

June 25, 2025

Opinion

on the Information Dispute Between the Civilitas Foundation and Tigran Avinyan

Facts

Karen Harutyunyan, the editor-in-chief of *CivilNet.am* news website, has applied to the Information Disputes Council, requesting its opinion on whether a remark made by Yerevan Mayor Tigran Avinyan—that “*media in Armenia has turned into a big garbage dump*”—applies to *CivilNet.am* as well. The remark in question was made on December 18, 2024, during a debate with former Mayor Hayk Marutyan at *Factor TV* studio.

After reviewing the complaint and the program titled “[Debate Between Tigran Avinyan and Hayk Marutyan](#),” aired on *Factor TV*’s YouTube channel, which also referenced the article “[The Avinyans’ Business Benefitting Indirectly from State Funds](#),” (produced and published on *CivilNet.am* on November 13, 2024 within the frames of the *Organized Corruption and Crime Reporting Project (OCCRP)* international program), the IDC identified that the contested remark appeared in the following part of the debate:

- **Hayk Marutyan:** “...Back when he (IDC: Avinyan) was serving as Deputy Prime Minister, his company—which up until then had barely been surviving, suddenly experienced major growth thanks to those development programs. ... We are talking about a 12,5-fold increase in revenue. Then, naturally, when Mr. Avinyan became deputy mayor, the company got a new director—his father. And from that point on, the father started giving out gifts: ID4, money, I don’t know what else...”
- **Tigran Avinyan:** “You know, Mr. Marutyan, if you hadn’t thrown in that cheap emotional twist at the end, I was thinking of not even getting into these kinds of things. But when you go as far as saying that my father gifted me something—look, my father, or anyone else in my family, has never held any position.”
- **Hayk Marutyan:** “It’s not me — it’s OCCRP.”
- **Tigran Avinyan:** “Back in 2013-14, I was studying in London, and my family paid for my tuition and all my living costs in London. Now look, Mr. Marutyan, every time your favorite “CivilNet” writes an article—yes, your beloved “CivilNet,” that OCCRP representative—whenever it puts something out... the lawsuit is already waiting. I have also urged my father to sue over this false article, because, sorry to say it, but **media in Armenia has turned into a**

big garbage dump (emphasis added by the IDC), anyone can say whatever they want, and no one holds them accountable.”

- **Host:** “Let’s just leave the media out of this, please.”
- **Avinyan:** “Sorry, I meant some of them, not all.”
- **Host:** “Avinyan, I simply suggest that you refrain from targeting our media partners, especially those from “CivilNet.”
- **Avinyan:** “I suggest targeting lies, manipulation, but no, no... I don’t agree with your suggestion. (...) That media outlet is engaged in Mr. Avinyan’s campaign—so why wouldn’t I target them? I have to. (...) You have been moving pretty promptly with “CivilNet”—good job, congratulations. We’ll see what happens when the court issues its ruling.

As of January 20, 2025, the program titled “Debate Between Tigran Avinyan and Hayk Marutyan” has attracted 378,066 views on *Factor TV*’s YouTube channel. On the same day, the *Civilitas Foundation*, the founder of *CivilNet.am*, filed a lawsuit against Tigran Avinyan under Article 1087.1 of the RA Civil Code. According to the lawsuit, Avinyan publicly and intentionally tarnished the business reputation of the organization by stating that “*media in Armenia has turned into a big garbage dump*.” In response to the statement in question, the plaintiff requested the court to oblige the defendant to issue an apology to the *Civilitas Foundation* during a live broadcast on *Factor TV* within 5 days after the ruling enters into legal force and to publish the final part of the ruling on *Factor.am*. No financial compensation was claimed (see court case No. [ED2/0537/02/25](#)).

In his objections submitted to the court, Tigran Avinyan argued that the aforementioned remark was not directed at any specific organization. According to Avinyan, it was made in an abstract manner, and it remained unclear why the plaintiff perceived the remark as being about them. On that basis, the defendant claimed that *Civilitas* could not be considered a plaintiff, since there was no interference with the rights of that organization.

Conclusion

The principal issue in this dispute is whether the remark made by Tigran Avinyan was directed at *CivilNet.am*. With regard to the lawfulness of the remark itself, the ongoing court proceedings indicate that the defendant does not challenge whether his public statement contained an insult and whether it could tarnish the organization’s good reputation. In other words, he refrains from addressing the content of the remark. Instead, he claims that no dispute exists between him and the plaintiff, as his remark was not directed at *CivilNet* but was made in an abstract manner and referred broadly to the media field. According to the defendant, since the remark did not address any specific individual, the lawsuit should be dismissed on the grounds of absence of a dispute - regardless of whether the remark is offensive in nature or not.

The plaintiff holds a completely different view, arguing that Tigran Avinyan's controversial remark was directed at *CivilNet.am*, and that the Mayor should be held accountable under Article 1087.1 of the Civil Code.

Through its rulings, the European Court of Human Rights has expressed its legal position regarding when public statements can be considered directed at specific individuals. Thus, in the case of [“Dyuldin and Kislov v. Russia,”](#) the ECHR established that if a dispute concerns an interference with a person's dignity and right to respect through a public statement, the existence of an objective link between the impugned statement and the person suing in defamation is a requisite element. Mere personal conjecture or subjective perception of a publication as defamatory does not suffice to establish that the person was directly affected by the publication. According to the court, there must be something in the circumstances of a particular case to make the ordinary reader feel that the statement reflected directly on the individual claimant or that he was targeted by the criticism. (*Dyuldin and Kislov v. Russia, Application No. 25968/02, ECHR, 31/07/2007, paragraph 44*).

Later, the above-mentioned position was also adopted by the RA Court of Cassation. Specifically, in its ruling of April 27, 2012 regarding the cassation appeal of Boris Ashrafyan, the defendant in civil case [No. LD/0749/02/10](#) (with *Skizb Media Kentron Ltd.* involved as a third party), the court determined that *“within the facts of the case, there must exist circumstances that would lead even an ordinary reader to perceive the statement as being clearly directed at the applicant, or to feel that the applicant was the actual target of criticism”* (p. 8).

Guided by the above-mentioned legal principles, the IDC concludes that in this case there were circumstances to support the view that Tigran Avinyan's controversial remark was directed at *CivilNet.am*. This conclusion is drawn from several factors: the Mayor's sharp comments were prompted by Hayk Marutyan referencing a critical article about Avinyan published on *CivilNet.am* during the debate on *Factor TV*. This was followed by Tigran Avinyan's criticism of the same media, during which he highlighted that his father had also filed a lawsuit against *CivilNet.am*, after which he ended his speech with the controversial remark. Although the remark itself was formulated in an abstract manner, the two comments immediately before it referred exclusively to *CivilNet.am*. Therefore, any unbiased observer could understand that Tigran Avinyan was referring to that specific media. The debate host also recognized this, promptly urging not to criticize “especially the colleagues from *CivilNet*.” In response, Avinyan stated that he would continue targeting, referencing *CivilNet.am* once again. Thus, all the aforementioned circumstances indicate the presence of an objective link between the disputed remark and its target, as outlined by the European Court. Claiming the opposite would amount to justifying public remarks that defame others' dignity under the guise of non-targeted statements.

Information Disputes Council

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