



# Human Rights House Yerevan's Midterm Summary Report

*20 July, 2017*

## BRIEF ASSESSMENT

The examination of human rights violation and pressure cases recorded between January-July 2017 give sufficient grounds to conclude that the conditions for human rights defenders and their activities are inadequate for a full-fledged protection of the rights and interests of citizens and social groups in Armenia. Among primary negative factors are the institutional obstacles posed by the state structure to defenders of human rights and public interests, rights advocates, environmentalists and lawyers, inequalities faced by them and hindrances created by business structures. Rights and public interests activists have obviously faced not only Armenia's faulty judicial system but also the obstructions created by a number of actors and institutions including state administration structures (even Yerevan City Hall among them), government-backed institutions, the conservative dominant culture encouraged by the state, as well as anti-rights activists and NGOs with business and partisan orientations proliferating in the recent years. Publicly visible HRDs (in particular defenders of women's and LGBT+ rights) typically become targets of moral reprimand, hatred and hostility. Such targeted campaigns are orchestrated and guided by the patronizing state authority agencies. As a result, Armenia has in the recent years seen the proliferation of public organizations tied to certain party and state figures and covertly subserving Armenia's Eurasian succession politics as well as big businesses. Not only do these groups disseminate reproach, defamation, hate speech and threats towards rights advocates but also forward the interests of those political orientations at the expense of the protection of Armenian citizens' interests and rights.

## MAIN CASES

### Obstructions and violations by the judicial system

- During the 2017 year cases of pressures on lawyers in Armenian courts were recorded, particularly within proceedings of the politically resonant high-profile cases (of Sasna Tsrer group; of Sefilian and others). On June 13, according to court officers of Shengavit Community Court of First Instance, they attempted to examine Zhirair Sefilian's, Nerses Poghosyan's and several others' lawyers belongings. Lawyers Tigran Hayrapetyan, Nina Karapetyants and Arayik Papikyan argued that the officers had in fact intended to unlawfully search them, which they had declined. Remarkably, the lawyers believe that court officers display partiality in "examining" only the lawyers but not the judge or the prosecutors. A similar attitude was received by some of the lawyers involved in the defense of 18 out of the 32 culprits under the Sasna Tsrer's case hearing on July 3. The court police officers arbitrarily let in some of the lawyers without searching their bags, while attempted to inspect some others, including Moushegh Shushanyan, Monika Margaryan and Inessa Poghosyan. As per

the aforementioned lawyers, the court uses these searches and unwarranted sanctions to obstruct their professional activities.

**HRH Yerevan regards the court's such initiatives as a manifest violation of the principle of equality of parties and an attempt to exercise pressure upon the involved lawyers.**

Furthermore, from the perspective of the head of Helsinki Association, the involvement of their lawyer Arayik Papikyan in the aforementioned politically significant cases of Sasna Tsrer and Sefilian and others is likely to have prompted the judiciary to seek retribution from Papikyan within other cases with his involvement. Thus, Arayik Papikyan's (and Helsinki Association's) previous defendant Karen Kungurdezv, found not guilty by Lori District Court back in 2016, was recently sentenced to a 7-year imprisonment upon the overturn of the verdict of acquittal by the Appeal Court. The Helsinki Association intends to appeal to the Court of Cassation on this matter.

**HRH Yerevan calls upon the Court of Cassation to accept the appeal and to examine the case impartially to rule out unfair trial and the alleged retaliation against Arayik Papikyan.**

- In 2017, court hearings of the criminal case commenced against the director of "Veles" Human Rights NGO, Marina Poghosyan. The case was first opened and then closed in 2015 and reopened in 2016, accompanied with several violations of the law. In 2017, the case entered Yerevan's Arabkir and Kanaker-Zeytun Court for trial procedure despite Poghosyan's lawyer's complaints about unlawfulness of that. HRH Yerevan has undertaken local and international monitoring of the court hearings (for the period of January-May 2017), and has evaluated the case trial by Arabkir Court as unlawful. At the first court sitting, the judge's decision about transferring the proceeding to another court was achieved only through the presence of observers and as a result of the lawyer's motion. The second hearing, already by the Central Court of Yerevan (Kentron and Nork Marash district court), was appointed without proper and timely notice to Poghosyan and her lawyer. Back in 2016, Marina Poghosyan was already deprived of her right for defense as a result of not being duly notified about the Appeal Court sitting on the matter of the case reopening; Poghosyan is currently at suit for restoration of this right in Arabkir Court. Although HRH Yerevan has finished its monitoring of Poghosyan's case, it has learned from posts published on facebook pages that, according to Poghosyan's latest statements, unlawful measures persist, and presumption of her innocence is violated in trial procedures of both the criminal case against her and her own lawsuit .

