FREEDOM OF SPEECH

Prevention of journalists' professional responsibility implementation in court held in NKR

On August 3, 2011 during the court trial of Syunik Common Judiciary, which was being held in Stepanakert, Judge promulgated Manvel Hazroyan's verdict of life imprisonment, after which, Hazroyan took the mineral water bottle on his table and threw it at the Judge. Following the incident, "Shushi" prison officials, who were escorting M. Hazroyan, neutralized him by forcefully putting on handcuffs. However, after the neutralization, some of the Penitentiary officials started beating of M. Hazroyan right in the court room while other unlawfully preventing from the implementation of journalists' professional responsibilities, forcefully take out the representatives of radio "Liberty" and National Radio of NKR.

Physical Abuse towards journalist of Ani Gevorgyan

The Police rejected launching a criminal case concerning the incident taken place on July 28, 2011 when a journalist of "Haykakan Zhamanak" daily newspaper Ani Gevorgyan was hit by a policeman in the Republican squire of Yerevan who also tried to take the journalist's camera away. On July 28 at 11:30 pm Ani Gevorgyan was attacked by a senior Police office whom she has photographed minutes earlier while trying to catch a lady entered to the forfeit on the squire of Yerevan.

Lawsuits against newspapers

There were 12 defamation actions during the first quarter of 2011 alone. Independent newspapers are the leading targets. The daily Jamanak is currently the subject of three different lawsuits. Haykakan Jamanak and Hraparak are also being sued.

In most cases the plaintiffs are politicians. On 18 April, Armenia's highest appeal court ordered the news website Hetq, founded by the NGO Investigative Journalists, to pay Ijevan mayor Tavush Marz 450,000 drams (820 euros) in damages and publish a retraction. The suit was brought over a series of articles about embezzlement by local officials.

Former president Robert Kocharian's family is frequent plaintiffs. His wife, Bella Kocharian, and son, Sedrak Kocharian, are suing Jamanak for 6 million drams (11,000 euros) over a September 2010 article implicating them in an alleged case of embezzlement. The newspaper Haykakan Jamanak has already been ordered to pay Levon Kocharian 3.5 million drams (6,400 euros) in damages.

The former president himself recently sued Hraparak over a 2 February article describing him as "bloodthirsty" and subject to "fits of madness." While there may have been grounds for a libel action, there were certainly no grounds for his request for a freeze on the newspaper's assets, which was granted at the first hearing.

The order was rescinded on 11 April, but the former president's action is still dangerous inasmuch as it suggest that the real of goal of defamation suits is to bankrupt independent media.

In most cases, the courts seem to do what the plaintiffs want, imposing the maximum

amount of damages. On 7 February, Haykakan Jamanak was ordered to pay 2,440,000 drams (nearly 16,000 dollars) in damages to each of the three parliamentarians - Ruben Hayrapetyan, Samuel Aleksanyan and Levon Sargsyan - who sued it over a 14 October article quoting a list of Armenian officials and businessmen allegedly involved in criminal activity.
As well as the large amounts in damages demanded by plaintiffs, newspapers must also pay excessive lawyers' fees[1].

Lawsuits against co-villagers for provision of interviews about village mayor

In 2010 a group of Lernapat village residents (Lernapat is a village located in Lori region (capital of which is Vanadzor) of Armenia) applied to the General Prosecutors' Office requesting to launch a criminal case over Lernapat village mayor arguing that he has commitied money laundry of local budget. A criminal case was launch and at this writing a criminal procedure is ongoing in the court. At the meantime, some of the villagers applied with a letter to the Prim-minister of Armenia, others have given interviews to newspapers describing the situation in their villages. Later on, Lernapat village mayor started lawsuits against those villagers who had applied to the General Prosecutors' Office. Below are short descriptions of those cases and their situation at this point.
Lernapat village Mayor Vano Yeghiazaryan had filed criminal cases against his co-villagers Gharib Mitichyan, Gevorg Melkonyan, Boris Ashrafyan and Kamsar Tamaryan, who had made "slanderous" and "offensive" statements in the address of the Lernapat Village Mayor in an article published in the September 1, 2010 issue of the "Zhamanak" Daily which caused damage to the mayor's prestige, dignity and business reputation via media disseminations.
All of these cases have been tried at the Lori Region Court of Common Jurisdiction, primarily reached resolution in favor of Vano Yeghiazaryan by obliging the villagers to make a public apology via the "Zhamanak" Daily for the "offensive" statements and to deny the "slanderous" statements. The court made a discrimination against the villagers in the same social situation with regard to the amount of monetary compensation for the damage caused by "offensive" and "slanderous" statements.
On July 22, the court reached a resolution to partially satisfy the village mayor's claim against Boris Ashrafyan and fined him 314,000 AMD out of the 3,000,000 AMD and court costs demanded by the mayor (100,000 AMD for the offense, 200,000 AMD for the slanders and 14,000 AMD as a state duty). Businessman and village mayor, Yeghiazaryan took Boris Ashrafyan's statement "shame on you, weren't there more hungry villagers, other than your father, mother and brothers-in-law" as an offense.
The village Mayor filed a case against Gevorg Melkonyan because Melkonyan had informed the newspaper that "he has set up "an illegal" basalt mine here, reached a criminal agreement with the former manager and borrowed a huge sum of money from Harutyunyan Samvel". The Village Mayor considered the information as untrue by justifying that he had not received the leasing money in cash but via bank transfers. The

[1] http://www.unhcr.org/refworld/docid/4dc2723f2.html

Court made a decision to oblige Melkonyan to publicly deny the slandering statements via the same newspaper and pay to Yeghiazaryan 8,000 AMD state duty.
As to the insults on the part of his co-villager Gharib Mitichyan, according to the Mayor's claim, the issue concerned the illegal construction built on Lernapat community property land by Mesrop Mitichyan, and son of Gharib Mitichyan. G. Mitichyan published "The Mayor has taken the documents of the house and does not want to return them" statement in the same article of "Zhamanak" Daily. The Court made a decision to exact 69,000 AMD from Gharib Mitichyan, (who owns one cow) 60,000 AMD for slander and insult and 9,000 AMD state duty.
On August 3, 2011, Lori Region Court of General Jurisdiction partially satisfied Lernapat village Mayor Vano Yeghiazaryan's claim against his co-villager Kamsar Tamaryan. The court obliged Kamsar Tamaryan to pay 300,000 AMD in compensation to V. Yeghiazaryan. Kamsar Tamaryan was also obliged to publicly deny the slandering statements via the same newspaper and reimburse 100,000 AMD to the village mayor. Moreover, pursuant to the Court's resolution, Kamsar Tamaryan will be fined 14,000 AMD as compensation for the state duties previously paid by the plaintiff party.
The Court decisions regarding the cases of all four co-villagers have been appealed to the Court of Appeal of the Republic of Armenia. However, it is important to highlight that after court satisfaction of Vano Yeghiazaryan's complaints the he has also suited other 15 co-villagers (including some of those cases mentioned above) who organized a demonstration near the village mayor's office protesting against violation of freedom of speech.

Lawsuit against human rights defender

After Lernapat village mayor suited his ca-villagers, they have applied to Helsinki Citizens' Assembly for provision of legal assistance. HCA – Vanadzor provided with legal support by developing court documentations as well as by conduction of court representation. The head of HCA – Vanadzor also has given interviews to newspapers presenting his standpoints regarding the situation in Lernapat village. Following that, Vano Yeghiazaryan a village mayor of Lernapat had submitted a lawsuit to Lori Region Court of Common Jurisdiction for causing damage to his prestige, dignity and business reputation. According to Vano Yeghiazaryan, statements like "red flags of corruption crimes aren't tried on equal basis, "red flags" regarding a number of activities initiated by the Lernapat Village Mayor including wasting local budget allocations, his decision to free his family from property taxes" which Artur Sakunts, head of HCA Vanadzor, related in an interview to "Vanadzorian Khchan kar Weekly" on December 8, 2011 caused damage to his prestige, dignity, and business reputation. Yeghiazaryan demands 2.000.000 AMD and all court costs to be reimbursed in compensation.