



Situation of Human Rights Defenders in Armenia January 2011 – November 2012

Compiled by a member of South Caucasus Network for Human Rights Defenders:

Helsinki Citizens' Assembly – Vanadzor



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The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate the creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally. The establishment of the Network was supported by the EIDHR program.



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I. OVERVIEW: THE SITUATION OF HUMAN RIGHTS DEFENDERS IN ARMENIA, JANUARY 2011 - NOVEMBER 2012

Human rights defenders (HRDs) in Armenia continued to operate in a difficult political and advocacy environment in 2011 and 2012. The atmosphere of citizen distrust, disappointment and indifference towards the country's legal system, which initially was a result of the protests and clashes following the 2008 presidential election, persisted during the reporting period. Civil society continued to be marginalized in the process of governance¹ and the government did not encourage defenders' activities or participation in the political process.² During the reporting period, the government also failed to implement recommendations from various international bodies, including the Special Rapporteur on the Situation of HRDs. The government also did not seek to fulfill all of the human rights obligations that it assumed in its partnership agreement with the Council of Europe in 1999, especially those concerning the rule of law.³ The judiciary continued to need reforms in order to ensure access to justice for all citizens and to guarantee the right to a fair trial, issues that the European Parliament highlighted in its 2012 recommendations to Armenia.⁴

Several HRDs were harassed, assaulted, and intimidated in 2011 and 2012. Although the government generally did not hinder defenders' work, the government harassed certain human rights organizations and defenders, including journalists,⁵ and the European Parliament called on the government to guarantee a safe environment for investigative journalism.⁶ Perpetrators of other acts of violence and intimidation were private citizens, particularly members of nationalist groups and pro-government NGOs. In addition, HRDs were subject to violence and arbitrary detention as a result of their participation in peaceful assemblies, demonstrations, protests and marches. The government did not take any measures to prevent these violations or punish perpetrators. Pressure and persecution of HRDs was particularly prevalent in the period before and after the elections in May 2012. NGOs criticized the election process, alleging that it was marred by "vote buying, abuse of administrative resources, political imposition and harassment of employees by the public sector and private employers, and the use of numerous other illegal 'techniques'."⁷

¹ On this subject, the U.N. Special Rapporteur on the Situation of Human Rights Defenders stated that "[t]he Government seems not to consider NGOs as potential partners, nor are they perceived by society as representative." Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, Addendum, Mission to Armenia. December 2010, U.N. Doc. A/HRC/16/44/Add.2, ¶ 56, p. 13. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44-Add2.pdf>

² Bertelsmann Stiftung's Transformation Index (BTI) 2012, *BTI 2012 — Armenia Country Report*. Gütersloh: Bertelsmann Stiftung, 2012, <http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Armenia.pdf>

³ PACE resolution 1837 (2011) stated that the Assembly "is concerned about the functioning and lack of independence of the judiciary in Armenia, which impede its role as an impartial arbiter. It is equally concerned about persistent reports and allegations of endemic corruption in the Armenian judiciary. In this respect, it welcomes the importance and priority given by the authorities to the reform of the judiciary, especially with a view to ensuring its independence. It considers that the reform of the judiciary cannot be achieved through legislative changes alone and should be accompanied by a comprehensive policy for their implementation aimed at changing existing mentalities and practice." The resolution also expressed concern about the reports of police brutality and misconduct and urged the authorities to step up their efforts to eradicate any form of ill treatment and abuse by the police. PACE Resolution 1837 (2011): "The functioning of democratic institutions in Armenia", 2011, <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=18032&Language=EN>

⁴ The European Parliament's 2012 recommendations on the negotiations of the EU-Armenia Association Agreement "stress in particular the importance of the independence of the judiciary...reliable court procedures that guarantee fair trial and access to justice for all citizens, a safe environment for investigative journalism, access to information and independent and social media and the prevention of any forms of torture and ill-treatment in detention centres." European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement, Doc. 2011/2315(INI), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0128&language=EN&ring=A7-2012-0079>

⁵ The U.S. Department of State identifies the "Army in Reality" Initiative and the Helsinki Citizens' Association-Vanadzor as two groups that the Armenian government harasses. Examples of harassment of these groups are included in this report. United States Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices 2011: Armenia," page 24. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

⁶ European Parliament resolution of 18 April 2012, *supra* note 4.

⁷ "STATEMENT On the 2012 Parliamentary Elections in Armenia", Partnership For Open Society, 11 May 2012, <http://www.partnership.am/en/Statements/38416>

In 2011 and 2012, the government attempted to create negative publicity for HRDs and publicly criticized individual activists and organizations, focusing in particular on HRDs' use of funds from foreign donors. Government officials, parliamentarians, and media representatives relied on the notion of a national ethnic ideology to discredit defenders and questioned the origin and motivation of individuals who expressed critical views about government policies. Officials frequently stressed that preserving this national ideology within Armenia was an urgent priority for Armenian society and that citizens' actions should be in line with national interests, national security, and national traditions. This vague concept of a national ideology was used to eliminate or discredit ideas and opinions that did not coincide with the interests of the ruling party.

