



YEREVAN PRESS CLUB

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AS ANOTHER CYCLE OF NATIONAL ELECTIONS
STARTED**

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

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JANUARY 2007

ON JANUARY 9 Yerevan Press Club issued an address to the media community of Armenia, suggesting to jointly develop the principal norms of professional ethics and to further follow them in their day-to-day work. Stressing the need for such a document today, when parliamentary elections are forthcoming, YPC made a call for cooperation to “all media who are ready to take part in the development of ethical norms and adhere to them in future”. At the meeting of media representatives that supported the YPC initiative on February 2 a working group was formed that developed the Code of Conduct of Media Representatives and the Declaration on Election and Referendum Coverage Principles, narrated in the Appendix to it. These documents were adopted and signed on March 10 at the meeting of heads of media and journalistic associations. The signatories committed to being guided by the Code in their professional activities, and by the Declaration - “during official campaigns for elections and referenda”. At the meeting the Media Ethics Observatory was elected, listing 7 members. The media representatives, who signed the Code of Conduct, acknowledged the right of the MEO “to examine the conformity of our acts and publications to the provisions of this Code” and stated their “willingness to publish decisions of the Media Ethics Observatory in our media”. The mission of the MEO consists in the consideration of complaints and appeals regarding the violations of the Code of Conduct and making judgments on these.

At the session of September 12 the MEO adopted its first judgments. One of them referred to the media activities during elections to the RA National Assembly, held on May 12, 2007. The judgment presented the conclusions of MEO, made after a discussion of the Armenian media activities during parliamentary elections. It was noted in particular that all media (20 as of that moment) who signed the Code and the Declaration “stroved to follow the requirements of the Declaration, as well as the election reporting legislation”. “Proceeding from the fact that in just a few months presidential elections await Armenia, the MEO - as a step ahead towards to the formation of an effective self-regulation system - calls on all media to develop their own transparent rules and in the process of elections coverage to be guided by the principles of objectiveness and impartiality”, the conclusion also said.

The second judgment was adopted by the MEO after the consideration of the appeal of “Cooperation for Democracy” Center versus “Azg” daily. The appeal of the NGO referred to a number of publications of the daily that, in the opinion of the applicant, contributed to the incitement of religious intolerance and contained inaccurate information. Having urged the daily to be more delicate (particularly as concerns this subject matter) and recalling some of the provisions of the Code it had signed, the MEO stressed it respected the right of “Azg” to address religious subjects and express its own viewpoint. On September 19 “Azg” published the full text of the judgment.

Another judgment was made by the MEO on December 17 regarding a civil complaint about an article in “Aravot” daily. The complaint was considered at three MEO sessions, in

the course of its consideration the explanations of the “Aravot” Chief Editor Aram Abrahamian and the article’s author, the correspondent of the daily Ruzan Minasian were heard. As a result, the MEO made a decision to abstain from a judgment on the article. At the same time the Chief Editor of “Aravot” received a letter with an analysis of the compliance of the publication with the Code of Conduct. The Media Ethics Observatory stressed that such a decision was due to two factors - the complaint held insults to the address of the author of the article, as well as the incident that occurred at the editorial office on the day the article was published, October 11 (*see below*).

As of the end of 2007 the Code of Conduct of Media Representatives and its Appendix, the Declaration of the Principles Elections and Referenda Coverage, was signed by 31 media. The initiative is also supported by 8 media associations.

ON JANUARY 11 “Human Rights Watch” international organization released its annual report on human rights developments in more than 75 countries of the world in 2006.

The report section on Armenia told also about the media situation in the country. In the opinion of “Human Rights Watch”, “threats to the media freedom continued in 2006 as more journalists faced harassment and attacks and broadcast media lack pluralism and remain largely pro-governmental”. The RA President, the report noted, appoints all members of bodies that regulate and manage broadcast media, including the Council of Public TV and Radio Company, responsible for policies and programming of the First Channel of the Public Television of Armenia. Being under government control, the PTA First Channel “does not have sufficient independence to provide objective and diverse news coverage”. The report also presented the example of “A1+” TV company being evicted from the premises owned by the National Science Academy. Among the examples of harassment against journalists, “Human Rights Watch” noted the incidents that occurred with the Executive Director of “Lori” TV company Narine Avetisian, freelance journalist Gagik Shamshian, the Chief Editor of “Iravunk” newspaper Hovhannes Galajian. The sentence of the Chief Editor of “Zhamanak-Yerevan” daily Arman Babajanian, made by the court (4 years’ imprisonment for document fraud to evade military service), was assessed in the report of “Human Rights Watch” as harsh, “suspected to be retribution for the journalist’s persistent criticism of government policies”.

ON JANUARY 19 the RA President Robert Kocharian signed a decree on holding a competition to fill in a vacancy in the **Council of Public TV and Radio Company** - due to the term expiration of the Council Chairman Alexan Harutiunian. The competition announcement noted in particular that the following individuals were in particular ineligible for the position of PTRC Council member: heads of public and private TV and radio companies; individuals having contractual relations with TV and radio companies. The report about this in YPC Weekly Newsletter (January 19-25, 2007) had a comment saying: “The membership in PTRC Council is certainly incompatible with the management or existence of contractual relations with broadcast companies. Yet putting such restriction on the stage of a competition means to close access to the Council to most broadcast professionals of the country. This requirement is in actual contradiction with the other of eligibility criteria. Thus, how can one be “TV and radio management professional” but “have no contractual relations with TV and radio companies”?” The competition results were announced by the competition jury on January 31. Only one application was submitted for the competition - from Alexan Harutiunian. In the written justification of the jury, as presented to the head of the state, Alexan Harutiunian was chosen because he “corresponds to the eligibility criteria for membership in the Council, defined by the Law”. On February 1 the President of Armenia Robert Kocharian signed a decree about

appointing Alexan Harutiunian a member of the Council of Public TV and Radio Company for six years' term of service. On February 2 at the session of PTRC Council Alexan Harutiunian was elected to be its Chairman.

ON JANUARY 23, at the plenary session of the **Parliamentary Assembly of the Council of Europe** of January 22-26 in Strasbourg, the Resolution 1532 (2007) on Armenia's honoring of obligations and commitments to CE was adopted. The draft Resolution was developed on the basis of the report, developed by PACE's Armenia Co-rapporteurs George Colombier and Mikko Elo, and approved on December 13, 2006 by PACE Monitoring Committee. The provisions of the Resolution on media had not changed from their draft version. Hence, clause 6.2 of the Resolution noted that "a few months away from forthcoming parliamentary elections, the Assembly attaches special importance to pluralism of the electronic media", since "equitable access by all political parties" to them was "an absolute prerequisite for the holding of free and fair elections". While the amendments to the RA Constitution paved the way for greater independence of the bodies, which regulate broadcast media, the draft law package subsequently drawn up by the government without first consulting media or Council of Europe representatives met with strong criticism, not least concerning the membership of the National Commission of Television and Radio and the method of appointment of its members. In this regard the Assembly urged the Armenian authorities to consult the CE experts and take into account their recommendations before adopting amendments to the Law "On Television and Radio" (clause 6.2.1). The Assembly also called on authorities to adopt an open, transparent process of appointing members of the Council of Public TV and Radio Company in accordance with the recommendations of Venice Commission (clause 6.2.2), as well as take steps to ensure freedom and pluralism of public television and radio on a day-to-day basis (clause 6.2.3). The Assembly gave its 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-2007, approved by the CE Committee of Ministers following a request by the Armenian authorities (clause 6.2.4). Clause 6.3 of the Resolution says that print media 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. The Assembly noted with satisfaction that "no criminal libel proceedings have been instituted against journalists for some years now", and "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". At the same time the Assembly stressed the need to decriminalize libel and to repeal Article 318 of the RA Criminal Code "Insulting a representative of public authorities".

ON JANUARY 25 "Vem", "Impuls", "City FM", "Ardzagank", Radio "HAY", "FM 105.5" radio companies addressed the RA Economic Court with a suit to annul the act of a state body. This referred to clause 1 of the Decision of the RA Government No.946-N, dated July 6, 2006, according to which the RA Ministry of Transportation and Communication received the competence to define and approve the amount of annual fee for servicing the broadcast frequency, runs contrary to the RA Constitution and legislation. The procedure for the payment and the new tariffs for servicing frequencies allocated to radio companies were introduced in accordance with the Decree of the Minister of Transportation and Communication on November 1, 2006. Following this Decree, the Republican Center of Telecommunications demanded to make the payment for 2006 before December 25 (see details in "On Freedom of Speech in Armenia" report for 2006 on YPC web-site, www.ypc.am, "Studies" section). In the opinion of the plaintiffs, the Minister's Decree violated the legislation demands, primarily Article 9 of the RA Law "On Legal Acts", according to which "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”.

The hearing on the case started on February 27 and ended on May 11: the court rejected the suit ruling that the Government had not exceeded its authority. On May 25 the radio companies addressed the RA Court of Cassation demanding to abolish the ruling of the Commercial Court and to redirect the case back to the same court for its consideration in new composition. On June 26 the Court of Cassation rejected the complaint and on December 24 Radio “HAY” addressed the RA Constitution Court.

ON JANUARY 25 “Asparez” Journalist’s Club of Gyumri filed nine identical suits with the court of primary jurisdiction of Shirak region versus administrations of nine communities of the region (Azatan, Amasia, Ardenis, Voghji, Lusaghbyur, Mets Sepasar, Pokr Sepasar, Horom, Shirak). The demand of the plaintiff was due to the refusal of the heads of these communities to provide “Asparez” with copies of their budgets for 2006 and the resolutions of the Councils of Senior Citizens, adopted from January 1, 2005 till September 30, 2006. Of the 119 communities of Shirak region that “Asparez” made identical written inquiries to on October 21-23, 2006, 51 failed to respond.

Seven out of these nine suits were territorially united into one case, the hearings on which started on February 15 in Akhurian court of primary jurisdiction of Shirak region. During the case consideration claims to heads of three communities were withdrawn: administrations of Azatan and Shirak provided the information requested to the plaintiff in full, and the administration of Pokr Sepasar - in part. At the session of February 22 the court committed the administrations of the remaining communities (Amasia, Ardenis, Voghji, Mets Sepasar) to provide the information demanded to “Asparez”. Besides, by the court decision all seven communities must fully compensate the amount of state duty, paid for the suit filing and partly - the court expenses of the journalistic association.

The hearings on the suit versus Horom community administration started on February 21 in Artik at the court of primary jurisdiction of Shirak region. In the process of considering the suit the Horom community administration provided the information requested to the plaintiff, and the claims to it were withdrawn. At the session of February 28 the court obliged the community to fully compensate to “Asparez” the amount of the state duty, paid for filing the suit, and partially the court expenses, incurred by the journalistic association.

Hearings on the case versus the administration of Lusaghbyur community started on February 28 in Gyumri in the court of primary jurisdiction of Shirak region. On the very next day, March 1, the administration of Lusaghbyur provided the information requested. At the session of March 12 the court confirmed the reconciliation agreement signed between the parties, according to which the administration of Lusaghbyur community committed to compensating the state duty that “Asparez” had paid for filing the suit.

According to the Chairman of the Board of “Asparez” Levon Barseghian, out of all 119 communities of Shirak region, to which in October 2006 the journalistic organization had addressed the written inquires above, as of the end of the litigations 73 communities have provided the information in full, 10 - in part. He also mentioned “Asparez” intended to sue the remaining 36 communal administrations that had failed to answer the inquiries.

As of the end of 2007 “Asparez” Journalist’s Club had not filed new suits.

IN THE EARLY MORNING OF JANUARY 30 the car of football commenter, the founder

of “**Football Plus**” weekly **Suren Baghdasarian** caught fire. The fire started in a garage next to the house where the journalist lives. As “Football Plus” reported on January 31, between 4 and 5 o’clock in the morning a strong explosion was heard from the garage that pushed its gates off. Though the brigades that arrived managed to extinguish the fire, the Toyota-Prado that Suren Baghdasarian owned burned completely. The newspaper quoted Suren Baghdasarian who “refrained from comment over the incident or sharing suspicions”: “I only want to say that unfortunately in our country journalists have no right to have luxury cars, and, besides, it was re-established that the profession of a journalist is indeed one of the most dangerous and our security is not guaranteed”. A similar incident occurred to the journalist almost a year before: in the evening of February 7, 2006 the same Toyota-Prado ignited next to the editorial office of “Football Plus” (see details in “*On Freedom of Speech in Armenia*” report for 2006 on YPC web-site, www.ypc.am, “*Studies*” section). The damage made to the car was then repaired, yet this time only its skeleton survived after the fire. The investigation held on both incidents did not reveal the offenders.

ON JANUARY 31 the web site of the RA Ministry of Justice presented draft laws “**On Introducing Amendments to the RA Law ‘On Television and Radio’**” and “**On Introducing Amendments and Addition to the RA Law ‘Regulations of the National Commission on Television and Radio’**”.

The first version of the drafts was submitted to the RA National Assembly on September 25, 2006, before the start of an extraordinary session. Hence, neither the deputies, nor the specialized commission had a chance to familiarize with the documents properly. The documents did not undergo international expert assessment, either. During the discussion of the drafts in the Parliament serious criticism of them was made by a number of deputies, and the drafts failed the first hearing. In the opinion of journalistic organizations, including YPC, the drafts contained a number of questionable, controversial provisions and did not address some essential shortcomings of the active broadcasting legislation, criticized since its adoption. Professional associations also noted the need to hold public hearings, involving all the stakeholders, and announced their readiness to present their proposals (see details in “*On Freedom of Speech in Armenia*” report for 2006 on YPC web-site, www.ypc.am, “*Studies*” section).

Unlike the above mentioned, the new amendments to broadcasting legislation, developed by the Government, sought to solve a purely technical issue: to harmonize the provisions on the formation of the National Commission on Television and Radio with Article 83.2 of the Armenian Constitution. However, even in this case, the issues related to the NCTR status and to ensuring diversity of representation in it were not completely resolved. Article 83.2 of the Constitution says: “To ensure the goals of freedom, independence and plurality of the broadcasting media, an independent regulatory body shall be established by the law, half of whose members shall be elected by the National Assembly for a six-year term while the other half shall be appointed by the President of the Republic for a six-year term. The National Assembly shall elect the members of this body by a majority of its votes”. It follows from this definition that the independent regulating body (NCTR) must regulate both private and public broadcasting. However, the amendments submitted by the Ministry of Justice did not define how NCTR is to regulate and supervise the activities of Public TV and Radio Company. Besides, the appeals of international organizations were taken no notice of, in particular, the report of OSCE Representative on Freedom of the Media Miklos Haraszti on media in Armenia, released on July 26, 2006, where the following recommendation was made: “The composition of all boards should represent the political and social diversity of the country, and should include NGOs and professional associations.” Meanwhile, the drafts did not stipulate the procedure for nominating

candidates for NCTR membership by the National Assembly; it was only noted that the appointments were made “by a resolution of the National Assembly of the Republic of Armenia through a procedure, defined by the RA Law ‘Regulations of the National Assembly of the Republic of Armenia’ ”. Finally, if the drafts were adopted, the demand of the Constitution about the 50/50 proportion of NCTR members, elected by the Parliament and appointed by the RA President, can only be ensured in 4 years, in 2011.

On February 15 at a press-conference Yerevan Press Club and “Internews” Media Support NGO reinstated the urgent need for radical reformation of the Law “On Television and Radio” currently in force. In particular, this referred to the procedure of forming the broadcast regulatory body, ensuring its independence and effective implementation of its functions. At the press-conference the concept of broadcast legislation, developed by “Internews”, the working version of the alternative draft law of Yerevan Press Club on amendments to the RA Law “On Television and Radio” were presented along with analysis of the governmental drafts proposed.

