



YEREVAN PRESS CLUB

2000: JOURNALISTS FIRST PUNISHED THEN MERCIED

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

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JANUARY 2000

ON THE NEW YEAR'S EVE, on December 31 at 13.00, a fire started at the editorial office of "**Novoye Vremya**" newspaper (House of Press, third floor). Strangers threw bottles filled with gasoline towards the entrance to the office. The gasoline inflamed causing significant material damage to the edition. The computer specialist Ashot Mkhoyan, who was working on the 10th floor of the building, smelt smoke and called the police and the fire brigades. The fire was extinguished, and necessary investigation procedures performed.

The Chief Editor of "Novoye Vremya" Ruben Satian told the media representatives that shortly after the fire, a man telephoned him, informing that it was he who had committed the arson. A little later the second call was made, and the same voice warned the Editor's wife that if her husband "doesn't behave", their son will be drafted into army and "we know what to do to him".

Criminal proceedings were instituted. However the offenders are still not discovered. Ruben Satian associates the events with one of the stories about Armenian army that appeared in the newspaper those days.

ON JANUARY 27 the RA Court of Appeal made a decision on the case of the Chief Editor of "**Oragir**" daily **Nikol Pashinian**, responding his appeal of the sentence given by the court of original jurisdiction.

The trial of Pashinian started in July 1999. The Yerevan Court of Original Jurisdiction of Center and Nork-Marash Communities considered suits: on libel concerning the spouse of Artashes Geghamian, a deputy of the Armenian Parliament, in one of the publications of "Oragir"; on mentioning in one of the articles of the same daily the nickname of Norik Ayzazian, the nominee for deputy of the National Assembly and professor of Yerevan State University; on open insult to bailiffs ("Oragir" was committed to a penalty of \$25,000 for the damage to the business reputation of "Mika-Armenia" Company, and bailiffs entered the editorial office to take the inventory of the property). The Court of Original Jurisdiction found Nikol Pashinian guilty of all three imputations, sentencing the Editor to a year's imprisonment.

The Court of Appeal repealed the accusations in libel and insult into negligence at work, such as publication of unverified information is. Pashinian was also accused of two points: insulting a representative of power and non-execution of the sentence of the Court.

Thus, the Court of Appeal found Pashinian guilty on Article 184 (negligence at work) as well as on Article 208 (insulting a representative of power on duty) and on Note 4 to Article 191 (non-execution of the sentence/decision of the Court) of RA Criminal Code. The Editor-in-Chief of "Oragir" is sentenced: to one-year confinement with a year's deferral on the first Article; to compensation on the scale of 20 minimum salaries on the

second one; and to compensation in the same amount on the third one. At the same time, as the Court of Appeal repealed the accusations brought against the Chief Editor in two above mentioned points, the case was to be further investigated.

Nikol Pashinian appealed the decision at the RA Court of Cassation, which, having considered the case on February 2, left the decision unchanged, commissioning the local department of the RA Ministry of Interior Affairs to supervise the Editor. Pashinian and his attorneys announced the decision to be illegal, and declared their intention to appeal it in international bodies.

FEBRUARY 2000

IN THE EARLY MORNING OF FEBRUARY 21, two computers and a printer were stolen from the editorial office of “**Haikakan Zhamanak**” daily. The editorial staff was surprised at the fact that equipment was stolen without breaking any of the doors or windows. The robbers did not take the recorder that was on the table of the Chief Editor Nikol Pashinian and made no attempt to open the safe. The law-and-order bodies were informed of the incident, a criminal case was instituted, which is as yet not disclosed.

IN FEBRUARY the Prosecutor’s Office of Mountainous Karabagh instituted criminal proceedings against **Vahram Aghajanian**, the correspondent of “Iravounk”, “Noratert” (Yerevan) and “10th Nahang” (Stepanakert) newspapers for the article “No Money in the Budget for the Migrants”, published in “**10th Nahang**” weekly. The article, in particular, described the episodes when Prime Minister Anushavan Danielian refused the privileges provided to people who want to establish residence in Mountainous Karabagh. The investigators accused Aghajanian on two points, however, in the part that referred to migrants from Hovtashen, the case was suspended because of the absence of corpus delicti. In the part that referred to migrants from Vanadzor the investigation was continued, and the case was passed to the Court.

