

Quarterly Report*
ON THE SITUATION WITH FREEDOM OF SPEECH AND
VIOLATIONS OF RIGHTS OF JOURNALISTS AND MEDIA IN
ARMENIA
(July-September 2010)

Starting from 2010, the Committee to Protect Freedom of Expression will provide interim quarterly reports, in addition to annual reports, on the situation with freedom of speech, including the following:

1. Legislation on the freedom of speech and media, amendments to such legislation and related processes;
2. The economic environment and its influence on the media;
3. The political environment and its influence on the media;
4. Violations of rights of the media and journalists.

The first quarterly report was presented on April 8, 2010, the second - on July 21.

This report covers the period of July-September 2010.

1. Legislation on the Freedom of Speech and Media

The third quarter of 2010, as well as January-March, was not marked with the adoption of laws or amendments to laws relating to the field of media.

According to the RA Law “On Amendments and Supplements to the RA Law on Television and Radio”, on July 20 and 27, the National Commission on Television and Radio (NCTR) announced a contest for broadcasting licenses through digital broadcasting network in the territory of Armenia. Prior to that, on June 27, the NCTR had approved the regulations of the contest. The announced contest provides 25 licenses overall.

On September 18, Armen Arzumanyan, the press secretary of the RA President, told the media that taking into account the active discussions around the Law “On Television and Radio”, as well as the opinions of the political figures and NGOs, RA President Serj Sargsyan suggested that the RA Human Rights Defender form a task group to finalize the legislative regulations on the digital broadcasting processes. According to Armen Arzumanyan, the representative group, with the involvement of several organizations and individuals, will contribute to a more comprehensive discussion of the existing issues. On September 28, it became known that the RA Human Rights Defender Armen Harutyunyan had asked the following people to nominate their representatives: Artak Davtyan, the RA NA Standing Committee on Science, Education, Culture, Youth and Sports Affairs, Manuk Vardanyan, the RA Minister of Transport and Communication, Grigor Amalyan, NCTR Chairman, Gagik Buniatyan, the Director of Public TV and Vazgen Manukyan, the President of the Public Council. A number of journalistic non-governmental organizations agreed to get involved in the task group headed by the Ombudsman. The Committee to Protect Freedom of Expression decided not to take part in the activities of that group, as it has its own task group, which has already held a number of discussions, conducted a preliminary research and has been preparing its suggestions to be presented to state competent authorities, including the Human Rights Defender.

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2. The Economic Conditions

When estimating the influence of economic environment on media activity, mostly the ownership of these media by the government and the latter's control over them, and whether it influences the pluralism is being taken into account. Is the media ownership transparent? Do the government and other entities control media through advertisements or financial support? Is the media ownership centralized? Does it influence pluralism of the content? Is the country's economic condition increasing media dependence on the state, parties, big business or other influential political entities?

The Committee will give answers to these and other questions in its annual report after having summed up the survey conducted in August-September, 2010.

3. The Political Situation and Its Influence

In its previous reports the Committee to Protect Freedom of Expression had mentioned that the violation of rights of journalists and media became more active as political tensions increased. In this sense the third quarter was quiet.

Nevertheless, the discriminatory attitude of media towards different political forces can be treated as an expression of influence of the political environment. In May-September, 2010, the CPFE conducted a monitoring of TV coverage of press-conferences of political and public figures in the press clubs of the capital. The idea was to find out the interest of the TV companies, broadcasting in the capital and throughout the country, towards press conferences of various public figures with different political viewpoints, and their coverage.

We find it necessary to cite some data which are vivid examples of influence of the political environment on the work of media.

Thus, out of 68 press conferences studied there was only one case when no TV Company was present to cover the conference of a party member (Orinats Yerkir Party – Country of Law) of the pro-governmental coalition.