At the voting of February 21 the amendments to the Laws “On Television and Radio” and “Regulations of the National Commission on Television and Radio” were not adopted in the first reading at first (65 deputies voted instead of the necessary 66, all of the voting “for”). After a pause deputy Viktor Dallakian said his button had not worked and suggested that a repeated voting be made. In the repeated voting (72 voted for the document, 2 abstained) the amendments were passed in the first hearing. On February 26 the RA National Assembly adopted them in the second hearing and finally.

On February 28 Yerevan Press Club released the following statement:

“The adoption of the laws “On Introducing Amendments to the RA Law ‘On Television and Radio’” and “On Introducing Amendments and Addition to the RA Law ‘Regulations of the National Commission on Television and Radio’” by the National Assembly of Armenia on February 26, 2007 shows that neither the government that has authored the draft, nor the parliament is ready or willing to improve the broadcasting legislation, to bring it into compliance with the modern principles of freedom of expression and international standards. Once again, we are facing a closed, “in camera” process of developing draft laws on media and the hasty discussion and voting at NA - as during military mobilization.

The argument that the need to bring the legislation into accord with the amended Constitution called for a rapid procedure does not hold water. Over a year has elapsed since the adoption of the amendments to the Constitution, and both the governmental and the parliamentary structures had enough time to hold discussions, hearings, to study the proposals submitted, to get expert evaluation. The restriction of the lawmaking process to that of stamping out legal acts, subjected to the political interests of the day, do not in any way testify to the commitment of Armenian authorities to the principles of democracy and the process of European integration that they declare.

Yerevan Press Club and partner organizations in 2005 have repeatedly stated that the provisions of the draft amendments to the Constitution that deal with the communications, in particular, the broadcast media, do not create favorable conditions for reforming media legislation, proposed alternative versions of amendments. But the parliamentary majority with a firmness that deserves better use advanced its own definitions. The further developments proved our fears were justified: the amended Constitution has significantly restricted the prospects of the law making on ensuring the independence of the TV and radio regulatory body.

At the same time the amendments to the broadcasting legislation, adopted on February 26, do not reflect even the positive stipulations of the amended Constitution. Firstly, the proportion of the members of the regulatory body (the National Commission on Television and Radio), appointed by the President and elected by the Parliament, as provided for by the Main Law, will, following the amendments, only be reached in 2011, after NCTR will have held a number of broadcast licensing competitions. Secondly, the amendments do not ensure the public and political diversity in NCTR composition: in accordance with the procedures proposed, the decision about the appointment of NCTR members from NA will be made by the parliamentary majority, which, as the political practice of Armenia shows, is always in the same camp with the President. In other words, the regulatory body, like before, will be formed solely by the political forces at power, and in this regard the amended legislation does not introduce any significant novelty. Thirdly, like before, the involvement of the public in NCTR formation and the transparency of its decision-making is not ensured. Fourthly, the remaining subdivision into the paid (that is, the full-time NCTR members - the chairman and the vice chairman) and the unpaid members conditions huge gap in their competence and violates the principle of collegiate decision-making. Fifthly, the expansion of the NCTR competence and inclusion of the public broadcaster into it, as stipulated by the amended Constitution, did not entail the description of the mechanisms of regulating the activities of the Public TV and Radio Company by the National Commission on Television and Radio in broadcasting legislation.

Once again the opportunity of improving the Law “On Television and Radio” in general, eliminating the numerous deficiencies it had since its adoption in October 2000, without restricting oneself to the provisions that run contrary to the amended Constitution is missed.

The whole process of developing and adopting draft laws “On Introducing Amendments to the RA Law ‘On Television and Radio’” and “On Introducing Amendments and Addition to the RA Law ‘Regulations of the National Commission on Television and Radio’” demonstrated open and cynical negligence of the opinion of the journalistic community by the government and the parliamentary majority. None of the proposals of public organizations, presented as expert assessment, concept of reforming the broadcasting legislation, finally, as a ready-to-use draft law, received attention. Only individual remarks, noting the obvious technical omissions in official drafts, were taken into account. Unfortunately, the demonstrative reluctance of the authorities to discuss anything with stakeholders is becoming a tradition in the Armenian law making practice.

The voting at NA on February 26 also ignored the appeal of the Parliamentary Assembly of the Council of Europe to the RA authorities to hold consultations with the CE experts before the adoption of amendments to the Law “On Television and Radio”, as well as the recommendations of the Office of OSCE Representative on Freedom of the Media and its offer to make an expert assessment of the draft amendments. Formation of the broadcasting legislation in compliance with the standards of the Council of Europe was one of the commitments that Armenia undertook upon its accession to CE, and further on the need to improve it was noted in numerous documents of this international organization. However, this process remains a sign of resistance to democratic reforms in the country.

The stance on the matter, held by parliamentary factions of governing coalition, can be somehow explained by mutual political commitments - after all, the draft amendments were initiated by their coalition government. Yet the behavior of individual deputies, who call themselves “opposition” or “independent”, but who voted for the drafts and ensured

their adoption is even shameful to comment. Because it is they who keep complaining of the control that authorities have over broadcast media, at the same time reinforcing the state of affairs by their vote...

What has been said here causes concern not only because of the adoption of the two drafts, but also in the context of the overall sociopolitical situation in the country before the parliamentary elections. There are too many alarming premonitions that the upcoming election campaign, instead of being a declaration of commitment to certain values by political forces, will turn into a demonstration of cynicism, reactionary sentiment and conformism cult“, the YPC statement said.

On March 20 the amendments to the broadcasting legislation were signed by the President of Armenia.

In the statement of “Article 19” international human rights organization, released on May 30, it was noted that the amendments in general improve legislation, “Article 19” at the same time finds they are “not satisfactory and fail to guarantee the autonomy and independence” of the regulatory body, the National Commission on Television and Radio. This concern is especially pressing when the parliamentary majority and the President have the same political affiliation, as is the case in Armenia, the statement of “Article 19” stressed. “Article 19” called on the parliament of Armenia to further review the broadcasting legislation.

FEBRUARY 2007

ON FEBRUARY 5 the **Committee to Protect Journalists** published its annual report on attacks on press in different countries of the world in 2006.

In the section of CPJ report, dealing with the situation in Armenia, two incidents that took place in media sphere in 2006 are noted. On May 25 the authorities denied a license to the independent “A1+” TV channel for the twelfth time. On June 26 the Chief Editor of “Zhamanak-Yerevan” daily Arman Babajanian was arrested and further convicted - for document fraud to evade military service. “The journalist did not dispute this allegation but said the charge was pressed in retaliation for his work”, CPJ notes.

ON FEBRUARY 5 the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan refused securing the suit of free-lance correspondent of “Chorrord Ishkhanutiun” and “Aravot” newspapers **Gagik Shamshian** versus the Prosecutor’s Office of Erebuni and Nubarashen communities of Yerevan. The suit challenged the decision of the Prosecutor’s Office, made on November 10, 2006, to stop investigating into the attack on Gagik Shamshian, committed on July 12, 2006. Besides, the plaintiff demanded the court to solve the issue of providing him with the copies of investigation materials. According to Gagik Shamshian, he addressed the Prosecutor's Office of Erebuni and Nubarashen communities with a request to provide him with copies and received the following answer: “Bring a copier, and you will have the copies.”

On July 12, 2006, Gagik Shamshian, who then resided in Nubarashen, was harassed by the family and associates of Nubarashen community head Mher Hovhannisian due to the article, previously published in “Chorrord Ishkhanutiun” (the publication told, in particular, about two relatives of Nubarashen community head, charged with robbery at one of Yerevan banks). The Prosecutor's Office of Erebuni and Nubarashen instituted criminal proceedings by Article 164 (“Impeding the legitimate professional activities of a journalist”),

Part 1 of Article 176 ("Robbery") and Part 3 of Article 258 ("Public Disorder") of the RA Criminal Code. However, on November 10, 2006 the investigation of the case was stopped due to the lack of "sufficient evidence proving corpus delicti in the actions of the suspects" (see details in "On Freedom of Speech in Armenia" report for 2006 on YPC web-site, www.ypc.am, "Studies" section).

As YPC was told by Gagik Shamshian's attorney Zaruhi Postanjian, the court declined the suit on the grounds that the investigation was not to be resumed. According to the attorney, the court took no notice of the other demand of the suit - to solve the issue of providing document copies. The ruling of the court of primary jurisdiction was challenged at the RA Court of Appeals. The Court of Appeals secured Shamshian's appeal partially: the decision for stopping the investigation was left in force, yet the Court of Appeals committed the investigators to provide a copy of the case to Shamshian.

Meanwhile, on February 8 the court of primary jurisdiction of Erebuni and Nubarashen communities of Yerevan started hearing the case versus Gagik Shamshian himself. The criminal proceedings against the journalist were instituted on August 3, 2006 basing on a number of appeals from citizens. The Erebuni Investigative Division of the Main Investigative Department of the RA Police charged Gagik Shamshian 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. The journalist did not plead guilty on any of the episodes, all of which dated back to 2002-2005.

The hearings on the case ended on June 6. In the course of the hearings three episodes (on Part 1 of Article 178 "Cheating") were left without consideration, as the court ruled two of them were under amnesty, and one was to be considered within administrative and not criminal law. The court found no corpus delicti in the fourth episode (Article 136 "Insult").

The photojournalist was found guilty only on one episode. According to the investigation materials, in 2004 Gagik Shamshian received 250,000 AMD from citizen N. to mediate in a criminal case, instituted versus N.'s in-law, and further appropriated some of this money, without performing what he had promised. The court found the fault of Gagik Shamshian proven; however, it shifted the charge from Article 182 ("Extortion") to Article 179. Thus, the court sentence was made by Part 2 of Article 178 ("Cheating") and by Part 1 of Article 179 ("Appropriation or Embezzlement").

Gagik Shamshian received a suspended sentence of 2.5 years' imprisonment with probation of two years. Besides, the court ruled that the photojournalist pay 200 thousand AMD to citizen N.

Gagik Shamshian stated that he did not plead guilty on any of the episodes. He qualified what had happened as a persecution for his professional activities, waged by the Head of Nubarashen community of Yerevan Mher Hovhannisian and his associates. In the opinion of Gagik Shamshian, but for the support of journalistic community, he could have received a harsher punishment.

Thus, Gagik Shamshian became a participant of two criminal cases simultaneously: in one, where he was the victim, nobody was punished; in the second one the journalist was convicted. Notably, the investigation into both cases was made by the aforementioned bodies of Erebuni and Nubarashen communities.

Gagik Shamshian challenged the ruling of the court of primary jurisdiction of Erebuni and

Nubarashen communities of Yerevan with the RA Court of Appeals. The plaintiff demanded to abolish the ruling made and acquit him completely. On its behalf, the Prosecutor's Office of Erebuni and Nubarashen also challenged the sentence of the court of primary jurisdiction, demanding to make the punishment harsher and sentence Gagik Shamshian to 4 years' imprisonment. At the session of July 16 the Court of Appeal secured the claim of the journalist partially, only reducing the suspended sentence to one year.

ON FEBRUARY 8 at 20.15 in the center of Yerevan a Nissan X-Terra caught fire. The car was owned by **Ara Saghatelian**, the Chair of Editorial Board of "**Im Irvunk**" newspaper and **Panorama.am** news portal, and the President of **Armenian PR Association** (the spokesman of the RA Ministry of Justice in 2001-2006). The arson was committed in the yard of the editorial office, 6-7 minutes after Ara Saghatelian arrived there. According to the journalist, a bottle with petrol spilling from it was found on the car roof; two other empty bottles lay nearby. Ara Saghatelian linked the incident with his journalistic activities. The statement of the Board of Armenian PR Association, released on February 9, qualified "the attempts to influence freedom of speech and press, particularly, through such criminal methods" as "unacceptable and condemnable". The investigation on the ignition of Ara Saghatelian's car did not come up with any charges.

ON FEBRUARY 9 the RA Commercial Court heard the suit of "**Shant**" TV company versus "**Irvunk**" newspaper (party organ of "Constitutional Right" Union) with a demand to refute the false data about the TV company and its head Artur Yezekian. The reason was the information, published in "Irvunk" of November 7-9, 2006, in the regular column "Wonders of the Week-1". The publication told, in particular, about the abundance of "porno films on the night air of 'Shant'" and "alcohol advertising at daytime and at nights". "Irvunk" explained this "mass release of varying disgrace" by the fact that the head of the company Artur Yezekian is "a member of Rotary Club", "actually an explicit Mason": "Everybody knows that to enhance the influence of their "Center" Masons always deemed it right to disrupt morals in the country to be influenced, and air is a very good tool for that." "Shant" TV company addressed "Irvunk" editorial office demanding to publish a refutation, since this had not been done, the broadcaster filed a suit on January 8, 2007. The suit of "Shant" was partially secured: the RA Commercial Court demanded that the newspaper publish a refutation of false information about the TV company. As to the demand of the plaintiff to refute the information about its head, the cases involving natural persons are out of Commercial Court's competence and had to be resolved by a court of general jurisdiction.

BY FEBRUARY 11 TV and radio companies of Armenia had to publicize their tariffs for political advertising during the official pre-election campaign for the RA National Assembly (elections to be held on May 12, 2007). According to Article 20 of the RA Electoral Code, the price per minute of paid air time, assigned to pre-election promotion, must be announced within 10 days after the national ballot day is defined. As the law provides, the tariff announced cannot be changed throughout the whole election campaign.

By other provisions of the Electoral Code public and private broadcasters are required to ensure equal access to air for all parties/party blocs taking part in elections by proportionate representation system. Fair and equal terms should also be observed in news TV and radio programs, informing about election campaigns of candidates, parties/blocs. This coverage must be impartial and devoid of comment. TV and radio programs, devoted to pre-election promotion, are not to be interrupted by commercial advertising. The control over the procedure for pre-election promotion on TV and radio

channels is implemented by the National Commission on Television and Radio that has the competency of starting litigation when a violation is revealed. On its behalf, the Central Elections Commission is competent to present its opinion on the violations in court. Article 11 of the RA Law "On Television and Radio" stipulates that during the period, preceding to pre-election campaign, and during the elections the transmission of political and other promotional materials must have a permanent subtitle of "political advertising" or "pre-election promotion program", and on radio air at least three reminding during a program must be made. In accordance with the Electoral Code, each party/bloc, registered by proportionate lists, is entitled to 60 minutes of free and 120 minutes of paid airtime on the Public Television of Armenia. On Public Radio of Armenia the free airtime limit for each party/bloc makes 120 minutes, the paid airtime is 180 minutes.

According to the tariffs, defined by the Public TV and Radio Company, 1 minute of paid political advertising on the PTA First Channel during the parliamentary election campaign cost 80,000 AMD, on Public Radio - 20,000 AMD (\$ 1 is equal to about 360 AMD). At the same time, the promotional pieces aired by the First Channel were also broadcast on the air of "Shirak" (part of Public TV and Radio Company) as well as through PTA satellite connection. As to the other public TV channel, "Nor Alik", it had no political advertising.

The tariffs of private national and Yerevan TV companies were higher. Thus, on the Second Armenian TV Channel and "Kentron" TV company the price of one airtime minute for parties/blocs makes 108,000 AMD, for candidates running for seats in the parliament by majoritarian system - 60,000 AMD. On "Shant" TV company one minute of airtime will cost 108,000 for parties and blocs, for majoritarian candidates - 84,000. On "ALM" the price of one minute for parties and blocs is defined to be 120,000 AMD, for majoritarian candidates - 80,000 AMD. On "Armenia" TV channel the price for parties/blocs and majoritarian candidates is the same, 130,000 AMD.

