

# Human Rights Watch

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

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### Annual reports

Events of 2008

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World Report 2009 Introduction By Kenneth Roth

Armenia experienced one of its most serious civil and political rights crises since independence when security forces used excessive force on March 1 against opposition demonstrators protesting the results of the February 2008 presidential election. Violent clashes erupted between police and demonstrators, and authorities arrested several hundred demonstrators and prosecuted more than a hundred opposition supporters. A state of emergency temporarily restricted several basic freedoms, including freedom of assembly. International condemnation of the use of excessive force during the March 1 events and of the state of emergency was widespread.

The February 19 presidential election was won by Prime Minister Serj Sargsyan, but was marred by election-day violence and irregularities. On election day, assailants threatened and attacked opposition activists protesting what they believed to be electoral fraud, domestic observers, and journalists at eight polling stations. Several assaults occurred in the presence of police and election officials who did not intervene; in one case a policeman appeared to assist assailants. International observers also reported violations, including campaigning near polling stations, ballot stuffing, vote buying, and counting and tabulation irregularities. Observers criticized the Central Election Commission for its apparent failure to properly investigate complaints.

On February 20, tens of thousands of supporters of Levon Ter-Petrossian, the main opposition candidate, took to the streets in downtown Yerevan. The protests continued peacefully for 10 days.

On March 1, special police forces confronted the demonstrators using excessive force, beating them with batons and attacking fleeing demonstrators. Some demonstrators also resorted to violence, including throwing stones and burning vehicles. The clashes resulted in at least 10 deaths (eight demonstrators and two police officers), and scores of people were injured. Police detained several hundred demonstrators, charging more than one hundred opposition supporters and others with organizing or participating in illegal demonstrations and mass disturbances. Police committed due process violations including incommunicado detention, denial of access to counsel, and failure to investigate allegations of ill-treatment. Subsequent trial proceedings raised fair trial concerns: several detainees were convicted solely on police testimony and in expedited trial proceedings.

The government declared a state of emergency on March 1, temporarily restricting freedom of movement, assembly, expression, and access to information. The state of emergency was lifted fully on March 21.

Under pressure from the Parliamentary Assembly of the Council of Europe (PACE), the Armenian authorities have taken steps to establish an independent inquiry into the March 1 events, but have yet to hold anyone responsible for the deaths.

Police targeted journalists covering the February demonstrations. On February 29, police attacked photojournalist Gagik Shamshyan while he was attempting to photograph them. On March 1, police detained Shamshyan, took his camera, and beat him; he needed hospital treatment for his injuries and was released after the intervention of the Armenian ombudsman. Also on March 1, police hindered a Radio Liberty correspondent's work and beat the driver of her car. Police detained at least two other journalists during demonstrations in Yerevan and Gyumri.

Under the state of emergency, media could use only official information from state agencies to report on national affairs. The National Security Service (NSS) prevented at least seven opposition and independent newspapers from publishing, and blocked websites. At least two newspapers protested the restrictions and refused to print. Although media restrictions were lifted on March 13, NSS representatives interfered with the same seven newspapers' printing, allowing them to publish only on March 21. In late March tax authorities hit at least four newspapers with apparently politically-motivated audits.

In October, the Court of Cassation overturned a February 29 ruling against the founder of the Gyumri-based television station GALA for allegedly illegally using the local television tower, but left in force a March 19 fraud conviction. The cases emerged following an October 2007 tax audit that was widely seen as retaliation for GALA's airing a September 2007 Ter-Petrosian speech critical of the government. The Asparez Journalism Club of Gyumri was apparently targeted for supporting GALA. On January 19, an assailant attempted to set fire to the Asparez office, and on March 21 two unidentified men torched a car being used by Asparez director Levon Barseghyan as he returned to the car from GALA.

