excluding criminal proceedings on the case, the signatories expressed their alarm “at the choice of arrest as preventive punishment, qualifying it as pressure on an independent medium”. The NGO representatives called “to change the preventive punishment, particularly since Arman Babajanian has already demonstrated his readiness to collaborate with the investigative bodies and is not going to impede the investigation in any way”.

On the same day, July 5, a number of media published a joint statement of editors of seven newspapers - “Aravot”, “Azg”, “Chorrord Ishkhanutiun”, “168 Zham”, “Iravunk”, “Haikakan Zhmanak”, “Taregir”. Although, the statement says, General Prosecutor’s Office attempts to present the case of Arman Babajanian as another example of avoiding military service, there are grounds to believe that this is a demonstrative lesson, intended not for “avoiders”, but for media heads, who are out of governmental control. This is confirmed, the statement ran, by the fact that “the General Prosecutor’s Office thought it necessary to arrest Arman Babajanian, thus finding it impossible to apply a milder

preventive punishment". The editors of seven media reminded that according to the RA Code of Criminal Proceedings, when selecting a preventive punishment, along with other circumstances, the nature of the work that the person charged has: "It turns out that for the General Prosecutor's Office the position of the Chief Editor of the newspaper is an occupation, not inspiring any confidence, and people exercising such activities can be hiding from the bodies, processing the case, impede investigation, exert illegal pressure on persons, involved in the litigation, commit an action, forbidden by the criminal legislation, avoid criminal liability". Hence, having listed all the grounds enabling the investigative body to select this or that preventive punishment, the editors of seven newspapers think that in the case of Arman Babajanian they are inapplicable, if for no other reason but because he has already made a confession, as it is confirmed by the official communication. The signatories demanded that the preventive punishment of Arman Babajanian be changed - to a bail or an obligation not to leave the place of permanent residence.

On July 6 an appeal was filed by attorney Robert Grigorian, the counselor for defense of the "Zhamanak-Yerevan" Editor to change the preventive punishment. It was accompanied by a petition, signed by almost two dozen deputies of RA National Assembly. MPs substantiated their opinion on the need to change the preventive punishment of Arman Babajanian by the fact, that the Editor does not deny the fact of document fraud, and "being free cannot impede the investigation, has no previous convictions and has health problems" (*quoted from "Haikakan Zhamanak" daily, July 7, 2006*). On July 12 the RA Court of Appeals sustained the ruling of the court of primary jurisdiction on the arrest of the Chief Editor of "Zhamanak-Yerevan" daily Arman Babajanian.

On July 7 the Committee to Protect Journalists expressed concern that "the criminal case against Arman Babajanian may be related to his journalism" and called on "Armenian authorities to release him pending trial and make their evidence against him public". A similar appeal was made by some other foreign NGOs. "Zhamanak-Yerevan" gave much space to the statements of Diaspora representatives, also the Armenian-language media of the US, the opinions of politicians and public figures of Armenia, speaking in protection of Arman Babajanian.

On July 17 the RA General Prosecutor's Office informed that due to the new circumstances revealed in the course of investigation, the charges against Arman Babajanian were extended to include another article of the RA Criminal Code - 324, p. 2 ("Theft or spoilage of documents, stamps, seals").

The case was directed to the court on July 24, the trial started on August 18. The Editor of "Zhamanak-Yerevan" pleaded partially guilty - on Article 327 only ("Avoidance of military service, summons and exercise").

On September 4 the Prosecutor demanded to bring in a verdict of guilty on both Criminal Code articles, sentencing the Editor to 4.5 year's imprisonment. At the session of September 8 the verdict was brought in. The court ruled that the guilt of Arman Babajanian was unproved and he was found not guilty on part 2 of Article 324. The charge on Clause 2 of Part 2 of Article 327 was found by the court to be proved. The sentence was defined to be 4 years of imprisonment (notably, Part 2 of Article 327 stipulates the punishment of arrest for 1 to 3 months or imprisonment for 1 to 5 years).

On September 14 the RA Human Rights Defender Armen Harutiunian, giving a press-conference on the results of his work for the past half a year, noted that formally, from a legal point of view, the punishment defined for Arman Babajanian was probably grounded.

However, the Ombudsman thinks the sentence to be too strict, saying: "There are opinions that the strict approach to the case is explained by the fact that he (Arman Babajanian - *Ed. Note*) is the editor of an opposition newspaper. (...) I do not think this misdemeanor should have been punished by four years' imprisonment." (*quoted from the information on the web-site of "A1+."*)

On September 25 Robert Grigorian, the attorney of the Chief Editor of "Zhamanak-Yerevan" daily Arman Babajanian, challenged the sentence of his defendant with the RA Court of Appeals. The hearings on the case started at the RA Court of Appeals on October 24. At the session it became known that the RA General Prosecutor's Office on its behalf challenged the ruling of the court of primary jurisdiction, demanding to make the sentence tougher. Arman Babajanian on his part announced he had refused his former attorney and asked for time to recruit a new lawyer on the case. The court secured the motion. At the session of November 7 the court secured the motion of the new attorneys of Arman Babajanian, Zaruhi Postanjian and Haik Halumian, giving them time to study the case.

Earlier, on November 6, at a press-conference at the Journalists Union of Armenia Zaruhi Postanjian and Haik Halumian, in particular, noted that on October 16 the Editor of "Zhamanak-Yerevan" addressed the Military Commissariat of Shengavit community of Yerevan with a request that the RA Law "On Citizens Who Have Not Taken Mandatory Military Service with Procedural Violations" be applied to him. In the opinion of the attorneys, Arman Babajanian fitted into the category of people who can legally be exempted from mandatory military service, should a certain amount be paid to state budget. The attorneys of Arman Babajanian noted that the request should be considered during a month by a special interdepartmental commission, headed by the RA Minister of Defense. On November 10 the RA Minister of Defense Serzh Sargsian announced to media that the request of the Chief Editor of "Zhamanak-Yerevan" daily was not subject for consideration: "We have a written conclusion saying the commission is not competent to consider the cases on which the court verdict is already made. This is certain. The commission cannot be superior to the court, can it? The mission of the commission is to consider the problems of all those who volunteered to report to the military authorities" (*quoted from "Hayastani Hanrapetutian" daily, November 11, 2006*).

On January 12 the RA Court of Appeals completed the hearing on the case of Arman Babajanian. At the session of January 12 the Court of Appeals somewhat mitigated the sentence of Arman Babajanian, reducing it to 3.5 years' imprisonment. The ruling was made in the absence of the defendant's attorneys. Besides, the court declined the motion of Arman Babajanian to give him time to prepare the last word. Refusal was also made on the previous motion of the journalist's attorneys to reschedule the session, as the response of the special interdepartmental commission above had not been received.

The attorneys of Arman Babajanian announced their intention to challenge the sentence with the RA Court of Cassation.