Notably, all the TV companies listed above restricted the political advertising to 180 minutes (not more than 6 minutes per day) for each party/bloc and to 60 minutes (not more than 2 minutes per day) for every majoritarian candidate, even though the Electoral Code only imposes such restrictions on the public broadcasters. Unlike them, "Yerkir-Media" TV did not introduce time limits, defining only tariffs - 80,000 AMD for parties/blocs and 45,000 for majoritarian candidates (VAT excluded).

The tariffs for political advertising defined by the TV companies were criticized by a number of politicians, who announced the election funds were not sufficient to realize their right to paid political promotion on the air of national and Yerevan TV companies. The Electoral Code stipulates that throughout the pre-election campaign the candidate can spend an amount that does not exceed 5,000 minimal salaries, and parties - not more than 60,000 minimal salaries (i.e., not more than 5 million and 60 million AMD, respectively). Whereas to use only the paid minutes on the PTA First Channel a party/bloc would have to spend 9,600,000 AMD.

The tariffs of regional companies were much lower. The most expensive price for one minute of airtime is set by "Ijevan" TV channel (Ijevan, Tavush region) - 48,000 AMD. One minute on "Last" TV (Goris, Syunik region) is priced at 20,000 AMD, and TV companies "Anna" (Artashat, Ararat region) and STV-1 (Sevan, Gegharkunik region) - 10,000 AMD each. "Zangak" TV channel (Martuni, Gegharkunik region) is ready to provide one minute of airtime for 7,000, "Sosi" (Kapan, Syunik region) - for 5,000 AMD. "Lori" TV company (Vanadzor, Lori region) decided to provide air only to majoritarian candidates for 15,000 AMD.

Meanwhile, all private broadcasters of Shirak region completely refused from placing political advertising on their air at election time. A similar decision was made by Yerevan TV companies “Dar 21”, “Shoghakat”, “Yerevan”, “Hay TV”, “Hayrenik”, “ARMENAKOB”, as well as the Yerevan radio companies Hai FM 105.5, “HAY”, “Van” and “Ardzagank”.

The repeated attempts of Yerevan Press Club to inquire at “AR”, “ArmNews” and “TV5” TV companies whether they were going to provide air for political advertising, and if yes, what the prices would be, remained futile: the TV companies refused answering the question. The Central Election Commission, where we tried to find out whether they had the list of TV companies that have official announced their tariffs, advised us to address the National Commission on Television and Radio with this question. As noted above, it is this very regulating body that has the legislative duty to supervise the pre-election promotion on TV and radio channels. The Head of Control Division of the Department of Program Monitoring and Control of NCTR Valeriy Stepanian did not even want to hear the question, demanding to make a written inquiry to him. In this regard we would like to remind the representative of the National Commission on Television and Radio that, according to Clause 6 of Article 9 of the RA Law “On Freedom of Information”, the reply to an oral inquiry is made orally, immediately or within the shortest time possible, after the inquiry is heard.

The fact that the sources, able to provide information, supposedly accessible to everyone by definition, were so intransparent only comes to confirm the common suspicions that the tariffs for paid air and the identical time limits for political advertising for candidates were in many ways a result of political game, played by the authorities.

As to print media, the Electoral Code requires the newspapers and magazines, regardless of their founders, to ensure equal opportunities in publishing pre-election promotional materials (area, tariffs, etc.) to all candidates and parties/blocs. Exception is made only for party organs.

The Electoral Code prohibits the journalists of public radio and television, other TV and radio companies, employees of editorial staffs, registered as candidates, from covering elections and hosting TV and radio programs.

According to Electoral Code, while publishing the findings of sociological surveys on candidate, parties/blocs ratings, the media, citizens and organizations must name the organization, administering the survey, the timeframes, the sample size and type, the method and place of data collection, the precise question, the statistical error margin as well as the client and the funding source. The publication of survey findings is prohibited one week prior to the ballot day.

ON FEBRUARY 14 the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan finished hearing the case of the professor of Yerevan State Institute of Theater and Cinema, director Armen Mazmanian, charged with libel and insult of the head of “**ALM**” TV company **Tigran Karapetian**. The hearing on the case started on December 14, 2006. The criminal proceedings were instituted on August 23, 2006 by the Prosecutor’s Office of Yerevan basing on the appeal of Tigran Karapetian, filed with the RA General Prosecutor’s Office on July 21, 2006. The reason for the appeal were the statements that Armen Mazmanian made about Tigran Karapetian in the program of “ARMENAKOB” TV company “Word With No Tie On”, aired on July 18, 2006, that Karapetian qualified as insulting and libelous. The appeal of Tigran Karapetian had a

videotape of the program enclosed. The investigation on the case was completed by the Prosecutor's Office of Yerevan on October 23. Armen Mazmanian was charged with Part 1, Article 135 ("Libel") and Part 1, Article 136 ("Insult") of the RA Criminal Code, stipulating penal sanctions. At the session of February 14 the court found Armen Mazmanian guilty on both articles and sentenced him to a penalty of 300,000 AMD (over \$ 800). The sentence was challenged at the RA Court of Appeals that abolished on April 2 the ruling of the court of primary jurisdiction of imposing a fine on Mazmanian. Besides the parties signed a reconciliatory agreement: Tigran Karapetian withdrew his suit demanding to institute criminal proceedings and committed "to leave the director alone", and Mazmanian committed to "not watching the programs of "ALM" TV channel".

ON FEBRUARY 15 the **OSCE Office for Democratic Institutions and Human Rights** released the Needs Assessment Mission Report. The report was produced after the Mission's visit to Armenia of January 30 - February 2, 2007. The purpose of the Mission was to assess the conditions and level of preparation in Armenia for the parliamentary elections upcoming on May 12, 2007, in line with OSCE commitments and to advise on the establishment of the OSCE/ODIHR Election Observation Mission. "While equal access to public and private media is guaranteed by law during the official campaign period, including free airtime on public TV and radio, the opposition claims very limited media access in the current period before the official campaign is due to begin. This is reportedly the result of administrative obstacles and self-censorship. Moreover, many NAM interlocutors expressed concerns that media access will remain unequal during the official campaign period", the report of OSCE/ODIHR Mission summed up, in particular.

In the section of the report on media it was stressed that "television remains the main source of information and can be described as predominantly pro-government, despite the formal transformation of state TV into a public service broadcaster, and the existence of numerous private channels, many of which are de facto linked to political parties". In the opinion of OSCE/ODIHR Mission, "the print media is seen as more pluralistic and news coverage is diverse and critical, however circulations are limited". The report notes that despite the amendments to the Constitution, all members of broadcast regulatory bodies are directly appointed by the President of the country, and the situation may change after the National Assembly passes appropriate legislative amendments. "Public TV First Channel is the most influential media outlet in Armenia", the report says. It also describes the situation with "A1+" and "Noyan Tapan" TV companies, who remain without a frequency to this day, "despite participation in numerous tenders and concerns expressed by the international community": "Interlocutors and media experts described this denial of licenses as a clear message to other media outlets, which fear losing their licenses, and effectively creating an atmospheres of self-censorship. This has been compounded by a few cases of violence against journalists over the past years."

During the previous elections, the report states, the media, especially the private ones, were criticized for not providing equal access to contestants and demonstrating bias. Noting the high rates of public and private TV companies for political advertising in 2003 elections, the Mission quoted many of its interlocutors, who feared that this can also be the case during the upcoming elections. "In addition, there were concerns expressed by many interlocutors about access to the media before the official start of the election campaign. Several opposition representatives alleged that obstacles exist for them to gain access to media in the current pre-campaign period, even for paid advertisements. Representatives of pro-governmental parties, however, cited examples of opposition leaders' appearance in the media", - the media section of the OSCE/ODIHR Mission report noted.

ON FEBRUARY 16 the RA Constitution Court heard the issue of compliance of a number of provisions of the “**RA National Assembly Regulations**” to the Main Law of the country. This referred to the provisions, committing the public TV and radio to broadcast parliamentary programs. An appeal on the matter was made on December 28, 2006 by the Armenian President Robert Kocharian. The Constitutional Court accepted it for consideration on January 9, 2007. The problem of covering the parliamentary activities was raised in March 2006, when the Chairman of the Council of Public TV and Radio Company Alexan Harutiunian made a written request to the NA Chairman with a proposal to reconsider the relations between PTRC and the parliament. In the opinion of the Chairman of the PTRC Council, the need to abolish this legislative commitment was due to the controversial situation that the Public TV and Radio Company found itself in, after it became a full-fledged member of the European Broadcasting Union in July 2005. On the one hand, the statutes of the organization oblige the national broadcaster to retain editorial independence and the right to use air at its own discretion, on the other - the provisions of the RA NA Regulations (adopted on February 20, 2002) actually impede the implementation of these requirements. The letter of the PTRC Council Chairman was considered at the meeting of the Parliament Speaker with representatives of parliamentary factions and groups, where it was decided that no amendments would be introduced to the NA Regulations regarding the transmission of parliamentary programs. This issue was not reflected in any way in the package of amendments to the RA NA Regulations, adopted in the first hearing on October 3, 2006 (*see details in “On Freedom of Speech in Armenia” report for 2006 on YPC web-site, www.ypc.am, “Studies” section*).

The Constitutional Court recognized the following provisions of the "RA National Assembly Regulations" to be contradicting the RA Constitution: on mandatory broadcasting of the sessions of statements by the deputies and question-and-answer sessions with the Government at the parliament on specific days and hours on First Channel of Public Television of Armenia (clauses 3 and 4 of Article 35); on broadcasting of the open sessions of the NA on live air of the Public Radio of Armenia, on the obligatory transmission of “Parliamentary Week” TV program cycle on Sundays at 21.00 on the PTA First Channel, and on the production by the Public TV and Radio Company of the parliamentary programs to be broadcast (clauses 2, 4 and 5 of Article 112). Besides, clause “e” of Article 49 was recognized to be contradicting the Constitution. The clause listed the decision of broadcasting parliamentary sessions on live air or recorded among the decisions that the parliament is entitled to make for organizing its activities. In the justification of the Court decision it was noted, in particular, that the amended RA Constitution (adopted in a referendum of November 27, 2005) “posed new demands to the guarantees of freedom and independent activities of the media”. Ensuring these guarantees imposes on the RA National Assembly the task of “reconsidering in a context and harmonizing with the Constitution” the RA Laws “On Television and Radio”, “On Mass Communication”, “RA NA Regulations”, and the relevant provisions of other laws, referring to this problem. According to the Constitutional Court, in the selection of any of the possible ways of solving the issue of covering the parliamentary activities, “legal guarantees should be created not to endanger the ensurance of transparency and political plurality in the practice of public service broadcasting”. The Court believes that in the solution of this issue, the NA should primarily be guided by Articles 27, 83.2 of the RA Constitution, as well as the stipulations of Recommendation R(96)10 of the Council of Europe Committee of Ministers, the Explanatory Memorandum to it, “Public Service Broadcasting” Recommendation 1641(2004)1 of Parliamentary Assembly of the Council of Europe.

The decision of the Constitutional Court brought diverse comment from media and political

forces. Thus, in an interview to "Aravot" daily (February 20, 2007), the RA NA Speaker Tigran Torosian called the solution proposed by the Court "debatable", "not best", "incomplete" and "unprepared". "The coverage of the NA activities cannot be considered an infringement of freedom of press or media. Maybe the way of doing it - through an agreement or tender - can be debated", Tigran Torosian said. In his opinion, the issue of incompliance with the Constitution is questionable, "because these are very specific broadcasts". The situation formed as a result of Court decision, when a number of provisions of the NA Regulations were abolished, but the requirement of parliamentary program broadcasting remained in the RA Law "On Television and Radio", was assessed by Tigran Torosian as "somewhat strange".

In the opinion of the Chairman of the People's Party of Armenia Stepan Demirchian, stated on February 20 in an interview to Radio Free Europe/Radio Liberty Armenian Service, the ruling of the Court and "the rise of tariffs for paid air primarily aim at restricting the promotion opportunities for opposition in a pre-election period, including the presidential elections".

"It is not a secret that President Kocharian cannot hear any critical words to his address. If you remember, two days before "A1+" was shut down he had announced to the journalists that he heard unpleasant remarks about himself not only on this TV channel, but also in "Parliamentary Hour" program on the PTA First Channel, in the three-minute statements of the opposition. The biting phrases of the representatives of opposition factions apparently were getting on Mr. Kocharian's nerves", the Chief Editor of "Aravot" Aram Abrahamian daily wrote in his article "Pocketed by the President As Always" ("Aravot", February 20, 2007). George Bush and Jacques Chirac did not like to be publicly criticized either, Aram Abrahamian noted; however, in their countries there were state and public mechanisms, depriving the presidents of a chance to refuse air to their critics, and in particular, these countries did not have a Constitutional Court, so willing to grant every wish of the head of the state. But there was one in Armenia, the Chief Editor of "Aravot" continued, and when the President addresses this pocket court it gave a salute and followed the instruction. According to "Aravot", the meaning of the Court ruling was that the National Assembly has no right to induce any media to broadcast certain material, because this allegedly restricted the freedom of expression. "This concern with freedom of expression is really very touching. It turns out that the First Channel (and in particular, "Haylur" newscast), eating taxpayers' money, are absolutely free in glorifying Kocharian and denigrating his opponents, but it is the broadcasting of MPs' statements that restricts their free thinking", Aram Abrahamian believes.

On February 26 at the press-conference in Yerevan the Chairman of the Council of Public TV and Radio Company Alexan Harutiunian said that the relations between the parliament and the Public TV and Radio Company would be reconsidered after elections to the RA NA, that is, in September this issue would be discussed with the leadership of the newly summoned parliament. So far, the Chairman of the PTRC Council informed, the parliamentary programs would go on the air of Public Radio of Armenia in the same volume and at the same times. No significant changes would occur in the schedule of PTA First Channel either: the broadcasting of the NA sessions on questions to the Government and answers to them would again be made on Wednesdays, but in a shorter version (not for 3-4 hours, as before); the "Parliamentary Week" TV program cycle would continue to be aired on Sundays but an hour earlier, at 20.00.

ON FEBRUARY 20 "Irvunk" newspaper skipped its regular issue. The reason for suspension of issuance of "Irvunk" was the inter-party situation in the "Constitutional

Right” Union (CRU). The conflict between the Chairman of the CRU Board, the RA NA Deputy Hrant Khachatrian and the Vice-Chairman, the head of the Editorial Board of “Iravunk” Haik Babukhanian drew much public attention due to the 17th conference of the party in September 2006, when Hrant Khachatrian was elected to be the Honorable Chairman and Haik Babukhanian - the Chairman of the Board of CRU. Hrant Khachatrian at first announced he was giving up politics and then challenged the decisions of the conference in court. The court of primary jurisdiction did not secure the suit, and the RA Court of Appeals annulled the resolutions made at the conference on January 31, 2007. On February 8 Hrant Khachatrian tried to return to the party office (also hosting “Iravunk” newspaper) with representatives of the RA Service of Compulsory Execution of Court Acts, but encountered resistance from former party colleagues. During a repeated attempt on February 20 Hrant Khachatrian and the compulsory executors met with no resistance: the office was empty. On the same day, February 20, a number of “Iravunk” staff members, including Haik Babukhanian and the Chief Editor of the newspaper Hovhannes Galajian, disseminated a statement, claiming, in particular, that: “At the direct order of oligarchic and criminal system, under the pretext of the court resolution of allegedly disputable issues, related to “Iravunk” founder, the CRU party, (...) the newspaper activities were actually disrupted.” At the press-conference on February 21 Hovhannes Galajian announced, in particular, that he was going to continue the publication of the newspaper, possibly, with a different name. On his behalf, in an interview to “Hayots Ashkhar” daily on February 22, Hrant Khachatrian noted that the publication of “Iravunk” will be resumed as soon as possible, saying also that Hovhannes Galajian and the newspaper Director Gegham Grigorian had resigned.

