

Stop illegal actions by the NSS Investigation Department and NSS investigator against human rights defender Sashik Sultanyan

Based on Article 226 (“National, racial or religious hatred”), part 2, clause 1 of the RA Criminal Code, i.e. “Actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity”, committed “publicly or by mass media”, RA National Security Service Investigation Department investigator L. Tatoyan initiated a criminal case for the viewpoints presented during “Yezidi Center for Human Rights” NGO Chairperson Sashik Sultanyan’s interview given to one of the Yezidi language websites.

In his interview, Sashik Sultanyan, as a chairperson of a human rights organization, presented his viewpoints on the state of the protection of the rights of RA citizens who are of Yezidi nationality. The NSS investigator qualified the aforementioned viewpoints as “actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity”.

It is not known on what grounds the NSS investigator came to such a conclusion.

Even the date of the criminal case initiation is not known, as the NSS investigator of the initiated criminal case did not involve Sashik Sultanyan in the case with any status, i.e., a suspect or an accused, even though the criminal case was initiated based on his interview. As a result, Sashik Sultanyan is deprived of any procedural opportunity to protect his rights. Sashik Sultanyan learnt about the decision to initiate a criminal case against him by NSS investigator L. Tatoyan’s response to the letter he had sent to the National Security Service. In the response letter, investigator L. Tatoyan informed about the initiation of the criminal case, as well as about Sashik Sultanyan not having any procedural status, based on which he refused to provide Sashik Sultanyan with a copy of the decision on initiating the criminal case. This was done in the face of the condition that Sashik Sultanyan had been invited to the NSS and had given an explanation during the stage of the preparation of materials based on the report.

Moreover, the NSS investigator initiated the criminal case based on a report made by a person who makes public and unpunished threats of physical violence against human rights defenders and their supporters, as well as public illegal calls against the freedom of association.

The state has undertaken an obligation to ensure human rights protection, to guarantee human rights activity, freedom of association, which requires that the state make efforts not only not to impede the exercise of these rights, but also to prevent actions impeding their exercise.

In contrast to the above-mentioned obligations, bowing to apparently fake news and those disseminating disinformation, the NSS Investigation Department and, particularly, NSS investigator L. Tatoyan made a decision to initiate a criminal case based on the public expression of the human rights organization chairperson’s opinion regarding violation of human rights, in this case, the rights of representatives of national minorities.

In essence, the National Security Service Investigation Department and NSS investigator L. Tatoyan do not act as those preventing illegal actions against persons engaged in the protection of human rights, but rather, they act as supporters of those committing the illegal actions.

The initiation of a criminal case on such grounds amounts to a fact of the state’s apparent persecution against not only human rights activist Sashik Sultanyan, but also human rights activity in general, as well as the logical recording of public actions that were initiated and continually committed after 2018 Velvet Revolution by society’s extremist groups against human rights

organizations and individuals engaged in the protection of human rights, but remained unpunished. Those actions are accompanied by physical threats, individual persecutions in public places, impeding organizations' activity, dissemination of disinformation and hate speech. And instead of preventing such unlawful actions against democratic and human rights values, as well as those carrying these values, the National Security Service, bowing to such extremist manifestations, commenced an illegal process against human rights protection activity. Such an approach is extremely dangerous for the further fate of democracy and human rights in the Republic of Armenia.

Condemning such an unlawful, anti-constitutional decision, we claim the immediate cessation of persecutions against human rights activity and the securing of safe and guaranteed conditions for human rights protection activity in the Republic of Armenia.

To join the statement, please, send your or your organization's data to communication@hcav.am email address.

12 December 2020

Helsinki Citizens' Assembly-Vanadzor
Journalists' Club "Asparez"
Transparency International Anti-Corruption Center
Analytical Centre on Globalization and Regional Cooperation