

ANALYSIS

ON “STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPP)” COURT PROCEEDINGS AND THEIR CONSEQUENCES IN THE REPUBLIC OF ARMENIA

The study and statistics of “Strategic Lawsuits Against Public Participation (SLAPP)” court proceedings in the Republic of Armenia show that in recent years, particularly from 2017 to 2025, there has been an increase in the number of lawsuits filed by major private mining and other corporations, state bodies, politicians, and high-ranking officials against environmental defenders, journalists, and mass media outlets.

As a rule, these cases are brought on the grounds of insult and defamation, with plaintiffs requesting the court to oblige the individuals concerned either to retract their public statements made in the course of their professional or other activities, to issue an apology for the expressions used, and to compensate for insult in amounts of up to 3,000,000 (three million) AMD, and in cases of defamation, up to 6,000,000 (six million) AMD.

In particular, Article 1087.1 of the Civil Code of the Republic of Armenia, entitled “The Procedure and Conditions for Compensation of Damage Caused to Honor, Dignity, or Business Reputation,” before 2021, provided for compensation of up to 1,000,000 (one million) AMD in cases of insult, and up to 2,000,000 (two million) AMD in cases of defamation.

By legislative initiative of the ruling majority of the National Assembly of the Republic of Armenia, Article 1087.1 of the Civil Code was amended by Law HO-330-N of 24.03.2021, whereby the compensation amount for insult, previously set at 1,000,000 (one million) AMD, was increased to 3,000,000 (three million) AMD, and the compensation amount for defamation, previously up to 2,000,000 (two million) AMD, was amended to 6,000,000 (six million) AMD.

The above-mentioned legislative amendment has also served as a basis for the significant increase in Strategic Lawsuits Against Public Participation (SLAPP) in Armenia.

A considerable share of the lawsuits, as mentioned earlier, has been initiated by major mining companies operating in Armenia, including “Lydian Armenia” CJSC, a geological exploration company seeking to exploit the Amulsar gold deposit located in

the Vayots Dzor region, as well as “Zangezur Copper-Molybdenum Combine” CJSC, another large mining, ore-processing, and industrial enterprise operating in Armenia.

In other words, through such lawsuits, plaintiffs initiate unnecessary and protracted court proceedings aimed at causing the defendants both financial and moral harm. They submit large compensation claims or file motions to impose seizures on the defendants’ property and economic means as a measure to secure the claim. When such motions are granted, defendants often find themselves in a desperate situation and, in some cases, are forced—against their will—to cease public activity altogether or, contrary to their intentions, to significantly reduce the scope of their criticism and act with far greater caution.

The lawsuits filed are often based on unfounded, superficial, or exaggerated claims, disguised under a formal legal framework. They are brought, as noted, to exert pressure on the individuals concerned rather than genuinely protecting rights.

The lawsuits, as a rule, pertain to publications that highlight the following issues:

1. Direct or indirect manifestations of corruption by primary mining and other companies, including the acquisition of licenses through such means.
2. The conduct of incomplete examinations and their reliability.
3. Abuses committed during environmental inspections, as well as in ensuring safety throughout the exploitation of mines.
4. Payments to media outlets and experts to support the company.
5. Recruitment and management of fake pages by companies.
6. Provocations and the incitement of various types of clashes by companies.
7. Links between officials and companies, as well as conflicts of interest.
8. Donations made by mining companies to various foundations, along with the lack of transparency surrounding such contributions.
9. Pollution of the environment caused by waste leaks from mining companies and their consequences, along with state inaction in response.
10. Environmental statements, including possible environmental risks and damages.
11. Harm caused to citizens’ health as a result of environmental pollution.
12. Other related issues.

A significant portion of the publications mentioned above have specifically concerned direct or indirect manifestations of corruption by major mining companies and the acquisition of various licenses through such means. Any publication on these matters has inevitably led to court proceedings lasting from one to seven years.

Although some of these lawsuits have been dismissed, during the given period, the individuals who made such publications were compelled to substantially reduce the scope of their criticism and refrain from raising these issues until the conclusion of the cases, while also incurring additional legal and other expenses.

However, given the fact that the Civil Procedure Code of the Republic of Armenia does not establish specific procedural time limits for the examination of cases in the court of first instance—stipulating only the necessity of a “reasonable time” for consideration (unlike higher judicial instances—appellate and cassation proceedings—where a six (6) month period is set for the appellate court to examine an appeal, and a three (3) month period is set for the cassation court to decide on accepting a case for proceedings, in addition to the one (1) month time limit established for appealing a judicial act)—under such conditions, these proceedings, including delays unnecessarily caused by plaintiffs, last for years, and as a result of appeals through higher instances, extend for at least one (1) more year.

In other words, the analyses carried out allow us to assert that the primary purpose of initiating such lawsuits is not the protection of the plaintiff’s honor, dignity, or business reputation, but rather the silencing of the critic—be it an environmental defender, human rights activist, or journalist—by suppressing public and civic activity, often through exploiting the imbalance of power between the parties.

Considering that there are no special legal regulations in the Republic of Armenia regarding court proceedings against public participation, including extra-judicial remedies or anti-SLAPP laws, such cases are therefore examined under the general procedural rules of the courts, which, as a rule, last from one year to several years.

The only legislative mechanism available is the application of the expedited trial procedure provided for by the Civil Procedure Code of the Republic of Armenia, in cases where the court concludes that the lawsuit filed is manifestly unfounded. This applies particularly when the claim formulated therein is clearly unlawful (manifestly subject to dismissal regardless of the facts on which it is based), or when, based on the facts submitted by the plaintiff, it is clearly subject to dismissal, or if it has been filed by an improper plaintiff or against an improper defendant.

On April 11, 2024, the European Parliament adopted Directive (EU) 2024/1069 “on protecting persons engaged in public participation from manifestly unfounded claims or abusive court proceedings” (“Strategic Lawsuits Against Public Participation”) and the accompanying recommendation on combating SLAPPs, which set out minimum measures that EU member states must take to address SLAPPs. The Republic of

Armenia is not a member state of the European Union; however, on November 24, 2017, Armenia signed the Comprehensive and Enhanced Partnership Agreement (CEPA), thereby committing to align its legislation with relevant parts of EU law gradually.

The recommendation also stipulates that in all abusive court proceedings that impede public participation, mechanisms for the early dismissal of claims must be made available at the initial stages.

Conclusion

“Strategic Lawsuits Against Public Participation” (SLAPPs) are, as a rule, directed against environmental defenders, human rights activists, journalists, and other individuals who are engaged in public activities.

Such lawsuits are filed by private mining and other corporations, state bodies, politicians, and high-ranking officials, whose primary objectives are to:

1. Prevent, restrain, and limit the free expression of speech on issues of public interest and the exercise of rights related to public participation.
2. Submit substantial and disproportionate claims, employing various procedural tactics to prolong court proceedings and make them more costly.

In other words, as a rule, the lawsuits filed manifest in the following ways:

- (a) The disproportionate or unfounded nature of the claim or part thereof, including the excessive amount of compensation demanded.
- (b) The existence of multiple proceedings initiated by the plaintiff or related parties concerning similar issues.
- (c) Harassment or threats by the plaintiff before or during the initiation of proceedings, as well as similar conduct by the plaintiff in related or parallel cases.
- (d) The use of bad-faith procedural tactics, such as delaying proceedings or discontinuing cases at later stages of the trial.

Recommendation

– Initiate Anti-SLAPP laws and corresponding legal regulations to enable the early dismissal of claims filed in SLAPP proceedings, in the context of Directive (EU) 2024/1069 of April 11, 2024, adopted by the European Parliament “on protecting persons engaged in public participation from manifestly unfounded claims or abusive court proceedings” (“Strategic Lawsuits Against Public Participation”), as well as the

related recommendation on combating SLAPPs. The continued development of SLAPP proceedings in the Republic of Armenia, coupled with the absence of Anti-SLAPP laws and appropriate legal regulations, is inconsistent with the logic of the Comprehensive and Enhanced Partnership Agreement signed on November 24, 2017.

– Develop and implement extra-judicial procedural safeguards to protect freedom of expression and the right to public participation, and to prevent the abuse of legal claims.

As a result of the recommendations mentioned above, it is expected to:

- 1. Eliminate any pressure through the use of SLAPP lawsuits against environmental defenders, human rights organizations, and individuals in the exercise of their right to participate in environmental protection matters.*
- 2. Establish legal regulations ensuring the full reimbursement of legal and other expenses incurred by the defendant in SLAPP proceedings, as well as guarantees for the provision of free legal aid by the state in such cases.*
- 3. Introduce legal regulations requiring SLAPP proceedings to be concluded within the shortest possible timeframe.*

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