

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2009

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

The Armenian authorities have yet to ensure meaningful investigations into excessive use of police force during March 2008 clashes with opposition supporters protesting alleged fraud in the previous month's presidential election, and address related allegations of abuse in police custody. A number of opposition supporters reportedly remain imprisoned in connection with the March 2008 events. During May 2009 municipal elections in the capital, Yerevan, international observers reported intimidation and attacks on domestic observers and journalists.

Broadcasting law amendments bring greater transparency to the licensing process, but an independent television station that has been off air for over seven years remains without a new license despite a European Court of Human Rights ruling in its favor. Authorities have failed to conclusively investigate physical attacks on journalists.

The authorities have yet to ensure a meaningful investigation into and full accountability for excessive use of force by security forces during clashes with protestors on March 1-2, 2008, following the disputed February presidential election. The clashes resulted in at least 10 deaths, including two security officials and eight protestors. Soon after the March events the police dismissed several top officials, although none was charged in relation to the violence. Officials claimed to have opened 200 internal inquiries into police conduct, but only four police officers have been charged in two separate cases for excessive use of force. The trials continue at this writing.

In September 2009 a parliamentary commission investigating the March 2008 events and dominated by the ruling Republican Party concluded that despite isolated incidents of excessive force, law enforcement actions had been "largely legitimate and proportionate." A separate fact-finding working group, with opposition participation, had been dismissed by President Serj Sargsyan in June.

More than 50 civilians were prosecuted in relation to the March violence, with some sentenced to lengthy prison terms. Although a June 19, 2009 presidential pardon released many, local human rights groups maintain that 17 opposition supporters remain imprisoned on politically motivated charges.

Over 100 opposition supporters were detained following the March 2008 events, and many alleged physical abuse during apprehension, transfer to police station, and in detention. The Armenian Helsinki Association reported at least four cases of torture of opposition supporters in custody in 2009 related to investigation into the March 1 events.

Helsinki Citizens' Assembly (HCA)'s Vanadzor office reported five cases of torture and ill-treatment in police custody in 2009. Despite HCA's appeal to the relevant prosecutorial and judicial authorities, there have been no efforts to ensure accountability for these abuses.

Despite a June 2008 court order to reopen the investigation into the May 2007 death in custody of Levon Gulyan, prosecutors closed the case again in April 2009. Gulyan was found dead after police arrested and interrogated him. The authorities allege that while being held for questioning, Gulyan jumped from a second-story window of a police station while trying to escape, a claim denied by Gulyan's relatives who believe he was tortured.

Although election observers from the Council of Europe's Congress of Local and Regional Authorities (CLRAE) stated that the May 31, 2009 Yerevan City Council elections were broadly in compliance with European standards, they also documented cases of intimidation of party proxies and domestic observers by unidentified persons. Unidentified assailants attacked opposition newspaper journalists Gohar Veziryan (*IV Estate*), Tatev Mesropyan (*Hayq*), and Marine Kharatyan (*Zhamanak*), and prevented them from accessing polling stations. The journalists complained to police, and the investigation is still ongoing.

On May 6, 2009, two unknown assailants attacked Nver Mnatsakanyan, anchor for the private television station Shant, near his home after work. A week earlier, Argishti Kvirikyan, editor for the Armenia Today online news agency, was attacked in similar circumstances and hospitalized with severe injuries. On November 17, 2008, an unknown assailant attacked Edik Baghdasaryan, the editor of the online news magazine *Hetq* and chairman of the Investigative Journalists' Association. He was hospitalized with a concussion. No conclusive investigations followed any of these incidents. In April 2009 the Organization for Security and Co-operation in Europe (OSCE) representative on freedom of the media, Miklos Haraszi, urged the authorities to swiftly investigate the attacks.

Despite the June 2008 decision of the European Court of Human Rights finding Armenia in violation of article 10 (freedom of expression) of the European Convention on Human Rights (ECHR) in relation to A1+, an independent television station, A1+ has not been able to resume broadcasting due to a suspension in all new licensing until digitalization of frequencies, due in 2010.