## **JULY 2006**

**ON JULY 10** "Hetq" online newspaper (the weekly publication of "Investigative Journalists" NGO) reported that throughout the previous week "Hetq" received e-mail messages with threats and abuse to the address of "**Investigative Journalists**": "The messages warned against writing any more articles about Gagik Tsarukian (RA National Assembly deputy, head of "Multi Group" concern - *Ed. note*), making threats if disobeyed." On July 7, the weekly told, the Chairman of "Investigative Journalists" and the Chief Editor of "Hetq" Edik

Baghdasarian addressed the Head of the RA National Security Service Gorik Hakobian with a request to disclose and punish the author of the messages, as the law provides. On July 12 the National Security Service informed him that the messages were sent out from Irwin, Los Angeles suburb. However, further investigation is impossible as there is no appropriate intergovernmental agreement between USA and Armenia.

**ON JULY 12** the freelance correspondent of “Chorrord Ishkhanutiun” and “Aravot” newspapers **Gagik Shamshian** was harassed by the relatives and associates of the head of Nubarashen community of Yerevan Mher Hovhannisian.

In the morning the taxi that Gagik Shamshian, residing in Nubarashen, was traveling in was blocked by a Mercedes car. The father of the Nubarashen community head Andranik Hovhannisian went out of the Mercedes, started threatening the journalist and demanding his explanations with regard to article “Robbery and Infinity”, published on July 11 in “Chorrord Ishkhanutiun”. The article presented the details of the robbery made at one of the Yerevan banks over the week-end (the disappearance of a big amount of money and valuable items was discovered in the morning of July 3). The article noted in particular, that the crime accomplices included two relatives of the head of Nubarashen community. (It should be noted here that the piece is signed by a completely different name, and, as the Chief Editor of “Chorrord Ishkhanutiun” Shogher Matevosian maintained, Gagik Shamshian was not its author; the piece only bore the photograph made by him. Information on the morning incident was broadcast on the same day in the evening air of Radio Free Europe/Radio Liberty Armenian Service. In his interview to the radio company Gagik Shamshian noted that what happened to him was related also to his previous pieces about the community head and his family. In the evening of the same day, at about 21.30, as he was leaving home, Gagik Shamshian was surrounded by numerous cars. About 40 people went out of the cars, started a squabble with the journalist, expressing their indignation at the article, abused the journalist and threatened to punish him. Afterwards, getting back into their cars they followed him for about two kilometers, not allowing making a stop. They also took Gagik Shamshian's recorder, mobile phone and wallet. The journalist recognized relatives and subordinates of the head of Nubarashen community among the assaulters. At 23.30 Gagik Shamshian appealed to Erebuni Department of the RA Police, where the colleagues of the journalist also arrived. According to the Correspondent of "Chorrord Ishkhanutiun" newspaper Mher Ghalechian, Gagik Shamshian's T-shirt was torn, and his arms were bruised. In the police the recorder and the mobile phone were returned to him, yet the journalist did not understand who had done it, noting at the same time that the telephone card had been replaced.

According to the communication, placed on July 13 at the web-site of the RA General Prosecutor's Office, basing on Gagik Shamshian's appeal, the Prosecutor's Office of Erebuni and Nubarashen communities of Yerevan instituted criminal proceedings on Article 164 (“Impeding the Legitimate Professional Activities of Journalist”), part 1 of Article 176 (“Robbery”) and part 3 of Article 258 (“Public Disorder”) of the RA Criminal Code.

Meanwhile the pressure on the journalist continued: on July 13 the power supply at his flat was interrupted and his telephone line was cut off. The power supply of his flat resumed on July 14, and the phone connection was restored by the technician that Gagik Shamshian invited.

On July 18 several dozens of Yerevan Nubarashen community residents held a “protest action” in front of the local administration against Gagik Shamshian. The rally participants held banners with insults to the address of the journalist and appeals to move out of the

community and “not to cast shade” on it. During the “protest action” Shamshian was at work. Upon his return home, he found his door with curses written all over, the banners noted above were placed next to it and shreds of “Chorrord Ishkhanutiun”, “Aravot”, “Haikakan Zhamanak” and other newspapers were scattered around. According to the information that the journalist had, prior to the action, for a few days the employees of the communal administration were going to the local households, convincing people to sign the address to the head of Nubarashen, expressing their reluctance to live in the same community with Gagik Shamshian. All this induced the journalist to move out of the area in future.

On July 25 the RA General Prosecutor’s Office informed that the charges on the case, instituted on the appeal of the free-lance correspondent of “Chorrord Ishkhanutiun” and “Aravot” newspapers Gagik Shamshian, were introduced to Ruben Hovhannisian, the brother of the Yerevan Nubarashen community head. According to the press-release of the General Prosecutor’s Office, arrest was selected as the preventive punishment of Ruben Hovhannisian. However, later Ruben Hovhannisian was released on bail.

On August 3 the Erebuni Investigation Division of the Chief Investigation Department of the RA Police instituted criminal proceedings against Gagik Shamshian himself: as the journalist was explained by the Police, it was done basing on appeals from a number of citizens. The journalist was charged with Part 1 of Article 136 (“Insult”), Parts 1 and 2 of Article 178 (“Cheating”) and Part 1 of Article 182 “Extortion” of the RA Criminal Code. According to Gagik Shamshian, he was interrogated and did not plead guilty on none of the episodes. On August 21 Gagik Shamshian filed appeals to the Erebuni Investigative Division and the Prosecutor’s Office of Erebuni and Nubarashen communities (that is, the bodies investigating both cases), informing that he refused his attorney and the testimony, given upon his advice. As Gagik Shamshian explained, the attorney talked him into mitigating his initial testimony on the first case and to admit his incapacity - on the second. In his appeals to law enforcement bodies Gagik Shamshian requested to keep his initial testimony as valid.

Thus, the journalist became involved in two criminal cases at the same time, in one of them he was the injured party, and in the other - he was the defendant.

On October 17 within the case instituted against Shamshian he underwent a forensic examination, by which his capacity was confirmed.

On November 10 the investigation into the attack on Shamshian was stopped due to the absence “of sufficient proofs of corpus delicti in the actions of the suspects”, the new attorney of the journalist Zaruhi Postanjian informed. She also said she was going to challenge this decision.

As of the end of 2006 no new development occurred on the case.

**ON JULY 17 the heads of eight newspapers, two journalistic and two human rights organizations** made a joint statement, expressing their concern over the strengthened pressure on media representatives and called on authorities to have respect to democratic institutes, including the press. The statement was signed by the newspaper Chief Editors - Aram Abrahamian of “Aravot”, Hagop Avedikian of “Azg”, Nikol Pashinian of “Haikakan Zhamanak”, Satik Seyranian of “168 Zham”, Shogher Matevosian of “Chorrord Ishkhanutiun”, Vasak Darbinian of “Taregir”, Editor of “Iravunk” newspaper Hovhannes Galajian, the Executive Editor of “Zhamanak-Yerevan” daily Liza Tchagharian, President of

Yerevan Press Club Boris Navasardian, Chairman of Committee to Protect Freedom of Expression Ashot Melikian, Chairman of Helsinki Committee of Armenia Avetik Ishkhanian, Chairman of the Center of Right and Freedom Vardan Harutiunian.

“Journalistic community is greatly concerned that as the parliamentary elections draw nearer in Armenia, there is intensification of pressure and threats to media representatives from the forces and individuals that have a reason to fear criticism and disclosure of some of their activity aspects.

During the past week only two extraordinary developments occurred: the Chairman of “Investigative Journalists” public organization Edik Baghdasarian received a warning about possible harassment, while performing the professional duties the photo correspondent of “Chorrord Ishkhanutiun” newspaper Gagik Shamshian was attacked, physically abused and robbed. In their appeals to the RA National Security Service and prosecutorial structures both our colleagues respectively noted the possible source of “discontent” with their journalistic activities. Gagik Shamshian even named specific names of people who threatened and harassed him, however, by our information, no measures were taken against the assaulters, moreover, even after the appeal was filed, the “punitive actions” against the journalist continued.

The latter circumstance shows that not only the pre-elective wave of law infringements grows but also that the law enforcement bodies are unable to ensure the safety of media representatives and to neutralize the criminals. We think it appropriate to remind the provisions of the RA Law “On Mass Communication”, according to which “the journalist during his legitimate professional activities, as a person performing a public duty, is protected by the legislation of Republic of Armenia” and “it is prohibited (...) to impede the legitimate professional activities of the journalist”. However, the legislation runs contrary to the sad reality: the vast majority of crimes against journalists, including the numerous cases of impeding their professional activities, remain undisclosed.

In this context the absence of any kind of reaction from the RA General Prosecutor's Office to the number of appeals to change the preventive punishment against “Zhamanak-Yerevan” daily Chief Editor Arman Babajanian remains unacceptable for us. Neither in this, nor in other examples quoted do we intend to go into the legal essence of the cases or to forestall the results of the investigation. Our concern is caused by the problems of normal functioning of media and its representatives, intensification of politically motivated tension and absence of adequate, legitimate response of the authorities to the situation in place and our appeals.

We reinstate our appeal to consider the possibility of changing the preventive punishment of Arman Babajanian, make a speedy investigation and punish those guilty of the incident with Gagik Shamshian, thoroughly study the circumstances, related to the anonymous threats to Edik Baghdasarian. The climate in which the parliamentary elections will take place in a few months is fully dependent on the readiness of the state to protect its citizens from hooligans, striving for power at any price, and to respect the democratic institutes, in particular, the press”, - the statement of 12 media and NGO leaders says.

**ON JULY 26** the OSCE Representative on Freedom of the Media Miklos Haraszti released a report on the state of media freedom in Armenia, which also provided a set of recommendations on the improvement of media situation. The document was based on the visit of Miklos Haraszti to Armenia on June 19-21.

Armenia, the report of the OSCE Representative said, has made significant progress in improvement of media legislation, but the media pluralism remains limited to the independent, but financially weak and less influential, print media. The limited pluralism in the broadcasting sector is a major problem: "The broadcast outlets, with the exception of a limited number of programs which present alternative views, do not offer in a consistent way objective and pluralistic information to society. Broadcast media can be described as predominantly pro-Government, despite the transformation of state TV into a public service broadcaster and the existence of a number of private channels. In conformity with current legislation, all members of the regulatory bodies are directly appointed by the President of Armenia." As a first step to improve the state of broadcasting it is recommended that "legislative changes provided for by the Constitutional amendment (adopted by the Referendum of November 27, 2005 - *Ed. Note*) should be prepared by the Government, discussed in a public forum with members of civil society, and passed in Parliament as soon as possible, certainly before the Parliamentary elections in 2007. However, legislative changes should not be limited to a 'half Presidential - half Parliamentary' board. The composition of all boards should represent the political and social diversity of the country, and should include NGOs and professional associations".

As to public service broadcasting, in the opinion of the OSCE Representative, the members of its regulatory body - the Council of Public TV and Radio Company - "should not be selected by one political force or by political forces alone". The selection criteria, the report stresses, should reflect transparency and ensure both a high level of professionalism and pluralism of reflected views. In order to fulfill the tasks of a genuine public service broadcaster, the Council should carry out continuous monitoring of access of different parties to air time and coverage of their activities, the results of which should be made public.

Although numerous private broadcasters exist, there is no systemic coverage of the diversity of public opinion. The example of "A1+" and "Noyan Tapan" TV companies, the report notes, are a proof that the licensing activities of the National Commission on Television and Radio in the current legal setup, are non-transparent and politically motivated: "In 2002, these fully operational TV stations, regarded by many as politically independent from the Government, were denied renewal of their licenses. Since then, "A1+" has applied more than ten times, but was rejected based on different reasons." The recommendations on private broadcasting the report noted the need for such amendments of the Law "On Television and Radio" that would be clear about broadcast licensing competition procedures: "The selection criteria must include the interests of pluralism; the licensing process must become more transparent, using more quantifiable, thus publicly controllable benchmarks." Despite the anti-monopoly provision in the broadcast Law stipulating that "each physical or legal entity can be licensed only for one Television and Radio Company", in Armenia there are people who own several broadcasting companies, which, in their turn, share the same buildings and staff members. "This means that there aren't any guarantees for pluralism in ownership, which, in any society, is the foundation for a pluralistic access to information", Miklos Haraszti stressed in his report. To preclude the monopolization of the broadcast market the OSCE Representative recommends that the Law "On Television and Radio" include clear-cut market share provisions and give NCTR the authority to check parent companies.

"The market for commercial advertising in Armenia is very limited, both in size and scope. Broadcast media keeps prices artificially low by exceeding the limits of advertisement amounts allowed for them. This abuse is made possible by the poor enforcement of the laws regulating advertising, leading to unpunished violations of both time and content

limitations”, Miklos Haraszti’s report said. To improve the situation a number of measures are recommended: to supervise properly the implementation of the laws on advertising to ensure the development of pluralistic advertising market; to legislatively ensure more power to NCTR on monitoring the content and frequency of advertisements, including hidden ones; to regulate by one law advertisement limitations of both public and private broadcasters; to legally clarify the advertising limits per hour of broadcasting, following international standards.

The Armenian print media are defined in the report of the OSCE Representative as free, but financially weak, with limited influence. The main reasons behind the financial weakness of the print media are explained by the limited commercial advertising market, and the insufficiencies of the print press distribution system. “(...) Neither subscription nor distribution should be subject to licensing. The Government should consider introducing special protection of the print press in order to promote media pluralism, for example a supportive distribution system, VAT or tax breaks.”

Although Armenia adopted one of the most progressive Law “On Freedom of Information” in CIS countries, access to information by media professionals remains limited due to the poor implementation of the Law. To ensure the proper implementation of the Law “On Freedom of Information” public discussion and adoption of sublegislative acts is recommended. Besides, Article 5 “Recording, Classifying and Maintaining Information” and Article 10 “Conditions of Providing Information” are not to be changed, being important guarantees of free access to information.

