Monitoring of digitally-mediated assemblies in Armenia

HELSINKI COMMITTEE OF ARMENIA

Contents

European Center for Not-for-Profit Law

ICNL
INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

Acronyms

CoE	Council of Europe
ECNL	European Center for Not-for-Profit Law
GDPR	General Data Protection Regulation
HRD	Human rights defender
ISP	Internet service provider
NGO	Non-governmental organization
OSCE/ODIHR	Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
RoA	Republic of Armenia
VPN	Virtual private network
UN	United Nations
USSR	Union of Soviet Socialist Republics

Executive summary

With the increased accessibility of digital technologies in Armenia, the exercise of the freedom of assembly steadily spread to the online domain. The peculiarities of political and social protest culture apply to digitally-mediated assemblies as much as on physical ones. To identify the current situation of digitally-mediated assemblies in Armenia, the Helsinki Committee of Armenia conducted a monitoring project based on the *Guide on digitally-mediated assemblies and how to monitor them*, developed by the ECNL.

This report aims to provide an overview of the legal framework concerning the digitally-mediated assemblies, reveal the restriction of internet use and other risks in the overall environment, and discuss the results of monitoring four cases of digitally-mediated assemblies, which occurred in 2021-2022. Those cases were selected based on the variety of the acts, the methods of involvement, and the extent of the action. Two of the selected cases relate to the assemblies, conducted at the online platforms (Platform22, and Kovcheg-Armenia), and two initiatives that had a hybrid type of assembly: physical and digital (#ArtsakhFlagChallange, and Returning the names initiatives).

Based on the findings of the monitoring project, this report includes key recommendations aimed at increasing the protection of the digitally-mediated assemblies in Armenia.

Background context

Social networks already have an established history of being an essential tool for organizing assemblies and protests in Armenia. Widely used by both the organizers and the participants alike, it is rare for a civil movement or a separate protest not to be in some way facilitated with the use of a social network. Facebook is the primary network of choice, with nearly 1.800.000 users from the country, accounting for more than 61 percent of the population[1]. Telegram was the most popular messaging app in 2021[2]. However, in the context of peaceful assemblies, it is used chiefly as a mirroring device for the events and activities organized initially on Facebook.

2022 marked the continuation of protests demanding the resignation of the Government, with the latest being the Resistance movement organized by the Parliamentary opposition. The central issue dominating the public debate is the future of Nagorno-Karabakh (Artsakh in Armenian). Along with physical protests, numerous digitally-mediated assemblies were held during 2021-2022 by various members of the society, supporting the cause.

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[1] https://napoleoncat.com/stats/facebook-users-in-armenia/2021/01/

[2] "Telegram becomes most popular messaging app in Armenia", *Arka*, 04.01.2022, https://arka.am/en/news/technology/telegram_becomes_most_popular_messaging_app_in_armenia_/

In the first half of 2022, there was a significant increase in Russian citizens entering Armenia, starting in March when the Russian-Ukrainian conflict began. According to the Armenian Migration Service, 372,086 Russians entered Armenia during this time[3]. After the declaration of the partial mobilization on September 21, the second wave of Russian citizens entered Armenia. Over 132,000 Russians arrived in September, but many also left the country, with 128,000 leaving in the same month[4]. Some of the migrants were actively engaged in anti-war activism. Those actions almost all the time were conducted with the use of online resources.

In particular, migrants organized peaceful meetings and single pickets to protest against Russia's military policy. This discourse was also observed in the digital field, where numerous platforms began to be organized for the exchange of opinions and information by relocants. Despite the fact that most online platforms were aimed at exchanging information on relocation, such as renting real estate, legal issues about relocation, and other domestic and legal aspects, there were also those where online meetings were initiated as part of the "No War" message. One of the major such platforms is the "Ark" project, which was organized to support Russian emigrants who condemn military aggression against Ukraine and "do not see opportunities for themselves to live in Putin's Russia"

Monitoring results

Helsinki Committee of Armenia conducted monitoring of digitally mediated assemblies in Armenia, based on the *Guide on digitally-mediated assemblies and how to monitor them*, prepared by ECNL. The monitoring included research of the legal framework, instances of internet restrictions, and the overall environment concerning the digitally-mediated assemblies. Four digitally-mediated assemblies from 2021-2022 were selected to monitor in-depth, presented in this report.

Legal framework

The right to freedom of assembly is guaranteed by Article 44 of the Armenian Constitution under the chapter of the "Basic rights and freedoms of the human being and the citizen." The Constitutional amendments of 2015 provided more detailed regulations than before, such as explicitly exempting spontaneous assemblies from notification procedure, and providing tools for a broader interpretation of the basic rights.

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[3] "The economic impact of the Russian exodus in Armenia and Georgia", *OBC Transeuropa*, 07.10.2022, https://www.balcanicaucaso.org/eng/Areas/Armenia/The-economic-impact-of-the-Russian-exodus-in-Armenia-and-Georgia-220973
[4] "Second influx of Russians into Armenia: risks for a small country", *Jam News,* 12.10.2022, https://jam-news.net/second-influx-of-russians-into-armenia-risks-for-a-small-country/

The Armenian legal framework does not explicitly acknowledge digitally-mediated assemblies to the full extent. However, protection of digitally-mediated assemblies can be inferred from the Constitutional regulations. Article 81 provides that basic human rights and freedoms, including the right to peaceful assembly, shall be interpreted while taking into account the *practice of bodies operating on the basis of international treaties on human rights, ratified by the Republic of Armenia.* This clause may contribute to the dynamic development of the freedom of peaceful assembly in line with international standards.