On February 23 “Iravunk” was issued with a new Chief Editor, Piruza Meliksetian. On February 27 “Iskakan Iravunk” (“Real Iravunk”) newspaper was published. The Chairman of the Editorial Board is Haik Babukhanian, the Chief Editor is Hovhannes Galajian. At the same time Hovhannes Galajian and Gegham Grigorian filed a suit with the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan demanding to be restored in their positions and to be paid a compensation for induced idleness. On November 20 the court fully secured the suit. According to the ruling of the court of primary jurisdiction, Hovhannes Galajian and Gegham Grigorian had to be restored in their positions and be paid a compensation for every month of induced idleness equal to their average monthly salaries.

ON FEBRUARY 21 “Pakagits” daily skipped its regular issue. Its publication was suspended because on February 20 representatives of the RA Service of Compulsory Execution took from the editorial office the property, owned by the daily founder, “Agap-Hrat” LLC. This was due to the ruling of the court of primary jurisdiction of Erebuni and Nubarashen communities of Yerevan of December 14, 2006 obliged “Agap-Hrat” to repay the debt to Martun Ivanian, equal to 9.048 mln AMD (over \$ 25,000), accumulated due to the failure to implement the contractual commitments (*see details in “On Freedom of Speech in Armenia” report for 2006 on YPC web-site, www.ypc.am, “Studies” section*). At the press-conference of February 21 Chief Editor of “Pakagits” Agapi Haikazuni announced that “Pakagits” will continue being published, but with a new founder, “Agap-ARD” LLC. On February 22 the newspaper was issued.

MARCH 2007

ON MARCH 6 the USA Department of State released country report on human rights practices in Armenia in 2006, prepared by the Bureau of Democracy, Human Rights, and Labor.

Addressing the freedom of speech and press situation in Armenia, the US Department of State noted in particular that “the Constitution provides for freedom of speech and of the press; however, the government partially limited freedom of speech” and “there were incidents of violence, intimidation and self-censorship in the press”. The private print media, the report says, expressing a wide variety of views without restriction, yet no newspaper was completely independent of patronage from economic or political interest groups or individuals.

Due to low circulations most of the Armenian population relies on broadcast media for information, which are mostly privately operated. The news coverage offered by private TV channels of the capital and regional cities of Armenia generally has good technical quality, however, in the opinion of the report authors, the substantive quality of news reporting on television and radio varied. Most broadcasting companies are owned by pro-government politicians or well-connected businessmen, and this leads journalists to engage in self-censorship. Major broadcast media “generally expressed progovernment views”, and the First Channel of the Public Television of Armenia “generally avoided editorial commentary or reporting critical of the government”.

The report by the US Department of State describes the situation with the failure of the National Commission on Television and Radio to provide a frequency to “A1+” - “one of the country’s last politically independent TV stations”. Observers alleged the decision was politically motivated due to “A1+” previous criticism of President Kocharian’s administration. The report noted that all the subsequent 12 attempts of “A1+” to get a broadcast license were unsuccessful. Further, the document quotes the recommendation of the report of the OSCE Representative on Freedom of the Media Miklos Haraszti on the state of media in Armenia, which stresses that the composition of the regulatory bodies, including NCTR, must represent the political diversity of the country and include NGOs and professional associations. The rejection of the amendments to broadcasting legislation, proposed by the Government, in autumn 2006 was characterized in the report as “an action unusual in a National Assembly where the ruling coalition has a comfortable majority”.

According to the US Department of State, international media generally operated freely in the country.

Besides, the report lists incidents with media representatives that occurred in 2006, such as the imprisonment of the Chief Editor of “Zhamanak-Yerevan” daily Arman Babajanian for document fraud to evade military service. Although he admitted guilt, the punishment was harsher than customary for such offenses, and some observers regarded him as a victim of selective law enforcement. The report also mentions the e-mail threats in July received by the Chairman of “Investigative Journalists” NGO and the Chief Editor of “Hetq” online newspaper Edik Baghdasarian, that followed the publication of articles, “criticizing a new political party”; the situation in which the free-lance correspondent of “Chorrord Ishkhanutiun” and “Aravot” newspapers Gagik Shamshian found himself in, harassed in July by the relatives and associates of the prefect of a Yerevan community, and further charged with several offenses; the attack on the Editor of “Iravunk” newspaper Hovhannes Galajian on September 6.

“There was no official censorship, although journalists and opposition parties complained that the government put pressure on television stations not to grant air time to several out-of-favor politicians”, the US Department of State report stressed.

ON MARCH 7 at “Urbat” Club **Yerevan Press Club** presented the findings of seven Armenian TV channel monitoring to the journalistic community. The study was administered by YPC before the official promotion campaign for elections to the RA National Assembly. The research was to last two months, February-March 2007. The report released summed up the findings of the first month (February 1-28, 2007). On April 10 at “Urbat” club the findings for the second month of the study were presented (March 1-31, 2007). The media monitoring was also made during the pre-election promotion campaign, by “TEAM” Research Center and Yerevan Press Club. The interim reports on the coverage of the parliamentary election of 2007 by 18 broadcast and print media were presented at “Urbat” club on April 20 (for April 8-15, 2007), April 27 (April 16-23, 2007), May 10 (April 24 - May 5, 2007) and May 14 (for the whole study period, April 8-May 10, 2007).

The findings of both researches were published as a separate book in Armenian, Russian and English languages as well as were placed on YPC web-site, www.ypc.am, in “*Studies*” section.

ON MARCH 12 in Yerevan the attorneys of the Chief Editor of “**Zhamanak-Yerevan**” newspaper **Arman Babajanian**, sentenced on September 8, 2006 by the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan to 4 years' imprisonment for document fraud to evade military service, held a press-conference. On January 12, 2007 the RA Court of Appeals reduced the punishment to 3.5 years of imprisonment (see details in “*On Freedom of Speech in Armenia*” report for 2006 on YPC web-site, www.ypc.am, “*Studies*” section). The journalist's attorneys Zaruhi Postanjian and Haik Halumian announced that the RA Court of Cassation had refused their appeal, submitted on January 22. The attorneys had demanded to abolish the sentence to Arman Babajanian, since the RA Law “On Citizens Who Have Not Taken Mandatory Military Service with Procedural Violations” should be applied to him. According to the attorneys, in the notification of the court of supreme jurisdiction, received on March 11, the refusal of the appeal is justified by saying it did not conform with the requirements to cassation appeals.

On July 19 the commission on early release and release on parole refused the petition about the early release of the Chief Editor of “Zhamanak-Yerevan”.

On November 30 six human rights and journalistic organizations - Center of Right and Information, the Free Tribune of Civil Initiatives, Helsinki Committee of Armenia, Vanadzor Office of Helsinki Citizens Assembly, “Investigative Journalists”, and “Asparez” Journalist's Club of Gyumri - disseminated a statement, urging the Commission for Early Release and Release on Parole to set free Arman Babajanian. Having reminded that Arman Babajanian has been in prison for about 1.5 years and has already received the refusal of the Commission above, the signatories expressed a hope that this time the Commission will make an impartial consideration and will secure the new petition of early release. In the statement of Arman Babajanian himself, published in “Haikakan Zhamanak” daily of November 29 it was noted that December will be another time when his sentence can be reconsidered. On December 12 the RA Human Rights Defender Armen Harutiunian made a similar appeal. In the petition of the ombudsman it was noted that the working group of the RA Human Rights Defender visited Arman Babajanian at the hospital for convicts. In the conversation the journalist complained his health had deteriorated. According to the information received from the penitentiary, Arman Babajanian has no reprimands and has been a disciplined convict, the address of Armen Harutiunian noted.

On December 14 the Commission on Early Release and Release on Parole refused the petition of early release for the second time.

ON MARCH 30 the Annual Report of the **RA Human Rights Defender Armen Harutiunian** on the Activities of the Defender and the Human Rights and Fundamental Freedoms Violations in Armenia in 2006 was released. One of its sections was dealing with freedom of expression. Making a reference to his experience, the ombudsman, in particular, noted the frequent infringements of the constitutional right to information - "due to the absence of appropriate sublegal acts, ensuring the procedure for realizing the right to information". The document also contained criticism of a number of provisions of the draft law "On Lobbyist Activities". In the opinion of the Defender, the adoption of this draft could result in breach of several articles of the RA Constitution, including Article 27, according to which "everyone has a right to freedom of speech, including the freedom to seek, receive and impart information and ideas through any media, regardless of the state borders". The cases of violence against journalists that occurred in 2006, impeding their professional activities are qualified in the ombudsman's Report as a threat to "complete insurance of the right to freedom of speech in Armenia". "The RA Human Rights Defender made strong criticism of these attempts and made an official statement calling on law enforcement bodies to be more consistent in disclosing each case of interfering with professional activities of journalists and ensuring the liability of those guilty according to the law", the Annual Report of the RA Human Rights Defender Armen Harutiunian noted.

APRIL 2007

ON APRIL 2 at 17.00 by the Aram Khachaturian's Monument in Yerevan a rally to support freedom of expression was to be held. The action was devoted to the fifth anniversary since "A1+" was deprived of air. Its organizers intended to plant 16 trees - "the freedom of speech path", symbolizing 16 years of Armenia's independence. However, the Yerevan municipality did not permit holding the action. In the written reply of the city administration of March 28, 2007 motivated the refusal saying that the conductance of the action will interfere with the concert at the National Academic Theater of Opera and Ballet. Meanwhile, the concert was scheduled to start at 19.00, while the action was supposed to last only an hour. Moreover, the Khachaturian Monument is on the other side of the Theater of Opera and Ballet, in front of Aram Khachaturian Big Philharmonic Hall. At the time appointed on April 2 a short rally was held by the statue, after which the rally participants attempted to plant the trees. However, the representatives of law enforcement bodies impeded this.

ON APRIL 7 by a decree of the RA President Robert Kocharian **Girgor Amalian** was appointed a member of **the National Commission on Television and Radio** for six years' term of service. This filled one of the three vacancies that opened due to the term end of three NCTR members on March 19, 2007 - NCTR Chairman Grigor Amalian, the Vice-Chairman Shamiram Aghabekian and Karineh Khodikian. On April 9 at the NCTR session Grigor Amalian was elected its Chairman.

After the RA Constitution was amended, the procedure for forming the NCTR changed: according to Article 83.2, half of the members of this regulating body are elected by the National Assembly, with a majority of votes, for six years' term of service, and the other half is appointed by the RA President for the same term. Besides, in accordance with amendments to the RA Law "On Television and Radio" (adopted by the Parliament on February 26 and signed by the RA President on March 20, 2007), the size of the NCTR

changed, too: eight members instead of nine. Thus, the NCTR had another vacancy to be filled in by the National Assembly. This was expected to happen after the new Parliament was summoned, till the end of 2007 the parliament never addressed this issue.

ON APRIL 9 at the session of the RA National Assembly the **RA Law “On Introducing Amendment and Additions to the RA Law 'On Advertising’”** and the **RA Law “On Public Notification through Internet”** were adopted in the second hearing and finally.

The amendments to the Law “On Advertising” imposed a ban on umbrella advertising, defined as advertising where the trademark or the brand name of the goods/services advertised are the same or similar enough to be confused with the trademark or the brand name of such goods/services, the advertising of which is restricted by the Law. The mentioning of a trademark, the brand name or any other way of identifying the producer/vendor/provider of the goods and services, the advertising of which is restricted, is also considered umbrella advertising. According to Clause 2, added to Article 24 of the Law, the control over the compliance with the advertising legislation by TV and radio broadcasters should be assumed by the National Commission on Television and Radio. The umbrella advertising ban was justified by the recently common indirect advertising of certain goods (tobacco products, alcoholic beverages, medication, baby food, etc.) the advertising of which is either prohibited or restricted on the domestic and international market.

The other adopted Law “On Public Notification through the Internet” regulates the procedure and terms of the public online notification. In particular, it is stipulated that in the cases defined by the law or other legal acts to require public notification through press, the same information must be placed on the official web-site www.lraber.am. The web-site administrator is determined by a tender, held in accordance with the RA Law “On Procurement”. The administrator will have a number of responsibilities, including the placement of the information on the web-site within two working days after it was received.

ON APRIL 25 the Vienna-based **International Press Institute** released its annual World Press Freedom Review for 2006. Having studied the situation in 180 countries, IPI concluded that with 100 journalists killed, 2006 “was the most savage and brutal year in the history of modern media”. Only in Iraq were 46 journalists killed, IPI noted; however, murders of journalists occurred in other countries, too, in particular, in Afghanistan, Pakistan, the Philippines, Mexico, Venezuela, Sri Lanka and Russia.

In the section on Armenia the review noted that while the human rights records showed certain improvement, the media freedom remained limited. In the opinion of the review authors, “the independent media has been under pressure, and the broadcast media remain pro-government”. Despite the diversity of print media, many newspapers have financial and economic problems. Besides, in some regions, such as Nagorno-Karabakh, the problems are even worse, IP notes: salaries are low, information is hard to come by, and many independent papers depend on sponsorship to survive because advertising is scarce and the population often cannot afford to buy newspapers. The IPI review quoted the opinion of the OSCE Representative on Freedom of the Media Miklos Haraszti, as stated on June 21, 2006 in Yerevan - despite “significant progress” in improving media legislation, “real pluralism” remains limited, especially in the broadcast media.

In 2006 “A1+” independent TV company, deprived of air since 2002, was once again refused a license, and its founder, “Meltex” LLC, had to vacate the premises in one of the

buildings, owned by the National Science Academy, and to move to smaller premises, allocated to the TV company in another building.

The IPI review tells at length the arrest on June 26, 2006 and the subsequent conviction of the Chief Editor of "Zhamanak-Yerevan" daily Arman Babajanian, charged with document fraud to evade military service. IPI quoted the colleagues of Arman Babajanian and the statement of the Chief Editor of "Zhamanak-Yerevan" himself dated June 30, qualifying the incident as political motivated - due to the criticism of Armenian authorities published in the daily. Despite the actions of the journalistic community to support Arman Babajanian, the Chief Editor of "Zhamanak-Yerevan" was found guilty and sentenced by the court of primary jurisdiction to 4 years - a harsher punishment that those usually applied in similar cases, IPI notes.

Among the incidents with journalists IPI lists the attacks on the sports observer of "Haikakan Zhamanak" daily David Jalalian on January 30, 2006, and on the Editor of "Iravunk" newspaper Hovhannes Galajian on September 6.

The IPI review also says that on October 2 the parliament of Armenia rejected the package of draft laws on broadcasting, proposed by the Government and criticized by media associations.

ON APRIL 27-28 in the court of primary jurisdiction of the Center and Nork-Marash communities of Yerevan, the hearings on the suit of the "Republic" party versus the RA Central Electoral Commission were held. The suit was brought up through non-coverage by the five TV companies - **Public Television of Armenia, Second Armenian TV Channel, "Armenia", "Yerkir-Media" and "ALM"** - of the party's election rally on April 19. The plaintiff held that it was a violation of the requirements of the RA Electoral Code, in particular, Article 18 ("Basic Principles for Pre-Election Campaign") on the necessity of ensuring equal conditions for all election participants. In this respect, "Republic" challenged the inaction of the Central Electoral Commission and claimed to oblige the channels mentioned above to cover the event of the party, moreover - in the same volume they covered the election rallies of other parties on that day. At the session of April 28, the court declined the suit of "Republic".