The events started to develop faster after the attempted assassination of MK President Arkadiy Ghokassian on March 22, 2000. On March 28 the representatives of the MK Ministry of Interior Affairs, with no warrant from the Prosecutor, searched Aghajanian’s apartment, looking for weapons, ammunition, gold, large sums of money. In half an hour after the examination, Aghajanian was visited by another policeman, who told him, that the journalist was expected at the Interior Ministry. Here he was arrested. Having kept Aghajanian in an investigative cell for a week, armed and masked soldiers of Interior transported him to the prison of Shushi in handcuffs and with a sack on his head. The journalist remained there for 10 days, after which he was again brought to Stepanakert investigative cell. Only after this was the situation “legalized” as 10-day administrative arrest for resisting a policeman.

On April 12 Vahram Aghajanian, looking inappropriate for a defendant - in handcuffs and closely cropped - was brought to the City Court of Stepanakert. The Court found the accusation of libel valid and sentenced the journalist to the maximum imprisonment stipulated - 1 year, in spite of his readiness to publish a disclaimer and apologize.

The sentence caused the indignation of journalists and journalistic associations. The leaders of media made a joint declaration, saying, in particular, that “the Armenian media are greatly concerned over the disgraceful violation of the freedom of speech that led to a

year's imprisonment sentence for the correspondent of "10th Nahang" newspaper Vahram Aghajanian".

Declarations of defense were also made by the Journalists Union of Armenia, Yerevan Press Club, National Press Club, Stepanakert Press Club and others. The media representatives started a protest action, demanding the immediate release of Vahram Aghajanian by a demonstration in front of the residence of the MK Mission in RA. The participants of the action sent a declaration to MK President Arkadiy Ghoukassian, in accordance with which Armenian media from April 18 intended to boycott the official information from Karabagh until Aghajanian is released. The delegation handed over the declaration signed by almost all media enterprises to Karen Mirzoyan, the head of MK Mission in Armenia.

Having conducted a second trial on the basis of Vahram Aghajanian's appeal, the MK Supreme Court decided: to change the decision of the Stepanakert City Court and to sentence the journalist to 1 year's imprisonment with two year's deferral.

MARCH 2000

ON MARCH 3 the representatives of Parliament "Unity" Faction and leaders of parties that comprise it made a statement demanding the resignation of **Tigran Naghdalian**, the Executive Director of **National Television of Armenia**, to be signed by the RA President. The statement was prompted by the coverage of the press conference of Ruben Sahakian and Ruben Rshtuni - attorneys of Alexan Haroutiunian and Haroutiun Haroutiunian arrested on the case of the terrorist attack on October 27, 1999 in the RA National Assembly - in "Haylour", the newscast of National Television.

The representatives of "Unity" assessed the coverage of the press conference in the following way: "Certain media exercise obvious information pressure on the investigative group in charge of the case (...) and strive to disorient the public opinion and the relatives of the victims."

Journalists evaluated this statement as an infringement of the freedom of speech. On March 7 Yerevan Press Club and the Journalists Union of Armenia held a round table discussion with the participation of media leaders and journalists. The participants of the discussion condemned the statement by "Unity", qualifying it as pressure on media. The participants of the round table adopted a declaration, condemning the ultimatum.

ON MARCH 20, as a result of fire in the building of Department on Architecture and Urban Development of the Yerevan Municipality, the broadcasting studios, the record archive, transmitters and other equipment of "**Hai FM 105.5**" and "**Radio Hai**" (**104.1**) were damaged. This caused a temporary halt in the broadcasting of the stations. The radio companies resumed their work in a week.

Anahit Tarkhanian, the Director of "Hai FM 105.5" announced that the fire caused damage of about 2-3 million drams. 2 transmitters, the whole cable network, computers and 3000 disks were ruined.

THE CORRESPONDENT of “**Aravot**” daily **Satik Seyranian** met Mountainous Karabagh President Arkadiy Ghoukassian and interviewed him immediately before the attempted assassination of the latter on March 22. The MK Prosecutor’s Office accused Satik Seyranian of being aware of the crime and not informing the appropriate bodies about it. Accordingly, the journalist received a subpoena to Stepanakert to give testimony and a confrontation with Vardan Taschian, accused on the case of March 22. However, the subpoena said nothing about the status the journalist would hold before the investigation.

