

## **Armenian Media Fight for Confidentiality Right**<sup>[1]</sup>

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Fears that appeal court ruling will open the way to pressure on journalists to reveal their sources.

The Armenian media industry is up in arms after the country's appeals court ruled against the right to keep sources confidential.

The September 22 decision is seen as a major setback for media freedom that could make it unsustainable for journalists to give a cast-iron guarantee of confidentiality when they interview someone.

The appeal was brought by the Hraparak newspaper and the ilur.am web site after a June 26 ruling from a lower court instructing them to reveal the source of reports they published in May. Their stories alleged that the chief of police in the Shirak region, had assaulted two men, Olympic wrestler Artur Alexanyan and his brother Rafael.

The newspaper and website were taken to court by the Special Investigative Service (SIS), a government agency that looks into alleged public-sector abuses. The SIS brought the case on the grounds that it had no evidence that the incident actually happened, and cited a legal clause allowing courts to force journalists to reveal their sources in cases involving a grave crime. (See **Armenian Journalists Told to Reveal Sources** <sup>[3]</sup>.)

After the June ruling, Susan Simonyan, the author of the Hraparak article, told IWPR that the decision was an "attempt to intimidate the press", and that "we do not intend to reveal the source of our information".

In a statement after the appeal was turned down, Ilur.am's editorial management said it was not surprised by a decision that it saw as "a serious challenge to justice, to media freedom, and to democratic principles".

Artak Zeynalyan, a lawyer acting for both Ilur.am and Hraparak, questioned the reasoning behind the prosecution case.

"They say that the journalists who wrote these highly-publicised articles were unable to provide grounds for the need to maintain the secrecy of their sources. What that means is that the court is being run along Soviet lines, where the thinking is that the accused must prove his innocence," Zeynalyan told IWPR.

The legal remedies are not yet exhausted. Zeynalyan says the next step is to go to the Court of Cassation, a higher body empowered to rule on the way the law is applied. But he acknowledged that the chances that the court would even agree to hear the case were "minimal".

Hraparak's editor-in-chief, Armine Ohanyan, said that after the Court of Cassation, the case could be submitted to the European Court of Human Rights (ECHR) in Strasbourg.

Other journalists and media rights defenders are watching the case with considerable alarm.

"We believe that this judicial [appeals] ruling goes against freedom of expression, and against media legislation which makes it quite clear what the circumstances are in which a source must be revealed," Vasak Darbinyan, from the Committee for the Defence of Free Speech, told IWPR. "The activities of the prosecution service in creating restrictions on journalists' work are problematic. No journalist is going to reveal sources of information."

Liana Sayadyan, a journalism lecturer at Yerevan university and deputy editor of the online newspaper Hetq, expressed hope that a legal submission to the ECHR would be successful.

"Anonymous sources play an important role, especially in investigative journalism. The principle of preserving the anonymity of a source is extremely important to a journalist's work," Sayadyan added.

Roza Hovhannisyan, who reports for the news site Lragir.am, worries about the impact the case will have on journalism in Armenia.

"I fear that it will set a precedent and that other state entities and individuals will take every opportunity to go to court to demand that journalists name their sources," she told IWPR.

If that happens, Gegham Vardanyan of the Media Initiatives Centre believes that willing sources will quickly dry up.

"Journalists will be hamstrung in dealing with anonymous sources who don't want their names published

under any circumstances,” he said. “That could do serious damage to free speech in Armenia.”

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**Location:** [Armenia](#) <sup>[4]</sup>

**Topic:** [Media](#) <sup>[5]</sup>

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