There were seven cases of absence of TV Companies at the press conferences of oppositional public figures. The average number of TV Companies recording the press conferences of the Republican Party of Armenia (RPA) was seven, the Armenian Revolutionary Federation Dashnaksutyun (ARFD) – five, “Heritage” – three, the Armenian National Congress (ANC) – two. Two press conferences of the RPA recorded 100% participation of all the 10 TV Companies observed, whereas the maximum participation in the conferences of the main oppositional force ANC was five.

Another example is the TV coverage of the press conferences with the same topic but with the participation of representatives of different political forces.

On June 18, the armed conflict in the vicinity of Chaylu village resulted in the Armenian-Azeri relations and the possible developments around the Nagorno-Karabakh issue to become the topic of the week. On June 22, in Pastark Club the representative of the “Heritage” Party Stepan Safaryan met with journalists. Five TV Companies were present in the conference. On June 24, in Irates de facto Club former Foreign Minister, ANC representative Alexander Arzumanyan talked about the same issue which was covered and broadcast only by one TV Company. On June 28, President of the Armenian Democratic Party (ADP) Aram Sargsyan talked on the same topic in Friday Club. One TV Company was present which did not cover the conference in its main news broadcast. On June 29, NA RPA Secretary Eduard Sharmazanov gave press conference in De facto Club. All the present 10 TV Companies covered it. Whereas on the same day, on June 29, in Hayatsq Club there was only one TV Company present in the press conference of Zaruhi Postanjyan, MP of RA NA “Heritage” party.

The full report of the above-mentioned observation will be presented soon.

4. Violation of Rights of Journalists and the Media

The third quarter of 2010, as compared to the first two, was relatively quiet.

Below is a comparison of violations that had occurred in the second quarters of 2009 and 2010:

| Types of violations / quarter | 2010 1st quarter | 2010 2nd quarter | 2010 3rd quarter |
|---|--|--|--|
| Physical violence against journalists | 5 | 3 | 0 |
| Pressure on the media and media staff | 4 | 5 | 5 |
| Violation of the right to seek and impart information | 6 | 5 | 3 |

Physical Violence against Journalists

In the third quarter of 2010, no case of violence has been recorded, but there was a development around a previous case.

On July 27 the criminal case (“False denunciation”) initiated against photojournalist Gagik Shamshyan was withdrawn and the criminal prosecution against him was suspended according to Article 74 of the RA Criminal Code “Exemption from Criminal Liability Due to Change Of Situation”.

As a reminder, in the morning of February 24, 2010, the photojournalist of “Aravot” and “Chorrord Inqnishkhanutyun” newspapers Gagik Shamshyan was assaulted in front of the RA Prosecutor’s Office. The photojournalist was taking photos of prosecutors and other high-ranking officials arriving to participate in the Collegium Session. However, a 30-year old man banned Shamshyan from taking photos, then started cursing him and in front of the Prosecutor’s Office hit him. Gagik Shamshyan had got injuries and received medical assistance. Later on, the assaulter turned out to be inspector Gagik Margaryan from the RA Special Investigation Service. On April 14, it became known that the inspector of RA Police Kentron (Center) Investigation Department Garik Begoyan withdrew the prosecution against the Police inspector Gagik Margaryan who attacked the photojournalist Gagik Shamshyan and initiated a case against the later for false denunciation.

When Gagik Shamshyan learnt from the inspector of RA Police Kentron (Center) Investigation Department Garik Begoyan that criminal proceedings had been initiated against him under Part 2 Point 2 of Article 333 (“False Denunciation”) of the RA Criminal Code, he turned to RA Prosecutor General Aghvan Hovsepyan complaining of the intentional purpose of the preliminary investigation, ill-founded withdrawal of the criminal proceedings and his being charged. This was followed by the response of the Deputy Prosecutor of Yerevan S. Khachatryan, informing that there are “no bases for eliminating” the decision on the case. The photojournalist made an appeal to the court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan. The court rejected the appeal.