MAY 2007

ON MAY 1, "Freedom House" international organization published its annual global survey on freedom of press in 2006. The media situation was assessed by "Freedom House" 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. The "Freedom House" Executive Director Jennifer Windsor expressed concern at the study's findings: "Assaults on the media are inevitably followed by assaults on other democratic institutions. The fact that press freedom is in retreat is a deeply troubling sign that democracy itself will come under further assault in critical parts of the world."

The rating of Armenia in 2006, similarly to the previous years, did not change - 64 points. Thus, the Armenian media for the fifth year already (since 2002) are classed as not free by the "Freedom House".

IN THE EVENING OF MAY 9 in Yerevan, **journalists** suffered during the attempt of the law and order bodies to disperse the people near RA National Security Service premises. According to the eyewitnesses, after the election rally of the "Republic", "New Times"

parties and “Impeachment” bloc, its organizers called on their followers to start a procession towards the building of NSS. The procession was to support the detainees there, particularly, the former RA Foreign Minister Alexander Arzumanyan, detained recently on the suspicion of legalizing the sums received in circumvention of the law. The rally participants, that approached the NSS premises, were met by the police and special forces. The latter started to push the protestors back, using bludgeons and tear-gas. As told to YPC by freelance journalist Garik Shamshian, the law and order bodies tried to seize his photo camera, they tore his jacket, and it is only due to the intervention of the rally participants that he managed to preserve the camera. According to the correspondent of “Hayastani Hanrapetutian” daily Tsovinar Nazarian, when the law and order bodies used tear-gas, a gas flow hit her eyes, causing her to lose vision for ten minutes.

ON MAY 18 the RA Commercial Court completed the hearings on the case of the founder of “**Shant**” TV company, “Shant” LLC, versus the founder of “**Zhamanak-Yerevan**” daily, “Media Skizb Kentron” LLC. The reason for the court appeal was the article “Najarian is Sorry”, published by “Zhamanak-Yerevan” on December 13, 2006. In the opinion of the plaintiff, the publication contained untrue information, discrediting to the honor and the business reputation of the TV company and its head Arthur Yezekian. The plaintiff demanded that the newspaper publish a refutation.

In the article mentioned above it was said, in particular, that Arthur Yezekian was a mason and was a member of Rotari mason club. In the issue of December 21, 2006 the editorial office of “Zhamanak-Yerevan” informed that on December 20 it had received a letter from “Shant” representative demanding to refute the false information that may “harm the honor and the business reputation of ‘Shant’ TV company and its director Artur Yezekian”. Having quoted the letter, the newspaper noted it refuted the information “with all its heart”. “Shant”, on its behalf, demanded to refute the information in a proper way (in accordance with the RA Law “On Mass Communication”) and publish the text of the refutation the TV company had prepared. This text was published in “Zhamanak-Yerevan” on January 16, 2007 under the heading of “Not a Mason, but Pliers Instead”. Apologizing to the readers for “misinforming them”, the daily stated at the same time that the “Shant” head was a tool at the hands of Armenian authorities.

On February 15 the founder of “Shant” filed a suit with the RA Commercial Court. The hearings started on March 1. At the session of May 18 the Commercial Court rejected the suit. The ruling noted that the no information discrediting to the TV company was present in the publication of “Zhamanak-Yerevan”. As to the demand of the plaintiff to refute the information about the TV company director Arthur Yezekian, the cases, involving natural persons, are out of the competence of the Commercial Court, i.e., should be considered by the court of general jurisdiction.

JUNE 2007

ON JUNE 14 “**Freedom House**” international human rights organization released its annual report “Nations in Transit 2007”.

In the report section on Armenia the situation in the country is presented, also with regard to freedom of the media. In particular, “Freedom House” noted that in 2006 the composition of regulatory body for broadcast media was under discussion, attacks on journalists increased, and government harassment against independent media in the run-up to 2007 parliamentary elections rose. “Although the media community had some success in influencing government policy in media-related areas, this was offset by the

increase in violence against journalists”, the report says. The media situation is illustrated by the examples of attacks on journalists and media, the legislative changes that occurred in 2006. By the assessment of “Freedom House” Armenia’s rating for independent media is now 5.75, having deteriorated in comparison with 2005 and 2006, when it equaled 5.50 (the higher the numerical value of the ranking, the worse the situation is).

ON JUNE 19 in Gyumri the RA Commercial Court heard the suit of the editorial staff of “**Hingshabti**” (“Thursday”) weekly versus Gyumri tax inspection. The plaintiff demanded to abolish the act of the tax body about the failure of the Gyumri weekly to fulfill its tax liabilities. The act was made up on May 15, 2007, after the regular tax checkup at “Hingshabti” editorial office. In the opinion of the tax authorities, the newspaper had to pay tax in 2004-2006 from the sales at discounted prices of the issues of the newspaper and its weekly entertainment supplement “Hingshabti-Zhamants” that were not marketed by the dissemination network in due time. The amount of the taxes unpaid together with the fine for the delay amounted to about 500 thousand AMD (over \$ 1,400). According to the ruling, read by the Commercial Court on June 29, the demands of the tax authorities were recognized unjustified.

ON JUNE 21 the representatives of the Service of Compulsory Execution of Judicial Acts of Shirak region arrested the property of “**Kumayri**” private weekly of Gyumri as an implementation of a court ruling. According to the Chief Editor of “Kumayri” Aghasi Abrahamian, on November 2, 2006 the Commercial Court of Shirak region, having considered the suit of the regional administration, ruled that the editorial office of the weekly must vacate the premises it uses in the building of the former school No.21 of Gyumri. According to Aghasi Abrahamian, after this building, where one of the city publishing houses is also located, was transferred to the management of regional administration, the latter decided to use it otherwise and suggested that the editorial office move out. As the head of “Kumayri” said, the options proposed in exchange were not suitable for the editorial office, and it refused to move. As a result the regional administration started litigation. The cassation appeal, submitted later by the respondent, was declined, and the addresses of the editorial staff to various official bodies with a request to provide assistance in the premises issue were futile. The editorial staff had to find premises for itself, where the publication of the newspaper continued.

ON JUNE 27 the extraordinary session of the RA National Assembly, summoned by the initiative of the RA President, was opened. Its agenda, besides other issues, included a package of draft laws “**On Introducing Amendment to the RA Law 'On Television and Radio'** ” and “**On introducing an Addition to the RA Law ‘On State Duty’** ”, prepared by the RA Government. On June 29 the draft laws were adopted in the first hearing by the majority of votes, cast by the RA NA deputies.

In the amendment to Article 28 of the Law “On Television and Radio” it was proposed to prohibit the activities of other broadcasters on the frequencies held by the Public TV and Radio Company, while the provision in force allows for such activities with the consent of the Council of the Public TV and Radio Company. The proposed change was argued by the authors by the special status of the Public TV and Radio Company, the activities of which must be subordinated to public interest solely and “cannot be combined with the activities of other broadcasting organizations, having their own purposes”.

The addition to Article 19 of the Law “On State Duty” stipulated that from now for “each issuance of a program cycle of the national editorial office or a service of a foreign media by the TV and Radio companies of the Republic of Armenia” the state budget must receive

an amount equal to “70 base duties” (70,000 AMD or over \$ 200). The justification of the amendment said that since the broadcasting of TV and radio programs “is in the domain of competitive regulation”, the proposed measure enabled “ensuring equal competition terms”. At the same time it was noted that the legislation prohibited foreign media from having a license and having independent broadcasting of TV and radio programs, and the amendment proposed was also regulating the legal relations regarding the activities of foreign media in the RA.

The amendments introduced to the consideration of the parliament were a source of great concern for media and media experts. In particular, there was an opinion that the implicit purpose of the legislative initiatives of the RA Government was to stop the re-broadcasts of the **Armenian Service of Radio Free Europe/Radio Liberty** on the Public Radio of Armenia, performed by a contract. In future it was quite probable that private radio companies, with the pretext of extremely high state duty, will refuse to give air to the Armenian Service of Radio Liberty. It should be noted that similar fate might be looming also on the programs of BBC, EuroNews and Deutsche Welle, broadcast in Armenia.

According to “Internews” Media Support NGO, published on June 27, the amendment to the Law “On State Duty” was not sufficiently justified. In particular, “Internews” noted, unequal competition terms existed between the broadcasters producing Armenian content and the ones who fully or partially rebroadcast the programs of foreign TV and radio companies. The most privileged was the situation of those companies in Armenia that rebroadcast the foreign TV channels under interstate and intergovernmental agreements. These TV companies also often rebroadcast advertising slots in foreign languages, thus violating the RA Law “On Advertising”. The justification as presented by the authors of the draft do not take into account the fact that the national editorial offices or services of foreign media create local content which, as a rule, was up to international standards, hence contributing to the better quality of TV and radio programs in Armenia, “Internews” stressed. Besides, the draft law proposed by the RA Government corrupts the legal meaning of the state duty: it is applied to provide state revenue as remuneration for services, provided by the state bodies to the population or the economic subjects, and not to regulate the competition.

On June 28 the draft laws were criticized by the OSCE Representative on Freedom of the Media Miklos Haraszti. “As Radio Free Europe/Radio Liberty is currently the only foreign media outlet using the Armenian Public Radio frequency, the adoption of the amendments would amount to a ban on their programmes in Armenia”, the letter of Miklos Haraszti to the Chairman of the RA National Assembly Tigran Torosian said. “Radio Free Europe/Radio Liberty is an alternative source of information in Armenia, providing a diversity of opinion that is especially needed during election periods”, Miklos Haraszti noted. The OSCE Representative on Freedom of the Media urged the parliament of the country to drop the draft laws proposed, as they were “incompatible with OSCE commitments to safeguard pluralism and the free flow of information in the media”.

In its statement of June 29 “Asparez” Journalist’s Club of Gyumri qualified the legislative initiative of the Government as “directed against the broadcasts” of the Armenian Service of the Radio Free Europe/Radio Liberty and as a “yet another episode in the consistent state policy of suppressing freedom of speech”.

Several political parties spoke against the draft laws, too - in particular, “Republic”, Social Democratic Hnchak Party as well as two parties represented in the parliament, “Heritage” and “Orinats Yerkir”. These parties also qualified the documents as an attempt to shut

down the Armenian Service of Radio Liberty and to restrict the freedom of expression.

On June 29 the Journalists Union of Armenia hosted a press-conference of a number of NGOs, membering in Partnership for Open Society initiative. Criticism of the draft laws proposed by the Government was voiced at the press conference by the representatives of Yerevan Press Club, the Committee to Protect Freedom of Expression and "Internews".

On the same day, June 29, these organizations made the following statement:

"The draft laws on "Introducing Amendment to the RA Law 'On Television and Radio'" and "On Introducing an Addition to the RA Law 'On State Duty'", presented at the extraordinary session of the National Assembly upon the initiative of the RA Government, signify that the Armenian authorities are consistent in adhering to the vicious policy of the recent years, aimed at restricting and suppressing the freedom of expression and media.

For many times already has the Government hastily submitted draft media-related laws to the National Assembly - in secrecy, without consulting the civil society, media representatives, experts, even without the opinion of the appropriate committee of the National Assembly. What issues, vital for the country and the society, are these two draft laws to solve that they had to be necessarily considered at an extraordinary session, instead of being included into the agenda of the ordinary session, following all the procedures that the law provides for? The draft authors have not presented any convincing arguments as to the urgency of their adoption at this very moment.

This way of acting, when hasty amendments are proposed in broadcasting legislation, with no heed for the domain specifics and the legislation rationale, is becoming a tradition: it suffices to remember that in September 2006, too, the Government presented to the National Assembly the draft law "On Introducing Amendments and Additions to the RA Law 'On Television and Radio'" with the same haste. The draft caused the dissatisfaction of the journalistic community and was ultimately rejected by the NA. However, in February 2007, the Government had another unacceptable draft law passed, ignoring all the proposals made.

The analysis of the draft laws, presented to the NA today, shows that they are primarily directed against the only broadcast medium out of the control of the RA authorities - the Armenian Service of Radio Free Europe/Radio Liberty, because their adoption in essence will stop the broadcasting of the programs of the Service on Armenian radio waves. The adoption of these draft laws will also damage the reputation of the newly-elected National Assembly that will have displayed itself as the adversary of democracy, of freedom of expression by the very first laws passed.

We have always insisted that legislative changes in this sphere be made systemically, according to a unified concept, and hence we call on the RA NA deputies not to vote on the drafts presented by the Government and to hold public hearing of the legislative package that seeks to reform the sphere."

On June 29 "Human Rights Watch" international organization urged the Armenian parliament not to adopt the two draft laws "that would effectively ban future broadcasts" of Radio Liberty - "a key source of independent information" in Armenia.

On June 30 the President of Radio Free Europe/Radio Liberty Jeffrey Gedmin expressed the hope that "Armenia's parliamentarians will reconsider their support" for the drafts

directed against the broadcasts of the Armenian Service of Radio Liberty on the waves of public radio.

On July 2 in Yerevan a protest action against the amendments proposed by the Government was held. The representatives of NGOs, including journalistic associations, held a rally on the Freedom Square and then made a march to the building of the National Assembly.

On July 2 the Spokesman of the US Department of State Sean McCormack expressed the deep concern of the US foreign office in relation with any legislative changes that would restrict the abilities of Radio Liberty to broadcast in Armenia.

On July 3, on the last day of the extraordinary session of the RA National Assembly, a voting on package of draft laws "On Introducing Amendment to the RA Law 'On Television and Radio'" and "On Introducing an Addition to the RA Law 'On State Duty'" in the second hearing was made. The amendments to the broadcasting sphere, proposed by the Government of Armenia, were not adopted due to quorum absence: 65 deputies took part in the voting (63 - "for", 2 - abstained), whereas 66 votes (more than half) are necessary for quorum. Thus, owing to one vote lacking the draft laws were turned down.

On July 6 the Council of Public TV and Radio Company resolved to stop the broadcasts of the programs of the local and foreign broadcasters on the public TV and radio since August 9. According to the explanation of the PTRC Council, the decision was made "taking into account the international experience of public service broadcasters" (quoted by "Hayastani Hanrapetutiun" daily of July 26, 2007). In August the broadcasts of "Tsayg" TV company of Gyumri on 6th VHF channel, used by it jointly with "Shirak" public television, as well as the programs of "Mir" Interstate TV and Radio Company on the Public Radio of Armenia were stopped.

Since September 1 the broadcasts of the Armenian Service of Radio Free Europe/Radio Liberty on the Public Radio of Armenia were stopped. Currently the broadcasts of the Radio Liberty Armenian Service started to be made only on the frequencies of "ArRadioIntercontinental", in accordance with an agreement signed with this private radio company and in force till September 16, 2008. The daily two-hour programs of Radio Liberty started to go on air of "ArRadioIntercontinental" since August 15 with a simultaneous transmission on Public Radio - till August 31. The change of the broadcasting company, in opinion of the Director of the Armenian Service of RFE/RL Atom Margarian, would result in a significant reduction of the audience: "ArRadioIntercontinental" holds 23 transmitters, while PRA has 80 of them.

SEPTEMBER 2007

ON SEPTEMBER 11 the print run of "**Zhamanak-Yerevan**" daily was bought out. This was reported by the newspaper itself in its issue of September 12. As "Zhamanak-Yerevan" tells in its editorial, headlined "Buying Out the Newspaper is Not a Solution", some people were waiting by the newspaper stalls in Yerevan, followed the "Haymamul" cars, delivering the press, and bought out the issue. "Zhamanak-Yerevan" believed that the initiator of this action was the head of the parliamentary faction of the Republican Party of Armenia Karen Karapetian. The reason was the interview of the RA NA deputy, given the day before to "Zhamanak-Yerevan" correspondent: "In the evening of the same day Mr. Karapetian, with the mediation of different people, tried to prevent the publication of the interview (...)." "It remains a mystery for us, which part of the interview scared the head

of RPA faction so much”, “Zhamanak-Yerevan” wrote and proposed that Karen Karapetian should make a subscription for its whole print run to be delivered directly to his place.

