



YEREVAN PRESS CLUB

1996: A RECORD NO ONE WAS LONGING FOR

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

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According to a number of observers, 1996 was a record year in the history of independent Armenia in terms of violations of the freedom of speech and of the press

A number of international human rights organisations and widely reputed publications gave much attention to Armenia in their articles, protests/declarations or in their annual reports. *International Helsinki Federation for Human Rights, Human Rights Watch, Freedom House, Reporters sans Frontières, OSCE/ODIHR, Amnesty International, Index on Censorship, War Report* are among those.

One can logically assume that this increase in the number of violations and sanctions on the part of the authorities last year, was related to the Presidential Elections.

MARCH 1996

ON MARCH 1, the court passed a verdict suspending for 3 months the publication of independent daily "**Lragir**". Actually, this is the only case out of those to follow, which is in no way related to the political struggle at the Presidential Elections; and, in terms of legal formalities, sanctions against the daily were justified.

On February 7 "Lragir" published an article titled "Great Armenia within Small Boundaries: a Program till the Year 2000", whose author Argo Kivirian offered a program of extending the present-day borders of Armenia with the aim of eventually restoring those of historical Armenia Mayor. In the days that followed this publication, "Lraber" news program of the Armenian TV disseminated a statement made by the RA Ministry of Justices. It warned the newspaper that its license would be revoked in case articles of that sort were published again.

Nevertheless, on February 22 "Lragir" published another article of the same author, "Facing the Truth". Though this time it was rather an essay of a basically historical nature, it incorporated a passage which reflected an allegedly anti-Georgian stance. A diplomatic note was received from the neighbouring country. The Ministry of Justice brought a suit against the newspaper. On March 1 the court passed a verdict, and the publication of "Lragir" was suspended for 3 months.

On June 22 "Lragir" again appeared on the news-stands.

While stating that the sanctions against "Lragir" were justified, we should in no way approve the measures which were taken against the newspaper. This is a matter of legislation, which makes it so simple to shut down or suspend the operation of any media. Taking into account that in Armenia there are no clear guarantees for the freedom of speech, this simplified procedure of shutting down/suspending makes it possible for the press be pursued from political motives. Now it is as urgent as ever to introduce the system of progressing penalties as the only means to charge a media which has breached the law, as it is proposed in the Draft Law "On Media" initiated by the YPC.

APRIL 1996

ON APRIL 19 the RA Central Electoral Commission (CEC) filed a suit against "**Ayzhm**", a weekly of the National Democratic Union (NDU) at the Spandarian District Court of Yerevan.

The ground for it was the article "How the Constitution was Adopted" (published in its # 11) which questioned the results of the Referendum on Constitution and the Parliamentary Elections conducted in Armenia on July 5, 1995. On April 16, the day immediately preceding the publication of the issue # 13 of the weekly when the editorial staff and the Editor-in-Chief himself were out of the office to prepare the paper's publication, a letter of refute was received from the CEC. It was signed by the Chairman of the CEC, Robert Amirian (who had already left for the USA by that time) and dated of April 12 (Amirian's day of departure from Yerevan).

The acting Law "On Press and Other Media Outlets" stipulates that letters of refute should be published within three days or immediately in the next issue (in case the paper is not a daily). Since it was technically impossible to publish this letter of refute received from the CEC in issue # 13, the newspaper decided to put it in the next -14th - issue.

On April 19 the CEC filed a suit signed by Amirian (?) against the weekly at the Spandarian District Court.

The Court decided to listen the case on April 23. By the request of the respondent, for the defence to get acquainted with the case, and to give possibility to the weekly to publish the letter in the following issue coming out on April 24, the case was postponed till April 26. On April 24, "Ayzhm" did publish the letter, and on April 26 the case hearing was resumed, lasting hardly an hour. CEC was reconciled as the letter was published, and did not insist on charging the weekly for the publication of, as the claimant put it, "fake and not checked information" which was provided by the National Democratic Union. And as no representative was invited from NDU and it was only for several months that "Ayzhm" was in operation, the case was closed.

ON APRIL 22 the RA Ministry of Justice made a decision on the shift of the founder and publisher of the "**Azg**" daily. The claim of the Ramkavar Azatakan Party Mission in Armenia was upheld, and the latter was granted the founders' rights in place of the Founding Council comprising 5 individuals, members of the Ramkavar Azatakan Party. Note that this Mission was registered as an NGO only a week before that day - on April 15, 1996. In this case the Ministry of Justice unequivocally breached the law, since, it was stipulated in the charter of the newspaper "Azg" (by the way, registered by this very Ministry), that one or several of its founders shall not be changed otherwise than by a 2/3 majority of the Founding Council having voted in favour. Meanwhile, only 2 out of the 5 founders were for the assignment of their rights to the RAP Mission in Armenia. There is much evidence to conclude that the decision of the Ministry was dictated by some influential political circles, which were trying to take the RAP new management under their "umbrella", especially that the latter is known to be conflicting with the former management, with the RAP Executive Body in Armenia and also with the majority of the founders of the "Azg".

