



## Case Description

In April-July, 2012 the employee of the “New Generation” Humanitarian NGO Arman Sahakyan has attended an internship course at the Los Angeles’ LGBT Center<sup>1</sup>. The course is a special offer for LGBT activists in the world to learn the works and experience of the Center in fight for equal rights and treatment for LGBTIQI people. The name of the course is “Emerging leaders for LGBT rights protection”. After which he has been back to Armenia. Full of new energy and new ideas Arman continued his active work in fight for equal rights for LGBT people in Armenia. With his organization – ‘New Generation’ Humanitarian NGO Arman has been actively involved in different projects and events dedicated to LGBT rights protection and advocacy. In July of 2013 Arman has received anonymous messages on his Facebook page with clearly mentioned threats of to be beaten, broken, etc. Without taking it serious Arman continued his activities and soon found out that the information about his internship course and what he does was spread among his neighbors and relatives after which he had to leave his house (Bangladesh district in Yerevan city) and to move to live in the city center due to safety reasons.

The lock of the office door of “New Generation” Humanitarian NGO has been found broken which hasn’t had any obvious proves that it has been a hate crime based on sexual orientation and gender identity. The similar cases have been continued in 2014.

The Norwegian Helsinki Committee expresses their concern about the situation; “...One of the organizations which has experienced increased pressure lately due to their work on LGBTI-rights is New Generation. The car window of one of their staff members was recently smashed in, and in two recent cases have they been defamed in a media outlet run by a parliamentarian from the ruling Republican Party, being called enemies of the nation and defenders of the homo-addicted lobby.

What is more, the “black list of the enemies of the Armenian nation” includes not only established NGO activists, but also the Facebook profiles of a range of people who joined in a campaign after it was known that the Armenian jury overruled the popular vote when Conchita Wurst won the Eurovision Song Contest in May. – On his website, the parliamentarian urges employers to fire or not to employ these blacklisted people, and they include regular people whose only action is to engage in on-line activism, explains the president of the New Generation NGO, Sergei Gabrielyan. – Publishing such a list is a clear violation of freedom of expression and is spreading hate speech and intolerance. We have written to the parliamentarian asking him to retract the statements, but there has been no

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<sup>1</sup> <http://www.lalgbtcenter.org/>



reaction so far, and we see the need to raise the issue more publicly to counter this defamation, concludes Gabrielyan...”<sup>2</sup>.

Though Armenia has ratified various international documents which call to protect the rights of all people, the discriminative attitude towards the LGBTIQ people and human rights defenders in Armenia continues to grow. This is highlighted in the articles published by the Armenian Mass Media.

On May 16<sup>th</sup>, 2014 after the “Eurovision-2014” song contest, the Armenian Jury members - Inga and Anush Arshakyans - called the winner of the competition “mentally sick” and mentioned that they hated such people. After their announcement the civic activists, human rights defenders expressed their concern.

During the last months newspaper “Iravunq” published the following articles:

On May 17, 2014 Iravunk.com Media published an article spreading hate and antagonizing individuals fighting for their basic domestic and international freedom of speech rights. The article written by Hovhannes Galajyan called out 60 persons involved in the movement to liberate Armenia, calling them “enemies of the Nation and State”. The article included a black list of “enemies.” By publishing the links of their Facebook pages and the following exhorts<sup>3</sup>:

1. Ordinary people, stop any type of relations with lobbyists on internet as well as in real life, do not greet them, do not help them if needed, do not start business relations with them.
2. State officers, do not give them positions in public service and if they are already working in the sphere, fire them using any suitable opportunity.
3. Employers, do not hire those lobbyists.
4. Mass media proprietors do not give a chance the lobbyists to have an influence on the public opinion.
5. Heads of educational institutions, do not allow those lobbyists to take part in upbringing and education of young generation.”

All this information, its entire nature and several expressions contain discrimination calls, offend honor and dignity of mentioned people and spatter their business reputation.