ON SEPTEMBER 15 at about 19.00 at the editorial office of “**Iskakan Iravunk**” newspaper its Chief Editor **Hovhannes Galajian** was assaulted. Two strangers gave a severe beating to the journalist, striking him with iron whips. Hovhannes Galajian was hospitalized with brain concussion and bruises, stitches were put on his head. He is currently in hospital. This was already the second case of violence against Hovhannes Galajian: on September 6, 2006, he was beaten by the entrance to his house. Those guilty of the assault have not been found to this day (*see details in the report on freedom of speech in Armenia in 2006 at YPC web-site www.ypc.am*).

“Yerevan Press Club and the Committee to Protect Freedom of Expression have repeatedly noted and reiterate that such attacks continue due to inadequate work of law enforcements bodies and their inability (or unwillingness?) to find the authors and implementers of violence against media and journalists and hold them accountable. We condemn this new case of terror and announce that the lack of disclosure of such crimes, particularly, during the pre-election period, can serve even more to unleash those seeking to silence the freedom of expression by whips”, the statement of the two journalistic associations, released on September 17, says in particular.

Statements condemning the incident with the Editor of “Iskakan Iravunk” were made also by other journalistic associations, representatives of a number of parties.

Criminal proceedings have been instituted by the Investigative Department of the RA Police on the attack on Hovhannes Galajian, by Article 113 of the RA Criminal Code (“Intentional injuries of medium graveness”).

On September 29 a number of Armenian media published a photofit of one of the two strangers that assaulted the Chief Editor of “Iskakan Iravunk” newspaper Hovhannes Galajian on September 15. According to Hovhannes Galajian, he did not remember the second offender, because he had attacked from behind.

The investigation into the case was further stopped, and the offenders had not been found.

ON SEPTEMBER 26 AND 28 the issues of “**Chorrord Ishkhanutiun**” newspaper did not reach the readers of Artashat city and the neighboring villages of Ararat region. According to the Chief Editor of the newspaper Shogher Matevosian the distribution of these issues was prevented through the effort of the head of the local branch of “Haymamul” press dissemination agency. In the opinion of “Chorrord Ishkhanutiun”, the reason for the action was the article “With Much Gratitude and Best Regards - Henrik Abrahamian”, published on September 26, and the subsequent report of the editorial staff about the disappearance of the previous issue from the newspaper stalls of Artashat. The publication was dealing with RA National Assembly deputy from Ararat region Henrik Abrahamian, the brother of the Deputy Prime Minister, the RA Minister for Territorial Governance Hovik Abrahamian. The article described the background of the deputy and his current entrepreneurial and parliamentary activities. “(...) Newspapers can always be collected, yet this will certainly not change the moral image of Henrik Abrahamian. Do not have doubts”, “Chorrord Ishkhanutiun” noted, in particular, in its communication of September 28.

OCTOBER 2007

ON OCTOBER 11 at the editorial office of “**Aravot**” daily an incident occurred to its correspondent **Ruzan Minasian**. When the journalist came to the editorial office, a group of people started insulting her and throwing items they could lay hands on at her. Ruzan Minasian was slightly injured. The reason for the incident was the article by Ruzan Minasian “No Money Charged from Deceased”, published in “Aravot” on October 11, 2007. The story quoted the letter of the imprisoned A.M., convicted for murder committed in 2002 and pleading not guilty. The article caused the indignation of the victim’s family and friends who came to “Aravot” editorial office and started a brawl.

The statement of Yerevan Press Club, Journalists Union of Armenia and the Committee to Protect Freedom of Expression, released on October 12, stressed: “(...) The lack of punishment for intimidation, insults and attacks, made by representatives of political and oligarchic groups, their bodyguards, results in a situation when intolerance to journalists and media seizes other segments of the society, too, that have the idea instilled of violence being appropriate response to facts, arguments and opinions.” Journalistic organizations reminded that “journalist follows his/her public duty, also reports the different opinions that exist in the society on a certain issue”: “In this case Ruzan Minasian did nothing more than present the stance of a person, convicted for life, his justifications of his own innocence. The people of contrary viewpoint, using their right to respond, could have published their arguments.” The signatories condemned another act of violence against journalist and demanded that “those responsible for it, this time known, be held to account in accordance with the law”.

In the opinion of the RA Human Rights Defender Armen Harutiunian, expressed in a statement of October 12, this intolerant attitude of citizens to the professional activities of a journalist poses a threat to the establishment of independent fourth estate in the country and adversely affects the reputation of the state.

On October 12 the RA Police announced that criminal proceedings were instituted by the Police of Yerevan Center community on Article 164 of the RA Criminal Code (“Impeding the legitimate professional activities of journalist”). The press release also listed the names of six women that started the scuffle at “Aravot” editorial office. Meanwhile, as Ruzan Minasian said, she had been attacked not only by women, but also by at least three men, one of them being most active. She also noted she had interviewed one of these three men. Ruzan Minasian said she would keep insisting that all the participants of the attack be charged with the case. Further on, seven assaulters were brought on the case as suspects.

On December 6 Ruzan Minasian made an appeal to the police to stop the criminal proceedings, putting forth no claims. As YPC was told by Ruzan Minasian, she took into account the remorse of these people, the apologies they made and their emotions after the murder of a family member.

ON OCTOBER 16 “**Reporters Without Borders**” (RSF) international organization released its sixth annual Worldwide Press Freedom Index. The study was conducted in 169 countries and based on events between September 1, 2006 and September 1, 2007. Armenia was ranked 77 in the RSF list. However, “Reporters Without Borders” do not comment on the freedom of press situation in Armenia in any way. In other words, the journalistic community of Armenia continues to remain unaware what prompts such drastic ups and downs in its rank, particularly this time, when Armenia gained the highest line ever, going up by 25 ranks as compared to 2005 and 2006 RSF index.

ON OCTOBER 19 Yerevan Press Club, Committee to Protect Freedom of Expression, “Asparez” Journalist’s Club of Gyumri, Vanadzor Press Club, Helsinki Committee of Armenia, Vanadzor Office of Helsinki Citizens’ Assembly released the following statement:

"We, the public organizations, express our concern over the negative and unacceptable developments that have been recently observed with regard to freedom of expression. The print media have been reporting that for several days already correspondents of broadcast media do not come to press conferences, organized at various press clubs. A supposition was made that this attitude is imposed by various power agencies. We realize that media do not have to cover all press conferences; however, the simultaneous and unanimous display of indifference to events of public importance only comes to confirm the version of intervention by “invisible hand”.

We receive alarming information that over the past week heads of private TV companies were invited to various agencies, where they were “persuaded” to ignore the public events, appearances of certain opposition figures, not to invite them to studios, not to interview them and not to show them on air. In particular, the TV companies have received a “recommendation” not to cover (either positively or negatively) the rally of a number of political forces, scheduled for October 26.

We remind that impeding the legitimate professional activities of journalists is a criminal offence. Moreover, Clause 2 of Article 164 of the RA Criminal Code refers to the commitment of the same offence by an official, using his/her position.

Having no common political preferences or dislikes, all of us think it to be an urgent necessity that information and opinions be disseminated freely, in particular, ahead of presidential elections, and we call on authorities to abstain from interfering with the editorial policy of media, primarily the broadcasters, since it irreparably damages the freedom of expression and pluralism as cornerstone principles of democracy”, the statement of six NGOs said.

ON OCTOBER 22 the statement of the founder of “**GALA**” TV company of Gyumri **Vahan Khachatryan** was disseminated. The statement was prompted by attempts of various power agencies to exert pressure on the TV company that had occurred over the past week.

The statement of Vahan Khachatryan says in particular: “Dear compatriots, every TV company owner must first of all realize that television is not a private but a public asset.

The medium is to give impartial and diverse coverage of all processes in the society. It must introduce the public to the whole spectrum of political processes equally, allowing people to make its own conclusions.

The Independent News Channel of Gyumri (“**GALA**” is the abbreviation of the Armenian name of the TV company - *Ed. note*) was established and formed on the basis of these very principles and throughout its two-year activities remains loyal to these principles.

I would like to stress that the stance of “**GALA**” TV company will not change in future either, and I, as the company owner, would be stopping any attempts of intervention made by any structures or persons.”

On October 23 “GALA” was notified by the RA State Tax Service about a regular tax audit to be undertaken at “CHAP” LLC, the founder of the TV company, since October 29. The TV company, on its behalf, announced it was going to cover the tax audit proceedings.

Besides, as Vahan Khachatrian said, the TV company started to lose advertisers: their vast majority refused to cooperate. Now, instead of commercial slots, “GALA” showed a caption card saying “Blockade” and quoted Constitution articles guaranteeing various freedoms, including that of expression.

In the afternoon of **November 6** an incident occurred involving “GALA” cameraman **Grigor Shaghoyan** and an officer of the RA State Tax Service. The latter had attacked the cameraman, shooting the audit proceedings, took him by the throat and tried to take the video camera. The scuffle was stopped after the interference of other representatives of tax service and the TV company staff. On the same day Grigor Shaghoyan made a report to the Gyumri police department about impeding his legitimate professional activities.

On November 12 the Public Relations Department of the RA State Tax Service informed that as a result of an audit of the activities of “CHAP” LLC, the founder of “GALA” TV company of Gyumri, a number of serious violations were revealed. In particular, when comparing the documentation of “CHAP” LLC, submitted to the National Commission on Television and Radio, with the accounts of the company itself and the tax reports for September 2005 - September 2007, the auditors revealed concealed amounts of TV advertising, as a result of which the company has to pay about 26 million AMD to the state budget (including the penalties). Besides, as the audit showed, the TV tower that “GALA” founder uses is owned by Gyumri municipality, is not rented by the company and is operated by it illegally.

The owner of “CHAP” LLC Vahan Khachatrian, on his behalf, announced that “GALA” TV could not have had the advertising volumes that the tax service based its calculations on. As to the TV tower, as Vahan Khachatrian noted, the certificate of ownership of the tower was received by Gyumri municipality only on November 5, 2007. Till that time, in 2004-2005, he addressed various agencies but was unable to find the tower owner. According to Vahan Khachatrian, he operated the TV tower that had no one take care of since 2005, with a preliminary renovation and enforcement of the transmitter.

On November 14 Vahan Khachatrian made a statement noting he was going to challenge the tax audit results and currently the auditors he invited are studying the materials. Having reminded about the common practice of using tax audits as a tool for exerting pressure on media, “GALA” owner stressed that the situation with the TV company has political underpinning. “What prevented the State Tax Service from auditing the activities of “GALA” TV company a year ago or 10 days after the elections?”, Vahan Khachatrian concluded.

On November 16 Vahan Khachatrian challenged the results of the tax audit with the RA State Tax Inspection.

On November 30 at “Yerevan” hotel the press-conference of “Internews” Media Support NGO, Yerevan Press Club and “Asparez” Journalist’s Club of Gyumri was held. The press-conference focused on the situation in media ahead of presidential elections, in particular that of “GALA” TV company of Gyumri. At the meeting with journalists in Yerevan a film about the situation of “GALA”, produced by the TV company staff, was shown and it was said that the Investigative Department of the State Tax Service instituted proceedings on

Article 205 of the RA Criminal Code (evasion of tax, duty and other mandatory payments). On November 26 the heads of “CHAP” were summoned to an interrogation as witnesses. On their behalf the municipality and the Tax Inspection of Gyumri filed suits versus the founder of “GALA”.

The suit of Gyumri municipality, accepted by the RA Commercial Court on November 26, contains a demand to oblige “CHAP” to stop the use of the TV tower and disassemble the equipment installed there. On November 27 the RA Commercial Court accepted another suit versus “CHAP”, this time from Gyumri Tax Inspection. The plaintiff demanded to recover from “CHAP” the tax liabilities of 25.2 million AMD (including penalties and fines and excluding the taxes already paid). Besides, the Tax Inspection of Gyumri submitted a motion to the court to allow custody on “CHAP” property as a way of securing the suit, which was refused as ungrounded. Yet later, on November 30, the Gyumri tax officers made another motion of the kind, this time secured - on December 3. On the evening of the same day the representatives of the Compulsory Execution Service took the property and the finance of “CHAP” LLC into custody, yet the company so far continues to go on air.

On December 10 at the RA Commercial Court hearings on the suit of Gyumri municipality versus “GALA” TV company started. At the session the plaintiff rejected the draft of reconciliation agreement, proposed by “GALA” founder. The agreement stipulated the TV tower rental for 6 months’ time. The respondent filed a counter-claim of mandatory establishing the right to a limited use of the TV tower (mandatory servitude), which was declined by the court. The respondent also challenged the judge, after which the session was adjourned. On December 11 the court reconvened with the judge announcing the challenge refused. The respondent said that on the same day, December 11, he had appealed at the Court of Cassation the refusal of the Commercial Court to accept his counter-claim and made a motion to suspend the litigation until the response is received. This motion was refused, too. The respondent made the second challenge to the judge, and the hearings were adjourned again - till December 13. At the session of December 13 the challenge of the judge was refused once more. On his behalf, the respondent announced he had appealed - this time with the higher jurisdiction body of the RA Commercial Court - the judge’s ruling of December 10 that had rejected the counter-claim of mandatory servitude. The founder of “GALA” also made a motion to suspend the hearings until a response is received regarding the counter-claim. The motion was secured, and the session adjourned.

Earlier, on December 12, about 50 residents of Gyumri established Headquarters to protect freedom of expression and to support “GALA” TV company. On the same day the HQ addressed the media and journalists, operating in Armenia, with an appeal to report the large-scale actions that were undertaken against “GALA” to deprive the TV company of air. On December 13 the Committee to Protect Freedom of Expression organized a press trip to Gyumri for journalists of several national media. After the court session the journalists and the HQ representatives made a march to the municipality, handing in a notice about the intention to hold a rally to support freedom of expression and “GALA” on December 19.

On December 12 the head of the OSCE Office in Yerevan, Ambassador Sergey Kapinos addressed a letter to the Head of the RA Police Haik Harutiunian, the Head of the Gyumri Police Department Hakob Ghevondian and the Governor of Shirak region Lidia Nanian, requesting to inform the OSCE Office whether a criminal case had been filed on the incident with the “GALA” cameraman Grigor Shaghoyan as noted above. The letter

stressed the importance of proper investigation of the case in conformity with the Armenian legislation, which provided that it was criminal offence to interfere with the legal professional activities of a journalist. A prompt investigation would help in preventing other such occurrences, the address of Sergey Kapinos said and reminded, that as a member state of the OSCE and the Council of Europe, Armenia had committed itself to ensuring freedom of media and the rights of journalists.

On December 13 the Head of OSCE Office in Yerevan Sergey Kapinos addressed similar letters to the Chairman of the RA Court of Cassation Hovik Manukian and the Chairman of the RA Commercial Court Edward Muradian. Stating the alarm of the OSCE Office with the latest developments with regard to “GALA” founder, Sergey Kapinos noted, in particular: “Media’s work acquires special significance especially before elections when the public relies on the media in getting pluralistic information to be able to make an intelligent choice. A proper investigation and trial of any case entailing an infringement on free media would help in preventing other such occurrences, thereby creating a favorable atmosphere for safe working conditions for the media.” Abstaining from efforts to intervene in a judicial process, the Head of OSCE Office in Yerevan expressed hope that “as a result of a decision to be taken, the functioning of “GALA” TV company will not be suspended”. This would allow the TV company to continue its genuine goal of serving as a pluralistic source of information and contribute to overall freedom of expression situation in the country, the letter said further.