The formulation, though somewhat vague, has been interpreted by the Constitutional Court to include the European Court of Human rights judgments and recommendations delivered by the Committee of Ministers of the CoE [5]. That is, the recommendations of the Committee were considered to represent the *practice of an international body operating on the basis of an international treaty.* Thus, the Constitutional clause on freedom of assembly may be interpreted also to include digitally-mediated assemblies, referring to documents such as the Recommendation CM/Rec(2014)6 of the Committee of Ministers of the CoE [6].

It is not clarified whether Article 81 also applies to documents produced by other treaty bodies, such as to the General Comments of the Human Rights Committee, including the General Comment 37, however, the issue has been raised on several occasions. For instance, UN High Commissioner for Refugees suggested having a similar legal status as specified in Article 81 of the Constitution, requesting to be treated as such[7]. Thus, UNHCR's comments and consultations would have been treated as a *practice of a body operating on the basis of an international treaty on human rights[8].*

The amended Constitution of 2015 requires that *conditions and procedures for the exercise and protection of the freedom of assembly shall be prescribed by law* (Article 44).The main legal source regulating various aspects of peaceful assemblies is the Law on Peaceful assemblies adopted in 2011. Before adoption, the draft was submitted to the Venice Commission and OSCE/ODIHR, which, in their interim joint opinion, concluded that it is *to a large extent in accordance with international and European standards in this*

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[5] See ՍԴՈ-1421, Constitutional Court Para 4.3 https://www.concourt.am/decision/decisions/sdv-1421.pdf?fbclid=IwAR1Zy00KaA8nhcYJgRj-acb0CvxWnjXLhmdopaZxeashnXW6nXKcWzLaBeI

[6] *Recommendation CM/Rec(2014)*, Committee of Ministers, 16.04.2014 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804d5b31

[7] *UNHCR Comments on the Draft Law of the Republic of Armenia on Legal Assistance in Criminal Cases*, UNHCR, page 1, https://www.refworld.org/pdfid/5f7330a34.pdf?fbclid=IwAR0BC40SyKqDt3w4venEl5frP0xsD_IcEPTQAqKGErn1dr3XfIOLn4hflo4

[8] Ibid

matter[9]. However, the joint opinion was delivered before the notion of the right to assemble online gained momentum. Therefore, the aspects of the law, which may relate to the digitally-mediated assemblies, were not reviewed from that standpoint.

According to the law, *an assembly is a temporary peaceful and unarmed presence of two or more individuals in any location for the purpose of coming to a common opinion or expressing their opinions on issues of public interest*[10]. The term "location" is further elaborated, which may be a *state-owned, community-owned, or private open-air space (street, sidewalk, square, garden, park, etc.) or building, to which everyone has access with the purpose of conducting the assembly*[11]. The formulation implies that the law only refers to physical locations as assembly venues.

While public celebrations and cultural, and sports events are not considered as types of assembly, those are also protected and regulated under other legal acts, namely the law on Local Self-Governance[12]. The law provides guarantees similar in nature but less strict compared to that of Peaceful Assemblies. For instance, the notification procedure is not mandatory if the expected number of participants in an assembly is less than 100, compared to 300 in the case of public events[13]. In the same way, urgent and spontaneous assemblies are exempt from the notification procedure, however, the organizer (if there is any) has to *inform* the police of the conduct of such assembly. There is no limitation as to the number of participants for urgent and spontaneous assemblies.

The criteria of differentiation between *peaceful assemblies* and *public events* are the event's *purpose*, according to the law. For example, if an event is held solely for recreational, ritual, or entertainment purposes, it is regulated as a public event. However, if the purpose of an event is the expression of an opinion *on issues of public interest*, the event will automatically fall under the protection of the law on Peaceful Assemblies. In such cases, the form of conduct is irrelevant, whether it is a commemoration ceremony, marching, vigil, or any other event.

Due to the lack of case law in the context of digitally-mediated assemblies, the applicability of the documents, such as the General Comment 37, through the Article 81 of the Constitution was not addressed yet[14]. There is no ongoing initiative to amend the legislation with an explicit acknowledgement of the digitally-mediated assemblies, nor it

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[9] *Interim Joint Opinion on the Draft Law on Assemblies of the Republic of Armenia by the Venice Commission and OSCE/ODIHR*, paragraph 9. CDL-AD(2010)049-e (22.12.2010).
https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2010)049-e
[10] The RoA *Law on Freedom of Assemblies*, Article 2.
[11] *Ibid*
[12] The RoA *Law onSelf-Governance*, Article 39.
[13] The RoA *Law on Freedom of Assemblies*, Article 9, the RoA *Law on Self-Governance*, Article 39
[14] The data is obtained through the search engine of the Datalex system using relevant keywords
https://www.datalex.am/ .

was included in the National Strategy for the Protection of Human Rights and 2020-2022 Action Plan[15].

