

Statement Regarding the Increasing Number of Defamation Lawsuits versus Media

March 2, 2011

The increasing number of lawsuits versus Armenian media demanding to refute information, discrediting the honor, dignity, business reputation of the plaintiffs, and to compensate their moral damage, raises outmost concern. The process of considering these suits by courts affirm the most pessimistic assumptions – the drastic introduction in 2010 of the moral damage institute, without taking into account the realities, will undermine the existence of many media. Granting the courts with competence to arbitrarily define the real public feedback to a piece and the size of the damage, to ignore the public significance of the disseminated information and the financial situation of the defendant are actually prescribed by the RA Civil Code amendments. All this was being persistently pointed out by the media community during the discussion of the amendments to the Code. Thus, the restricted freedom of expression, as it is nowadays in Armenia, is even more curtailed.

As the practice manifests, the legislative amendments, adopted last year, despite the pro arguments, do not serve as means of protecting the honor and dignity of the overwhelming majority of Armenian citizens in any way. “The power” of law is enjoyed only by “the powers that be” – representatives of the political and business elite, who get square with unwanted media and journalists. Sticking to their habit of violating the rights of their co-citizens and feeling themselves inviolable, these figures, who naturally raise public interest, neglect the accepted in civilized world principle of tolerance towards media. Furthermore, the last precedents demonstrate that courts are ready to indulge the unfolded “crusade” versus journalists.

We do not assume at all that Armenian media are sinless and do not give ground for serious pretensions. Nevertheless, struggling against the drawbacks of our journalism by shutting its mouth – and this is how the end of the financial pressure, being exerted today, promises to be – means to devaluate the role of media in the fight against many public ailments, and first of all, with different forms of corruption, and its most dangerous form – state capture.

We urge the RA National Assembly to reconsider in short term the provisions of RA Civil Code on moral damage compensation, to work out relevant comments, setting forth rational and grounded regulations for the compensation size, thus ensuring follow-up of specific circumstances on each case.

We call upon the courts to not be on the bit of powerful plaintiffs, their incessant ambitions and appetite, by limiting in the majority of cases with the right of reply and refutation, assigned by the law.

We call the media to develop media self-regulation and public accountability mechanisms, and the Armenian citizens – to be more active in using these non-judicial means of protecting their information rights.

Yerevan Press Club
Internews Media Support public organization
Committee to Protect Freedom of Expression
“Asparez” Journalists Club
Media Diversity Institute-Armenia

