

## Statement Regarding the State of Emergency

March 14, 2008

We, the undersigned public organizations, realizing the existing tension, respecting the letter of the law, have in no way broken the Decree of the RA President on the state of emergency in Yerevan and to this day – until the Decree was amended – have refrained from any public statements.

Yet during the same period (March 1-13, 2008) in the media sphere there were numerous violations of the legality and the emergency rule, the responsibility for which lies with a number of state bodies. These violations not only did not serve the realization of the Decree goals, that is, the elimination of circumstances that have prompted the state of emergency, but also bore a danger of further polarization of the society, intensification of intolerance and hatred.

In particular, a number of media, violating the subclause 4 of clause 4 of the Decree, “the publications in the mass media on the issues of internal situation and state importance to be restricted to official information provided by the state entities”, published and broadcast not only official information, but also presenting political propaganda, most of which was one-sided, discrediting and insulting for the opposition. Apart from being a violation to the Decree, this, in fact, runs contrary to the appeals made by the authorities to reach accord and reconciliation in the society.

The most prominent example of such unacceptable coverage was shown by the First Channel of the Public Television of Armenia that not only neglected the clause of the Decree, but also once again broke Article 28 of the RA Law “On Television and Radio”: “The prevalence of a political stance (...) in the programs broadcast by public TV (...) is prohibited.”

The National Commission on Television and Radio, which, according to the Law, is an independent regulator and is also “to oversee the activities of TV and radio companies” (RA Law “On Television and Radio”, Article 37, part 1), failed to perform one of its main functions and did not prevent the violation of the Decree provisions not only by the PTA First Channel, but also the majority of private broadcasters.

Violations of the relevant Decree provision were recorded also in a number of print media, with no response ensuing from the RA Ministry of Justice. The Ministry, within its competence, had to take steps to eliminate the violations.

While censorship was not listed among the restrictions, imposed by the Decree, moreover, according to Article 4 of the RA Law “On Mass Communication”, it is actually prohibited, these days not only in Yerevan, but also all over the country factual pre-emptive censorship was practiced. Due to this the publication of a number of national newspapers was banned because of their content. Some others, facing illegal obstacles, refused working, because they were unable to voice opposition and critical viewpoints, while the publication of opinions, discrediting and insulting for the opposition, often even aggressive, in other newspapers was in no way restricted. The media report that the pre-emptive censorship is practiced by people introducing themselves as officers of National Security Service.

The Decree was directly followed by blocking of several news web sites that did not even have time to make any report on the situation. Such actions were completely illegal, and imposing restrictions with no grounds, under the circumstances, is qualified by us to be a violation of the presumption of innocence. Here, too, we deal with political discrimination, as only those sites were blocked that had previously disseminated criticism of the country authorities.

Being well aware of the pressure exerted on media over the past years, we emphasize that the responsibility for such violations falls not so much on the journalists and editors but rather on competent bodies. The actions or inaction of the latter has resulted in a situation when the provision of the Decree, “the publications in the mass media on the issues of internal situation and state importance to be restricted to official information provided by the state entities”, was made not so much to serve the peace in the society, but rather has become a tool for shattering free media and expression, restoring the traditions of one-sided propaganda, typical for totalitarian regimes.

The suspension of publication of some newspapers – whether due to the refusal to work in these conditions or because of the prohibition to publish – has resulted also in economic consequences, making the competition unequal. This has occurred on political grounds. The suspension of publication has already affected their readership, and is likely to affect it even more in future.

Under the conditions of manipulative use of media the statements by international structures and officials were also presented in a skewed manner, which is disorienting for the society and is an additional factor, adversely influencing Armenia’s international reputation.

Since displays of law infringements in the media sphere under emergency rule were directly related to elections, the responsibility for these offences is as important as the punishment of those guilty of electoral violations.

It was expected that the amendment to the Decree on emergency rule will be directed at providing greater freedom in reporting the current developments. Yet with its enforcement on March 14 none of the problems listed above was solved. Moreover, the amendment contains definitions, allowing arbitrary interpretation, in particular, a ban on “(...) publishing or disseminating deliberately false or destabilizing information on state and inner political issues”. Under the conditions of selective law enforcement and illegal actions that the media sphere has encountered lately, this makes the media quite vulnerable.

In this regard we demand that:

- the National Commission on Television and Radio and the Council of Public TV and Radio Company be held accountable for the unacceptable situation in broadcast media;
- the circumstances of illegal censorship, of blocking web-sites be investigated and the implementers and commissioners of these illegal actions be held accountable;
- the subclause 4 of clause 4 of the RA President’s Decree on the state of emergency be reviewed immediately.

At the same time, realizing that the bodies mentioned in this statement as responsible for the existing situation and the grave violations of the rule of law acted within the overall context of the policy of the Armenian authorities, we emphasize not so much the harsh punishment, but rather the legal record of the violations and those responsible for them. The supremacy of law and the legal precedent are particularly important to exclude any future violations of the free expression.

**Yerevan Press Club**

**Committee to Protect Freedom of Expression**

**Media Diversity Institute-Armenia**

**Internews Media Support NGO**

**“Asparez” Journalist’s Club**

**Vanadzor Press Club**

**Helsinki Citizens Assembly Vanadzor Office**

**Transparency International Anti-Corruption Center**