The insistent invitation of Seyranian to Stepanakert the Prosecutor’s Office explained by the fact that Vardan Taschian was waiting for her after her meeting with the MK President and took her home. In his preliminary testimony Taschian said that when walking the journalist home, machine-gun shots were heard, and he said: “The President is killed”.

Seyranian confirmed the fact of meeting Taschian near the presidential residence; however, she insists that he told her no such words. She announced that she never tried to avoid examinations as a witness. Moreover, the day following the attempted assassination she spent in Karabagh, she was kept at the Ministry of Interior Affairs from 14.00 of March 22 till 20.00 of March 23 with no explanations and clarifications of her status being given. At three o’clock in the morning she expressed a wish to see the Interior Minister Bako Sahakian. The latter answered: “Tomorrow.” The next evening the Minister apologized for the indefinite situation, saying it depended not only upon them, but also the Prosecutor’s Office, and Seyranian was released.

In reply to the subpoenas of MK Prosecutor’s Office and the threats that if the journalist failed to be present, she would be brought to Stepanakert by force, “Aravot” daily published its statement. The daily declared that after the attempted assassination of Ghoukassian Satik Seyranian remained in the Interior Ministry of Mountainous Karabagh for over a day, and no necessity arose to question her. The daily suggested that Seyranian should be questioned by RA General Prosecutor’s Office. “We do not trust the MK Prosecutor’s Office that fabricates criminal proceedings against journalists”, announced Chief Editor of “Aravot” Aram Abrahamian, who qualified the persistence of MK Prosecutor’s Office as persecution of a journalist.

Finally, MK Prosecutor’s Office agreed that Seyranian be examined in Yerevan in the presence of its representatives, and in June the latter gave testimony.

IN THE LATE MARCH “ArmenTel” Company disconnected the telephone lines of **National Radio of Armenia** for a month because of the debt of National Radio amounting to 7 million 400,000 drams. As Armen Amirian, the Executive Director of National Radio informed, for 3 years already “ArmenTel” periodically cuts off the telephones of NRA because of the debt. According to Mr. Amirian, the debt dates back in 1994 and 1995, when the National Radio was not a legal entity, and therefore was unable to sign agreements and accumulate debts.

Amirian also informed, that the bills introduced by “ArmenTel” are stamped with the name of the debtor - State Committee of Television and Radio, whose legal successor is the State Department of Television and Radio, and the legal successor of the latter is the RA Ministry of Information, dissolved in 1996. By a governmental decree, a liquidation commission was formed, to which the legal predecessor of “ArmenTel” - “The City Telephone Network” - was to introduce its demands.

According to Amirian, having become a legal entity, National Radio paid all its subscriber's debts. At a press conference on March 31 the Executive Director of National Radio stated their intention to start a court action, since as a result of arbitrariness of "ArmenTel", NRA incurred a loss of about 15 million drams in 10 days.

However, in the course of negotiations between the National Radio and "ArmenTel", NRA was induced to retreat on its position. As a compromise, the parties came to the agreement that the National Radio bears no responsibility for the whole debt, and after 3 million drams of the current debt were paid, the telephone connection was reestablished.

APRIL 2000

IN MID-APRIL the publication of "**10th Nahang**" weekly issued in Mountainous Karabagh was suspended. This newspaper, considered to be one of the first in MK independent editions, started its publication on November 12, 1999. The weekly was launched in the heat of confrontation between MK President Arkadiy Ghoukassian and the former Minister of Defense Samvel Babayan.

The Chief Editor of "10th Nahang" Gegham Baghdasarian qualified the rumors of the newspaper being funded by Samvel Babayan as an insinuation. "In reality, Babayan did make a contribution into the creation of the newspaper, and without his mediation we would have hardly found sponsors. The edition has no commitments to Babayan, and with sponsors we have only advertising and commercial agreements", said the Chief Editor.

