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**STRATEGIC LAWSUITS
AGAINST PUBLIC PARTICIPATION
IN ARMENIA**

STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION IN ARMENIA

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SUMMARY



The number of strategic lawsuits against public participation (SLAPPs) in Armenia is growing over the years. In 2023 and 2024, we documented at least 33 such lawsuits against environmental activists, human rights activists and journalists. These lawsuits are filed by public officials or large corporations to suppress public participation processes. The goal is to silence people who voice about questions and problems that significantly matter to the public. Normally, these lawsuits are based on claims that seek redress for damage inflicted upon the claimants' honor, dignity or business reputation – a matter regulated by Article 1087.1 of the Civil Code of Armenia. The claimants pursue particularly large and disproportionate claims and use judicial tricks to prolong and make the trials more costly. As part of larger campaigns against criticism directed at them, the abuse of the judicial processes pursues the goal of terrifying, harassing or intimidating the defendants.

A number of important developments occurred in 2024 in the international law around the issue of lawsuits against public participation. In April 2024, the EU adopted the Anti-SLAPP Directive¹ as well as the Anti-SLAPP Recommendation.² The Directive sets out minimal measures that EU member-states have to take in order to counter SLAPPs. While Armenia is not a member of the EU, it has taken commitments under the Comprehensive and Enhanced Partnership Agreement signed on November 24, 2017 to gradually approximate its legislation to that of the EU.³

In 2024, the Council of Europe adopted a Recommendation⁴ outlining more comprehensive measures for countering and eradicating SLAPPs. While the Recommendation is not a binding document, it mirrors the case law of the European Court of Human Rights according to which discussions around issues of public interest deserve special protection. The CoE Recommendation also sets out access to mechanisms which enable dismissal of abusive lawsuits at early stages.⁵ As a member-state of the Council of Europe, Armenia has to take this Recommendation into consideration.

The first section of this report provides a summary of the characteristic indicators of strategic lawsuits against public participation and discusses the specific issues related to such lawsuits. The report goes on to present the international regulations of SLAPPs and analyses the SLAPP cases in Armenia. The report concludes with recommendations addressed to various state and non-state actors in Armenia.

¹ Directive (EU) 2024/1069 of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation') <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32024L1069>

² Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H0758>

³ Comprehensive and Enhanced Partnership Agreement, https://www.mfa.am/filemanager/eu/CEPA_ENG_1.pdf

⁴ Recommendation CM/Rec (2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs) (Adopted by the Committee of Ministers on 5 April 2024 at the 1494th meeting of the Ministers' Deputies), Preamble, <https://rm.coe.int/0900001680af2805>

⁵ Ibid.

WHAT IS A STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION?

Strategic lawsuits against public participation are legal actions that seek to prevent, inhibit, restrict or penalize free expression on matters of public interest and the exercise of rights associated with public participation. These lawsuits are initiated as a means to harass or intimidate their target, are continuous and often threaten their targets be them individuals or groups.⁶

SLAPPs manifest in different ways and various indicators can be used to identify them. The CoE Recommendation CM/Rec (2024)2 on Countering the Use of strategic lawsuits against public participation (hereinafter, CoE CM/Rec (2024)2), addresses, inter alia, the following indicators peculiar but not limited to SLAPPs:

- a. the claimant tries to exploit an imbalance of power, such as their financial advantage or political or societal influence, to put pressure on the defendant;
- b. the arguments put forward by the claimant are partially or fully unfounded;
- c. the remedies requested by the claimant are disproportionate, excessive or unreasonable;
- d. the claims amount to abuse of laws or procedures;
- e. the claimant engages in procedural and litigation tactics designed to drive up costs for the defendant, such as delaying proceedings, selecting a forum that is unfavorable to public participation or vexatious to the defendant, provoking an onerous workload and pursuing appeals with little or no prospect of success;
- f. the legal action deliberately targets individuals rather than the organizations responsible for the challenged action;
- g. the legal action is accompanied by a public relations offensive designed to bully, discredit or intimidate actors participating in public debate or aimed at diverting attention from the substantial issue at stake;
- h. the claimant or their representatives engage in intimidation, harassment or threats, or have a history of doing so;
- i. the claimant or associated parties engage in multiple and coordinated or cross-border legal actions on the basis of the same set of facts or in relation to similar matters;
- j. the claimant systematically refuses to engage with non-judicial mechanisms to resolve the claim.