**HRH Yerevan calls upon the courts ruling the cases as well as the prosecutor's office to refrain from any violations and to give Marina Poghosyan's case a fair trial.**

## Impediments and violations by state administration bodies and state-backed structures

- In July 2017, the organizers of Golden Apricot International Film Festival removed the previously scheduled the out-of-competition rubric “Armenians: Internal and External Views” from the festival program as a compromise to the condition that their partners - the homophobically-disposed Union of Cinematographers of Armenia - had put forth for providing them a space for film screenings. Precisely, the Union demanded that the festival withdrew from the program two LGBT-themed films, “Listen to Me: Untold Stories beyond Hatred” documentary and “Apricot Groves” fiction, both telling about problems of LGBT people. By their compromising solution to remove the entire section the films were part of, the Golden Apricot IFF caused substantial harm to the advocacy activities of Public Information and Need of Knowledge (Pink Armenia) NGO whose bespoke production the “Listen to Me” documentary was. Through the language of cinema, Pink Armenia was seeking to speak to the Armenian society about problems of LGBT people and to achieve their public visibility and rights protection. The inability of the festival organizers to rearrange the screening of the declined films in alternative spaces is illustrative of the inconsistency of organizations closely partnering with state structures in Armenia to hold up to their own declared values and policies - in this case the nondiscrimination and representation of the abundant experience of different groups. The festival is supported by RA Ministry of Foreign Affairs and the Ministry of Culture, as well as by the Armenian Apostolic church noticeable for its increasingly greater interference with the state matters in the recent years. While the first two institutions provided no reaction to the incident despite the call of rights activists to do so, the Church came up with an explicit homophobic position, confirming that they had indeed urged Golden Apricot to renounce the screening of the LGBT-themed films.

**HRH Yerevan urges Golden Apricot to demonstrate perseverance and ensure the declared principles of humanism and equality befitting an international festival, as well as urges the Cinematographer’s Union to reconsider their homophobic position. HRH Yerevan also calls upon RA Ministry of Foreign Affairs and Ministry of Culture to openly condemn the incident and to assist the NGOs working towards protection of LGBT people’s rights in line with the Armenian constitution and the international law, thereby precluding discrimination and any constraints to the right of freedom of expression and cultural diversity in the cultural domain, as well as preventing the furthering of homophobia in Armenia. Finally, it is HRH Yerevan’s call upon the Armenian Apostolic Church to revise their policy of fostering the hate propaganda towards certain groups of society, to confront with the truly Christian value of humanism, and to go for reforms in favor and defense of vulnerable groups.**

- Later on, the chairman of Armenia's Chamber of Advocates Ara Zohrabyan had touched upon the incident in an interview, expressing an attitude inconsistent with the professional conduct of lawyers and a position that understates and denies the public interest of protecting LGBT people's rights in Armenian society.

**HRH Yerevan joins the initiative of a group of NGOs urging Zohrabyan to take into due account the social consequences of his statements, at the same time urging the Chamber of Advocates of Armenia, on behalf of its Board, to take the pertinent measures to examine the case of the chairman's violation of the code of conduct and to consider the possibility of bringing him to disciplinary liability.**

- Earlier than that, Pink Armenia had already faced unlawful obstructions to their rights protection activity, this time by Yerevan Municipality. The Municipality's arbitrariness resulted in dismantling on May 27 of three LGBT-themed social ad posters installed in downtown Yerevan by Pink Armenia's order. These ads were to signal the visibility of LGBT people and foster their protection. The posters were scheduled to stay installed in the public areas for the May 25-June 24 period as per a duly signed contract. The posters were nonetheless removed after three days by the installing company under the direct instruction and threats by Yerevan Municipality. HRH Armenia has to state that the incident is expressly indicative of biased, discriminatory and arbitrary conduct of Yerevan municipality, which violates the provisions of the country's constitution and human rights, shows as well as encourages the homophobic atmosphere and impedes the NGO's work and deprives them from fulfilling their human rights activities and their own rights for freedom of speech and expression.