Pressure on the Media and Media Staff

On July 7, “Haykakan Zhamanak” Daily informed that Mayor of Yerevan Gagik Beglaryan made an attempt of putting pressure on its reporter Syuzanna Poghosyan. According to the newspaper, on July 6, the Mayor sent negotiators to the village of Varser in Gegharqunik marz (region) to the reporter’s family house. Not finding Syuzanna Poghosyan’s father at home, the delagates waited for him from 13.00 till 21.30. When the father returned home, one of them called someone and passed the mobile phone to

him. The person on the line introduced himself as Mayor of Yerevan and urged Syuzanna's father to influence his daughter not to publish articles annoying the Mayor.

On July 9, Gagik Khandanyan, a judge of the court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan, upheld Ijevan Mayor's claim against the "Investigative journalists" NGO. The court's verdict was through Azg Daily and www.hetq.am website to make the "Investigative Journalists" retract "baseless information of the two articles by Voskan Sargsyan that slander the honor, dignity and activity of Mayor Varujan Nersisyan and to affirm that they do not correspond to the reality." Besides, the court demands confiscation of AMD 930,000 from the "Investigative Journalists" in favor of Ijevan Municipality as legal expenses, as well as AMD 22,600 as a state duty. The representative of the "Investigative journalists" pointed out that they would definitely appeal the verdict in the Supreme Court.

The proceedings of the case started in Yerevan Civil Court on September 29, 2008. The plaintiff demanded retraction of the information slandering the honor, dignity and activity of Mayor Varujan Nersisyan. The suit stems from a May 5, 2008 Hetq article entitled "Who is Pocketing the Profits of the Sand Mine?" (Republished in the inset of Azg Daily on May 20, 2008) and a subsequent article as of June 23, 2008, entitled, "Will the Three Committees Actually Notice the Illegal Exploitation of the Reservoir's Sand?" (See details in the CPFE annual reports 2008 and 2009). Later, after the judicial reforms, the case was transferred to the court of general jurisdiction of Kentron and Nork-Marash, which rejected the Municipality's claim by the verdict of July 10, 2009. However, Ijevan Municipality brought suit to a higher instance and on November 13, 2009 the Court of Appeals on Civil Cases overturned the July 9 verdict of the court of general jurisdiction of Kentron and Nork-Marash and sent the case for additional investigation.

Head of the "Investigative Journalists" Edik Baghdasaryan told the CPFE that they have appealed the July 9 decision of the court of general jurisdiction of Kentron and Nork-Marash in the Court of Appeals.

On August 23, it became known that a suit was brought to the court of first instance of Kentron and Nork-Marash administrative districts of Yerevan against the former reporter of Hayq Daily, at present reporter of Zhamanak Daily and Lragir website Arman Galoyan, for the article "Tracking the Murder" published in Hayq Daily on February 8, 2008. The suit was brought by a resident of Areni village Susanna Baghdasaryan who pointed out that having violated the Article 19 of the RA Civil Code, Arman Galoyan had desecrated the memory of her son, blotted his good reputation, and presented him as a drug addict. Besides, she demanded to initiate a criminal case against Arman Galoyan. The court partially accepted her claim – the demand to retract the information slandering the good memory, reputation and name of her deceased son. The murderer was Sussanna Baghdasaryan's husband, Hamlet, who had been sentenced for 10 years and so far has been bearing the sentence in prison. Galoyan had met with the widow of murdered Karen Manukyan and later presented her story and complaints that contain estimations about the plaintiff's deceased son. One year later, after the article had been published, Susanna Baghdasaryan's father-in-law turned to the RA Prosecutor's Office with the demand to initiate a criminal case against Galoyan. The application was directed to the Police Investigation Center (Kentron) Department. Getting the explanations from both sides, it was decided to reject the initiation of a criminal case because of the absence of corpus delicti. And now Susanna Baghdasaryan decided to initiate case against Arman Galoyan and Hayq. The first hearing is scheduled for October 26.