SLAPPs do not necessarily include all these indicators; however the more of them present, the more likely the legal action can be considered a SLAPP.

⁶ Recommendation CM/Rec (2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs) (Adopted by the Committee of Ministers on 5 April 2024 at the 1494th meeting of the Ministers' Deputies), <https://rm.coe.int/0900001680af2805>

SLAPPs are also dangerous because of numerous negative consequences they may have. First, they can interfere with ensuring a democratic environment as they seek to discourage public participation in matters of public interest, to stifle freedom of expression, to shrink rule of law, whereas the state's obligation is to ensure a safe and favorable environment for public debate without fear, even if the expressed opinions are contrary to those of the authorities or a segment of the public.

Public interest should be viewed broadly, as it refers to all matters, which the public may take an interest in and which affect the public, including issues that give rise to controversy. The public has the right to receive information about matters of public interest, and journalists and the media must have an opportunity to impart comprehensive information and ideas about those matters.

Plurality, including exchanges of opinions that are not mainstream and represent a minority, is crucial to comprehensive public debate and for forming a well-informed and active civil society. Everyone has the right to participate in public debate and public affairs without fear or discrimination.

The notion of "everyone" encompasses affected communities, participants in public affairs, including journalists, media actors, civil society organizations, environmental and anti-corruption associations and activists, unions, legal professionals, human rights defenders, academics, bloggers, cultural actors etc.⁷

SLAPPs predominantly target affected communities, human rights defenders, journalists, academics and have a chilling effect on public participation.

Abuse of power, by means of legal actions or threat thereof seeking silencing the minorities or critical voices, has a chilling effect on public participation.⁸

Research shows that the number of SLAPPs continues to rise over the years in Europe.⁹ The research conducted by the Coalition against SLAPPs in Europe (CASE) analyzed 570 cases from 2020-2021, with the number of cases reaching 820 in 2023, and 1079 in 2024, of which 166 were filed in 2023. In 2022 and 2023, the Committee for Protection of Freedom of Speech, an Armenia-based civil society organization, documented 71 lawsuits against media organizations and journalists in Armenia (35 cases in 2022 and 36 cases in 2023).¹⁰

⁷ Ibid.

⁸ Ibid.

⁹ Coalition against SLAPPs in Europe (Case), 2024 Report, https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf

¹⁰ Ibid., p. 14, https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf

INTERNATIONAL REGULATIONS OF LAWSUITS AGAINST PUBLIC PARTICIPATION

The Council of Europe Recommendation CM/Rec (2024)2 adopted on April 5, 2024 by the Committee of Ministers addresses a number of important issues related to strategic lawsuits against public participation. Namely, it provides a definition for strategic lawsuits, describes the various forms of these lawsuits, recommends actions on the part of states to provide legislative safeguards, remedies and transparency against SLAPPs, as well as support to target groups and victims. The document emphasizes the importance of awareness-raising, education and training, and national and international cooperation on the matter.

The EU Directive 2024/1069¹¹ (hereinafter Directive 2024/1069), adopted on April 11, 2024, also addresses matters related to protection of persons who suffer from strategic lawsuits for their public participation. The directive prescribes procedural safeguards, early dismissal of unfounded claims, remedies against abusive court proceedings for public participation, protection from third-country judgements and many other measures.