On December 13 one of the coordinators of the Headquarters to protect freedom of expression and “GALA” TV Company, the Chairman of the Board of the “Asparez” Journalist’s Club of Gyumri Levon Barseghian offered Gyumri Mayor Vardan Ghukasian to sign a trilateral reconciliation agreement. It was proposed that the municipality give up the dispute resolution in court and rent the TV tower to “GALA” “for a reasonable payment” or allows installing appropriate equipment of the TV company at the tower. On his behalf, Levon Barseghian committed to paying the rent for 27 months that have elapsed since the TV company had started using the tower, upon the condition that the municipality does not stipulate tariffs higher than those for similar services. On December 17 Levon Barseghian was informed that the municipality thinks the price of 200,000 AMD (\$ 1 is equal to 306 AMD) to be “reasonable” for each of 27 months that have passed. The statement of the HQ, released the same day, December 17, noted that the charges of the municipality are “intentionally increased” - they are more than six times as high as the tariffs applied in similar cases. Taking into account all circumstances (the height on which the antenna is placed, the investment that “CHAP” LLC has made into the TV tower renovation, etc.) the HQ believes the charges for the TV tower use during all the past months should not exceed 1 million AMD, and the rent for its use now - 30,000 AMD per month. The HQ declined the municipality proposal, qualifying it as “unreasonable” and as a “little trick”, aiming to fail the reconciliation. “In the context of such disruption of a trilateral agreement we believe it proved that the Gyumri municipality, headed by its Mayor, is completely integrated in the large-scale plot to deprive “GALA” TV company of air”, the statement says. Nevertheless, the HQ announced the proposal of Levon Barseghian is still valid.

On December 17 at the RA Commercial Court hearing of the suit of the Gyumri Tax Inspection versus the founder of “GALA” TV Company, “CHAP” LLC, started. At the session the respondent motioned for the court to oblige the Gyumri Tax Inspection to pay 400,000 AMD to “CHAP” LLC as a compensation for the possible damages, or, should the tax inspectors refuse to pay the compensation - release the property and the finance of “CHAP”. The motion was motivated the fact the company has certain commitments that it is unable to meet due to the custody. This, in its turn, can result to tax liabilities, for which

the Tax Inspection would actually be responsible. The court refused the motion. The respondent also filed a counter-claim, demanding to abolish the act of the Gyumri Tax Inspection on the results of audit at "CHAP" LLC, after which the session was interrupted. The next day, on December 18, the court accepted the counter-claim, and the both suits were thus to be considered simultaneously.

On December 18 Grigor Shaghoian was notified that criminal proceedings will not be instituted due to absence of corpus delicti. The notification was dated November 30. On December 24, 2007 Grigor Shaghoian challenged with the RA General Prosecutor's Office the resolution of the investigative department of Shirak Region of the Chief Investigative Department of the RA Police about the discontinuation of the investigation on impeding the legitimate professional activities of the journalist.

As of late 2007 the situation with "GALA" remained unchanged.

ON OCTOBER 23 at about 19.00 at one of the central streets of Yerevan the police applied force against several dozens of march participants, who disseminated leaflets and informed with loudspeaker the citizens about the opposition rally, scheduled for October 26. According to the Chief Editor of "**Chorrord Ishkhanutiun**" newspaper **Shogher Matevosian**, who took part in the march, their way was first blocked by the police, later joined by the "red berets" - the special troops. The representatives of law enforcement bodies demanded that loudspeaker be not used and then applied force and tear gas, Shogher Matevosian said. Over a dozen of march participants were detained and taken to the Police of Center community of Yerevan, including journalists - Shogher Matevosian herself and the Chief Editor of "**Haikakan Zhamanak**" daily **Nikol Pashinian**. The detained left the police at about 4.00 in the morning of October 24. All that time representatives of parties, NGOs, journalists were gathered by the building.

According to Shogher Matevosian, during the crackdown on the march the correspondent of "**Chorrord Ishkhanutiun**" **Gohar Vezirian** was injured and had to seek medical assistance. The Editor of "Chorrord Ishkhanutiun" noted that currently the condition of Gohar Vezirian has deteriorated. Violence was exercised against Nikol Pashinian, too.

On the same day, October 23, in Nor Nork community of Yerevan the police detained four members of the youth wing of the Armenian National Movement, who were also distributing leaflets, announcing the upcoming rally of October 26. As YPC was told by the photo correspondent of "Haik" newspaper David Jalalian, having been informed about it, staff of "Haik" arrived at the police department. According to Jalalian, when the police noticed he was taking pictures, they prohibited the shooting "on administrative premises". The journalist's camera was taken away. It was soon returned - with shots deleted.

According to the press release of the RA Police of October 24, due to public disorder and resistance (as a result of which "four police officers with corporal injuries needed medical assistance") the Investigative Department of the Police of Center Community of Yerevan instituted criminal proceedings on Articles 258 ("Public disorder") and 316 ("Violence against power representative") of the RA Criminal Code. Some of the detained, including Nikol Pashinian and Shogher Matevosian, as suspects on the case, were committed to not leaving the places of permanent residence, the press release of the RA Police stresses. The document, however, failed to dwell on the march participants injured and the application of special means. On October 30 the Investigative Department of the Police of Center community of Yerevan introduced charges to some participants of the march of October 23, including Shogher Matevosian, the Chief Editor of "Chorrord Ishkhanutiun"

newspaper, and Nikol Pashinian, the head of “Haikakan Zhamanak” daily. The journalists were charged with an offence provided for by the part 1 of aforementioned Article 316 of the RA Criminal Code.

As of late 2007 the situation had not changed.

NOVEMBER 2007

ON NOVEMBER 7 the evening issue of “Horizon” newscast of “**Shant**” TV company showed a report about the police officers impeding the shootings of the fire at the Yerevan car park of the RA Police. The incident occurred a few minutes after the journalist and cameraman of “Shant” had arrived on site. When the cameraman started shooting the burning garage roofs, the police demanded to stop the camera. In reply to the attempts of journalists to explain their rights, the police started closing the camera lens with their hands, and one of them took the shooting crew out of the car park. The airing of the report in "Horizon" newscast was accompanied by a quote of Article 27 of the RA Constitution about the universal right to freedom of expression, freedom to seek, receive, impart information and idea through any media, as well as the provisions of the RA Criminal Code, stipulating responsibility for impeding the legitimate professional activities of journalists. As “Shant” TV company informed, no comment followed from the RA Police regarding this incident.

ON NOVEMBER 11 representatives of **25 media and journalistic associations** who took part in “Media Self-Regulation: First Steps and Objectives. Pre-Election Processes in Armenian Media” seminar, adopted the following statement:

"We, the participants of “Media Self-Regulation” seminar (Tsaghkadzor, November 9-11, 2007), concerned with the negative trends, observed in the information domain ahead of presidential elections and noting these trends hold the danger of even greater polarization in press, urge:

- Not to transform the political debate into collision between media, that would, in its turn, result in a climate of intolerance in the society.
- To respect the civil stance of every medium, to strictly follow professional standards, not to violate the principles of propriety and decency in the news coverage and comment.
- To remember that mutually discrediting publications would in the long run lead to public distrust to media themselves.
- To remember that elections and the authorities always come and go, and the "fourth estate" should go on serving the society."

ON NOVEMBER 16 at the extraordinary session of the RA National Assembly a package of draft laws was adopted that includes amendments to the **RA Electoral Code** and **RA Law “On Television and Radio”**. On the same day the draft law package was signed by the President of Armenia and on November 19 it was published in the RA Official Bulletin, in other words, it came into force.

The amendments and additions introduced brought some provisions of the broadcast law into compliance with the Electoral Code. In particular Article 11 of the RA Law “On Television and Radio” was supplemented by the clause of the Electoral Code that referred

to the activities of TV and radio companies during the period of elections and referenda and was given a new edition. According to the revised article, during the period of pre-election promotion defined by the law the TV and radio programs are aired in accordance with the election legislation. All broadcasters are committed to ensuring equal access to air to all candidates, to publish the price of airtime and “other essential terms of broadcasting agreement” for paid programs. In the newscasts that report on election campaigns of the candidates equal and fair terms must be observed, the coverage should be impartial and free of comment. In the new edition Article 11 establishes that the broadcasting of pre-election promotional TV programs, provided by the candidates through their pre-election funds, should have a mandatory, uninterrupted screen marking, “pre-election promotion”, and in case of the radio air at least three reminders of these must be made during the program. Besides, on the voting day and the day before the broadcasting of news, editorial, documentary or authored programs of promotional nature as well as any form of promotion is prohibited.

The clause added to Article 37 of the law, in accordance with the authority of the National Commission on Television and Radio stipulated by the Electoral Code, gives this regulatory body a function of controlling the compliance with established procedure for pre-election promotion and entitles it to start litigation, should violations be observed. A change in terminology should also be noted: the concept of “political advertising”, used previously in the law, is now replaced by “pre-election promotion”.

Amendments were introduced also into some provisions of the Electoral Code, referring to media activities during election campaigns. Thus, from now on the RA CEC, on the day after the candidate registration deadline expires, must define the procedure and the schedule for the provision by public TV and radio of not only free, but also paid airtime for pre-election promotion of presidency candidates/parties running for seats at the RA National Assembly. Since the principle of self-nomination of presidency candidate was introduced into electoral legislation, now it is only the candidate that can use the paid public airtime for promotion, and not the parties/initiative groups that had nominated him, as it used to be. The Electoral Code also stipulates that when publicizing the findings of public opinion polls about the ratings of candidates and parties/blocs, the organizations that have administered the polls must specify the name of the organization that administered the survey, the timeframes, the sample size and sampling method, the data collection method and place, the exact question, the estimated error margin, the client and the funding source of the poll. In the previous edition, the Electoral Code imposed a similar obligation also on media and citizens. It is still prohibited to publish findings of public opinion polls one week before the voting day.

Other provisions of the RA Electoral Code, regulating the activities of public and private media during elections, remain unchanged. In particular, the tariff for pre-election promotional materials, announced by the broadcasters, is not subject to change throughout the whole election campaign. The TV and radio programs, dealing with pre-election promotion, are not to be interrupted by commercial advertising.

As to print media, the Electoral Code commits all newspapers and magazines, regardless of their founders, to ensure equal opportunities (space, tariffs, etc.) for all candidates, parties/blocs in the publishing of pre-election promotional materials. Exception is made only for party organs.

TILL NOVEMBER 19 the **TV and radio companies of Armenia** were to publicize their tariffs for political advertising during the official election campaign (presidential elections

scheduled for February 19, 2008). In accordance with Article 20 of the RA Electoral Code, the tariff per one minute of pair airtime, allocated for pre-election promotion, has to be announced not later than 10 days after the appointment of the national elections day. At the same time, the law provides, the announced price is not subject to change throughout the whole campaign period.

In accordance with the Electoral Code, each registered presidency candidate is entitled to 60 minutes of free and 120 minutes of paid air on the Public TV of Armenia. On Public Radio of Armenia the quote of free airtime makes 120 minutes, that of paid - 180 minutes. On the First Channel of Public TV Company of Armenia one minute of paid airtime, allocated to the pre-election promotion of presidency candidates, cost 80,000 AMD, on Public Radio of Armenia - 20,000 (\$ 1 is equal to 317 AMD). The promotional materials aired by the First Channel were also to be broadcast by "Shirak" (a part of Public TV and Radio Company structure) and by the PTA satellite connection. As to another public TV channel, "Nor Alik", there would be no political advertising on it. Notably, the tariffs and the political advertising terms of the public broadcaster had remained the same as during the campaign for elections to the RA National Assembly (*see above*).

The national and Yerevan private TV companies had established higher tariffs than the public broadcasters. Thus, on "AR" TV channel 1 minute of pre-election promotion cost 100,000 AMD (\$ 1 is equal to 317 AMD). On the Second Armenian TV Channel and "Kentron" TV company the price for one minute of airtime for presidency candidates made 108,000 AMD. On "Shant", "ALM" and "Yerkir Media" TV channels the minute of airtime would cost 120,000 AMD, on "Armenia" TV channel - 130,000 AMD (prices here and below include VAT). All TV companies listed above restricted the duration of paid pre-election promotion to 6 minutes per day for each candidate. The time unused by the candidate on a certain day could not be added to his limit of the next day.

Thus, the tariffs of the leading TV companies remained the same as during the election campaign for the RA National Assembly, or, as in the case of "Shant" and "Yerkir Media", have somewhat increased.

As to regional broadcasters, only some of them announced their tariffs for pre-election promotion. Thus, in Syunik region only "Sosi" TV company of Kapan announced its intention to provide airtime to presidency candidates at 15,000 AMD per minute. The same tariff for an airtime minute is established by "Lori" TV company of Vanadzor (Lori region). In Shirak region the tariffs were announced by "GALA" TV company of Gyumri - 18,000 AMD (in this case - without a VAT), while another Gyumri TV channel, "Shant", decided to only rebroadcast the promotional materials of the "mother" TV company of Yerevan. Regional TV companies did not limit the daily duration of paid pre-election promotion; overall, their tariffs were lower than during the pre-election campaign for the National Assembly.

Many private broadcasters decided not to provide paid air for promotion. In particular, such decision was made by "Shoghakat", "Yerevan", "Hayrenik" TV companies and Hai FM 105.5, "HAY", "Van" and "City FM" of Yerevan.

ON NOVEMBER 22 at "Urbat" club "**TEAM**" **Research Center** and **Yerevan Press Club** presented the interim report (October 2007) on monitoring broadcast media ahead of presidential elections 2008. The monitoring was scheduled to last three months (October-December 2007). The report publicized presented the findings of the first month (October 1-31, 2007). On December 10 at "Urbat" the results for the second month (November 1-30,

2007) were presented, with the third interim report (December 6-20, 2007) published in January 2008.

The findings of this research can be seen in the issues of YPC Weekly Newsletter (December 7-13, 2007, November 16-22, 2007 and January 18-24, 2008) on the web site www.ypc.am

DECEMBER 2007

ON DECEMBER 3 eleven professors of Yerevan State University released a statement urging the TV companies of the country, including the Public Television of Armenia, “not to forget their commitment to the society and to end the policy of information blockade of the public at large”. Most of the signatories are heading chairs and faculties at YSU, hold advanced academic degrees. Among them there are also two acting members and two corresponding members of the RA National Science Academy.

“All political forces operating in Armenia, including the opposition, are unanimous in that the quality of the presidential elections, upcoming on February 19, 2008, will be of decisive significance for the future of the country. The access to information is one of the most important indicators of the freedom and fairness of elections. For various reasons print media are inaccessible for the vast majority of RA citizens, and the TV air is their main information source on current affairs in domestic politics. The media, TV companies in general and the Public Television in particular must provide complete, comprehensive, balanced and impartial information to the public. We are convinced that the vast majority of Armenian TV companies, starting with Public Television, fail to perform this function”, the statement of YSU professors says, in particular.

ON DECEMBER 3, “Heritage” party voiced its concern with the processes evolving in media domain. The party drew attention to the circumstances that impede the compliance by media with their role in the formation of civil society and democratic culture. In particular, the statement notes that during parliamentary elections, held on May 12, 2007, some TV companies refused from covering the pre-election campaign, and similar trend can be observed ahead of presidential elections. In this regard “Heritage” urged: media to comply with their main function, i.e., to assist the freedom of expression and realization of the right to information; the TV companies to reconsider the high tariffs for pre-election promotion that they had established, by at least setting them equal to commercial advertising, to ensure that all presidency candidates have equal opportunities to present their political programs and stances; the National Commission on Television and Radio to take measures preventing passive and partial treatment of candidates by TV and radio companies; the control bodies to refrain from holding revisions and audits at TV and radio companies during the pre-election promotion.