The OSCE Representative, having positively assessed the legislative softening of punishment for libel and insult, stressed at the same time that this reform, launched in 2004, must be completed, namely, the defamation should be decriminalized completely; a moratorium on criminal defamation charges may be introduced while decriminalization amendments are being prepared and adopted; Article 318 “Insulting a Representative of Authorities”, should be repealed; guidelines should be introduced for civil courts in order to ensure that the amount of damages in civil defamation cases is proportionate to the charge; an effective media self-regulation body should be established and it should assume the mediating role in media-related disputes.

## **SEPTEMBER 2006**

**IN THE MORNING OF SEPTEMBER 6** Editor of “*Iravunk*” newspaper *Hovhannes Galajian* was attacked. As the journalist was leaving home, two young men with their heads shaved attacked him from behind, threw him on the ground and started kicking him, aiming at his head. They never uttered a word. However, soon they realized they were attracting the attention of pedestrians and ran away. Right after the incident the journalist reported it to the Police Division of Arabkir community of Yerevan and underwent medical examination. According to it, Hovhannes Galajian received mild corporal injuries. Criminal proceedings were instituted by Article 118 of the RA Criminal Code (“Beating”).

On September 7 the weekly supplement to “*Iravunk*”, “*Iravunk-Hetaknnutiun*”, published a suspect composite of one of Hovhannes Galajian’s attackers. The news on the incident also quoted the testimony of the nearby newspaper saleswoman that the attackers “waited for quite a long time and conversed in Russian”. The piece also told that about a week before the incident an unknown man called Hovhannes Galajian at his editorial office, poured threats and insults. At this point, as the piece noted, it was hard to say whether the two cases were related.



According to Hovhannes Galajian, in the early morning of September 7, he was threatened again by phone. The journalist saw one of the attackers on September 8, while sitting at a café with a colleague. The attacker, accompanied by an unknown man, made an ostentatious circle around the café and left.

Noting he had no personal enemies, the Editor of “Iravunk” linked the incident to his professional activities. The Chairman of the Editorial Board of “Iravunk” Haik Babukhanian qualified it as “another attempt to silence and intimidate “Iravunk” newspaper”. Recalling other incidents that happened to newspaper staff and him personally, Haik Babukhanian placed the responsibility on the supreme authorities of the country, the administration it had formed and particularly, the heads of the law enforcement bodies, “who connive at criminalism and created a climate of fear and terror in the country”.

The assault on Hovhannes Galajian received a strong outcry from the journalistic community. On September 7 Yerevan Press Club, Journalists Union of Armenia, Committee to Protect Freedom of Expression, Internews Armenia, Helsinki Committee of Armenia, Center of Law and Freedom made a joint statement.

“The unpunished violations of freedom of speech and press generate new crimes: people, incapable of civilized dialogue, choose the way of intimidating journalists and media. In our country it seems to become a sad tradition of striking the media at the times of political tension. Such attitude towards media, intensifying in the view of upcoming parliamentary elections, endangers the possibility to ensure transparent elective process” the statement of the six journalistic and human rights organizations said, in particular. The statement was published by a number of print media and disseminated by several news agencies. It was also joined by the editorial team of Panorama.am news portal. The editorial staff of “Yerkir” weekly (the organ of ARF “Dashnaktsutiun” Supreme Body) in its issue of September 8, on its behalf, condemned the attack on Hovhannes Galajian and demanded that law enforcement bodies take measure to reveal and punish the perpetrators.

The RA Human Rights Defender Armen Harutiunian called on the law enforcement bodies to be consistent in the disclosure and punishment of criminal elements as strictly as the law provides in all cases of impeding professional activities of journalists, particularly, any violence against them. In his statement of September 7 the Ombudsman qualified the attack on “Iravunk” Editor as “another incident, deserving condemnation and directed against freedom of press”. The recent attacks on journalists, the impeding of their work “inflict a serious blow on the reputation of our country and threaten the full-fledged ensurance of the right to free expression and access to information in Armenia”, the statement of Armen Harutiunian stressed in particular. Statements were also made by a number of political parties.

“168 Zham” newspaper (*September 9 -11, 2006*) published the opinion of the RA Robert Kocharian, voiced by the President’s spokesman Viktor Soghomonian. Noting that the incident with Hovhannes Galajian deserves strict condemnation, the President expressed his confidence that “the law enforcement bodies will do everything possible to reveal and prosecute those guilty”. “At the same time for three days already confident opinions are expressed that the reason for violence were the recent articles by Galajian on the representatives of authorities. I think, one must wait for the end of the investigation before making improper conclusions. The image of the journalist, persecuted by authorities, is certainly lucrative, and there is nothing easier that to place the responsibility for violence on the authorities. One must also remember that both “Iravunk” and Mr. Galajian

personally have been criticizing the authorities for many days and years, also in very tense political situations, unlike these days. However, I cannot remember other cases of violence against Galajian in the past. In any case, I shall repeat, the violence committed against the journalist must be strongly condemned. But the answers to all questions will be given by the investigation, including the question of whether the incident was related to the professional activities of Galajian”, the piece of “168 Zham” said.

The suspect composites and verbal descriptions of the assaulters, made by the RA Police criminal experts, were published in “Iravunk” (*September 12-14, 2006*) and “Haikakan Zhamanak” (*September 13, 2006*) newspapers.

As of the end of 2006 the perpetrators were not found.

**ON SEPTEMBER 12** the OSCE Office in Yerevan made a statement saying it “is deeply concerned over recent incidents of violence and intimidation against local journalists which have obstructed their professional duties and infringed upon the freedom of expression”. Noting the need to duly investigate into the attacks on the Editor of “Iravunk” newspaper, Hovhannes Galajian (September 6) and the freelance journalist Gagik Shamshian (July 12), the OSCE Office urged law enforcement bodies “to undertake prompt measures to ensure the safety of media professionals in order to promote freedom of expression in the country”. “The OSCE Office in Yerevan will be closely following developments related to these cases”, - the statement stressed, in particular.

**ON SEPTEMBER 26** the extraordinary session of the RA National Assembly started, as summoned by the Government of Armenia. The extensive agenda of the session also included **a package of draft laws on broadcasting**: Draft RA Law “On Introducing Amendments and Additions to the RA Law ‘On Television and Radio’”; Draft RA Law “On Introducing Amendments to RA Law ‘Regulations of the National Commission on Television and Radio’”; Draft RA Law “On Introducing an Addition to the RA Law ‘On State Duty’”. At the parliamentary session the package was presented by the RA Minister of Justice David Harutiunian.

