

translated from Armenian

Yerevan, 23 November 2021

**Information provided by the
Prosecutor General's Office of the Republic of Armenia
in response to the letter of Mrs. Dunja Mijatovic,
the Commissioner for Human Rights of the Council of Europe
of 18 November 2021**

Mr. Sashik Sultanyan, President of the non-governmental *Yezidi Center for Human Rights*, was charged with Article 226, Part 2, Paragraph 1 of the RA Criminal Code on the basis of sufficient evidence obtained during the preliminary investigation of the criminal case investigated by the Investigation Department of the RA National Security Service, which proves that Mr. Sultanyan committed actions aimed at inciting national enmity between the Armenians and Yezidis, who have a unique national and ethnic identity in Armenia and represent a national minority, in the interview to the Iraqi *yezidinews.com* website in May 2020 and published on the same website on June 8, 2020.

Criminal prosecution against Mr. Sashik Sultanyan should not be interpreted as an attempt to suppress freedom of speech or interfere with human rights activities. The Prosecutor's Office of Armenia is committed to the fulfillment of the international obligations undertaken by the Republic of Armenia to ensure freedom of speech and human rights advocacy. At the same time, any alleged criminal activity cannot be disguised by such high values as freedom of speech or human rights advocacy. Article 28 of the Constitution of Armenia stipulates that everyone is equal before the law.

Charges against Mr. Sashik Sultanyan are based on, among other things, the above-mentioned interview he gave to the *yezidinews.com* website and cannot be considered a criticism or human rights advocacy and doesn't fit within the framework of a legitimate implementation of the right for freedom of expression.

In response to the concerns expressed by the interested parties and organizations, the Prosecutor General's Office of Armenia has repeatedly referred to the specific manifestations of the alleged criminal acts attributed to Mr. Sashik Sultanyan, which are comparable to the publicly dangerous acts provisioned by Article 226 of the Criminal Code of Armenia.

In particular, the combination of factual data obtained during the investigation revealed that in the mentioned interview, Mr. Sultanyan provided inaccurate information claiming that "in Armenia the rights of Yezidis are not protected; Yezidis are considered a backward nation; Armenians mock Yezidis; discriminate against them; Yezidis in Armenia do not have the opportunity to learn their mother tongue, as a result, the Yezidi language is forgotten; Armenians do not allow Yezidis to develop their culture; no religious rituals are held in the Yezidi sanctuary in Armenia; no cultural events are organized, Armenians seize the Yezidi property, businesses, houses; their economic condition is not improved deliberately,

Yezidis do not have the right to own land in Armenia; Armenia does not do anything to protect the rights of Yezidis; Armenia has not allowed Yezidis to develop since Armenia's independence; Yezidi villages are in a poor condition compared to the Armenian villages; in the 1990s a chauvinist movement was launched in Armenia, with the slogan Armenia for Armenians only; Armenians shot many Yezidis; many were expelled from their homes, the Yezidis in Armenia have been living in the atmosphere of fear for a long time." Mr. Sultanyan also stated that "the Yezidis do not have the opportunity to advance within the state service, they hold lower-ranking positions, in any village, where Armenians and Yezidis live together, there are no serving as the head of the community; when in the 1990s in a village, a Yezidi was nominated for the post of the head of the community, his house was shot at. Because of all this, the Yezidis do not see their future in Armenia; they do not consider Armenia their homeland; they emigrate from Armenia; only adult Yezidis remain in the villages, and in 50 years there will be no Yezidis in Armenia."

Thus, Mr. Sultanyan labeled the Republic of Armenia as a country which exercises discrimination based on nationality in political, economic, social, cultural, and other spheres of public life. Historically, our country has been a homeland for Yazidi people, and lately, the largest Yazidi temple in the world was opened in Armenia, which symbolizes the century-old interfaith and intercultural harmony and co-existence between the Armenian and Yazidi peoples.

The criminal case filed against Mr. Sultanyan cannot be viewed as a case against human rights advocacy and critical speech since all allegations mentioned in the interview do not correspond to reality. Information provided by Mr. Sashik Sultanyan as an alleged manifestation of the attitude of the Armenian people and the state authorities towards the Yezidi community is apparently false. Mr. Sultanyan did not point out real issues concerning the protection of the rights of the Yezidi people, but obviously distorted the reality, presenting the attitude towards the Yezidi community in the Republic of Armenia as hostile with obviously false data, with formulations inciting enmity. Therefore, by presenting abstract and inaccurate information on the alleged hostile attitude towards the Yezidi community in the Republic of Armenia, Mr. Sashik Sultanyan committed actions aimed at inciting national hostility towards the Armenian people.

It should be noted that nationalism, racism, and religious intolerance are in the root of many conflicts, are extremely dangerous and may result in human casualties, expulsion, and huge material damage. Under Article 226 of the Criminal Code of Armenia this represents public danger. It should be noted that Mr. Sashik Sultanyan's interview, considering his position and authority with the Yezidis, might have certain psychological influence on the Yezidis' approaches and perceptions. It might form a negative image of the Armenians and Armenia with the Yezidis and incite enmity. Moreover, public danger in the characteristics of the mentioned crime was substantiated not only by a professional legal-analytical assessment of the case, but also by the combination of the sufficient evidence that it was directly perceived as such by certain individuals. Therefore, based on the presented substantiations, it should be noted that the statements made by Mr. Sultanyan during the mentioned interview are beyond the scope of critical speech and human rights advocacy.

In this particular case, the preliminary investigation was carried out within the framework of proper pre-trial procedures, observing the criteria of comprehensiveness, objectivity and completeness, during which Mr. Sashik Sultanyan's rights or freedoms were not infringed. The preliminary investigation of the criminal case has been completed, the indictment has been confirmed by the supervising prosecutor, and on August 2, 2021 the criminal case was sent to the court for substantive examination.

Public trial of the criminal case will allow all the interested parties to have the opportunity to be completely informed about the factual circumstances of the criminal case.