The EU Commission adopted Recommendation N 2022/758 (hereinafter, Recommendation N 2022/758)¹² on April 27, 2022 on protection of journalists and human rights defenders from manifestly unfounded or abusive court proceedings. The anti-SLAPP package is a series of expansive initiatives aimed at promoting freedom of media and plurality in the EU and improving the safety of journalists.

The CoE Recommendation CM/Rec (2024)2 states that member states should ensure that their national legal systems and their implementation provide a comprehensive legal framework and a coherent set of structural and procedural safeguards to prevent and minimize the harmful effects of SLAPPs. They should also take measures to ensure transparency around legal claims that have been found to constitute SLAPPs.¹³

The Council of Europe member states must maintain or take, as appropriate, the necessary legislative or other measures to prevent SLAPPs. They should also be vigilant to ensure that legislation and sanctions and remedies are not applied in a discriminatory or arbitrary fashion against public participation.¹⁴

The above-stated documents also prescribe the necessity to dismiss claims against public participation at early stages.¹⁵ The courts must be enabled to dismiss, on their own initiative, a claim as a SLAPP early in the proceedings. The defendants must be enabled to file motions for early dismissal of claims against public participation, in order to counter the harmful effects of SLAPPs on debate of public interest matters.

¹¹ Directive (EU) 2024/1069 of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32024L1069>

¹² Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation')

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H0758>

¹³ Recommendation CM/Rec (2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs) (Adopted by the Committee of Ministers on 5 April 2024 at the 1494th meeting of the Ministers' Deputies), Point 20 <https://rm.coe.int/0900001680af2805>

¹⁴ Ibid, Point 22

¹⁵ Recommendation CM/Rec (2024)2, Point 25, Directive (EU) 2024/1069, Article 6 (b), Article 11

As a procedural safeguard, it is prescribed that defendants be secured from procedural costs. The CoE member states are encouraged to make appropriate provisions in their national legal systems to enable courts, upon determination that a legal claim constitutes a SLAPP, to order claimants to bear all the costs of the proceedings, including, the full costs of legal representation incurred by the defendant.¹⁶

States should make provision for all-encompassing compensation for damages. More specifically, members states of the Council of Europe should create an enabling environment for SLAPP victims to be acknowledged as such and to be fully compensated for damages incurred as a result of the SLAPP, including both material and non-material damages, such as loss of income and emotional distress as well as compensation for costs and expenses, for example, legal and administrative costs.¹⁷

Member states should, within the possibilities of their national legal system, provide for the capping of damages in order to pre-empt abusive of disproportionate financial penalties for the defendants, which would have a chilling effect on their public participation and due to which they would avoid legal action.¹⁸

Member states should put in place a system of effective and proportionate system of penalties to deter SLAPPs.¹⁹ This must be proportionate to the resources available to the claimant so as to provide an effective deterrent to potential future SLAPP claimants.

In addition, member states should provide legal, financial and psychological support to targets and victims of SLAPPs.²⁰

Legal support: where necessary and according to national legislation, member states should consider providing access to free legal assistance.

Financial support: Member states should consider providing financial support to SLAPP victims, in collaboration with journalists, associations of journalists, trade unions and relevant civil society organizations, including by establishing funds, grants and/or other targeted assistance.

Psychological support: SLAPP targets and victims should have access to various types of confidential and professional psychological support, such as direct advice, referral to relevant health authorities or financial help. Member states should encourage public health authorities to give due consideration to and dedicate resources for services provided to SLAPP targets and victims.

Thus, the CoE Recommendation CM/Rec (2024)2 and the EU Directive 2024/1069 prescribe adequate legislative and procedural safeguards for to counter and remedy SLAPPs. These measures, inter alia, emphasize the importance of early dismissal of unfounded claims, compensation for legal costs, as well as provision of legal, financial and psychological support.