Personal data protection in relation to freedom of peaceful assembly

The legal framework covering personal data offers protection mostly comparable with the GDPR standards[16]. Similarly, certain types of sensitive personal data fall into a special category, such as a person's political views, religious or philosophical beliefs, and sex life. Biometric data of an individual is also subject to stricter regulations and technical requirements. According to the law, special category and biometric data may only be processed without individuals' consent only if the processing is directly permitted by law (Articles 12-13). The law does not regulate the instances of data processing solely by automated means. A specialized government body, the Personal Data Protection Agency operates under the Ministry of Justice and is the primary data protection authority, similar to the European Data Protection Supervisor. Further, telecommunications service providers are legally required to keep the information regarding the type, location, purpose, destination, quantity, and technical conditions of services used by their customers confidential[17].

The procedure of decision delivery based solely on automated processing, which may produce legal effects for the data subject, is not explicitly regulated under Armenian legislation, as it is provided under Art. 22 of the GDPR. According to G. Hayrapetyan, the Head of the Personal Data Protection Agency, the domestic legal framework does not differentiate between the means of data processing, whether it is automated, with or without any technical means. In all cases, including if the decision is based solely on automated processing, the general rules and guarantees apply, such as the prohibition to deliver decisions not stemming from *the purposes of the processing of personal data*, which give rise to legal effects for the data subject[18]. Furthermore, Armenia has ratified Convention 108+, which sets a similar guarantee not to be subject to a decision based solely on automated processing, which may significantly affect the data subject[19].

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[15] *National Strategy on Human Rights Protection and Action Plan,* Government of RoA*,* (decision N1978-L), https://www.moj.am/storage/uploads/1Razmavarutyun.MIP.pdf
https://www.moj.am/storage/uploads/mip2022.pdf

[16] "Data protection in Armenia: overview", Narine Beglaryan, *Thomson Reuters*, https://www.dialog.am/storage/files/posts/posts_184625614492_2019_-_Global_Guide_-_TR_-_Data_protection_in_Armenia_-_overview.pdf

[17] RoA law on Electronic communications, Article 49

[18] RoA law on Protection of personal data, Article 16

[19] Convention for the protection of individuals with regard to the processing of personal data (Convention 108+), Art. 9

It has been reported that the police use videotaping and photography devices during peaceful assemblies[20]. However, the materials are supposed to be destroyed after 7 days, if no crime or violation of public order had been identified[21].

On October 2022, the police discussed a bill, enabling to install surveillance cameras near commercial and educational institutions, pharmacies and various other enterprises, as well as municipal institutions, which will be used in conjunction with a facial recognition software to solve crimes[22].

Internet restrictions

Internet restrictions, which may affect the right to peaceful assembly, are rare but not nonexistent. On February 25, 2021, internet disruptions in Armenia were reported by NetBlocks[23]. The disruptions coincided with the public demand of the Chief and nearly 50 generals of the General Staff of the RoA Armed Forces for the resignation of the RoA Prime Minister[24], which triggered the deepening of the internal political crisis in Armenia[25]. Ucom, the largest ISP in Armenia, commented on the disruptions, attributing those to the 400% spike in internet use since the afternoon, which were briefly solicited by additional bandwidth allocation[26].

Other internet restrictions were reported during the 44-day war of 2020 and the September 2022 Armenia–Azerbaijan clashes, which rendered several Azerbaijani websites inaccessible in Armenia. According to the Ministry of Digital Development and Transport of the Republic of Azerbaijan, internet access restrictions were imposed to "prevent Armenia's large-scale acts of provocations"[27]. However, Azerbaijani websites remained accessible through VPN services.

There is no comprehensive study on the use of VPN services in Armenia, and the ISPs are not required to report the VPN traffic or other related information. According to a cyber

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[20] http://armhels.com/wp-content/uploads/2018/12/Armenia_Monitoring-assembly-report-2017-18.pdf P 29
[21] Ibid
[22] "*The RoA police will have the right of video surveillance in schools and shops. bill*" (in Armenian), Sputnik Armenia, 31.10.2022, https://armeniasputnik.am/20221031/hh-vostikanutjuny-dprvocnerum-ev-khanutnerum-tesankarahanelu-iravunq-kstana-orinagits-50651237.html
[23] "*Internet disrupted in Armenia amid political turmoil and alleged coup attempt*", Netblocks, 25.02.2021, https://netblocks.org/reports/internet-disrupted-in-armenia-amid-political-turmoil-and-alleged-coup-attempt-18lpVL8a
[24] "*Armenian Military Demands Government's Resignation*", Azatutyun, 25.02.2021, https://www.azatutyun.am/a/31121104.html
[25] "*Observer #1 Human Rights in Armenia 2021*", Helsinki Committee of Armenia, http://armhels.com/wp-content/uploads/2022/03/Ditord-2021-2_ENG.pdf
[26] " *The usual volume of Internet consumption in Armenia has recorded an 18% drop today.*", Tsayg, 25.02.2021, https://bit.ly/3jbJTlg

[27] "*Azerbaijan limits internet access to prevent Armenia's large-scale acts of provocation*", Ministry of Transport, Communications and High Technologies of Azerbaijan, 27.09.2020, https://mincom.gov.az/en/view/news/990/azerbaijan-limits-internet-access-to-prevent-armenias-large-scale-acts-of-provocation-

security expert, Robert Hovhannisyan, the overwhelming share of the VPN traffic is generated by major IT companies for business needs. There is no data on which VPN services are more preferred by individual users in Armenia. While several local companies provide VPN services, the market share of those is negligible in the context of personal use.

