

The Ombudsman's Advice to the Police based on Petros Gazaryan's Application

A few days ago Petros Gazaryan, the author of "Urvagic" programme on "Kentron" TV channel during the interview publicly appealed to the Ombudsman and informed that during his journalistic activity he was threatened by the police. The reason of this complaint was the video made by the Police and broadcast during the programme "On duty" on "Armenia" TV channel, which was the response of the Police to the criticism made by Petros Gazaryan in regards to that body. In the video the Police advised Petros Gazaryan: "...if you have, nonetheless, decided to solve a problem, choose a subject and a target appropriate to your knowledge and abilities otherwise you will bend from the seriousness of the issue".

The Article 164 of the RA Criminal Code envisages criminal liability for hindering the legal professional activities of a journalist with the threat of violence. Considering that in this case the threat of the Police is not obvious and hence, in a legal sense it is inappropriate to initiate a criminal case, nevertheless, Karen Andreasyan, the Ombudsman, considers it necessary emphasize in particular the following:

Ombudsman's' advice to the Police

- 1. "Act within your authority and avoid giving threatening advice to journalists or any other people.**
- 2. With the support and criticism of all of us continue the extremely necessary activity of reforming the police. Much is to be done.**
- 3. Accept like a Christian and respond to the criticism constitutionally. In that case all of us will enjoy the result of real and tangible reforms."**

The hindrance to the legal professional activities of a journalist with an obvious or concealed threat by the police or any other body is unacceptable. We can become a democratic only in case if we don't silence even the provoking criticism of the unpleasant journalist. In such a country only slanderous or offensive words are allowed to be restricted, and exceptionally by court decree. Both the police and any other individual has a full legislative opportunity to be defended from slander and insult. All the other attempts to direct, restrict, suppress a free man and particularly a journalist are completely deniable and illegal, especially when they are implemented by a state body or an official.

Moreover, the European Court of Human Rights case decisions establish that undertaking such actions or even creating of an atmosphere that will lead individuals to hesitate, fear for the implementation of their freedom of speech are unacceptable (Vile vs. Liechtenstein, Nikulan vs. Finland, Elsin and others vs. Turkey).

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