¹⁶ Recommendation CM/Rec (2024)2, Point 38, Directive (EU) 2024/1069, Article 10, 14


¹⁷ Recommendation CM/Rec (2024)2, Point 41

¹⁸ Ibid, Point 42

¹⁹ Ibid, Point 44, Directive (EU) 2024/1069, Article 15

²⁰ Ibid, Points 50–53

THE SITUATION AROUND STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION IN ARMENIA



Around three dozen strategic lawsuits have been documented in Armenia against the public participation of human rights defenders, environmental activists as well as journalists. In 2023, 16 lawsuits were filed against journalists, while this number was 30 in 2022.²¹ These lawsuits are predominantly filed on the grounds of Article 1087.1 of Armenia's Civil Code, which regulates the procedure and conditions for redressing damage to one's honor, dignity or business reputation. In case of insults, a claimant may claim, through a litigation, for compensation in the amount of up to 3 mln AMD, while in case of defamation, this amount is up to 6 mln AMD.²² The amounts of these compensations were significantly added up in 2021.

Part 5, Clause 2 of the same article of the Civil Code stipulates that publicizing data as facts does not constitute defamation if in the given situation and by their substance they were related to eminent public interest and if the person publicizing data as facts proves that they tried, to a reasonable extent, to clarify their accuracy and validity, as well as presented the data in a balanced manner and in good faith.

Most of the documented cases of SLAPPs were claims by mining companies Lydian Armenia and Zangezur Copper-Molybdenum Combine as well as RATKO construction company, and a few public officials.

Yerevan Mayor Tigran Avinyan lodged 7 lawsuits against newspaper "Zhoghovurd", "Oragir Media" CJSC (2 lawsuits), Civilitas Foundation, "168.am" media and journalist Davit Sargsyan, "Pastinfo" CJSC, journalist Boris Tamoyan with claims for the court to oblige them to retract information that injured his honor, dignity and business reputation and to pay a compensation. Most of these lawsuits are under trial.

In the case of "168.am" media and journalist Davit Sargsyan (case number ED/13020/02/23), a video was published with excerpts from Tigran Avinyan's interviews about his family's and friends' businesses and property. Upon Tigran Avinyan's application, the court placed a hold on the properties owned by defendant Davit Sargsyan in the amount of unprecedented 9 mln AMD, with the same motion in the same amount being dismissed by the court in the case of "168.am" media. The court's decision in relation to freezing Davit Sargsyan's assets was later repealed. This case is still under trial.

Another lawsuit is filed by Civil Contract party against the Union of Informed Citizens (NGO) in relation to a news item about the party's exploitation of administrative resources to attract votes in the run-up to Yerevan municipal elections. Civil Contract party motioned to the court to take a precautionary measure securing the claim by ordering injunction on the assets of the NGO in the amount of the claimed compensation of 1 mln AMD. The injunction was later on repealed (case number ED2/25937/02/23).

²¹ The number of lawsuits against journalists in Armenia has increased", June 22, 2023, <https://media.am/hy/newsroom/2023/06/22/35507/>

²² Civil Code of the Republic of Armenia, Article 1087.1, Parts 7 and 8

LAWSUITS BY LYDIAN ARMENIA



Lydian, a mining company, intends to exploit a gold mine on Amulsar Mountain. The company has lodged at least 19 lawsuits against environmental and human rights activists. These lawsuits are financially and psychologically onerous for the activists with a chilling effect on their activities and intimidating others and preventing them from voicing violations of their rights and environmental damages caused by mining. While their trials were still pending, some activists were assaulted in social media with hate speech and online harassment.²³ A number of mining companies have taken on a campaign stating that Armenian environmental organizations “are serving Azerbaijan’s interests.”²⁴

The analysis of the lawsuits filed by Lydian Armenia shows that many are characterized by prolonged judicial procedures. Many cases took years to be tried (for example, Levon Galstyan’s trial (case number ED/16785/02/18) has entered its 5th year); the claimant frequently changed the claims. This attests to the tactics of judicial pressure. In the given case, a new trial was ordered which is an additional financial and psychological pressure on the defendant.