According to Freedom House, there were no reports of internet shutdowns or blocked social media platforms in Armenia during 2022. However, due to the limits of the coverage period, the report did not address issues related to internet freedom during the Azerbaijani military attacks on Armenian territory in September 2022, when the social network TikTok access was temporarily restricted in Armenia[28]. In addition, on May 16, 2022, CyberHUB-AM reported possible attempts to block Telegram and Signal messenger applications in Armenia[29]. The same day, protests organized by the parliamentary opposition took place, and more than 90 protesters were forcibly taken to police departments[30].

On July 4, 2022, the General Prosecutor of Armenia addressed a letter to the Government, proposing to impose legal measures on the security of information on the internet. The Prosecutor cited the rise of "dissemination of information containing national, religious, sexual or other discrimination, advertisements of materials, circulation of which is prohibited in the RoA, including drugs" on the internet in recent years as a rationale behind the proposal. Further, the Prosecutor referred to similar regulations in Russia, Germany, and Georgia and the lack of such in the RoA[31]. HRDs and media security experts criticized the proposal, expressing concerns that the possible regulations may be used for state censorship[32]. As of December 2022, no further developments of the proposed regulation occurred.

Use of spyware

In 2021 and 2022, numerous current and former state officials and opposition figures reported receiving alerts from Apple on State-sponsored attacks on their phones, which

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[28] "*TikTok restricted in Azerbaijan and Armenia amid clashes over Nagorno-Karabakh*", Netblocks, 14.09.2022, https://netblocks.org/reports/tiktok-restricted-in-azerbaijan-and-armenia-amid-clashes-over-nagorno-karabakh-3An4pky2
[29] "*Attempts to block the Telegram and Signal in Armenia*", CyberHUB, 17.05.2022, https://cyberhub.am/hy/blog/2022/05/17/anomaly-ooni-probe-telegram-signal/
[30] "The police stopped the motorcade, more than 90 people were detained" (in Armenian), Azatutyun, 16.05.2022, https://www.azatutyun.am/a/31852694.html
[31] "The Prosecutor General appealed to the Government regarding the legal regulation and control of information security on online platforms" (in Armenian), the Prosecutor General's office, 04.07.2022, https://www.prosecutor.am/am/mn/8647/
[32] "*Armenian Prosecutor General Wants to Monitor Internet Content*", Hetq, 04.07.2022, https://hetq.am/en/article/146218
"*Attorney General proposes to control information spreading over the Internet, human rights defenders are concerned*" (in Armenian), Azatutyun, 05.07.2022, https://www.azatutyun.am/a/31929309.html

is believed to be the Pegasus program[33]. According to media expert Samvel Martirosyan, the infamous spyware was indeed found on one of the affected smartphones[34]. Furthermore, in late 2021, an investigation conducted by Citizen Lab concluded that the Government of Armenia is a likely user of Cytrox's Predator spyware[35].

Troll farms

Another issue raised by activists and public figures is the use of fake profiles in social networks to increase the visibility of the content or discredit the activists or rally organisers. For example, the Deputy Speaker of the Parliament, Ishkhan Saghatelyan's announcement for the November 5th rally in Yerevan, was targeted by a troll farm. Approximately 1000 "Haha" reactions were placed by Vietnamese profiles[36]. Several other opposition activists were targeted with similar attacks, such as Ruben Melikyan (former Ombudsman of Nagorno Karabakh), and Anzhela Elibegova (expert on Azerbaijan). Possibly, the action was done using one of the paid online promotion and marketing tools, similar to SocialBoss[37] or UseViral[38], which are freely accessible to the public.

Cases

The following four cases were selected during the monitoring process based on the diversity of the actions, means of participation, organization, and scope of action. Two of those, the #Artsakhflagchallenge and Platform22 were organized by Armenian nationals to address domestic political issues. Two other digitally-mediated assemblies were organized by Russian relocants, who arrived in Armenia during the Russia-Ukraine war in 2022, and the "Memorial" (International Memorial) NGO.

#Artsakhflagchallenge

Description of the digitally-mediated assembly

The flash mob occurred against the backdrop of political and social discourse revolving around the post-war situation in Armenia and Artsakh (Nagorno Karabakh), and the role

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[33] "*Armenian Politicians 'Alerted' To 'State-Sponsored' Spyware Targeting*", Azatutyun, 25.11.2021, https://www.azatutyun.am/a/31578892.html

[34] "*Information security expert: Some Armenia officials received letter that they were victims of national hackers' attack*", News.am, 12.11.2022, https://news.am/eng/news/729933.html

[35] "Pegasus vs. Predator Dissident's Doubly-Infected iPhone Reveals Cytrox Mercenary Spyware", The Citizen Lab, 16.12.2021, https://citizenlab.ca/2021/12/pegasus-vs-predator-dissidents-doubly-infected-iphone-reveals-cytrox-mercenary-spyware/?fbclid=IwAR3qKMEXKlRZ2J3OIi1n0glzJPsu_wU26_HxPCEIkZkIfeuP62Insv8j5bw

[36] See I. Saghatelyan's post on Facebook, https://www.facebook.com/IshkhanSaghatelyanOfficial/posts/pfbid02w9Ax89FDcR8jPEVH7v2qdUPKo4cTk8QdMkj5buWocBAXCqsmQfKY3RNA2nT614XUI

[37] https://socialboss.org/buy-facebook-reactions/

[38] https://useviral.com/buy-facebook-reactions/

of Armenia as a guarantor of Artsakh's security since the ceasefire agreement came into force. According to the organizers and participants, the aim of the "challenge" was to raise awareness of the issues of Nagorno Karabakh and criticize the inaction of the RoA Government in regard to the issue at large. The hanging of the flag of Artsakh would symbolize participants' solidarity with the Artsakh cause.