The drafts were received by the National Assembly on September 25 - on the eve of the extraordinary session opening. So, neither the deputies, nor the specialized Standing Committee had a chance to properly study the package. The documents did not go through an appropriate international expert review either. And finally, they came as a complete surprise for journalistic associations that have repeatedly and publicly stated they develop their own proposals on the legislative changes in broadcasting and are ready to cooperate with the Government and the Parliament on this issue. It should also be noted that the opinion of the journalistic community was neglected by the Government, despite the repeated assurances of the Ministry of Justice that all the legislative initiatives on the media sphere would first be discussed with representatives of professional organizations.

On September 26 Yerevan Press Club, Journalists Union of Armenia, Internews Media Support NGO, Committee to Protect Freedom of Expression and “Asparez” Journalist’s Club of Gyumri made a joint statement, expressing their serious concern over the situation. The statement stressed the unacceptability of the hasty adoption of the drafts without consultations with parties concerned and no account for recommendations of the Council of Europe Committee of Ministers and the OSCE Representative for Freedom of the Media Miklos Haraszty. It also listed and analyzed the questionable provisions of the amendments to the broadcasting legislations “that give rise to serious concerns in terms of

freedom of expression, and fair and objective regulation of the broadcasting market". The representatives of five journalistic associations appealed that the RA National Assembly, prior to discussing and adopting the package of draft laws on broadcasting as submitted by the Government, hold public forums, during which "we are ready to present our observations and proposals regarding the content of the amendments".

On the same day this statement was read by MP Stepan Zakarian during the discussion of the package above in the Parliament. At the discussion that continued on September 27 other MPs spoke about the serious shortcomings of the amendments proposed. Gegham Manukian, on behalf of "Dashnaktsutiun" faction, suggested that the Government withdraw the draft and re-submit it after public consultations and improvements.

On September 27 at a meeting with the Armenia Co-Rapporteurs of the PACE Monitoring Committee the RA Human Rights Defender Armen Harutiunian expressed his concern with the fact that the public and state institutes were not made duly aware of the draft amendments to the Law "On Television and Radio", whereas this "has fundamental significance for the democracy strengthening in the country".

On September 27, having exhausted the agenda, the extraordinary session finished its work. The voting on the draft laws was postponed.

The concern that the package of the draft laws was submitted to the Parliament with no discussion with the civil society and international organizations was voiced in the letter of the Head of OSCE Office in Yerevan Ambassador Vladimir Pryakhin, addressed to NA Speaker Tigran Torosian and RA Minister of Justice David Harutiunian on September 28.

The package of draft laws on broadcasting was placed for public discussion at the website of the RA Ministry of Justice ([www.justice.am](http://www.justice.am)) on September 28 only, that is, after the extraordinary Parliament session ended and the criticism of journalistic and international organizations was made.

At a press-conference on September 29 the representatives of the five journalistic associations noted above reinstated the unacceptability of the hasty adoption of the drafts. In the opinion of journalistic organizations, the proposal to hold public discussion of the drafts after their adoption in the first hearing is also unacceptable: according to the NA Regulations, after the first hearing the introduction of new articles into the draft is not permitted. At the press-conference the NGOs confirmed their readiness to present the concept and specific proposals on the legislative reformation of the broadcasting within shortest time possible, cooperating on this with the Government, the Parliament, and all interested organizations.

The voting on the package of draft laws, regulating broadcasting, was made on October 3, in the course of the ordinary four-day session of the Armenian parliament. Most deputies did not take part in the voting, as a result of which the draft laws were not adopted in the first hearing (instead of the necessary 66, 47 votes were cast - 46 for, 1 against).

At the press-conference on October 3 at the National Assembly Shavarsh Kocharian, MP representing "Ardarutiun" faction, noted that the drafts rejected by the Parliament run contrary to the RA Constitution. In the opinion of the deputy, the body, as stipulated in the Main Law, must regulate the entire broadcasting sphere, while the draft law provisions do not cover the public service broadcasting. Moreover, Shavarsh Kocharian thinks, the amendments proposed by the Government make the private broadcasters even more

dependent on the regulatory body.

## OCTOBER 2006

**ON OCTOBER 5** the press service of “Orinats Yerkir” party released a statement with regard to the interview of the party Chairman, former Parliament Speaker Artur Baghdasarian to “MIG” TV company (Vanadzor, Lori Region). The piece was to go on air in the evening of October 7, yet, as the statement said, the head of “MIG” informed that the interview will not be aired. In the opinion of “Orinats Yerkir”, this was a case of pre-censorship and pressure on TV company. “Orinats Yerkir” condemned “the artificial obstacles put against it”, qualifying the incident as a restriction of freedom of expression, from which “neither media, nor politicians and parties are protected”. The press also published the opinion of the RA National Assembly deputy of “Orinats Yerkir” faction Haghine Bisharian, noting that there was information, according to which the broadcasting of Artur Baghdasarian’s interview was impeded by the Governor of Lori Region Henrik Kochinian.

“MIG” Director Samvel Harutiunian, on his behalf, announced no pressure had been exerted on the TV company by the regional administration. As the head of Vanadzor TV company told YPC, the initiative of a paid 30-minute interview with Artur Baghdasarian and further occasional coverage of the party activities on “MIG” air came from “Orinats Yerkir” itself. According to Samvel Harutiunian, after viewing the recording he had objections regarding the critical remarks Artur Baghdasarian made to the address of Lori administration and journalists of another regional TV company, “Lori”. Besides, Samvel Harutiunian noted, the interview contained explicit political promotion, for which “MIG” could have been subjected to penalizing sanctions, as stipulated by Article 79 of the RA Law “Regulations of the National Commission on Television and Radio”. For this reason, “MIG” head stressed, he himself - with no outside pressure - started negotiations with “Orinats Yerkir” representatives on removal of some fragments that he deemed unacceptable from the piece. As a result, Samvel Harutiunian said, an agreement was made with “Orinats Yerkir” only regarding cutting off the criticism of regional administration, on other points of dispute no consensus was reached by the parties, and he decided to take the interview off the air.

Article 79 of “Regulations of NCTR” that Samvel Harutiunian was making a reference to stipulates a fine for “broadcasting promotional programs during a period when promotion is prohibited by the legislation of the Republic of Armenia about elections and referenda”. Meanwhile, according clause 5 of Article 18 of the acting Election Code, pre-election promotion is prohibited on the ballot day and the preceding day. In other words, Article 79 at this point could not be considered an obstacle for promotional programs on air, because the next elections (to the Parliament) were scheduled for spring 2007.

Samvel Harutiunian promised to provide Yerevan Press Club with the record of Artur Baghdasarian’s interview to “MIG” TV company for expert assessment. However, he further refused to do so, saying he did not see the need in our support. Meanwhile, the wish of YPC to see the interview was due not to the need to support anyone (nobody addressed the organization with such a request) but purely to the intention to understand for ourselves and to help the public to understand a conflict, related to freedom of expression in Armenia.

According to the press-service of “Orinats Yerkir” party, Samvel Harutiunian returned the amount received for interviewing Artur Baghdasarian (60 thousand AMD), but did not give

back the tape of the interview, saying the record was erased.