The court judgements are unpredictable – penalties ordered by the court for similar statements are significantly different. For example, Hayk Grigoryan was ordered by the court to pay a compensation of 100.000 AMD for the statement “Criminal Lydian Armenia continues to buy officials on sale” (case number ED/2192/02/19), while the Court of Appeals ordered Tehmine Yenokyan to pay 1 mln AMD as a compensation for insult and defamation for the statement “Lydian has numerously made provocations, spread false information, attempted to incite hostilities within communities, between communities, between states” (case number AVD3/0965/02/18).

The courts have often partially ruled in favor of the claimants and have obliged defendants to publicly retract information deemed defamation and have dismissed claims for monetary compensation or have ordered less compensations than claimed. Nonetheless, we have observed an instance of an initial court judgement on monetary compensation become much stricter in the case of Tehmine Yenokyan when the court of first instance ordered her to retract her own statement, while the Appeals Court ordered her to also compensate in the amount of 1 mln AMD (AVD3/0965/02/18).

Lydian withdrew 6 of its claims which meant that the court proceedings were dropped before trial (Gagik Grigoryan AVD3/0004/02/20, Arpine Galfayan ED/25255/02/20, Gevorg Safaryan KD2/2677/02/19 and others). Nazeli Vardanyan and Tehmine Yenokyan turned to the European Court of Human Rights contending violations of their rights to freedom of speech and fair trial.²⁵

In another case, the court of first instance did not approve the claims by Lydian to oblige Levon Galstyan of the Armenian Environmental Front, with the Civitas Foundation acting as a third party, to retract

²³ David Hoffman, Fidanka Bacheva-McGrath, “SLAPPd: the Armenian activists fighting a mining multinational’s lawsuits” , 22 June 2020, <https://bankwatch.org/blog/slappd-the-armenian-activists-fighting-a-mining-multinational-s-lawsuits>

²⁴ Statement by NGOs, <https://hcav.am/statement-07-02-2024/>

²⁵ This issue of SLAPPs waged in Armenia became the focus of the statement of a number of international human rights groups and organizations, <https://rightsindevelopment.org/news/armenia-environmental-defenders-defamation/>

information deemed defamation and to compensate for them. The Appeals Court dismissed the appeal of this judgement (ED/16785/02/18).

It is noteworthy that the issues raised by human rights defenders have a big significance, they are associated with public interest and are based on well-founded research. They speak about processes that were in violation of law. These conclusions are also echoed by independent international experts in their independent report published in 2019.²⁶ The experts contend that the approval of the mining project in Amulsar was in violation of the environmental protection and social policy regulations stipulated in Armenia's legislation and has created threats for the environment and biodiversity in the area.²⁷ The specialists in this sphere also sound an alarm that the project poses a risk to Lake Sevan, given the sulfide minerals of the mine located upstream the underground tunnel supplying water to the lake.²⁸

²⁶ Andrey Kovatchev, Elena Tsingarska-Sedefcheva, Andrey Ralev, Balkani Wildlife Society, "Biodiversity offsetting and other problems of the ESIA of Amulsar gold project in Armenia", January 2019, <https://bankwatch.org/wp-content/uploads/2019/01/Amulsar.-Report-2-Biodiversity-min.pdf>

²⁷ Ibid.