While most participants stuck to the suggested model of the flash mob, i.e., hanging the flag from their windows or balconies, some put the flags in their cars, displayed them during certain events, or posted a photo of themselves holding the flag on social media. After the initial stage of the flash mob, the organizers created a private Facebook group for participants and supporters, "Artsakh flag challenge[39]", where they continued to share information on the developments and shared content depicting the use of the flag both within and outside the context of the flash mob.

Planned vs. spontaneous

According to the organizers, the action was planned two weeks ahead with a small group of supporters who intended to kickstart the flash mob with simultaneous actions. Two hashtags were chosen in Armenian and English - #artsakhflagchallenge and #միտքսարցախին ("my thoughts for Artsakh"). The idea was to post a photo or a video of the participant expressing solidarity with Artsakh and tagging at least three people to take the challenge onwards, similar to the ALS Ice Bucket Challenge of 2014. The wording "challenge" in the English version of the hashtag was chosen for its resemblance with the Ice Bucket Challenge to make it more memorable and catchy rather than for describing the planned action itself.

Identification of organizers

The flashmob organizer was the *"Eye for an Eye" community of documentary filmmakers*, which engage in social and political activism on various domestic matters, focused chiefly on the issues of Artsakh[40]. According to Hovhannes Ishkhanynan, documentary filmmaker and a founding community member, several participants simultaneously started the action on their Facebook on December 12, 2022. One of the members, illustrator Carine Aroyan (art name "Zar"), made graffiti depicting the flag of Artsakh and shared the images on her Facebook profile[41]. All of the organizers were in Armenia at the

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[39] https://www.facebook.com/groups/449914103187158/members
[40] https://aknandakan.org/?fbclid=IwAR3rifD9wrRzcZ4GYBJmNL62QhTthz9tEwqfSQrApyjyYMGH_Ii0s-41KAc
https://www.facebook.com/aknandakan
[41]
https://www.facebook.com/zar2122/posts/pfbid02SDPNEVgjhi1tJQZ4EH16iS5bhSQsSQ5gf94WV6dZobi7qv4gaUUV
3voXs9caVDrBl

time. The organizers also shared prominent posts on the "Eye for an eye" community's page.

Duration

The assembly started on December 12, 2021. Most of the posts with the use of the suggested hashtags were made until January 2022. The Facebook group "Artsakh flag challenge" is still active as of December 2022.

Participants

The action attracted members of the Parliamentary opposition[42], TV and social network personalities, actors, lawyers, musicians[43], as well as various members of the Armenian Diaspora. Depending on their occupation, other participants displayed during a performance[44], a rock concert[45], and press conferences[46]. TV actor Hayk Petrosyan's post reached 6900 reactions and was shared more than 1100 times on Facebook[47]. he Facebook group "Artsakh flag challenge" has 1600 members as of December 2022.

Geographic scope

While most of the participants were Armenian residents, there were many posts made by various members of the Armenian Diaspora from USA, France, Denmark, and other countries.

Measuring impact

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[42]

https://www.facebook.com/KrpeyanAspram/posts/pfbid02emAMoqbkWrgionDdjS6AJ45AADpw8wFNfDZtBP7XnbBK14TnpZdwWRVzPhXH5RKSl

https://www.facebook.com/gegham.manukyan.16/posts/pfbid02GhYhVBNSoxvuMdTWUaL1ZrBapMMRgo13g6DnzPxcKwrHDUHeFnJxzF4u1kNzgG6El

https://www.facebook.com/vkristinne/posts/pfbid02rLhGg3Tw4Sn1fcxJvA1pgfck4Ji33FbhFVWZAkqNT5qzHi2KJFG85j833M54Q8dsl

[43]

https://www.facebook.com/aknandakan/posts/pfbid078sRh3yH3x1YrYePo2XeFvyRHhD6yopHbkC58nHEqdGQE5W23w9RS1XFsyVjcx66l

[44]

https://www.facebook.com/garsu.hovhannissyan/posts/pfbid05TZfcUW5sdcdwAiCi92SDKhKpgkeHqdj2LWrNzX6rMp9cTUuzdf2YpYd6HrYDSavl

[45] https://www.facebook.com/100038120743610/videos/1080385272790344/

[46]

https://www.facebook.com/KrpeyanAspram/posts/pfbid02emAMoqbkWrgionDdjS6AJ45AADpw8wFNfDZtBP7XnbBK14TnpZdwWRVzPhXH5RKSl
https://www.facebook.com/permalink.php?story_fbid=pfbid0fx5HpwjhkLQwKFdDxxQzw87QzQVGeZwkEE86XBPdDQYrQ26JXZh6k895aDvv7pT8l&id=100064370614967

https://www.facebook.com/anzhela.elibegova/posts/pfbid0w2xTUWvEvJCxif4konw4HnNWjtXcKNPMJfun8zNPtcYLNJfLCZpqNi7erCj2UzYXl

[47] https://www.facebook.com/watch/?v=2968084680148316

The flash mob received coverage by both TV and online outlets[48]. According to the organizers and participants, the flashmob had an impact on some aspects of the opposition's protests started in April 2022, known as the Resistance movement. Similar to the online campaign with the flag, the organizers encouraged people to hang it from their windows and wave it as the marches were passing by their houses[49]. Organizers of the Resistance movement, some of whom were also participants of the #artsakhflagchallenge flash mob, erected the flag of Artsakh in French Square in Yerevan[50] and other cities across Armenia[51]. During the active period of the Resistance movement, protesters and other citizens conducted numerous actions, such as waving the flag during a ballet performance in a concert hall[52], a boxing championship[53], and hanging a 40-meter flag on the top of the Cascade complex[54].