The list, among others, included “New Generation” Humanitarian NGO employees Arman Sahakyan, Grigor Gevorgyan and HovhannesMkrtychyan. The article called for all “blacklisted citizens” to be fired. On May 29, 2014, “New Generation” Humanitarian NGO requested the head of the board of “Iravunk Media” LTD, Hayk Babukhanyan, to recant the article and publicly apologize for spreading lies, hate, and bigotry. Nevertheless the Editorial

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[http://nhc.no/no/nyheter/NHC+and+local+partners+react+to+pressure+and+threats+to+human+rights+activists+in+Armenia.b7C\\_wlnl4t.ips](http://nhc.no/no/nyheter/NHC+and+local+partners+react+to+pressure+and+threats+to+human+rights+activists+in+Armenia.b7C_wlnl4t.ips)

<sup>3</sup> [http://www.iravunk.com/index.php?option=com\\_content&view=article&id=16435%3A2014-05-17-16-18-23&catid=123%3Atop](http://www.iravunk.com/index.php?option=com_content&view=article&id=16435%3A2014-05-17-16-18-23&catid=123%3Atop)



Staff didn't disprove the published information and in addition on 03.06.2014 another similar article was published with the following title: "And they still dare to claim a disproof?" By this they continue insulting and spread information which doesn't correspond to reality. These two articles mentioned above were spread on different social websites.

In reference with this the 3 co-workers of "New Generation" Humanitarian NGO, 16 other citizens of Armenia and 1 Iranian citizen sued and took legal actions jointly against "Iravunq" newspaper in RA Kentron and Nork-Marash general jurisdiction court.

On June 6<sup>th</sup>, 2014, in the 62<sup>nd</sup> issue the "Iravunk media" LTD published a newspaper article called "When the grant sucker defenders of homo-addicted people receive state support" insulting the name of the "New Generation" Humanitarian NGO calling them "Grant sucker", "human trash protector", "the Freedom Day desecrator with pacifist-tolerant action". "The Iravunk media" LTD, which belongs to Mr. H. Babukhanyan, the deputy of National Assembly of RA threatens the NGO's works, violates their rights and puts all the human rights international documents signed by Armenia under question. This media source promotes discrimination in the society towards the LGBT community and the human rights defender organizations.

On July 1 another article is published again with the following title: "HRD Ijevan "deceased" branch as lobbyist of homosexuality?" The newspaper "Iravunq" blames "New Generation" Humanitarian NGO and the Ombudsman for a meeting organized in the Ijevan branch of the Ombudsman's office in the framework of "Cooperation of Human Rights defending organizations for LGBT rights protection in Armenia" project, which was funded by Open Society Foundations/Armenia. It's worth to mention the response of the Ombudsman to the newspaper "Iravunq" that allegedly they were not aware of that cooperation while everything was coordinated beforehand with the Ombudsman's Office.

On 11.07.2014 in the "Obscenity without borders" section of the newspaper another article was published – "The ordinal trio of witnesses of Conchita joint the persecution against freedom of speech", where it's presented personal information about the 3 claimants from "New Generation" Humanitarian NGO – Arman Sahakyan, Hovhannes Mkrtchyan and Grigor Gevorgyan, connecting all this personal information with the head of "New Generation" Humanitarian NGO Mr. Sergey Gabrielyan.

As the names and photos of Arman Sahakyan, Hovhannes Mkrtchyan and Grigor Gevorgyan were published it became obvious that we faced a problem of safety of our employees and the organization as a whole. We applied to the RA Police and asked to ensure the safety of our colleagues and organization until the end of judicial process<sup>4</sup>. The police's response was that in case of absence of any special requirements by the Court and also

<sup>4</sup> <http://www.epress.am/2014/07/18/256225.html>



absence of the criminal elements in the litigation process the Police cannot take any special measures to ensure the safety of the organization and its employees.

On 11.07.2014 in the “Editorial” section of newspaper “Iravunq” an article was published with the following title: “Systematic attack on State trestles, but state circles are crawling the 5<sup>th</sup> column.” In this article Hovhannes Galajyan again insults “New Generation” and “Public Information and need of knowledge” NGOs and calls us as “Two organizations of defenders of Sodom’s sin.”

