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ԳԻՏՈՐԳ ՄԱՐՄԻՆ

9B, Ghazar Parpetsi str.
0002 Yerevan, Republic of Armenia
Tel.: +374 10 53 00 67; 53 35 41; 53 76 62
Fax: +374 10 53 56 61
E-mail: meo@ypc.am

MEO Composition:

Narineh AVETISYAN
Shushan DOYDOYAN
Ara GHAZARYAN
Mesrop HARUTYUNYAN
Karineh KALANTARYAN
Gegham MANUKYAN
Ashot MELIKYAN
Mesrop MOVSESYAN
Gnel NALBANDYAN
Boris NAVASARDIAN
Nouneh SARKISSIAN
Anzhela STEPANYAN
Ara SHIRINYAN
Gegham VARDANYAN

**EXPERT OPINION OF
MEDIA ETHICS OBSERVATORY
REGARDING THE RA CITIZEN EMMA KIRAKOSYAN'S
LAWSUIT AGAINST ATV CHANNEL AND
A GROUP OF CITIZENS**

**(In Addition to the Opinion of the Information Disputes Council on
the Same Lawsuit)**

A. FACTS

On November 2, 2020, the Information Disputes Council applied to Media Ethics Observatory to study the latter's September 25, 2020 [opinion](#) adopted on the lawsuit filed by Emma Kirakosyan, a citizen of the Republic of Armenia, against ATV channel and a group of citizens. The IDC suggested to discuss it and present an expert opinion from the point of view of journalistic ethics.

1. On February 22, 2019 ATV aired the next [issue](#) of "Ajar Windows" program, during which a group of citizens set forth their demands to Emma Kirakosyan.
2. The author of the complaint to the IDC claims that she agreed with journalist Mary Abeghyan to present the legal issue and facts without being audio and video recorded, but the journalist secretly recorded her during the meeting and *"with the help of the cameraman, who accompanied her, also filmed the meeting"*. She also notes that the TV company regularly published the video on its website, but did so with such editing that could have given the objective observer an impression that she had committed illegalities, while the defendants presented the videos in court as factual evidence against the complainant. She also stated that she had the impression that the TV company had done it in agreement with the defendants, so that the latter would have the opportunity to use the video as evidence against her in order to resolve the court case.
3. On November 13, 2020, MEO sent a letter to Hrach Muradyan, Producer of "Ajar Windows" program (the copy was sent to the Director of ATV Ruben Aramyan).

Since ATV is not a member of the Self-Regulation Initiative, Media Ethics

Observatory, in accordance with its Regulation, proposed the TV company to cooperate in the discussion of the complaint. In particular, MEO asked to clarify whether secret filming had been carried out and what measures the TV company had taken to cover the issue impartially.

4. In a November 26, 2020 letter the Director of ATV Ruben Aramyan responded to MEO: "(...) Citizen Emma Kirakosyan applied to ATV LLC in writing on 15.01.2019 with a demand not to broadcast the video with her participation considered as secret by her. The staff of our company's "Ajar Windows" program, taking into account the wish mentioned in the citizen's appeal, edited and removed the episodes related to Emma Kirakosyan from the program in question, as a result of which there is no episode with the participation of citizen Emma Kirakosyan left in the program aired.

Then Ruben Aramyan writes: "The principles of impartial, objective and honest coverage of the issue have been observed by the TV company, a fact that was also confirmed at the court session by Emma Kirakosyan, who noted that she did not want her speech to be published during 'Ajar Windows' program."

5. On November 20, 2020, Media Ethics Observatory asked Emma Kirakosyan to provide some evidence that: a) there had been an agreement between her and the journalist on not being recorded and filmed; b) a secret filming had been carried out.

On December 11, 2020, MEO received Emma Kirakosyan's reply letter, in which she provides as evidence of the agreement on not being audio and video recorded the fact that she had finally met with the journalist on January 14, 2019, accepting the journalist's numerous persistent proposals for a meeting. "If the journalist had not accepted my terms of not recording or filming, that is, if there had been no agreement between us, then of course, I would not have met with the journalist," the author of the letter claims.