In December 1999, when not even a month had passed after the start of the publication of the weekly, a special commission representing the State Tax Department, the Ministry of Finance, the State Department of Justice and the Prosecutor's Office started auditing the financial and economic performance of the weekly. "Of course, no violations were discovered, but we are still unable to receive the auditing certification", noted Baghdasarian.

At the end of December criminal proceedings were initiated against 3 out of 4 journalists of "10th Nahang" weekly: the Chief Editor, the Deputy Chief Editor Ruzan Ishkhanian and Vahram Aghajanian for libel on the authorities and insulting the dignity of the MK President. However, to this day these cases have not been passed to the Court. According to the journalists, they may have been suspended, but they are unable to find this out.

After the attempted assassination of MK President on March 22, 2000, the Chief Editor was questioned 6 times, the Deputy Chief Editor - 4 times. Finding it impossible to publish a newspaper under these conditions, the edition stopped its activities. In autumn attempts were made to resume the publication, yet the State Department of Justice banned the reanimation of the newspaper without any explanations.

JUNE 2000

ON JUNE 1 "**Norater**" daily stopped its publication. Sponsored by International Association "21st Century", the newspaper was first published in May 1999. However, as

a result of ideological controversies with the Chief Editor of “Noratert” Mher Davoyan, the President of the Association Arkadiy Vardanian stopped funding the 16-page daily.

JULY 2000

DIRECTOR of “Tigran Mets” printing house Vrezh Markosian warned that starting from July 10 the printing of newspapers possessing debts would be stopped. The Director announced that the debt of the dailies only to the printing house amounts to 54 million drams. Because of the 1 million 700 thousand debt the printing house stopped publishing the children’s “**Kanch**” newspaper. The printing house Director made certain concessions for “Azg”, “Haikakan Zhamanak”, “02”, “Hayots Ashkhar”, having agreed to print them if printing paper is provided by the newspapers themselves.

SEPTEMBER 2000

“TIGRAN METS” PRINTING HOUSE, referring to the debt of 6 million drams, suspended the publication of “**Respublica Armenia**” daily, founded by RA Parliament in 1990.

The edition turned to the Court with a claim to recognize its bankruptcy to get rid of the debts, or to proceed with its work as a new legal entity.

On September 5 the Yerevan Court of Original Jurisdiction of Center and Nork-Marash Communities recognized the daily to be a bankrupt.

This was the first case when a state-owned newspaper resorted to such measure.

A SPECIAL COMMISSION was formed by a governmental decree to privatize the monopolist Agency of Press Dissemination “Haymamoul”. The commission was to introduce the Government suggestions on privatization in three months’ time. On this issue controversies arose between the Minister on State Property Management David Vardanian and the leaders of print media.

The Minister found it fair and natural that, similarly to the shops being privatized by the staff, the kiosks must be privatized by the newspaper sellers. “I think that the interests of newspaper sellers must be taken into consideration, it is a question of social justice”, said Mr. Vardanian.

On their part the leaders of print media found that, since “Haymamoul” has debts to practically all the newspapers, breaking the Agency up will create difficulties for the media. In the opinion of the editors, it will be most effective to create one dissemination agency. 16 editors made the suggestion that “Haymamoul” should become a shared property of the newspapers. In reply David Vardanian stated, “I see no convincing arguments for such privatization. I do not think that if privatized by newspapers, the work of “Haymamoul” in distribution will improve significantly.”

OCTOBER 2000

ON OCTOBER 9 the National Assembly of Armenia with an overwhelming majority of votes - 93 "for", 3 "against" - adopted the RA Law "On Television and Radio", without taking into consideration the numerous objections to the Draft Law.

The private TV and radio companies found that a number of provisions of this Law question the further existence of independent broadcasters in Armenia.

On November 9 the RA President Robert Kocharian signed the RA Law "On Television and Radio"; however, he appealed to the Constitutional Court to determine the compliance of the Law with the Constitution of the country. The objections of the President referred mainly to the authority, given to the Parliament in controlling the broadcasting.

ON OCTOBER 30, near the mansion of Arkadiy Vardanian, the President of "21st Century" International Association, policemen by force confiscated the videotapes of the cameramen of **ORT**, "**AR**", "**A1+**", "**Noyan Tapan**" and "**Armenia**" TV companies, who were shooting the arrest of Vardanian.