Parliament amended broadcasting laws in April 2009. The OSCE positively assessed some of the amendments, including those that ensure greater transparency regarding approval for broadcast licenses. However, it also criticized the amendments for failing to ensure political and ideological pluralism of the licensing body, the Council for Public Television and Radio, whose members are appointed by the president.

In August the authorities released Arman Babajanyan, editor of the independent newspaper *Zhamanak Yerevan*, from prison for health reasons. Babajanyan was convicted in 2006 of forging documents in order to evade compulsory military service and served most of a three-and-a-half-year sentence.

The authorities continue to restrict freedom of assembly by frequently denying requests to hold rallies, usually on technical grounds. Out of 84 opposition requests for demonstrations and rallies, only 28 were granted. Opposition parties and some NGOs allege particular difficulties in securing meeting venues for indoor events.

In July three youth opposition activists, Tigran Arakelyan, Sahak Muradyan, and Herbert Gevorgyan, were hospitalized after plainclothes security officials attacked them in downtown Yerevan. The activists were publicizing a rally for the opposition Armenian National Congress. Arakelyan was later charged with hooliganism and grave abuse against law enforcement personnel, and remanded to two months pretrial custody, but was released in October pending trial. In September Gevorgyan was convicted of causing minor bodily injury and sentenced to one year in prison and fined, but amnestied. Muradyan is under investigation for hooliganism.

While monitoring the May Yerevan City Council elections, Arshaluys Hakobyan of the Armenian Helsinki Association was expelled from a polling station. A few days after filing a complaint about this incident with the authorities, police appeared at his home to summon him for questioning. After an argument over his signature on the summons, police arrested Hakobyan for allegedly resisting authority. Hakobyan alleges he was then beaten and ill-treated in custody. Although he filed a complaint and testified to his ill-treatment during his September trial on the charge of resisting authority, the police have failed to comprehensively investigate the claim. Hakobyan remains in custody.

Mariam Sukhudyan, whose activism primarily relates to environmental concerns, in November 2008 publicized on a national television program the case of two girls who alleged sexual harassment at their Yerevan school. Police charged Sukhudyan with falsely reporting a crime. Human rights activists believe the charges are designed to intimidate Sukhudyan in retaliation for her environmental work.

The investigation into the May 2008 attack on Armenian Helsinki Association Chairman Mikael Danielyan was halted allegedly for lack of criminal intent. Danielyan was wounded when an assailant shot him from a pneumatic gun, following an argument. Danielyan's appeal against the decision to close the investigation is pending at this writing.

In May 2009 Armenia and the European Union signed a Joint Declaration on Eastern Partnership. Armenia is already part of the European Neighbourhood Policy (ENP), which pledges significant financial and other assistance. The April ENP Action Plan progress report commended Armenia for certain progress, but expressed concerns about repercussions of the February 2008 presidential election.

In June the Millennium Challenge Corporation (a United States government program for reducing rural poverty) decided to take US\$64 million out of an original US\$235.6 million budget for road reconstruction, citing the Armenian government's failure to meet the program's "eligibility criteria" on civil rights. The fund was originally suspended following the March 2008 events.

The Parliamentary Assembly of the Council of Europe (PACE) has adopted four resolutions on Armenia since the March 2008 events, setting concrete benchmarks for addressing human rights concerns. In its June 2009 session PACE welcomed incremental progress in meeting the benchmarks, but decided to remain seized of developments.

The Council of Europe also issued a report in September 2009 on the situation of minority languages in Armenia, in which it called upon the authorities to "develop a structured policy to make available sufficient teacher training and updated teaching materials in Assyrian, Yezidi and Kurdish at all education levels."

In December 2008 the European Court of Human Rights found Armenia in violation of article 3 (the prohibition against inhuman or degrading treatment), article 6 (the right to a fair trial), and article 2 of protocol 7 (the right to appeal) of the ECHR in relation to three

participants of opposition protests following the February-March 2003 presidential election. The men were detained in cramped and unsanitary detention cells without bedding and with restricted access to toilet facilities. During their trial, the judge heard their cases only very briefly.

In its January 2009 concluding observations, the United Nations Committee on the Elimination of Discrimination against Women urged the government, among other things, to enact a gender equality bill, which would establish a national machinery for the advancement of women.

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