On October 23 “Orinats Yerkir” disseminated a statements, saying that during “the past month” the air of a number of regional companies “featured pieces, degrading for 'OE' and its chairman Arthur Baghdasarian, 'black PR' is made”. In the opinion of “Orinats Yerkir”, this was all organized by “certain top officials”.

On November 6 “Orinats Yerkir” party addressed the RA General Prosecutor’s Office with a demand to find and hold to account the orderers of the TV pieces, degrading the party and its leader Artur Baghdasarian. On November 7 at a press-conference the Vice-Chairman of the party Mher Shahgeldian and the Secretary of “Orinats Yerkir” parliament faction Heghine Bisharian announced that the client of the “black PR” campaign against “Orinats Yerkir” was the Republican Party of Armenia (RPA) with its leaders, the RA Prime Minister Andranik Margarian and the RA Minister of Defense Serzh Sargsian.

On November 7 the Board of “New Times” party addressed a letter to the diplomatic missions accredited in Armenia. The letter said in particular that “the Chairman of the party Aram Karapetian for a year and a half has been deprived of a chance to hold civilized political debate on major issues faced by the country on live air”. It was stressed at the same time that Aram Karapetian “is ready to pay for his appearance on air within reason”. In the opinion of the “New Times” Board, the order of the communication blockade of the party and its leader was given by the Director of the RA National Security Service Gorik Hakobian and the RA Minister of Defense Serzh Sargsian, and its implementation - upon the order of the RA Robert Kocharian - is controlled by the head of the President’s Office Armen Gevorgian. The party also recalled that its leader was the fourth by the number of votes gained at presidential elections in 2003.

In his interview to “Hayastani Hanrapetutiun” daily (*November 8, 2006*) the Speaker of the RA National Assembly, RPA Vice-Chairman Tigran Torosian noted that a response to this statement of “Orinats Yerkir” should be given by law enforcement bodies. In the next issue (*November 9, 2006*) “Hayastani Hanrapetutiun” published interview with the RA General Prosecutor Aghvan Hovsepian that thinks the statements of “New Times” and “Orinats Yerkir” to be political in essence: “Recently attempts are made to transform the Prosecutor’s Office into a place where statements of politicians are checked or to involve the Prosecutor’s Office in political debate.” Aghvan Hovsepian also added that the Prosecutor’s Office does not engage in interparty relations and he is not going to respond to such statements.

On November 10 “Armenpress” news agency released the comment of the RA President’s Press Secretary Viktor Soghomonian: “Apparently by statements of this kind that have nothing to do with reality Mr. Karapetian seeks to remind us about himself. In fact, the activities of Aram Karapetian are of no interest to us and will hardly be of any interest in future.”

**ON OCTOBER 13** at the RA National Assembly the deputy of Republican Party of Armenia faction Nahapet Gevorgian poured abuse and threats on the correspondent of “**Aravot**” daily **Anna Israelian**. The “indignation” of the MP was caused by the article published in “Aravot” where he was mentioned. Actually, while abusing Anna Israelian, the deputy did not even know that the article was written not by her, but by “Aravot” correspondent Naira Mamikonian. According to Anna Israelian, Nahapet Gevorgian was contained by the Secretary of “Ardarutiun” faction Grigor Harutiunian. Further, the journalist said, peer MPs took Gevorgian aside, trying to calm him down for some time,

were explaining something to him, after which the head of the United Labor Party faction Grigor Arsenian brought him to apologize - literally by hand. During the same day, Anna Israelian noted, Nahapet Gevorgian apologized to her again; moreover, some Republican deputies apologized for their colleague's behavior, too. As "Aravot" correspondent informed YPC, on the same day Nahapet Gevorgian talked to the author of the article that infuriated him, without exceeding the limits of courtesy.

**ON OCTOBER 14 "Golos Armenii"** newspaper published an article by its Economy Observer **Ashot Aramian** titled "Under a Cap. How 'Golos' Journalist Found Himself Under Total Control of Intelligence". The article was due to the prohibition on Ashot Aramian's crossing the borders of Armenia. The journalist learned about this unexpectedly, during a passport control at "Bagratashen" border check-point as he was heading to Tbilisi on business. The Armenian border guards, subordinated to the RA National Security Service, informed the journalist that the prohibition signal was produced by the "Border Management" information system.

Ashot Aramian related the occurrence with his publication of a big series of critical articles in "Golos Armenii", dealing on various violations in the military and economic activities of the Russian border troops in Armenia (over 30 pieces, published in "Golos Armenii" from December 2003 till February 2006 dealt with the issue). The result of the criticism was that on February 22, 2006 the Border Guard Division of RF Federal Security Service in Armenia at a check- point of "Zvartnots" airport imposed an "entry and exit control" on Ashot Aramian and the Chief Editor of "Golos Armenii" Flora Nakhshkarian: the head and the Economy Observer of the newspaper could now only cross the air border of Armenia with the permission of the check-point head. (It should be noted here that according to an interstate agreement the Armenian borders are guarded by a joint effort of Armenia and Russia and until recently at certain check-points the passport control was implemented by Russian border troops.) "Getting in contact with the administration of the Border Guard Division of the RF FSS in RA and threatening to raise much noise, we induced them to remove the control. At least, we were officially informed about its removal", the "Under a Cap" piece goes on saying.

As to the incident on the border of Armenia and Georgia, as Ashot Aramian was assured by the Press Secretary of the Border Guard Division of the RF FSS in Armenia Vladimir Karapetian, the Russian border troops had nothing to do with it and the issue was to be settled with the RA National Security Service, in charge of guarding the state border with Georgia.

On October 10 the newspaper editorial office received a reply to its inquiry from the Director of the RA National Security Service Gorik Hakobian that said in particular: "The investigation of the case revealed that the data of Ashot Aramian were entered into the data base on the initiative of the Border Guard Division of the RF FSS in RA with no legitimate reasons" and presently he "has been removed from the record of "Border Management" system".

Meanwhile, "Golos Armenii" doubted that this would be the end of the story, qualifying the occurrence as an "outrageous fact of persecution of journalist by the intelligence services of another state for his professional activity, obstructing it": "If this proved to be possible in the case of a journalist working for an influential Armenian newspaper, what can happen to ordinary citizens, who, not being criminals, are for some reason entered into the database of the intelligence service? Notably, with no sanctioning by the General Prosecutor's Office or the Police."

“In our case it is a matter of trivial and brutal deformity that cannot even be concealed by anti-terrorism rhetoric. Actually, have the Russian generals been targeting the right enemies recently?” Ashot Aramian asks in conclusion of “Under a Cap” article.