ON DECEMBER 5 the court of primary jurisdiction of Center and Nork-Marash communities of Yerevan announced a decision on the suit of **Vanadzor Office of Helsinki Citizens Assembly** versus the RA Police. The reason for the suit was the refusal of the Department of Internal Security of the RA Police to provide this human rights organization with materials of the internal investigation, made on the fact of police violence against several residents of Vanadzor city on March 26, 2007. The inquiry of HCA Vanadzor Office was answered by the Prosecutor’s Office of Lori region to the effect that as a result of internal investigation a Vanadzor police officer received a disciplinary punishment. On August 9 the Vanadzor Office demanded investigation materials from the Department of Internal Security of the RA Police. The refusal of the police was justified by the argument

that, according to the Statutes of the Department, the information requested is a document for internal use. The Vanadzor Office made a repeat inquiry, noting that, in accordance with the RA Law "On Legal Acts", the statutes of a police subdivision is only a sublegal act, and hence in this case the RA Law "On Freedom of Information" is applied, by which the materials of internal investigations are open documents. No reply was received to this inquiry, and the HCA Vanadzor Office addressed the court. In the written response to the court the RA Police explained its refusal by the fact that the RA Government has not established a procedure for providing such information. On December 5 the court rejected the demand of the human rights organization.

IN THE EARLY MORNING OF DECEMBER 13, at about 4.30 an explosion occurred by the entrance to the editorial office of "**Chorrord Ishkhanutiun**" newspaper. As the Chief Editor of "Chorrord Ishkhanutiun" Shogher Matevosian told Yerevan Press Club, the explosive mechanism was put under the entry door, protected by bars. As a result of the explosion, the door is greatly damaged, the door glasses were blown out. Fortunately, the editorial equipment was intact. The police of Center community of Yerevan started investigating the incident. Criminal proceedings were instituted on Article 185 of the RA Criminal Code ("Intentional damage to the property").

As of late 2007, the investigation into the case continued.

ON DECEMBER 13 at the court of primary jurisdiction of Arabkir and Kanaker-Zeytun communities of Yerevan started hearing the suit of the Armenian National Movement (ANM) versus "**Shant**" TV company. The plaintiff demands to oblige the TV company to refute the information aired on November 30, 2007 on the evening "Horizon" newscast of the "Shant" TV company that the party find discrediting. The newscast reported an anonymous phone call to the newsroom with threats to explode the TV company if it aired libel on the First President of Armenia Levon Ter-Petrosian once again. The information had also a comment from the program host: "We condemn any terrorist step, any threat - whether from ANM or any other political force." In the opinion of the plaintiff, in "Shant" communication the anonymous phone threat was unduly linked to ANM, which discredits the reputation and dignity of the party and its members.

At the session of December 13 the respondent filed a motion to involve "Pakagits" newspaper in the proceedings, as a third party. The motion was supported by the circumstance that the communication of "Shant" had no elements, discrediting to ANM, while "Pakagits" that published this information the next day, on November 31, with a reference to the TV company, had modified it. In particular, the piece in "Pakagits" was headlined "ANM Threaten", and it thus stressed that "Shant" was speaking about threats to the TV company made by ANM specifically. The court secured the motion of "Shant".

At the session of January 9, 2008 the suit of ANM was refused. In the opinion of the court, the communication of "Shant" TV company contained no elements discrediting to ANM.

ON DECEMBER 18 the web-site of the Armenian Service of Radio Free Europe/Radio Liberty published the interview of the Council of Europe Secretary General Terry Davis to the New York correspondent of RFE/RL. In the interview Terry Davis disclosed some details of his meeting with the RA Prime Minister Serge Sargsian, held during the visit of the Armenian delegation to Brussels and Strasbourg on December 9 -11. During the meeting the upcoming presidential elections in Armenia were discussed, in particular, the media activities, including the positive coverage of Serge Sargsian and the negative - of his opponents. "Of course, I agree that any acting Prime Minister (...) will receive much

more publicity than people who are not prime minister. You have to take that into account. As I was explaining to the Prime Minister of Armenia, it's not the number of references to him or to his political opponents that matters; it was the overwhelming analysis which showed that the comments were favorable to the Prime Minister and unfavorable for his opponents. And that's wrong, that's biased, and that's what's wrong in a democracy", Terry Davis noted. Summing up his impressions about the meeting with the Armenian Prime Minister, the CoE Secretary General made the following assessment: "I think the situation, as it is analyzed today with the media in Armenia, does not meet the standards of the Council of Europe to a large extent. There is evidence, done not by the Council of Europe, but by people on the ground there, in Yerevan. There's a very good nongovernmental organization called the Press Club of Yerevan - they have done the analysis and I referred to their analysis when I was talking to the Prime Minister."

On December 20 the statement of the co-rapporteur of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe Georges Colombier on the visit to Armenia on December 3-5, 2007, was published. As regards the role of media, Georges Colombier noted that according to the Armenian law and the assurances received from the Armenian authorities, there should be equal coverage of the presidential candidates during the official electoral campaign of Armenia, that is only as of 21 January, 2008. However, at present, according to media monitoring conducted by the Yerevan Press Club, there was excessive coverage of the Prime Minister, who accumulated this capacity with that of presidential candidate, and very negative coverage of another candidate, Levon Ter-Petrosian. "I insisted that a more balanced access to the public television should be guaranteed for all 9 presidential candidates, at least as of 7 December 2007, when all of them officially submitted their nomination documents to the CEC", the statement of co-rapporteur of PACE Monitoring Committee noted.

On his behalf, on December 19 the RA Prime Minister Serge Sargsian spoke about the media situation during the meeting in Yerevan with the EU Special Representative for the South Caucasus Peter Semneby. "When a European official expresses an opinion on the partial media coverage, it should be born in mind that this opinion is based on unobjective materials presented to him. If this structure or representative is interested in real situation, they can contract a specialized organization that would undertake a complete monitoring, including both electronic and print media. In that case no one would have any objections regarding impartiality", Serge Sargsian said, noting that "today it is necessary to have negotiations with a reputable international organization to ensure a full-scale monitoring of media coverage of elections with high professional quality" (quoted by the communication of December 19, 2007, placed on the RA Government's web-site).

On December 26 **Yerevan Press Club** and "**TEAM**" **Research Center** disseminated the following statement.

"During the meeting with Peter Semneby, the EU Special Representative for the South Caucasus, the Prime Minister of Armenia Serge Sargsian qualified the information about the situation in Armenian media ahead of presidential elections 2008 that "some European officials" take into account as not objective, as well as proposed that a "specialized organization" should undertake a "complete monitoring" that includes both broadcast and print media.

Because the day before this meeting critical remarks on Armenian media with a reference to Yerevan Press Club were made by the Council of Europe Secretary General Terry Davis in his interview to Radio Liberty, we think it reasonable to take that the RA Prime

Minister implied the reports of “TEAM” Research Center and Yerevan Press Club about the monitoring of 8 broadcast channels in October and November 2007 to be the “unobjective information”. At least this was the interpretation that a number of media gave to the words of the head of the Government.

Assessments similar to the one made by the Prime Minister were also voiced by some other high-ranked officials; however, it is unclear what the basis for their statements is. If relevant research had been undertaken, it would be of public value to know what their findings are and what methodology was used. If the accusations of our “unobjectiveness” are not substantiated by specific facts we urge to abstain from such categorical statements.

With all due responsibility we announce that the doubts of our objectiveness are completely groundless. “TEAM” has been engaged in media research since 1996, and Yerevan Press Club since the same time monitored the coverage of all national elections or took part in similar researches in partnership with other local and foreign organizations. The technology of these researches was constantly improved and is currently as valid as possible. It is based on the methodology, developed by the leading international organizations, on our many-year experience, as well as profound knowledge of the subject due to our permanent focus on Armenian media. What else is necessary to be considered a “specialized organization”?

YPC and “TEAM” never gave any reason to be suspected of political bias. Being independent non-governmental organizations with mission to support the free expression, we repeatedly criticized the official structures of Armenia, but in all cases this criticism followed from principled stance, commitments to democratic values, but not from bias. Neither through activities nor through public statements did our organizations ever support a certain candidate or political force. Unfortunately, in modern Armenia the responsible professional stance is not viewed as an advantage.

In this regard we on our behalf suggest that European structures, within their observation of RA presidential elections, make an assessment of the methodology and the findings of the monitoring implemented by “TEAM” and Yerevan Press Club. Our work has always been transparent, and its principles have invariably been explained to public at length: all reports are presented at press-conferences and are accompanied by a detailed description of the methodology of the study. Any independent expert, proposed by international organizations observing the elections, can step into the monitoring we implement and be convinced of the impartiality of our data and analysis.

We also support the idea of parallel media monitoring by a specialized international organization, selected by the structures, invited to observe the elections. Similar research was undertaken at all RA elections, starting from 1995, and their data never ran contrary to ours. If anything could have created certain technical difficulties of media monitoring this time, it is the rather belated - only a month before the start of the official pre-election promotion - invitation of the international observation missions by the RA National Assembly. If our authorities were truly interested in monitoring, it would have been reasonable to attend to the matter in advance, not waiting to be criticized by high-ranked international officials. The involvement of competent foreign partners in this work will allow eliminating all doubt regarding the objectiveness of this or that study.

The broader the coverage of media monitoring is, the fuller the picture to be obtained. In this regard the suggestion of the RA Prime Minister to include print media in monitoring

effort is quite justified. At this stage “TEAM” and YPC restricted the scope of media studied by 8 broadcasters for several reasons: firstly, due to the limited resource and the appropriateness of focus on those media that pay the greatest attention to political process in the country and have the broadest audience; secondly, due to the need to guarantee the high quality of research that calls for availability of sufficient number of competent monitors; thirdly - and most importantly - due to the obvious circumstance that broadcast media, using a public resource, the frequency, have a certain commitment to the public to have impartial reporting. The approach lies at the heart of international documents and the national legislation of Armenia.

The appropriate principles of the Council of Europe are reflected in Recommendation No.R (99)15 of the Committee of Ministers to Member States on Measures Concerning Media Coverage of Election Campaigns. “(...) Aware of the need to take account of the significant differences which exist between the print and the broadcast media”, the Committee of Ministers recommends: “(...) Regulatory frameworks on media coverage of elections should not interfere with the editorial independence of newspapers or magazines or with their right to express any political preference (...)” At the same time, “(...) with due respect for the editorial independence of broadcasters, regulatory frameworks should also provide for the obligation to cover electoral campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters. Such an obligation should apply to both public service broadcasters as well as private broadcasters in their relevant transmission areas”.

The RA legislation, even though not fully, reflects the provisions of this and other recommendations of the CoE Committee of Ministers, but also imposes on broadcast media far greater responsibility than on print press. Firstly and foremostly, this refers to the public broadcaster, in the programs of which, according to the RA Law “On Television and Radio”, “it is prohibited to have a predominant political stance”. This prohibition is valid for all activities of the Public TV and Radio Company, and not only for the period has that preceded the elections. The specifics of broadcast media and importance of overseeing their compliance with laws and license terms are emphasized by a setup of a special regulatory body, the National Commission on Television and Radio, whereas our legislation stipulates no licensing or special regulation of print media activities.

Hence, should monitoring of print - and hopefully also the online - media be undertaken, it is necessary to make a clear distinction between its results and the findings for broadcast media. The work of television and radio during elections, the level of their objectiveness are a direct characteristic of how compliant the state is with its political commitments to international partners. Apparently, this very circumstance shaped the opinion of the EU Special Representative for the South Caucasus Peter Semneby about the responsibility of the authorities for the pre-election tone of media that caused another dissatisfied comment from the official Yerevan.

In this regard we urge the RA authorities not to seek reasons of the criticism by international organizations in the monitoring we implement, which is purely a mirror, reflecting the extremely unfavorable media situation, but to take measures to improve it instead. Our distress with statements that negatively tell on the international image of Armenia is in no way inferior to that of the country authorities. Yet we are convinced that the best way of not having “one's dirty linen washed in public” is to keep it clean”, the statement of “TEAM” Research Center and YPC said.

ON DECEMBER 19 the leader of the National Democratic Union Vazgen Manukian

released a statement announcing that he had addressed the RA Prosecutor's Office with a demand to institute criminal proceedings on charges of libel and insult against "**Haikakan Zhamanak**" daily. On December 15, 2007 "Haikakan Zhamanak" published an article "Mein Kampf" - "My Struggle" of Vazgen Manukian". In the beginning of the publication the newspaper stated that it quotes fragments from a manuscript titled "How to Do", authored by Vazgen Manukian and discovered on September 27, 1996 during the search at the office of the National Democratic Union. According to "Haikakan Zhamanak", the manuscript narrated a series of steps necessary to implement for Vazgen Manukian to become the President of Armenia. Vazgen Manukian announced he was not the author of this manuscript. At the press-conference, held on December 18, the leader of the National Democratic Union noted that during this pre-election campaign he "would not want to have criminal proceedings instituted against any medium", and so he proposed the Chief Editor of "Haikakan Zhamanak" Nikol Pashinian to send the manuscript for a handwriting comparison, entitling the newspaper head to making his own decision of which experts to address, even to find them abroad. However, Nikol Pashinian rejected this offer. Vazgen Manukian explained his appeal to the Prosecutor's Office by "the urgency of the issue as well as the cynicism, with which the newspaper attempted to insult, libel" him. "I would not have gone to the Prosecutor's Office, had the Editor of the newspaper taken my offer - to send the document for an expert assessment jointly with my representative", the statement of Vazgen Manukian stressed.

On December 20, 2007 the RA General Prosecutor's Office instituted criminal proceedings on Articles 135 ("Libel") and 136 ("Insult") of the RA Criminal Code versus "Haikakan Zhamanak" daily. The case investigation was assumed by the Police of the Center community of Yerevan.

With regard to the publication in "Haikakan Zhamanak" "Aravot" daily on December 27, 2007 quoted the interview of the Chief Editor of "Hayastani Hanrapetutiu" daily Tigran Farmanian to the Armenian Service of Radio Free Europe/Radio Liberty. In particular, Tigran Farmanian said that the fragments of manuscript, allegedly authored by Vazgen Manukian, were published in "02" newspaper on October 17 and 31, 1996. The newspaper was the print organ of the RA Ministry of Interior and at that time was headed by Tigran Farmanian. In the lead to the first publication, Tigran Farmanian noted, it was mentioned that the manuscript was found on the table of Vazgen Manukian during the search, however, it was not maintained that he was the author.

As of late 2007 the situation has not changed.

ON DECEMBER 21 the **OSCE Representative on Freedom of the Media Miklos Haraszti** announced he was concerned that "**GALA**" TV company may cease broadcasting as a result of pressure by authorities (*see above*). "The recent cases of harassment and violence against independent and opposition media have contributed to an atmosphere of intimidation and fear in the journalistic community of Armenia", said the letter of Miklos Haraszti to the Armenian Minister of Foreign Affairs Vardan Oskanian. In his letter Miklos Haraszti expressed hope that "the local authorities will not make arbitrary decisions and demonstrate goodwill for a compromise settlement, so that 'GALA' TV can continue broadcasting".

The OSCE Representative on Freedom of the Media also expressed his concern regarding the explosion at the entrance of "**Chorrord Ishkhanutiu**" newspaper that occurred in the early morning of December 13 (*see above*). "I urge Armenia's law enforcement bodies to punish the perpetrators not just for the sake of justice, but also to

give support to freedom of expression in the country”, Miklos Haraszti stated, expressing hope that the Government of Armenia would fulfill its OSCE commitments to ensure safe and favorable working conditions for the media, so that the media could contribute to a fair election campaign.