Platform22

Description of the digitally-mediated assembly

Platform22 is a public Facebook group dedicated to public political discussions, and information exchange about ongoing protests created by media expert Karen Vrtanesyan, who is also one of the administrators. The fragmentation of the opposition and lack of a dedicated, accessible platform for public debate on current issues were cited as the main reasons behind the idea of establishing Platform22. The group has its proper rules of conduct which the members should follow during their discussions, such as the obligation not to lie to each other and to give credit where it is due[55]. According to the admins, the rules are technical and tailored to restrict hostile or aggressive behavior inside the group and ensure proper, constructive debate.

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[48] "*My thoughts for Artsakh" initiative,* (in Armenian), Yerkir, 18.12.2021, https://www.youtube.com/watch?v=R7EB-QNn6NQ,
"*My thoughts for Artsakh:a flash mob has started on social networks in support of the people of Artsakh*", (in Armenian), News.am, 14.12.2021, https://www.youtube.com/watch?v=CcXIO6gXLAc
[49] https://www.facebook.com/photo.php?fbid=303656141945601&set=pb.100069036525741.-2207520000..&type=3
[50] "*The opposition placed the Artsakh flag in France square*", 24TV, 05.04.2022, https://www.youtube.com/watch?v=QCCrW7Z_SFg
[51] "*The flag of Artsakh has been placed in Gyumri*", Hraparak, 10.04.2022, https://hraparak.am/post/9b6453efcfa06be70190648733b90a79
"*The flag of Artsakh has been placed in Vanadzor*", Aravot, 08.04.2022, https://www.youtube.com/watch?v=gX6HNU4h7PU
"*LIVE: the flag of Artsakh is being placed in Goris*", Yerkir, 13.04.2022, https://www.facebook.com/watch/live/?ref=watch_permalink&v=1041390583480888
[52] ""*Artsakh will never be part of Azerbaijan". action during Gayane Ballet*", Para TV, 29.04.2022, https://www.youtube.com/watch?v=vrvN6u9ibIQ

[53] "*Young people unveiled the Artsakh flag at the opening of the European Boxing Championship*", 24TV, 22.05.2022, https://www.youtube.com/watch?v=x2Q3gSREa7o
[54] "*Young people placed the Artsakh flag in the Cascade*", Para TV, 23.04.2022, https://www.youtube.com/watch?v=w-4qcvH1Cco
[55] facebook.com/groups/hartak22/permalink/984856255728421

While the group members did not organize a standalone physical assembly, they coordinated their actions during participation in the physical assemblies held by the opposition in the spring-summer of 2022. The group was used to discuss poster designs to be used during the protests[56], behavior during encounters with counter-protesters[57], etc. In addition, members shared real-time information on ongoing demonstrations, including the venues, marching routes, police actions, and other developments. After the spring-summer protests in Armenia, the group primarily operated as a platform for brainstorming and exchanging ideas.

Planned vs. spontaneous

The idea for a dedicated and accessible platform fur public debate was incepted on March 2022, when sporadic anti-government protests were occurring, according to K. Vrtanesyan. The group was established as a Facebook public group in April, during the opposition protests of spring-summer 2022.

Identification of organizers

The group has five administrators and moderators, whose names are publicly listed[58] (Karen Vrtanesyan, Nuné Melkoumian, Aram Palyan, Vahagn Mkhoyan, and Nazenik Saroyan).

Duration

The group was created on April 2022 and is currently active.

Participants

According to the group's administrators, membership applications are carefully examined by monitoring their public profiles not to approve fakes. Applications by anonymous or "fake" profiles were only accepted if the administrators or the participants of the group knew him or her in person. The group has nearly 1.700 members, the list of which is public. Apart from the Facebook group, Platform22 also operates a Telegram channel with about 1.800 subscribers, where the administrators share information on ongoing protests.

Geographic scope

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[56] https://www.facebook.com/groups/hartak22/posts/994505131430200/
[57] https://www.facebook.com/groups/hartak22/posts/1001581214055925/
https://www.facebook.com/groups/hartak22/posts/994505131430200/
[58] https://www.facebook.com/groups/hartak22/members/admins

Most group members are Armenia residents, with a number of participants from the diaspora abroad. The scope is rather limited in that regard since the discussions are in Armenian and are oriented toward Armenian domestic politics and protests.

Interference

According to K. Vrtanesyan, the group members and the group itself were subjected to targeted reporting attacks aimed at blocking or restricting their activity. He further noticed that the "attacks" were mainly carried out during the labor days, which suggests a directed effort from a particular group. However, the administrators did not report any instances of content moderation by Facebook.