The municipality's interference with issues of protection of LGBT rights was also manifested on July 3 when, according to representatives of the Right Side NGO, they were attacked by a neighbor to their office who introduced herself as City Hall representative. According to these NGO members, the neighbor, a member of the Republican Faction in the City Council and member of the party's board Naira Nahapetyan, threatened and advised them to quickly find some other place for their office, promising to otherwise create problems for them and their beneficiaries. The extent to which the city municipality as an institution is involved in the woman's initiative is not clear to HRH Yerevan. However, we consider the municipality's public intervention necessary for elimination of unlawful hindrances to the NGO's work posed by Nahapetyan.

**HRH Yerevan calls the Yerevan Municipality to end the homophobic practices, to neutralize the various hindrances to the work of organizations engaged in protection of LGBT people's rights, and to turn instead towards supporting the work of rights activists and equal rights of all residents of Yerevan.**

## Threatening and targeting patronized by impunity; cases of hate speech

- On June 2, 2017 in a comment under his facebook post where he was criticizing the Armenian government for March 1 killings, numerous illegalities, injustices and pressures on citizens rising against the system, head of Helsinki Citizens' Assembly Vanadzor Office Artur Sakunts received a death threat from a user named Ashot Avanesyan, followed by second threat from another facebook user. On June 5, the human rights defender filed a report to General Prosecutor's office, which is currently being examined for sufficient grounds to instigate a criminal investigation. Concurrently (on 8 of June) Sakunts was invited to the police department. According to the police, they had examined the statements Sakunts had made in the media and had forwarded them to the respective unit with the purpose to identify whether sufficient grounds for initiating a criminal case are at place. It is uncertain as of now how effective the steps undertaken by the law enforcement bodies on the part of the reported death threats have been.

**It is HRH Yerevan's demand from the law enforcement bodies that a prompt and proper investigation is conducted to identify the persons death-threatening Sakunts and to take pertinent measures to preclude any future targeting or threatening of the human rights defender.**

- Co-founder of Women's Resource Center NGO Lara Aharonyan and Women's Support Center NGO founder Maro Matosian have been frequent targets of hate speech and statements humiliating their dignity and disparaging their work due to their human rights activities. The most recent video targeting Aharonyan and Matosian was disseminated on June 30, 2017 by a facebook page promoting anti-rights and pro-Russian propaganda, wherein statuses, photos, and video clips containing hate speech and statements against rights activists are posted time and again. Both Aharonyan and Matosian are particularly known for their active fight in areas of advocacy of the law against domestic violence, against discrimination towards LGBT people and for women's equal rights. Back in 2012, Women's Resource Center had already filed a civil suit on the grounds of being targeted due to their activities with the demand to restore the damage inflicted to their business reputation. Although this claim of the organization was satisfied, the state has yet to take any practical steps to assist and protect HRDs in Armenia and to fully exercise their right to be free from discrimination and violence through its institutional mechanisms. In recent years, organized reactionary conservative groups in Armenia continue to target HRDs with a calm confidence in their own impunity, in fact being covertly backed by the law enforcement authorities.

Regular threats and blasphemy are received also by rights activists Zaruhi Hovhannisyanyan and Mamikon Hovsepyan (as well as other Pink Armenia staff members), who get various personal messages via facebook containing hate speech.

Although such targeting are but an additional justification for the high relevance of the rights activists' work in Armenia and certainly fail to withdraw them from

the work they have committed to, they can ultimately inflict real risks to their personal security if left unaddressed and unpunished.

**HRH Yerevan urges law enforcement authorities not to let unpunished the organizers of virtual treat and blasphemy campaigns targeting rights activists and to put the right effort to identify them, as well as calls them to publicly aid the rights movement in Armenia with the view to counteract these targeting practices.**

- In May 2017 lawyer Inessa Petrosyan received threats in her and her family's address on account of her professional activity. The group involved as culprits in the case (one of them a son of a justice colonel) has repeatedly displayed aggressive conduct during the trials, calling names to Petrosyan and threatening her. In addition, Petrosyan has received personal facebook messages with threatening content from a fake user Narine Arzumanyan. The lawyer sent a motion to RA General Prosecutor's office in May requesting to prepare materials and initiate a criminal proceeding on the matter of threats and obscenities she had been receiving.