On September 14, another case of hindering a journalist's work was recorded in the RA National Assembly. When Haykakan Zhamanak reporter Lusine Barseghyan tried to take a picture of MPs in the NA buffet, one of them, Sashik Sargsyan (President Serj Sargsyan's brother) jumped from his seat and shouting at her attacked the reporter. Other MPs present calmed him down.

On September 16, the first preliminary hearing of the case "The rector of Yerevan Humanities Institute vs. Hetq weekly" took place in the court of first instance of Kentron and Nork-Marash administrative districts. The rector of the private institute Mikayel Amirkhanyan had filed a defamation suit demanding to retract the information in the article "Yes, I Am Engaged in Business" published on

June 3, 2010, for slandering his good name, honor and reputation. Mikayel Amirkhanyan demanded to confiscate AMD 200,000 as legal expenses, as well as AMD 8,000 as a preliminary paid state duty.

The lawyer of the Committee to Protect Freedom of Expression Olga Safaryan represented the interests of the journalist in the court. During the first hearing the representatives of both sides presented motions and additional material. In particular, the side of the respondent motioned for the rector to present to the court the act of the audit results, conducted by the education programs license committee of the RA Ministry of Science and Education, signed agreements with “Sagamar” company, Yerevan State Institute of Theatre and Cinematography, as well as the right to use the real estate registration certificate. The court in its turn demanded from the plaintiff to present the agreement signed by Amirkhanyan and his student Gayane Malishenko, as the agreement presented to the court was without signatures. During the next session, on October 1, the plaintiff withdrew his claim. The proclamation of the decision on the case is scheduled for October 14, 2010.

Violation of the Right to Seek and Impart Information

On July 29, fire broke out in the vicinity of the Zoo. Photojournalist Gagik Shamshyan, implementing his professional duty, photographed the site of the incident. At that moment a couple of people came out of Arqayadzor restaurant and tried to hinder his work by using inappropriate expressions. Gagik Shamshyan told the CPFE that he had called 1-01, however, did not get any response from the police.

On September 7, in the city of Artik, Shirak marz, members of the group accompanying the RA Prime Minister Tigran Sargsyan during the opening of a cultural center hindered the work of GALA TV crew, especially its reporter Kristina Mkrtchyan, by breaking the microphone and the tripod, thus causing ethical and material damage. According to GALA TV statement, at the very beginning the staff of the TV Company witnessed a negative attitude – the movements of the reporter and the cameraman were limited. Later, according to the same statement, the Prime Minister’s press secretary orally apologized stating that it was a mere accident. On the same day, the RA Prime Minister’s assistant Aram Ananyan gave clarifications on the situation. According to him, the fact that the people accompanying Tigran Sargsyan tried to hinder the work of GALA TV crew does not correspond to the reality. He said that the microphone and tripod were broken “as a result of an accidental touch caused by a careless turnback” of the Prime Minister’s bodyguard.

On September 29, the RA Administrative Court stopped the hearing of the case of Helsinki Citizens’ Assembly Vanadzor Office versus Special Investigation Service. On March 17, 2010, according to the Law “On Freedom of Information”, the HCA Vanadzor Office turned to the Special Investigation Service with the request to provide them with the copies of the decisions to initiate a criminal case, to reject the initiation of a criminal case, to terminate criminal prosecution, to withdraw the lawsuit within January 1, 2010 and March 17, 2010. As of March 25, 2010, the RA Special Investigation Service as a response to the request refused to provide the organization with the information, explaining that according to the RA Criminal Proceedings Code, the organization is not a proper and competent entity to receive the requested information. On April 9, 2010, the organization brought a lawsuit to the RA Administrative Court with the demand to make the RA Special Investigation Service provide the information. The respondent never appeared in any session. The proclamation of the decision on the case is scheduled for October 19, 2010.

The report is based on data collected by the Committee to Protect Freedom of Expression, as well as publications in the media.