²⁸ Narine Khachatryan, Monitoring the Amulsar Armenian Gold Mine Project With Planet Satellite Imagery August 10, 2017, <https://www.bellingcat.com/news/rest-of-world/2017/08/10/monitoring-amulsar-armenian-gold-mine-project-planet-satellite-imagery/>

LAWSUITS BY ZANGEZUR COPPER-MOLYBDENUM COMBINE



Between 2023 and 2024, Zangezur Copper-Molybdenum Combine (ZCMC) filed 10 SLAPP lawsuits of which 5 were against Datablog CJSC. The claims seek retraction of information deemed defamation and compensations. In one of the cases against Datablog, the court has already made a judgement (ED2/0915/02/24). The court ruled in favor of the claimant partially and obliged Datablog CJSC to publish a retraction and pay 500.000 AMD as compensation for the harm cause by defamation. It is noteworthy that in this case and in its other 3 claims ZCMC claimed for the maximum compensation of 6 mln AMD, while in one of its claims it demanded 3 mln AMD. The other 4 cases are tried behind closed doors and there are no court decisions published on the Datalex online database of cases.

The court of first instance has also ruled against "Oragir Media" CJSC. The claim was satisfied partially; the 6 mln AMD claimed by ZCMC for non-material damage was reduced to 200.000 AMD by the Court in addition to the retraction of the published materials ordered by the court to "Oragir Media" CJSC.

The other SLAPP cases by ZCMC are still pending.

The negative impact of the exploitation of the mine by ZCMC on the surrounding communities and environment is reported by trustworthy sources.²⁹

²⁹ Ecolur, "Voghji river is polluted with ZCMC tailings", <https://www.ecolur.org/hy/news/sos/voghji-river-pollutedwith-zcmc-tails/11275/>

LAWSUITS BY RATKO CJSC



RATKO CJSC filed 3 lawsuits against Seda Grigoryan with a first instance court and also reported to the police on another instance. Seda Grigoryan is a documental filmmaker, she lives in Yerevan, in the district called Physgorodok (Physics Institute's Residential district). RATKO has real estate development projects in this district.³⁰

In one of the cases (ED/11310/02/22), the first instance court has ruled against RATKO's claims for retraction of defamatory statements and 2 mln AMD compensation by Seda Grigoryan. The court stated that a legal question was pending on whether Seda Grigoryan can be held responsible for the post made on "Physgorodok Yerevan" Facebook Page. The court concluded that RATKO did not present any evidence that the post made on the above-stated FB page was made by Seda Grigoryan, as is required by the rules for bearing the burden of proof. If this circumstance is not proved, then the claimant bears the consequences. With this, the court ruled against the claim.

On another case, the first instance court ruled in favor of Seda Grigoryan (third party News.am CJSC) dismissing the claims by RATKO for retraction and compensation and ordered RATKO to pay Seda Grigoryan 250.000 AMD as a reasonable fee for her legal costs (ED2/44225/02/21). RATKO, however, appealed the judgement in the Appeals Court, which returned the case for full re-trial on the basis of several of the claims.

In published video materials, Seda Grigoryan stated that RATKO did not possess proper legal documents, that the surface area for the development project was falsified etc.

During the new trial, the first instance court ruled partially in favor of RATKO and ordered Seda Grigoryan to publicly announce retraction and pay 100.000 AMD as compensation, dismissing the rest of the claim for compensating 1.900.000 AMD.

It is noteworthy that in both litigations RATKO applied for an injunction on Seda Grigoryan's assets, with one of the injunctions amounting to the full compensation claimed (4 mln AMD) (case number ED/61615/02/22).

These motions for injunctions were dismissed by the courts.

In addition to the civil lawsuits, RATKO also reported to the police on property damages; the metal fences around the construction site were painted with graffiti ("Public space", "Free trees", "Liberate Gorodok"). The police broke into Seda Grigoryan's apartment with a court warrant for a search. The warrant said that the search was conducted with the aim of finding the paint bottle of the graffiti.

The court's warrant, however, did not specify Seda Grigoryan's status in the pretrial proceedings. The police searches were futile. In a public statement, civil society organizations outcried the police actions.³¹
The criminal investigation was dropped.

