

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA ARM 2/2020

23 December 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 43/8, 43/4 and 43/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the criminal investigation and the alleged attacks on social media networks against [REDACTED] human rights defender and [REDACTED] in Armenia, following an interview on the Yezidi community in Armenia.

[REDACTED] is a human rights defender and the [REDACTED] [REDACTED] and is a former minority fellow at the Office of the High Commissioner for Human Rights (OHCHR).

The [REDACTED], based in Yerevan, specializes in minority rights protection with a particular focus on the rights of Yezidis. The organization works at a grassroots level and advocates with decision makers to ensure the effective and meaningful participation of minorities in the public life of the country, as well as the protection of their rights.

According to the information received:

In June 2020, the Yezidi news website published an interview with [REDACTED] in which he spoke about the problems of the Yezidi community in Armenia.

As of July 2020, there was information on social media that his case was going to be reported to the National Security Services so that a criminal case could be initiated against him because of his interview.

On 1 October 2020, the National Security Service invited [REDACTED] to give an explanation about his interview. He explained that, during the interview, he had presented his viewpoints on the state of the protection of the rights of Yezidi in Armenia.

After requesting confirmation from the National Security Service on 12 November 2020, [REDACTED] was informed on 21 November 2020 that a

criminal case had been initiated against him based on Article 226, part 2, clause 1 of the Criminal Code, which refers to actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity. In the same letter, he was also informed that he did not have any procedural status, so that he cannot present arguments or get acquainted with the case materials. The date the criminal case was initiated as well as the grounds for such a criminal case are not known.

██████████ has been threatened and attacked on social media networks and fake information is being spread about him and his organization on the Internet. It would appear that fake profiles on social media and media websites are insulting him and blaming him for initiating ethnic tensions between Armenians on ethnic grounds, with a view to changing the public opinion about ██████████ and his organization. The lexicon used contains hatred, attempts to humiliate and insults. One of the videos on the Internet asks, “to break” ██████████ head. Employees of the organization are also suffering from these attacks and they have started to minimize their activities offline and closed their personal profiles online.

Without prejudging the accuracy of the information received, we express our concern over the claims that the ██████████ and his organization are being targeted for raising minority issues in Armenia and advocating for the rights of Yezedis. We express our concern that the criminal investigation and the alleged threats on social media networks may have a chilling effect on any expression, by all those, including human rights defenders, who work to promote and protect minority rights in the country.

We would like to draw the attention of your Excellency’s Government to the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Armenia on 23 June 1993. Article 27 of the ICCPR protects the rights of persons belonging to minorities, and the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In particular, the Declaration refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

Article 19 of the ICCPR protects the right to freedom of opinion and expression. These rights are “indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society”, see CCPR/C/GC/34 para. 2. We reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions on freedom of expression, including by persons belonging to minorities or vulnerable groups.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- articles 1 and 2 which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.
- article 6 b) and c) which provide that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please indicate what is the legal and factual basis for the criminal investigation initiated against ██████████ as well as the legal safeguards in place to ensure his adequate defense.
3. Please indicate what measures have been taken to guarantee ██████████ personal security following the attacks and threats against him on social media.
4. Please indicate the measures undertaken by your Excellency's Government to ensure that human rights defenders, and in particular

those advocating and working for the rights of persons belonging to minorities including Yezidis, are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, harassment and violence.

5. Please indicate the measures undertaken by your Excellency's Government to ensure protection and promotion of the human rights of minorities to hold opinions without interference and to enjoy the right of freedom of expression either orally, in writing, print, art or through any other media of her choice.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Fernand de Varennes
Special Rapporteur on minority issues

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders