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Opinion

On the court case of RA National Assembly Speaker Alen Simonyan versus Mediahub Ltd.

Facts

On April 19, 2023, Alen Simonyan, the Speaker of the RA National Assembly, filed a lawsuit with the Court of General Jurisdiction of Yerevan against *Mediahub Ltd.*, demanding from the defendant to refute the factual statements considered defamatory and pay compensation.

The plaintiff informed the court that on April 13, 2023, *Mediahub Ltd.* had published an article on its mediahub.am news website titled “Government Signs a 79 Million AMD Deal with Alen Simonyan’s Brother’s Company Without Tender.” Simonyan claimed that the headline itself, along with the following two phrases, were defamatory: *“In the tender announced for major repairs to certain sections of this road, Alen Simonyan’s brother’s company outbid the competitors by offering a price that was only 500 thousand drams lower”* and *“The authorities must provide an explanation to the public how the decision was made to sign a deal worth about 79 million drams with the company of the NA Speaker’s brother through a “non-procurement” procedure and why they opted not to follow the competitive method, as required by law.”*

Citing relevant provisions from the RA Constitution and the European Convention on Human Rights on judicial protection and the right to freedom of expression, the plaintiff argued that the media had defamed him under Article 1087.1 of the RA Civil Code, since the three mentioned statements were untrue and tarnishing in nature. The plaintiff requested the court to oblige the defendant to publish a refutation, pay 1 million drams as compensation for defamation, and 530 thousand drams for attorney’s fees and the state duty.

The defendant company objected to the lawsuit, arguing that the article included photocopies of two documents, which demonstrated that on March 21, 2023, Agreement No. 5 on amendments to the state procurement contract for the performance of contract works had been signed between the RA Ministry of Territorial Administration and Infrastructure and *Euroasphalt CJSC*. The documents further showed that the contract had been signed by

Artur Yeritsyan, the Chief Secretary of the ministry, on one side, and Karlen Simonyan, the Director of *Euroasphalt CJSC*, on the other. The photocopies also made it evident that the price of the contract exceeded 78 million drams, meaning, it could be rounded to approximately 79 million drams. The defendant argued that these details substantiated the article's headline as entirely accurate, and, therefore, it did not constitute defamation.

Regarding the second sentence in question, the media representative noted that it made no reference about the plaintiff's persona: instead, it referred to a tender, in which Alen Simonyan's brother won by offering a bid that was only 500 thousand drams lower than the others. Regarding the third expression alleged by the plaintiff as defamation, the defendant maintained that it was a factual statement pointing out that an agreement had been concluded with the company of the NA Speaker's brother through a simplified procedure, whereas the law required the authorities to favor competitive method. The company representing the media also highlighted that the accuracy of the factual data presented in the article was corroborated by the response of the Ministry of Territorial Administration and Infrastructure to the publication. In its [clarification](#), the ministry did not deny the reported facts, but instead, presented why the deal had been concluded through a "non-procurement" procedure, rather than a competitive method. In relation to the judgment based on accurate information, the defendant claimed that it was a journalist's duty to raise public concerns about a suspicious deal, and that such actions were entirely within the bounds of the right to media freedom.

On July 4, 2024, the court rejected the lawsuit in its entirety, ordering the plaintiff to pay 150 thousand drams to *Mediahub Ltd.* as attorney's reasonable fee. The ruling emphasized that the media had presented factual information in the headline, supported by copies of documents included with the piece. Essentially, these facts of public concern were presented in good faith. In relation to the second statement, the court determined that factual data had been published, which had not been refuted during the trial either. Concerning the third controversial statement, the court noted that the media had expressed a value judgment based on sufficient factual data, thus, considering the piece legitimate in that respect as well. Referencing the European Court's well-known precedent in the case of "Lingens v. Austria," the court further concluded that the plaintiff, Alen Simonyan, being a high-ranking state official, is subject to public scrutiny, and, therefore, should exhibit particular tolerance towards discussions on issues of public interest, including those related to him.

The ruling of the court was not appealed and entered into force.

Conclusion

The IDC finds that there were no defamatory statements about NA Speaker Alen Simonyan in the article titled "[Government Signs a 79 Million AMD Deal with Alen Simonyan's Brother's Company Without Tender](#)," published on *mediahub.am* website owned by *Mediahub Ltd.*

In the piece in question, the author shared information of public interest, relying on balanced and factual data. The assertion made in the publication that the RA Government concluded a contract for asphalt paving works with Alen Simonyan's brother's company without a tender was substantiated by visual documentation. The accompanying images demonstrated that the contract bore the signatures of the Chief Secretary of the Ministry of Territorial Administration and Infrastructure on one side and Karlen Simonyan, the Director of *Euroasphalt CJSC* on the other. The plaintiff's argument in court regarding the use of different phrases—“*Alen Simonyan's brother's company*” in one paragraph, and “*a company belonging to Alen Simonyan's brother*” in another—holds no significance. This is because the public importance of the disseminated information is so substantial that the inaccuracy in phrasing in no way changes the widespread perception that a major transaction was most likely facilitated by state patronage—a concern the author alerted the public about. In this regard, the IDC also concurs with the court's conclusion that the ownership of the company by Karlen Simonyan or the lack thereof cannot, in itself, be defamatory.

Regarding the second disputed statement, the IDC believes that the comparison of data taken from the referenced contract with the price offers submitted by the competitors of the CJSC in question—data that did not raise any doubt during the trial—substantiated the accuracy of the facts presented in that part of the article and the claim stemming from them, meaning, the author carried out conscientious journalistic work.

As for the third disputed statement, the IDC considers it a value judgment supported by factual grounds, namely, the conclusion of an agreement worth more than 78 million drams through a simplified “non-procurement” procedure, with the option of holding a tender disregarded. In this context, the author of the article expressed their value judgment in good faith, posing a rhetorical question based on facts, which fully fits within the scope of the freedom to disseminate information and opinions on issues of public significance.

The IDC reiterates its previously expressed position that high-ranking officials and politicians should refrain from filing insult and defamation lawsuits against media, especially in relation to their coverage of issues of public concern. In this regard, the IDC commends the court's observation in the final part of the judgment, where it highlighted that the plaintiff, being a high-ranking state official, had an obligation to show particular tolerance toward the issues being discussed.

Information Disputes Council

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