The anti-war movement of relocants from Russia: online assembly at Telegram chat "Kovcheg, Armenia" ("The Arc, Armenia")

Description of a digitally-mediated assembly

The "Kovcheg" project is organized by the Anti-War Committee of Russia to help emigrants who left Russia because of the war: "We support Russian emigrants who condemn military aggression against Ukraine and do not see opportunities for themselves to live in Putin's Russia."[59]

In the digital space, the Kovcheg project has a website and a chat (a separate chat for Armenia) on Telegram. There are more than 7000 participants in the chat. Moderators moderate the conversation with the primary purpose of avoiding incitement to violence and insults. The main topic of discussion in the chat is the problems of relocation to Armenia, however, a significant part of the discussions is occupied by the anti-war issue.

A specific assembly monitored within the project was organized by one of the Kovcheg participants, Russian activist Yury Alekseev. Initially, a peaceful assembly, a march from the Freedom Squire of Yerevan to the Embassy of the Russian Federation, was planned for August 24, 2022. The assembly began as it was planned but was interrupted by the police. Alekseev, along with other participants, was brought to the police station[60].

The police justified the intervention due to the *failure to comply with police officer's lawful demand*, an offense as per Article 182 of the RoA Code of Administrative Offenses. The police officers demanded him to stop the demonstration, stating that *inciting national hostility is forbidden[61]*.

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[59] https://kovcheg.live/
[60] "*"Putin's presence in RoA is quite large." what do the detained Russian activists say*", Factor TV, 25.10.2022, https://www.youtube.com/watch?v=d4XAV2rfhAw
[61] "*"Shame". human rights defenders consider it shameful to obstruct the demonstration against the war*", Azatutyun, 25.10.2022, https://www.youtube.com/watch?v=StqWQE4lsoQ&t=4s

The physical assembly was relocated to the online platform, specifically the Telegram Channel Chat (Kovcheg, Armenia). In particular, in the period from 24 to August 30, after the assembly, and the arrest of its participants, there were about 100 publications in the chat. The main message of the publications was the protest against the war, as well as the problems of freedom of peaceful assemblies.

Planned vs. spontaneous:

The physical assembly was planned, and the online discussion was spontaneous.

Organizers:

The organizer of the physical assembly was Yuri Alekseev, a Russian opposition activist, blogger, and former licensed lawyer (nickname "Hobbit").

Duration of assembly:

The physical assembly was interrupted by police activities. The online assembly lasted around seven days, from 24 to August 30, 2022.

Participants:

On the assembly of August 24, about 100 participants took part, and about 20 policemen were present (including the 3rd special battalion of the SRS, red berets). As a result, 22 participants, mainly those with posters, were arrested. The physical protest participants were primarily the relocants from Russia. A minor part of the participants were Armenians.

There are around 7000 participants in the Telegram Channel (Kovcheg, Armenia). The monitored online assembly's participants were around 50. Most of the participants were identified as relocants from Russia, and 4-6 identified as Armenians.

Geographic Scope

The physical assembly took place in Yerevan. The online assembly was taking place at Armenian Telegram chat (Kovcheg, Armenia)

Messaging

The main goal of the organizer was to draw the attention of the Armenian public, and in particular the civil society, to the protest of the relocants against the Putin regime.

Given that the physical meeting was interrupted by the police, a further online meeting was intended to raise the issue of the right to freedom of peaceful assembly. To draw attention to this problem, the organizer of the meeting created a petition on change.org

calling to condemn the actions of the police towards the protesters, demanding the resignation of the police chief.

Measuring impact

According to the organizer of the physical assembly, the event drew the attention of the Armenian authorities and Armenian civil society to the problem of the Putin regime. In particular, he stated in the chat that due to the assembly, "we acquired the status of a political entity in Armenia".

State interference

The physical assembly was interrupted by the police. 22 participants, mainly those with posters, were arrested. The police justified the intervention due to the *failure to comply with police officer's lawful demand*. It is worth noting, that the offense of *failure to comply with police officer's lawful demand*, which is the most frequently used ground for forcibly taking an assembly participant to a police department in Armenia, was criticized by the Human Rights Defender (Ombudsman) as problematic both from the substantive and the enforcement practice perspectives[62].

Regarding the state interference in the Telegram chat, as per the moderator, they are keeping in mind the possibility of having infiltrated members in the online group (e.g., police acting as activists to surveil the group's discussion), but they had never identified such cases.

Digital divide

The online assembly took place at the telegram chat, which needs registration (entrance) to participate in the discussion. The assembly was moderated, but, as it was learned from the interview with one of the moderators, only radically aggressive posts were deleted from the chat. At the same time, it was detected that during the online discussions, the moderators (who are also relocants) placed posts urging the participants to respect the internal political situation in Armenia, its history and culture, and to refrain from criticizing the passive position of the local population towards the issues discussed by the relocants.

Media and journalists involvement

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[62] *Annual communication on the Republic of Armenia Human Rights Ombudsman's activities and on the situation with protection of human rights and freedoms in 2019*. RoA Human Rights Ombudsman. Yerevan, 2020, p. 402 (in Armenian). https://www.ombuds.am/images/files/15b2661f76d10eb07746d7d4d4dec84f.pdf

The physical assembly was participated by the journalists as well. The assembly, as well as the police interference, had significant media coverage.