**ON OCTOBER 24** “Reporters without Borders” (RSF) international organization released its fifth annual World Press Freedom Index. The study was conducted in 168 countries and territories and based on events between September 1, 2005 to September 1, 2006. 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. Obstacles to the free flow of information on the Internet were also taken into account. Armenia was rated 101-102. Similarly to the previous RSF studies, this report did not in any way comment on the situation of freedom of press in Armenia. It was still unclear what criteria define the rises and falls of Armenia in the rating: from 90 in 2003 to 83 in 2004, then to 102 in 2005.

**ON OCTOBER 26** in Ijevan, Tavush region, the police impeded the professional activities of the correspondent of “Ijevan” TV company **Susanna Chabukhian** and the cameraman of the TV company **Armen Asatrian**. According to Susanna Chabukhian, the shooting crew of the TV company, upon learning that the police gathered by the municipality building, arrived on site to cover the developments. (The conflict between the police and the city administration occurred because of the address registration files of Ijevan residents that were stored at the municipality, whereas, as the RA Police maintains, these files should be kept at the passport desk of the Ijevan police.) As Susanna Chabukhian said, she and Armen Asatrian went into the building and started going up to the second floor when they were stopped by a man in civilian outfit (she further learned that this was the Head of the Police of Tavush region) and rudely, pushing them with his hands, demanded that they leave the building. According to Susanna Chabukhian, she introduced herself as the correspondent of “Ijevan” TV company; however, this did not stop the police officers summoned by this person. The police put the journalists out of the building by force, trying at the same time to take the battery out of the video camera. Susanna Chabukhian noted that even when she and the cameraman found themselves in the street, the police continued verbally abusing them.

## **NOVEMBER 2006**

**ON NOVEMBER 9** compulsory executors came to the editorial office of “**Pakagits**” daily and presented a document, authorizing them to move the property out of the office. The property was arrested in accordance with the ruling of the court of primary jurisdiction of Erebuni and Nubarashen communities of Yerevan, basing on the suit of Daniel Tanian who had financial claims to “Pakagits” founder, “Agap-Hrat” LLC, of 8.5 million AMD (around \$ 22,000). As the Chief Editor of “Pakagits” daily Agapi Haikazuni said, she had been completely unaware of the suit and so had refused to sign the document. On the same day, Agapi Haikazuni noted, late in the evening on November 9, the compulsory executors returned the property to the newspaper, saying a misunderstanding had occurred. However, the regular “Pakagits” issuance was disrupted for a day. Agapi Haikazuni related the incident to the number of pieces of the daily that criticized the authorities of the country.

In its issue of November 11, 2006 "Hayots Ashkhar" daily published an article, "When a Property Issue is Replaced by a Political One", informing that on October 30 the attorney of Daniel Tanian submitted a motion to the court of primary jurisdiction of Erebuni and Nubarashen communities of Yerevan requesting to take measures for ensuring the suit. The motion was secured, and the bank account of "Agap-Hrat" LLC was arrested. However, when it turned out the account had less money than the amount demanded by the plaintiff, the RA Service of Compulsory Execution of Court Acts resolved to arrest the property of "Agap-Hrat". The resolution about the withdrawal of the property and its storage at the Service of Compulsory Execution was made after Agapi Haikazuni refused to sign the respective document. The article of "Hayots Ashkhar" also presented the comment of the head of the Service of Compulsory Execution Arkadiy Balayan, noting, in particular, that his officers in their actions complied with the law. Arkadiy Balayan also noted that the property of "Agap-Hrat" was returned not because "a misunderstanding had occurred", but when Agapi Haikazuni agreed to accept it for storage (having signed a relevant document).

In its issue of November 11 "Pakagits" published a photo report of the incident. In the next issue, of November 14, the daily wrote that Daniel Tanian is a member of "Democracy and Labor" party, whose premises "Agap-Hrat" used to rent. As "Pakagits" maintains, the relations with this party were stopped about a year ago. According to the daily, the bank account of "Agap-Hrat" released from arrest, and Daniel Tanian addressed the court to stop the litigation. "Pakagits" also published the acquittance of Daniel Tanian to the effect that "Agap-Hrat" LLC does not owe him 8.5 mln AMD".

Meanwhile, Daniel Tanian transferred his competence to a new plaintiff, Martun Ivanian. On December 14, 2006 the court of primary jurisdiction of Erebuni and Nubarashen communities committed "Agap-Hrat" to pay the debt that had increased by the time (9.048 mln AMD) due to the liabilities unmet.

**ON NOVEMBER 22** in Yerevan **the draft program for introducing digital TV and radio broadcasting in Armenia** was discussed. The event was organized by OSCE Office in Yerevan, Office of the OSCE Representative on Freedom of the Media, and Open Society Institute Assistance Foundation-Armenia in partnership with the RA Ministry of Transportation and Communication. The document was developed by an interdepartmental working group upon the commission of the RA Government. In the opinion of experts, the introduction of digital TV and radio broadcasting will be generally a progressive development for Armenia. At the same time it was noted that the draft program proposed has a number of serious deficiencies and omissions.

In particular, the draft stipulates to stop the licensing of analogue broadcasting as of January 2007. This may result in a situation when during the upcoming years the analogue TV and radio channels will cease from existing and the digital ones will not have come into being yet. Besides, the concept of "social package" is introduced, that is, subsidizing the economically vulnerable groups to get a minimal set of TV programming - public and private. The Government is to decide which of the private broadcasters will be included into the package. This is a violation of independent broadcasting principles. Such decisions should be made solely by an independent regulatory body and not by the Government. It is also unclear how the rights of consumers with regard to program content and diversity will be ensured. The draft program also calls for significant budget investment into state transmitting company, possibly creating a misbalance between it and private transmission operators and resulting in a monopoly of telecommunications market. In other words, these and other provisions of the draft generally contradict the principles of fair



market competition - in terms of both budget investment and regulation, state policy in telecommunications sector.

## DECEMBER 2006

**ON DECEMBER 1** “Tigran Mets” publishing house that prints about three dozens of newspapers informed that the **publication of print press** will stop since December 6 for indefinite time. The paper shortage was due to the inaction of the Ilyichevsk (Ukraine)-Poti (Georgia) ferry. As a result, in Ukrainian port hundreds of railway carriages intended for Armenia gathered, including those with paper for the press. The threat of publication suspension looming over print media had much response; the press started proposing various versions.

According to “Golos Armenii” newspaper (*December 2, 2006*), in the Press Service of the RA Ministry of Transportation and Communication the existing problem was explained by the conflict of two Ukrainian organizations, implementing cargo transport. The newspaper itself supposed that the situation in place “is another and logical consequence of the tension escalation in relations of Russia and Georgia”. “Once again we became the victims in the showdown of others” and “in the long run, it does not really matter whether we are harmed by the Russian-Georgian or a domestic Ukrainian conflict”.