Then she writes: "As for the secret video and audio recording made on 14.01.2019, it is proved by my appeal on the committed illegality presented to the Commission on Television and Radio on the same day, 14.01.2019, which was submitted to the Commission the next day, on 15.01.2019, taking into account the fact that the appeal had been filed at the end of the working day, and the 18.01.2019 reply to that appeal, as well as by my 15.01.2019 appeal addressed to Ruben Aramyan, Director of ATV LLC, to which I have not received a response yet."

6. On December 11-15, 2020, MEO held online discussions.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Law "On Mass Communication"

Article 7. Restrictions of Freedom of Speech in the Sphere of Media

2. It is prohibited to disseminate information obtained by video and audio recording conducted without notifying the person of the fact or recording, when the person expected to be out of sight or earshot of the implementer of video and audio recording and has taken sufficient measures to ensure it, with the exception of situations when such measures were obviously not sufficient.

3. The dissemination of information related to one's personal or family life as well as those mentioned in the second part of this Article is allowed if it is necessary for the protection of public interest.

II. Article 1087.1 of the RA Civil Code

In the context of this Code, an insult is deemed to be a public expression made by means of speech, picture, voice, sign or by any other form with the intention to abuse the honor, dignity or business reputation.

In the context of this Code, a public expression in the given situation and by its content may not be deemed to be an insult if it is based on accurate facts (except of natural flaws) or is justified by an overriding public interest.

III. Code of Ethics of Armenian Media and Journalists

2. Integrity in Relations with Sources of Information

This principle entails the following obligations for editors and journalists:

2.3. To avoid the use of covert and secret methods of obtaining information, except when traditional open methods do not ensure receipt of information of public interest. The need for such methods must be explained and justified in the actual publication.

6. Integrity in Relations with the Public

This principle entails the following obligations for editors and journalists:

6.1. To encourage free exchange of opinions, regardless of any differences between those opinions and the editorial views;

6.2. To be ready to meet with persons or representatives of organizations who feel offended or defamed by a certain publication, and provide an opportunity of response for all those against who criticism and accusations have been made in the publications.

C. EXPERT OPINION

Media Ethics Observatory

States that

- During the program, the editorial staff mentioned in a captioning that they had tried to get Emma Kirakosyan's point of view, however the latter had refused, hence the principle of impartial coverage was not violated.

- In the opening speech of the host, the phrase "In this pavilion of Arabkir Administrative District of Yerevan the neighbors are anxiously awaiting the arrival of the postman" cannot be assessed as biased, for it derives from the materials presented about the participants of the program.

MEO, taking note

The response of "A-TV" channel, which, having considered Emma Kirakosyan's appeal, removed the secret video materials from the program,

Thinks that

The employee of the TV company by audio and video recording has already violated the principle of keeping agreements with sources of information and being honest with them. Although the refusal to show the filmed material at Emma Kirakosyan's request to some extent mitigates the mentioned violation, MEO finds necessary that the TV company should unconditionally destroy the video, assuring about it in writing Emma Kirakosyan.

***Adopted at the MEO session of December 15, 2020
In the following composition:***

Narineh AVETISYAN, Executive Director of Vanadzor "Lori" TV company

Shushan DOYDOYAN, President of Freedom of Information Center

Mesrop HARUTYUNYAN, Media Expert

Ashot MELIKYAN, Chairman of Committee to Protect Freedom of Expression

Boris NAVASARDIAN, President of Yerevan Press Club

Nouneh SARKISSIAN, Managing Director of Media Initiatives Center

Anzhela STEPANYAN, Editor of Armavir "Alt" TV company

Media Ethics Observatory was established by the media, joining the self-regulation initiative, which make 61 as of today. In its judgments MEO is guided by Code of Ethics of Armenian Media and Journalists, adopted at the self-regulation body's meeting on March 10, 2007, and revised on May 16, 2015