In June 2008 the European Court of Human Rights ruled that Armenia had violated article 10 (freedom of expression) of the European Convention on Human Rights in relation to the independent broadcast company A1+. The court held that laws regulating awarding of broadcast licenses failed to protect against arbitrary interference and that denials of a license to A1+ were unlawful. As of April, A1+ had made 12 unsuccessful attempts to regain a license since going off air in 2002. In September 2008 the National Assembly amended the law on television and radio to suspend all licensing until a digital switchover scheduled for 2010. The amendments are seen as further efforts to deny A1+ a license.

The Yerevan Press Club reported several apparently arbitrary arrests of journalists, and the beating of two journalists, Lusine Barseghyan, an *Armenian Times* reporter, and Hrach Melkumyan, Radio Liberty acting director, by unknown assailants in separate incidents in August. The journalists believe they were targeted for their professional activities.

On July 18, a presidentially-appointed commission rejected an early release request by Arman Babajanyan, editor of the independent newspaper *Zhamanak Yerevan*, who had been convicted in 2006 of forging documents in order to evade compulsory military service. Babajanyan had served two years of a three-and-a-half-year sentence and was eligible for early release on parole for good conduct.

Just before the government lifted the state of emergency, on March 17, 2008, the National Assembly passed restrictive amendments to the law on meetings, which were criticized by the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE). Subsequent further amendments in April eased some of the restrictions. The government denied numerous opposition requests to hold public rallies in late March, and at least 90 people participating in peaceful "public walks" organized by opposition supporters in Yerevan were briefly detained.

According to local human rights defenders, torture and ill-treatment in custody remain widespread. Several people detained in connection with the March 1 events alleged physical abuse during apprehension, transfer to police stations, and in custody. At this writing, the authorities have not investigated these claims.

In June a Yerevan court ordered additional investigation into the May 2007 death of Levon Gulyan, who was found dead after police arrested and interrogated him. The authorities allege that Gulyan jumped from a second-storey window of a police station while trying to escape, a claim denied by Gulyan's relatives who believe he was tortured.

#### Attacks on Human Rights Defenders and Political Activists

In November 2007 a group of unknown assailants beat Narek Galstyan, leader of the youth wing of the opposition Social-Democratic Hnchakyan Party. Two days earlier, police had briefly detained Galstyan and another activist for posting leaflets critical of Serj Sargsyan.

In May 2008 the chairman of the Armenian Helsinki Association, Mikael Danielyan, was wounded when an assailant shot him from a pneumatic gun, following an argument while both men were stopped at a traffic light. It was reported that the assailant was a former leader of the Armenian Progressive Party. Criminal investigation into the attack is ongoing.

Also in May, Arsen Kharatyan, a leading member of the pro-opposition democratic youth movements Sksela and Hima, was beaten in Yerevan by several unknown assailants, and sustained serious head injuries. Another Hima member, Narek Hovakimyan, was attacked and beaten in June.

International election observers from the OSCE, Council of Europe, and the European Parliament declared that the February elections were "mostly in line" with international standards, but noted concerns about the election process. International and domestic observers also criticized uneven media coverage of candidates prior to the elections.

Citing concerns about the Armenian authorities' reaction to the March 1 events, the United States froze further payments to Armenia from the Millennium Challenge Corporation, a five-year US\$235.65 million program for reducing rural poverty. In several statements, the European Union expressed concern about the authorities' use of force and arrests of demonstrators.

Following a visit to Armenia in early March, the OSCE's special envoy for the South Caucasus called on the Armenian authorities to lift the state of emergency and expressed "regret" that "maximum restraint" had not been used during the crisis.

During its urgent debate on Armenia in April, the PACE threatened to suspend Armenia's voting rights unless it took a series of urgent measures, including revoking the amendments to the law on meetings, conducting an independent inquiry into the March 1 events, and releasing those detained on seemingly politically motivated charges who had not committed any violent or serious offense. At its June session, the PACE welcomed progress in some of these areas, but regretted that Armenia had not complied with all requirements.

Council of Europe Commissioner for Human Rights Thomas Hammarberg conducted three visits to Armenia in 2008. In addition to gathering information about the March 1 events, Hammarberg provided support for establishing an independent inquiry.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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