On 29.08.2014 the representative of “Iravunk” newspaper creates an event called “STOP: no to lobbyists of homosexuality” event where he calls all traditional and Christian Armenians, patriots to gather in front of the Court (mentioning the address and the time of court listening). In the discussions the people who stand for his ideas plan to make posters, go to the houses of those “lobbyists”, to show all their neighbors and relatives, parents who they are. They plan to gather as much information as they can to make videos and post in Youtube as well<sup>5</sup>.

On 16.09.14 another article was published: “New Generation” Chooses .... Freedom of infecting with AIDS?”. The article itself contains a huge disinformation about “Boys Reaching Out’ leadership School implemented by the NGO since 2003. The author tries to prove that the leadership school is a place where we teach the kids about gender equality, tolerance and that Conchita Wurst is also a human being (to their opinion these topics are destroying the nature and characteristics of the future soldiers of Armenia). Then the author turns to our HIV prevention program trying to prove that we promote infection with AIDS in the society(without a basic knowledge of the fact that people get infected with HIV and not AIDS). In the end he calls the police and other legal institutions to take measures for closing our office<sup>6</sup>.

On 08.10.2014 the deputy editor of Iravunk newspaper and the author of hateful articles Hovhannes Galajyan publishes one of our projects named "Art against discrimination" in his FB page and calls everyone to see how we destroy the nation and that we don't have a right to use the Armenian flag. The comments follow the post where the haters call to hang us in front of the public.

On 10.10.2014 in the “Gender KAPUT” (gender is died, broken) “Iravunk” newspaper publishes new article named: “The protector of homo-addicted people avoided to be present at the court) spreading new waves of hate towards our activities and blaming us for avoiding the court cases.

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<sup>5</sup> <https://www.facebook.com/events/343389032505372/>

<sup>6</sup> [http://www.iravunk.com/images/stories/tert\\_PDF/2014-97.pdf](http://www.iravunk.com/images/stories/tert_PDF/2014-97.pdf)



The negative attitude afterwards continues towards the claimants and the “New Generation’ Humanitarian Ngo after each court session.

On May 14, the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan partially satisfied the claim by “Nor Serund” (“New Generation”) NGO representatives Grigor Gevorgyan, Arman Sahakyan, and Hovhannes Mkrtchyan against “Iravunk” newspaper and its editor-in-chief Hovhannes Galajyan. The presiding judge Arayik Melkumyan did not satisfy the demand to recognize the fact of promotion of hate and discrimination and to publish the verdict, but set the amount of compensation 250.000 AMD (about \$ 526) to each plaintiff and obliged Hovhannes Galajyan to publicly apologize.

The claimants applied to the court of appeal in order to demand to recognize the fact of promotion of hate and discrimination towards them based on their human rights defender work, sexual orientation and gender identity. The process is ongoing.

The court hearings of the case “New Generation” Humanitarian NGO against “Iravunk” newspaper are in a process.

**On May 14, 2015** the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan partially satisfied the claim by “Nor Serund” (“New Generation”) NGO representatives Grigor Gevorgyan, Arman Sahakyan, and Hovhannes Mkrtchyan against “Iravunk” newspaper and its editor-in-chief Hovhannes Galajyan. The plaintiffs demanded that the paper publish a refutation, publish the court's verdict, and pay compensation for moral damages to each citizen in the amount of 3 million AMD (about \$ 7,000). Presiding judge Arayik Melkumyan did not satisfy the demand to recognize the fact of promotion of hate and discrimination and to publish the verdict, but set the amount of compensation 250.000 AMD (about \$ 526) to each plaintiff and obliged Hovhannes Galajyan to publicly apologize.

The plaintiffs applied to the appeal court and demanded the recognition of promotion of hate and discrimination towards their personalities for protecting LGBT rights.

**On September 23, 2015** the court hearing of the case “New Generation” against “Iravunk” was postponed again with the reason of the judge being in an unexpected vacation. Next court hearing was appointed on **November 13, 2015**.

**On October 08, 2015** the Court of Appeal of RA made a decision to refuse the appeal claim by the plaintiffs and to keep the decision of the Court of the first instance fully unchanged.

In 2016 the plaintiffs applied to the European Court of Human Rights in order to request the recognition of promotion of hate and discrimination based on SOGI.