Complying with the directive of the Ministry of Justice, the "Parberakan" publishing-house refused to issue the "Azg", which used to be published by the former founder. And starting April 27, a "Azg" newspaper, with the same format and logo, appeared on the "Haymamoul" news-stands, its publisher being the RAP Mission. Meanwhile, the "Azg" journalists put into circulation their newspaper in the form of leaflets, reproduced in 99 Xerox copies.

On May 3 the Spandarian District Court started hearing the case brought by the founders of the "Azg" daily against the Ministry of Justice and, on May 8, it passed a verdict restoring the status-quo. The newspaper resumed its normal rhythm of publication.

Journalists of various political persuasions enormously supported the Editor-in-Chief and the staff of the "Azg" daily, in fact for the first time displaying a true professional solidarity.

Both in the "Ayzhm" and in the "Azg" case, the court proved to be in favour of justice.

JUNE 1996

ON JUNE 25 morning an act of terror took place against **Mr. Vardan VARDANIAN**, the Editor of the "**Yerevan**" State Radio Programme. The most probable explanation for the event sounded like, the journalist was revenged for his programmes on the problem of the quality of bread.

As agreed with the Ministry of Agriculture and Food, the State Radio staff correspondents were authorised to supervise the quality norms and production process of bread baking, and would regularly report on any violations at bakeries or underweight at bread stores. 23 large- and small- scale bakeries were mentioned during the broadcasts, but it were only those in charge of the state-owned bakery # 3 who resolved to challenge, as they themselves put it, "the false information". The assault made upon Vardanian is believed to be an outcome of this very confrontation.

The management of the bakery brought a civil lawsuit to Myasnikian District Court of Yerevan against the Director of the Radio Company Mr. Stepan Zakarian, the Editor-in-Chief of socio-political programs Mr. Gevorg Assatrian and the Editor of "Yerevan" programme Mr. Vardan Vardanian. Three sessions of the trial took place from August 14-16. The plaintiffs emphasised that there was an evident violation of Article 6 of the Law of the RA "On the Press and Other Media Outlets" which stipulates liability for disseminating false and unverified information. The attitude of the judge, according to those present at the trial, was far from being impartial, and the sessions passed in an extremely tense atmosphere. The Court declared the radio reporters' check-ups on the under- weight and poor quality of bread to be not legitimate. The representatives of the Radio Company were found guilty, and the court compelled them to broadcast a refutation.

The performance of the judicial authorities in this case shouldn't be evaluated otherwise than drastically negative; still one shouldn't ignore the statement made by the RA President Levon Ter-Petrossian at a meeting with the voters: he said that he had thoroughly studied the case and had come to the conclusion that both parties were guilty and both directors (those of radio and the bakery) had to be fired. This statement ought to be interpreted like, in this incident there collided representatives of two diverse groupings of the ruling circles, and the President was not at all happy with this very fact. An interesting element to all this "bread story" was attributed by the confrontation between the State Radio and the biggest pro-governmental party newspaper "Haik" who came forward to defend the bakery Director...

SEPTEMBER 1996

ON SEPTEMBER 25 two independent FM programs **Hai FM 105.5** and **Lasto 106.5** stopped their operation. According to some sources, the force structures made them discontinue airing; however, representatives of these radio stations, namely the head of Hai FM Anahit Tarkhanian, claimed that it was their own decision made for the reason of safety. They restarted their work on September 28 and 29, correspondingly.

Almost for the same reason, two TV cable stations - "**Mayr Hairenik**" and "**Diana Lapterik**" - were forced to stop their work.

On these days in September the radio programme "**Haik**" and TV programme "**Alice-A**" were closed down. Although no official explanation was given to the staff, but they are quite sure it was for the simple reason that they had displayed their sympathies towards the candidate from the opposition.

On September 26 the headquarters of NDU, where also the editorial office of the "**Ayzhm**" weekly is located, were sealed. For two months the weekly, deprived of technical facilities and premises, carried on its regular publication due to the persistency of both the Editor Vigen Sargsian and the staff. Only on November 25 were the NDU headquarters reopened, and "Ayzhm" resumed its normal rhythm of work.

On September 26 **Gagik MKRTCHIAN**, an observer of the newspaper "Golos Armenii", was arrested in the middle of the night by ten police officers and taken to the Ministry of Interior Affairs. Here they searched him and beat him up severely. Further Mkrтчian was moved to the Ministry of National Security, and was released after 10 days. Mkrтчian said, among those who scourged him were high-ranking officials from the force structures. It goes without saying that this instance of infliction upon the publicist was brought forward by his caustic articles against the authorities, published in "Golos Armenii", as well as his being a member of the opposition Party Dashnaktsoutiun.

On September 27-29 there were recorded several attempts on the part of the authorities to intimidate and threaten stringers and correspondents who work for foreign news agencies and newspapers in Armenia. These correspondents and the methods of pressing upon them are well known in the journalistic spheres, still we would rather not mention their names here - in view of ethics (our colleagues preferred not to make the affair public).

Among those arrested during the September 25 events was the journalist **Argo KIVIRIAN**, the author of the above-mentioned articles published in "Lragir". On November 14 Kivirian went on a hunger strike in jail. But on December 5 he had to terminate it at doctors' strong advise, since his health was seriously deteriorated. As of January 20, 1997, Kivirian was still in jail. He is blamed for participating in the breaching of the peace on September 25, and his case has been passed to the Prosecutor's Office.