“At first sight, the problems are purely technical and inevitable”, “Haikakan Zhamanak” daily writes (*December 2, 2006*). “But this is true at first sight only. It has been 20 days only that the problems with the ferry delivery have come into being. And this means that in the middle of the last month “Tigran Mets” publishing house did not have paper reserve for even a month (to compare, “Gind” publishing house, where “Haik”, “Zhamanak-Yerevan”, “Chorrord Ishkhanutiun”, “Haikakan Zhamanak” and other newspapers are printed, at this point has a paper reserve for at least 2.5 months)”. At the same time, the daily stresses, “the cargos of interested owners” arrive in Armenia despite all problems, but apparently the paper for print press is not of this kind. “A certain group of people will certainly lose nothing, moreover, will benefit, if the newspapers are not published”, “Haikakan Zhamanak” thinks.

“I am not a paranoid (or so I hope) and am not inclined to accuse the government of intentionally impeding the import of print paper to Armenia to exert pressure on free media”, the Chief Editor of “Aravot” daily Aram Abrahamian notes (*December 2, 2006*). “There is no point in seeing politics behind each corner. To do justice, it should be noted that most pro-governmental newspapers are published by “Tigran Mets”, and, on the contrary, “Gind” prints very opposition newspapers. I see politics in another aspect, and it makes me not just accuse, but strongly condemn the authorities. After the ceasefire in 1994 our authorities were unable to sign a peace treaty with Azerbaijan and resolve the relations with Turkey, as a result of which a whole country depends on the storm at Black Sea or a shark, biting off the phone cable in the same sea. The absence of normal relations with the neighbors and the blockade of the country is the only thing that I seriously accuse our leadership of, if you want to know. The remaining things that are often spoken about - theft, emigration, clan oligarchy, anti-democracy, election fraud and others - are a derivative of this main fault. If there are civilized relations with the neighbors, there will be a modern political and economic system, too”.

“Golos Armenii” (*on December 5, 2006*) informed that the RF Minister of Defense Sergey Ivanov did not exclude the possibility of using the military aviation to deliver paper for Armenian press.

Meanwhile, the indefinite situation made the press look for alternative solutions. From December 9 to 13 “Azg” and “Golos Armenii” were printed in “Noyan Tapan” publishing house on a more expensive paper. Besides, the technical facilities of “Noyan Tapan” did not allow “Golos Armenii” to retain its standard volume (8/A2 pp.), and the newspaper was published in 8/A3 pp. A number of other national dailies had to move to other publishing houses, too. Thus, the official “Respublika Armenia” is temporarily published in “Gandzapress” publishing house, “Novoye Vremya” and “168 Zham” - in “Gind”. This, however, did not tell on the prices, despite the increased publishing expenses.

On December 15 carriages with paper arrived in Yerevan, and since December 16 newspapers restarted publishing at “Tigran Mets”.

**ON DECEMBER 13** in Paris at the session of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe the **Draft Resolution on Armenia's honoring of its obligations and commitments to the CE** was adopted. The Draft was approved on the basis of the report, developed by PACE's Armenia Co-rapporteurs George Colombier and Mikko Elo, to be debated at PACE plenary session in January 2007. At the meeting it was stressed that “simply passing legislation is not enough to implement democratic reforms in the country. The laws must be applied”. A proof of Armenia's progress on the way to democracy and European integration, in the opinion of Monitoring Committee, will be the upcoming elections that “must comply with European standards for free and fair elections, and media coverage of the election campaign and the elections must be pluralist and unbiased”.

The need to ensure the pluralism of broadcast media is also stressed in item 6.2 of the Draft Resolution of PACE. It notes, in particular, that “equitable access to the electronic media by all political parties is an absolute prerequisite for the holding of free and fair elections”. The adopted amendments to the RA Constitution made it possible to ensure the greater independence of the bodies, regulating the broadcast media; however, the Draft Resolution notes, subsequently the draft law package on broadcasting was developed by the Government without first consulting the representatives of media and CE and was strongly criticized, not least concerning the formation of the National Commission on Television and Radio and appointment of its members. The need to hold consultations with CE experts and take their recommendations into account before the adoption of the amendments to the broadcast law is stressed (item 6.2.1). Armenian authorities are also urged to adopt an open, transparent process of appointment of members of the Council of Public Television and Radio Company, as recommended by the Venice Commission (item 6.2.2). “Apart from reforming the legislation, the Armenian authorities must take steps to ensure the freedom and pluralism of public television and radio on a day-to-day basis”, item 6.2.3 said. The next item, 6.2.4, expressed full backing to the monitoring of TV and radio programs with a view to assessing their independence and impartiality, as provided for in the action plan to support the parliamentary elections in Armenia in 2007, approved by the CE Committee of Ministers following a request by the Armenian authorities.

As to print media, “which are reputed to be free and pluralist but play only a minor role in the provision of public information on account of their small circulation”, item 6.3 of the PACE Draft Resolution noted with satisfaction that “no criminal libel proceedings have been instituted against journalists for some years now”. “Since the reform of the Criminal Code in 2004, libel has been punishable by a prison sentence only in the event of a repeat offence”, the Draft said. At the same time, the Armenian authorities were urged to decriminalise libel and abolish Article 318 of the RA Criminal Code “Insult of the

Representative of Power”.

**ON DECEMBER 27, 2006** eight radio companies of Armenia - “**Avrora**”, “**Alfa**”, “**Van**”, “**Vem**”, “**Autoradio**”, “**HAY**”, **Hai FM 105.5**, “**City FM**” - addressed a letter to the RA President Robert Kocharian, the Chairman of the RA National Assembly Tigran Torosian, the RA Prime Minister Andranik Margarian (copies were directed also to the Chairman of the National Commission on Television and Radio Grigor Amalian and the RA Minister of Transportation and Communication Andranik Manukian), announcing their refusal to pay the annual fee for servicing their frequencies to the Republican Center of Telecommunications. In accordance with the decree of the RA Minister of Transportation and Communication of November 1, 2006, new, higher fees on frequency servicing were introduced, and RCT demanded to pay them for 2006 before December 25.

“The decree above was issued in breach of legislative provisions, and we are convinced that it will tell adversely on the broadcast sphere”, the address said. In the opinion of the letter signatories, the decree of the Transportation and Communication Minister runs contrary to Article 9 of the RA Law “On Legal Acts”, stipulating that “the kinds, amounts and the procedures of tax, duty and other mandatory payments made by natural and legal persons” must be defined “by law only”. Besides, the letter noted, the new tariffs were approved only in the end of the year, whereas, according to Article 42 of the Armenian Constitution, “laws and other legal acts, deteriorating the legal situation of a person, do not have retroactive effect”. Thus, the radio stations were notified of the new procedure and tariffs of the fees only in the end of the year: “This approach sets climate of unpredictability in broadcast market and deprives the companies of a possibility to do early planning for their activities.” Besides, according to the letter, the dramatic raise of tariffs occurred in a situation when many of the TV and radio companies were encountering technical problems throughout the year in using the frequencies allocated, “but failed to receive adequate assistance”.

The signatory radio companies announced that they refused to pay until the issue was resolved in compliance with the legal provisions, and called on the authorities of the country to ensure legitimate solution of the problem.