³⁰ "Erection of an apartment complex in Yerevan's "Physgorodok", protests and skirmishes, some are arrested." <https://www.azatutyun.am/a/31421694.html>

³¹ Statement on the search conducted in documentalists, "Physgorodok's" resident Seda Grigoryan's apartment, 15 November, 2021, <https://hetq.am/hy/article/137842>

At a workshop dedicated to SLAPPs in September 2024, Women’s Resource Center representatives said that women’s rights defenders are also targeted by means of various legal proceedings in Armenia. In 2019, the sexual education website created by the Center was attacked by extreme right-wing groups who reported the website to the police requesting to check it for pornography. The police did check the website and the General Prosecutor’s office decided to open a criminal investigation file. No evidence of pornography has been found.

To sum up, these cases emphasize that the above-stated lawsuits are targeting human rights defenders, activists and journalists. The lawsuits are brought by officials, mining and real estate development companies. The efforts to suppress criticism for anti-environmental and corporate practices continue to persist. Multiple claims, as seen in the examples of Datablog CJSC, Tehmine Yenokyan, Seda Grigoryan, indicate the strategy of legal harassment against those who criticize. The frequent alteration of claims, constant appeals of judgements attest to abusive legal action aimed at prolonging the trials. The cumulative impact of these lawsuits most likely has a chilling effect on public criticism and media investigations and amounts to a disruption of freedom of speech and public accountability.

In addition, these lawsuits are an onerous financial and psychological burden on the activists³² and have a chilling effect on their activities and prevent others to voice about human rights violations or ecological harms caused by the extractive industry. Parallel to lawsuits, certain activists were harassed in social media and assaulted with hate speech.

The issue has been in the focus of a number of international organizations, including the UN,³³ Council of Europe,³⁴ “Business and Human Rights” resource center,³⁵ Friends of the Earth Europe,³⁶ Bankwatch,³⁷ Open Society Foundations Armenia,³⁸ and other organizations.

In reponse to this situation, the government of Armenia has provided no adequate reaction.

32 It is noteworthy that in the event the courts rule in favor of claimants of such lawsuits, besides the compensation for non-material damage, the defendants are ordered to pay the legal costs of the claimant, including the state fee for lodging a lawsuit and the lawyer’s fees.

33 Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 12 June 2023,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28143>

34 Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee, “The Amulsar gold mine project and its impacts on Emerald Network sites”, 7 November 2023 <https://rm.coe.int/files07e-2023-armenia-amulsar-gold-ngo-report/1680aa905d>

35 <https://www.business-humanrights.org/en/latest-news/tehmime-yenokya/>

36 Friends of the Earth Europe, Declaration on the abusive use of legal proceedings to silence activists in Armenia, 3 July 2024 <https://friendsoftheearth.eu/news/declaration-abusive-use-legal-proceedings-silence-activists-armenia/>

37 Emily Gray, Fidanka Bacheva-McGrath, Nina Lesikhina, CEE Bankwatch Network, “Amulsar’s costs to human rights and threats to environmental defenders”, 4 August 2022, <https://bankwatch.org/blog/amulsar-s-costs-to-human-rights-and-threats-to-environmental-defenders>

38 Open Society Foundations Armenia, “Civil society statement regarding the suppression of environmental activists by the judgments of the judicial system in the Republic of Armenia” Press Release, 8 December 2022 <https://www.osf.am/2022/12/press-release-08-12-2022-civil-society-statement-regarding-the-suppression-of-environmental-activists-by-the-judgments-of-the-judicial-system-in-the-republic-of-armenia/>

RECOMMENDATIONS



To executive and legislative authorities

1. Adopt legislation to counter SLAPPs taking into account the principles enshrined in the CoE Recommendation CM/Rec(2024)2 and EU Directive 2024/1069.
2. Set up support mechanisms for victims of SLAPPs, specifically provision of legal and psychological support.

To the Association of Judges, Supreme Judicial Council, Chamber of Advocates

3. Raise the awareness of judges and attorneys on SLAPPs.

To non-governmental and international organizations

4. Initiate public awareness-raising activities on SLAPPs.

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