The initiative "Returning the names"

Description of digitally-mediated assembly

On October 22, the "Returning the names" initiative was dedicated to the victims of political repressions in Yerevan. The action was organized by the Russian society "Memorial". The initiative "Returning the names" had been held by "Memorial" for 15 years in different cities. The initial event was held in 2007 in Moscow, on the eve of the Day of the Political Prisoners. Since then, tens of thousands have participated annually in various countries and cities across the world, according to the organizers[63].

As part of this action, the participants read the names of the victims of Stalin's repressions. Within the initiative held in Yerevan, the participants gathered near the monument to the Armenian poet Yeghishe Charents, who was arrested in 1937 on charges of nationalism and Trotskyism and died in prison. The recording of the action was broadcasted on October 29, on the eve of the Day of Remembrance of Political Prisoners. The video includes the action, which took place in different countries and cities.

The Memorial provided a detailed guide on how to participate in the event on their website[64], including information on where to get the victims' names, how to choose the venue, and details of preparing the video or the live stream to be included in the Memorial's broadcast. The participants could either join the live broadcast or provide the organizer with a pre-recorded video to be included in the broadcast.

The video was broadcasted on October 29 and lasted more than 11 hours. It was published on the event's dedicated website[65] and Memorial's social media pages, including on the YouTube channel, which gained more than 13.000 views.

Planned vs spontaneous

The event and its broadcast were scheduled.

Organizers

This trans-national event was organized by International Memorial. International Historical Educational Charitable and Human Rights Society "Memorial" (International

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63 https://october29.ru/about/
64 https://october29.ru/about/
65 Ibid

Memorial) is a non-commercial organization studying political repressions in the USSR and in present-day Russia and promoting moral and legal rehabilitation of persons subjected to political repressions[66]. In 2021, the organization was liquidated by a decision of the Russian court.

Duration of assembly

The physical part of the event in Yerevan was held on October 22, from 12:00 – 16:00. The full event was broadcasted on October 29 and took more than 11 hours.

Participants

More than 100 people took part in the action at the monument to the Armenian poet Yeghishe Charents, who died in the prison of the NKVD in 1937. The organizers compiled a list of 180 Armenians who were shot during the years of Stalin's repressions. The participants of the action read out the names from the list in Armenian or Russian, including information on their occupation, date of execution, and also added the names of their relatives, who were also shot or exiled and finished the presentation with the words "we remember" or "eternal memory".

The broadcasted video on the event in Armenia includes 39 participants, including seven minors, and 2 English speakers.

The broadcast on the YouTube channel has more than 13000 views.

Geographic Scope

Participants from 42 cities of 22 countries[67] took part in this digitally-mediated assembly.

Messaging

As per organizers, the message of the assembly specifically for 2022 was the following:

"2022 has brought a new disaster and new victims, people are dying right now and this unimaginable tragedy unfolding before our eyes must be brought to an end as soon as possible. We are convinced that "Returning the Names" is very much relevant now, reminding us of the fundamental unconditional concept of utmost importance: nothing in the world can be more precious than human life, and therefore, no government has any right to take a life. It was true in 1937 and it is no less true now, in 2022. The more people

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[66] https://www.memo.ru/en-us/memorial/mission-and-statute/
[67] Kazakhstan, Netherlands, Israel, Serbia, Russia, Germany, Poland, Austria, Italy, Lithuania, Armenia, Denmark, Cyprus, Great Britain, Australia, USA, France, Czechia, Turkey, Estonia, Georgia, Montenegro

will share this idea, the higher the chance that the war will end soon and will never happen again."

Measuring impact

Considering the huge geographic coverage of the event and a large number of views (more than 13000 only on YouTube), we can talk about the great international resonance of this action.

State interference

The organizer of the event, "International Memorial", was liquidated in Russia by a court decision in 2021. The event "returning the names", which used to be held in Moscow at the "Solovetsky Stone" was not allowed by the authorities in 2022, as well in the previous two years, citing the "epidemiological situation" and a ban on holding public events.

In Armenia, there was no interference from the state conducting the event.

Media and journalists' involvement

The event was broadcasted on Memorial's YouTube channel and the page specifically tailored to the event https://october29.ru/ . The Armenian event separately, and the international event, in general, were covered by different media.

Conclusion and recommendations

The monitoring program did not reveal serious breaches and interferences from the Government's side on the digital component of the assemblies observed. However, at least in one instance of the observed assemblies taking place in physical space, the police interference led to the arrest of the participants, lacking compelling grounds for such action. Such interferences may be attributed to social and political tensions, which always impact the overall environment and the level of protection of freedom of assembly in Armenia at large.

Although the Constitution provides an enabling environment, the explicit acknowledgment of digitally-mediated assemblies is lacking in the legal framework. Particularly, since the specific conditions and procedure of the freedom of assembly are delegated to the law, the gap may contribute to uncertainty or unduly limitations, in which the organizers or participants may not have access to effective legal remedies.

Restrictions on internet access are rare, and no instances of hindering a digitally-mediated assembly were reported. However, credible data points to risks of such unduly

restrictions, attempts to limit the free flow of information, and abuse of surveillance and data gathering, especially during political unrest.

Recommendations

To the RoA Government and National Assembly

1. Revise the legislation to provide digitally-mediated assemblies with the same level of protection as those in physical space.
2. Continuously develop the standards and safeguards for the protection of personal data and refrain from
3. Refrain from unduly internet and traffic restrictions, which may affect the freedom of peaceful assembly both online and offline.

To the Police

4. Rule out forcibly taking assembly participants to police departments without substantiated legal grounds.