On the same day the correspondent of "**A1+**" **Mher Arshakian** and the correspondent of **RTR** in Armenia **Elina Arzumanian** were illegally brought to a department of the Ministry of Interior Affairs. Arshakian was seized near the mansion of Arkadiy Vardanian, where he was making a story on the arrest of the latter. The journalist was somewhat "tumbled" and insulted. In Arabkir Department of Interior Affairs he was forced to sign the protocol of personal search, under the threat of beatings.

A few days later the President of Armenia apologized to journalists for the disrespect shown by policemen.

ON OCTOBER 30 at 23.00, before the newscast, the broadcasting of "**Noyan Tapan**" TV company was interrupted. The broadcasting had been suspended for 2 days and was explained by a failure of the transmitter, installed on the TV tower.

Tigran Haroutiunian, the Director of "Noyan Tapan" was not sure of this, as the technical staff of the company was not permitted to go up the tower and check the condition of the transmitter, although before that no obstacles of this kind had been made. The Director of the TV company noted that he sees a direct connection between the scandalous arrest of Arkadiy Vardanian and the interruption of "Noyan Tapan" broadcasting. In his opinion, an attempt to hinder the dissemination of impartial information has been made. (In connection with the arrest of Vardanian "Noyan Tapan" journalists interviewed his wife, telephoning afterwards to the editorial office and mentioning that they had also prepared a material on journalists' rights violation on behalf of the power structures.)

In a couple of weeks the Republican Center of Telecommunications informed "Noyan Tapan" that a test would be conducted on the TV tower and suggested to be present there. The test was explained by disturbances on air. RCT, in particular, argued that "Noyan Tapan" broadcasting on the 34th frequency disturbs the work of other channels, and especially the special communication line of RA Ministry of National Security. As a result, the Center of Telecommunications, a monopolist in the given sphere, prohibited the use of antenna, and the TV company had to use an antenna that did not correspond to the technical requirements of broadcasting equipment. This caused tenfold

deterioration of the power of the transmitter, in its turn leading to narrowing of the broadcast area and decrease in audience. According to " Noyan Tapan ", the quality of broadcasting has also deteriorated. All this caused significant economic damage to the TV company, as it did not allow attracting advertisers, especially during the pre-New Year period.

DECEMBER 2000

DEPUTY DIRECTOR of the Agency of Press Dissemination "Haymamoul" Arshaluys Manukian informed that as of December 21, 2000, the debts of the Agency to the periodicals of the country amounted to about 155 million drams. The greatest part of the debt - 142 million drams - was accumulated before 1998, 2 million - in 1999, and about another 13 million - in 2000.

According to Arshaluys Manukian, the debt is increasing for a number of objective and subjective reasons. On the one hand, the social and economic crisis and low paying capacity of the population hinder the collection of money for the production realized. On the other, there are serious organization problems both within "Haymamoul" itself and in its contacts with partnering enterprises, in particular, with "Haypost". Besides, a number of ministries and departments, state-subsidized organizations owe rather a big amount -17 million drams - to "Haymamoul" itself, and presently the possibility of mutual account settling is negotiated with the RA Ministry of Finance.

As before, about one third of the debt held by Agency to the periodicals is owned by "Hayastani Hanrapetutiun" daily - almost 52 million drams. However, those print media, to which "Haymamoul" owes smaller amounts, run into financial difficulties, also - because of the non-payment of the Agency.

ON DECEMBER 29 Yerevan Press Club published the results of the poll, conducted among the heads of media enterprises, journalists and media experts. The purpose of the poll was to determine who or which structures were the source of the most negative influence on the work of Armenian media. The question was answered by 73 respondents.

The biggest number of "antivotes" belongs to:

Agency of Press Dissemination "Haymamoul" (8 "antivotes") - for unsatisfactory work in marketing periodical editions and permanent non-payment to the print media;

RA Ministry of Transportation and Communication - departments that deal with the activities of the broadcast media (7) - for repeated violation of the rights of broadcasters;

Deputies of RA National Assembly (7) - for the deficiencies in media legislation, especially for voting in favor of Draft Law "On Television and Radio" on October 9, 2000.