**HRH Yerevan urges the law enforcement bodies to adequately examine Petrosyan's petition and take prompt steps to safeguard the lawyer's security.**

- In March 2017, Daniel Ioannisyan, program coordinator of the Union of Informed Citizens NGO, a non-profit engaged in the fight for the rights of citizens, free and democratic elections and voters' right for free will, became a target of attempted political and moral pressure through publishing data about his private and family life. This personal information was published in one of the news websites following the publication by the Union of Informed Citizens of the results of their investigation which practically uncovered systemic and large-scale abuses of administrative resources by the ruling Republican Party for its benefit during the campaign for the Parliamentary elections of 2017. Thus, principals of numerous public schools and kindergartens, as well as local self-governing bodies and governor's offices across Armenia were unlawfully involved in the works of their pre-election headquarters to collect voters' passport data against their will. Disclosure of such public and political significance was reacted by the publication of data about Ioannisyan's and his family's private life that was known only to the law enforcement body, thus aiming to discredit Daniel's personality and the NGO's significant work, and to exert pressure on them. These data were protected under the law on protection of personal data and under Articles 8 and 14 of the European Convention on Human Rights and were as such not liable to disclosure.

**Taking into consideration that the personal data about Daniel Ioannisyan were available only to law enforcement bodies and could be leaked solely through persons engaged in that structure, HRH Yerevan demands of the law enforcement officers to reveal the organizers of the disclosure, to stop any pressure upon public interests defenders and encroachment upon their privacy and security with the purpose of political retaliation from them.**

## **Obstacles and offenses on behalf of and through NGOs**

- The pressures upon environmental activists that began back in 2016 persisted through 2017. The purpose was to create impediments to their activities at policy and decision-making levels in protecting public interests. In particular, as reported by a known environmental activist Artur Grigoryan, Zangezour Copper-Molybdenum Combine (ZCMC) mining company and the Governor's Office of Syunik province obstruct his and his other environmentalist colleagues' works in the frames of the Multi-Stakeholder Group (MSG) (where they represent the interests of civil society) that coordinates the Extractive Industries Transparency Initiative (EITI) - the organization assigning international standards to mining. As Grigoryan holds, the evidence he has at hand are sufficient to prove the personal and business ties of ZCMC and Syunik's Governor Vahe Hakobyan with Civil Voice NGO and Public Diplomacy (same as Paradiplomacy) charitable, which, as Grigoryan holds, jeopardize the environmental activists' work within MSG. The mentioned BONGOs attempt to withdraw from the working group of MSG actors known for their long-standing environmental efforts by attributing them bargain relations with ZCMC. In reality, as Grigoryan maintains, Paradiplomacy NGO is itself ruled by regional governor Vahe Hakobyan's wife, Elsa Petrosyan. In turn, Vahe Hakobyan had been the administrative director of ZCMC prior to taking up the governor's position and had then chaired the Board of Trustees of the charitable foundation affiliated to the same company as per his last end-of-year public report in 2016. According to the environmentalist, pressure is being exerted upon civil society sector by direct involvement of administrative resources of a state structure, namely the governor's office and by means of ZCMC's financial resources (of which the German-based "Cronimet" holds the 60% of shares). Public allegations against Artur Grigoryan and Inga Zarafyan (both MSG members) were disseminated also last year when an animation clip was circulated in a closed facebook group. The police declined to initiate a proceeding and identify the authors of the animation on the grounds of lack of mechanisms.

**HRH Yerevan believes that it is the duty of law enforcement bodies to investigate into the alleged links between the hindrances to MDC's works, the preparation of the animation and the activities of the business-oriented NGOs tied to Governor's Office of Syunik Province.**



The report was prepared by the researchers and rights activists at Human Rights House Yerevan member organizations - Socioscope NGO and Women's Resource Center - based on their own inquiries and interviews, on HRH Yerevan's fact-finding work, monitoring of anti-rights websites and facebook pages, as well as on articles published in epress.am and azatutyun.am news sites and materials available on hahr.am, hcav.am, pinkarmenia.org, sut.am websites. This document does not include those cases of pressures upon rights and public interests activists and obstructions to their professional work in which the latter publicly forbade human rights organizations to make any mention of their names. For the purposes of further replenishment of data on pressures on rights and public interest activists, all those interested can reach HRH Yerevan by e-mail [hrrhyerevan@gmail.com](mailto:hrrhyerevan@gmail.com).