

Human Rights Watch

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Annual reports

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Human Rights Watch World Report 1998

ARMENIA

Human Rights Developments

In 1997, the government of Armenia showed tentative signs of easing some of the restrictions on political activity and freedom of the press imposed in the wake of the severe crackdown on the opposition that followed the September 22, 1996, presidential elections. But despite these limited measures, the results were often uneven and did not lead to substantial improvements in human rights conditions.

Notably, the government kept in place the December 1994 ban on the Armenian Revolutionary Federation, or *Dashnaktsutyun*, a prominent opposition party. At that time, the government banned the Dashnak party and party-affiliated newspapers after accusing several individuals of membership in Dro, a secret terrorist organization within the party whose alleged goal was overthrow of the government.

During the year the government carried out negotiations with Dashnak party leaders aimed at reinstating the party. However, the discussions yielded no tangible results and the government cited what most observers note are easily surmountable technical difficulties for continuing the ban, originally slated to last six months. The government did allow party members access to previously confiscated equipment thereby allowing for publication of a Dashnak-affiliated newspaper, *Hoyots Ashkhar*. However, the authorities did not officially lift the ban on other Dashnak-affiliated newspapers.

In 1997, there were three separate sets of trials in which the government prosecuted members of the opposition alleged to have participated in three attempted coups, including those accused of membership in Dro. Three of eleven defendants found guilty of involvement in activities associated with Dro were given death sentences in December 1996. In July a Supreme Court appeals council reduced the death sentence to fifteen years of imprisonment for one of the defendants, Arsen Grigorian, convicted of murder and of drug trafficking. The appeals council denied the clemency petitions of two other defendants in the case who were similarly convicted of murder and drug trafficking.

President Ter-Petrosian indicated that executions will not be carried out in Armenia during his term, and no official executions were reported. However, the president has not commuted the sentences of those currently under the death sentence. In April, the National Assembly favorably reported a bill on the first reading that would abolish the death penalty. A second reading of the bill was expected later in the year.

The government continued prosecuting thirty-one defendants in a second Dashnak-related set of trials. The defendants stand accused of involvement in a July 1995 coup attempt that the government alleges was intended to disrupt by-elections. The trial of the lead defendant, Dashnak party chief Vahan Hovannisyan, charged with organizing activities aimed at the overthrow of the government and terrorism, dragged on through 1997. Throughout the proceedings Hovannisyan alleged, with good reason, that deliberate delays and postponements in the trial were intended to hinder the defense, that witnesses had been pressured into providing false evidence they later recanted, and that on several occasions he was refused access to his attorney. Earlier in the year Hovannisyan and other defendants on trial complained of pressure and beatings of some of their family members by Interior Ministry personnel.

In February prosecution began of individuals charged with involvement in disturbances in the wake of the September 1996 presidential elections, when demonstrators entered the National Assembly building and beat parliamentary speaker Babken Araktsyan and deputy speaker Ara Sahakyan. In a positive development, Armenia's new prosecutor general, Genrik Hachatryan, was reported to have acknowledged in May that legal proceedings in the Dashnak-related trial of thirty-one were unjustifiably dragged out. One of the September 1996 defendants, Manik Sagsyan, convicted of engaging in an act of terrorism and organizing mass disturbances, stated that she was tortured during the investigatory phase of her detention. Her five-year prison sentence was reduced to three years of probation on the grounds that she lacked a prior record and was responsible for the care of her mother and son. As of this writing the prosecutor's office has not investigated Sagsyan's torture charges.

Other defendants, including Vage Varsanyan, who served as a member of the Yerevan electoral commission representing the opposition National Democratic Union; Onik Unanyan; and Seryezha Melkonyan, were convicted after having charges against them reduced from organizing mass disturbances to a lesser charge of disturbing public order, and received suspended sentences in June. The defendants

alleged that they were severely beaten subsequent to their September arrests and later in court withdrew their initial testimony after stating that it had been gained under duress.

Kim Balayan, a member of the Dashnak party leadership and a former member of parliament, was convicted of organizing mass disturbances and was given a suspended sentence of two years of imprisonment in June. Balayan claimed that he was singled out for prosecution due to past animosities with Armenia's prosecutor general related to Balayan's former position as chairman of the National Assembly's justice commission.

In addition to outright bans on Dashnak-affiliated newspapers imposed in December 1994, the government continued to exercise control over the media through its monopoly ownership of printing equipment and the newspaper distribution system, *Haimamul*. The government also maintained a capricious and arbitrary system for licensing television stations that limits the media's ability to broadcast information critical of the government.

Moreover, local reporters stated that security forces confiscated broadcast journalists' equipment and used arbitrary detention and threats during questioning to discourage the broadcast or publication of information it deemed embarrassing or critical of the government or of officials. The result has been to encourage journalists to engage in self-censorship, especially on topics related to government corruption and national security issues. Three reporters from Noyan Tapan news service were reported to have been detained for seven hours and pressured during questioning by Interior Ministry personnel in June after printing articles on Nagorno Karabakh deemed to infringe on national security. On March 7, unidentified attackers broke into the offices of *Yerevan Ozer* newspaper, demanding that the editor, Mikael Hairapetyan, erase the newspaper from the computer's memory. Hairapetyan's attackers beat him when he did not comply, and he stated that their demands that he cease to publish the newspaper led him to believe that the incident was politically motivated.

The Right To Monitor

Human Rights Watch is not aware of instances of restrictions on the monitoring of abuses. However, the ransacking of a library in August maintained by the Constitutional and Human Rights Center in Vanadzor, a partner organization of the Armenian Helsinki Association, raised concerns.

The Role of the International Community

Council of Europe

The Council of Europe continues to evaluate Armenia's application for membership. Lawyers advising the Parliamentary Assembly of the Council of Europe (PACE) rightfully concluded in a May 1997 report that Armenia's judicial system is currently incompatible with council standards for human rights protection. The report noted that although provisions to protect basic human rights are spelled out in Armenian law, the court system lacks the necessary independence from the executive and legislative branch to guarantee them in practice.

The report characterized Armenia's political system as in crisis and noted that the crisis had to be resolved in such a way as to ensure pluralism and give meaning to the institutions of parliamentary democracy already established. Further reports by members of PACE committees overseeing the application process, including the subcommittee on human rights, are expected following visits scheduled for October and November.

United States

The State Department's Country Report on Human Rights Practices for 1996 presented an accurate portrait of Armenia's human rights situation in 1996. The report characterized the September 1996 presidential elections as flawed and added that the Constitutional Court's handling of a case brought by opposition parties protesting the results did not assuage doubts about the credibility of the official election results. It also drew attention to violence by security forces immediately after the elections and to the beating of detainees during arrest and interrogation.

The State Department's report is comprehensive in its treatment of human rights abuses, and U.S. Embassy staff in Yerevan are well informed about violations through regular meetings with individuals and opposition groups. Moreover, U.S. Ambassador Peter Tomsen identified assistance with development of democratic institutions as an important U.S. policy priority in Armenia and has favored increased U.S. spending for such projects.

Armenia received an earmark of U.S.\$95 million in the Fiscal Year 1997 foreign operations appropriations bill, and it may receive funding at similar levels in FY 1998, making it one of the highest per capita recipients of U.S. foreign assistance in the world. Given the government's heavy reliance on funds provided by the U.S. and the international community, the U.S. failed to use its influence on the government to the fullest extent possible to further lift restrictions on political activity and to halt abuses by Interior and Security Ministry personnel. Further, the U.S. Embassy failed to make public statements on breeches of due process associated with ongoing trials during the year.

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