NGOs' cooperation with mass media continued to be limited during 2011 and 2012,⁸ and the media's coverage of NGO activities decreased during this period. Most media outlets in Armenia are government-controlled or friendly toward the government, and those outlets continued to distort HRDs' activities and display hostility toward individual defenders and human rights organizations.⁹ However, NGOs were able to use online media to disseminate information about their activities and mobilize supporters virtually without censorship.¹⁰ Facebook was a particularly valuable tool, and NGOs' ability to influence the public agenda increased significantly during the reporting period.

II. PROBLEMS THAT HUMAN RIGHTS DEFENDERS FACED DURING 2011-2012

A. Attacks on and Threats against Human Rights Defenders

During 2011-2012, government authorities physically assaulted HRDs who participated in peaceful rallies and demonstrations. Authorities also publicly expressed their support for private citizens' acts of intimidation and violence. In particular, journalists, LGBT rights defenders, conflict resolution activists, defenders of the environment, and human rights lawyers were threatened and harassed during the reporting period.¹¹

Journalists

In 2011, several journalists alleged that they were victims of physical violence because of their professional activities. Although investigations were launched, no criminal charges were filed in connection with these cases and perpetrators were not prosecuted.

In 2012, there were reported cases of physical violence against journalists who covered the parliamentary election in May. 16 cases of pressure on the media were registered as of July 2012, of which 4 occurred on Election Day.¹² Journalists complained that in polling stations, their video and audio recording devices were seized or confiscated, which hindered their ability to encourage a free and transparent election process by spreading public information about the process.

⁸ In this regard, the U.N. Special Rapporteur on the Situation of Human Rights Defenders stated that "[a]wareness about the activities of civil society organizations is also very low. The media often ignores NGO initiatives, reports and press conferences, and, furthermore, NGOs are frequently denied access to the media." *Supra* note 1 at ¶ 56, p. 13.

⁹ The U.N. Special Rapporteur on the Situation of Human Rights Defenders noted "with serious concern that human rights defenders are regularly depicted in a distorted manner in State-controlled media and even smeared. Human rights defenders have been time and again labeled as foreign agents, spies, cronies and the "fifth column". *Supra* note 1 at ¶ 56, p. 13.

¹⁰ United States Agency for International Development Bureau for Europe and Eurasia Office of Democracy, Governance and Social Transition, *The 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia*, 14th Edition – November 2011, <http://program.counterpart.org/Armenia/wp-content/uploads/2011/02/USAID-NGO-Sustainability-Index-PDF.pdf>

¹¹ Similarly, the Special Rapporteur stated in her 2010 report that "[a]mong the most vulnerable groups of human rights defenders in Armenia are those working on the rights of LGBT persons, women human rights defenders, NGOs working in remote areas and environmental activists." *Supra* note 1 at ¶ 60, p. 13.

¹² CPFE *Second Quarterly Report (April-June 2012)*, Committee to Protect Freedom of Expression, http://khosq.am/wp-content/uploads/2012/09/2-CPFE-quarterly-report-2012_eng.doc

On May 5, 2012, electoral commission members at a polling station in Gyumri used physical force against a camera crew from the regional television station, Gyumri Gala TV, which regularly criticized the government.¹³ The crew members were observing and reporting on voting procedures at the station. On May 6 (Election Day), while a journalist from Radio Liberty was filming a crowd near a polling station in Yerevan, a man forcefully attempted to take her camera and erase the video.¹⁴ Although the journalists filed complaints about both incidents, the authorities did not initiate a criminal case against the attackers.

LGBT Defenders

LGBT rights defenders were particularly vulnerable to attacks, threats and harassment from private citizens and nationalist groups. Prominent politicians supported these acts, using nationalistic rhetoric to justify the actions, which in turn led to further harassment of LGBT defenders.

*The D.I.Y club, an LGBT-friendly bar owned by an LGBT activist, was set on fire on May 8, 2012. Members of the National Assembly publicly supported the attack and the two men who were arrested in connection with it. An MP stated that the attackers were “completely right and justified” and another supported the attackers for taking “practical steps in fighting against those who defame our national values and faith.” As a result, an aggressive attitude toward LGBT people formed among the public, there were additional break-ins at the club, and civil society activists who publicly supported the club and its owners were attacked.*¹⁵

On May 21, 2012, two NGOs, Public Information and Need of Knowledge (PINK) and Women’s Resource Centre (WRC), organized a diversity march in Yerevan to mark the U.N. World Day for Dialogue and Development. Before the march, the media incorrectly stated that the event was a gay pride event and a large group of young nationalists appeared at the march. The nationalists sang patriotic songs, chanted homophobic phrases, and attacked the participants in the march.¹⁶ After the incident, PINK’s leaders, who also had spoken out about the attack on D.I.Y., were harassed and threatened. Harassers attempted to intimidate the leaders with veiled threats about future reprisals, making statements like “Be careful, you never know what will happen to you if you don’t stop your activism” and “Give up the D.I.Y. case or you will be sorry.”¹⁷

Nationalist groups also intimidated venues that agreed to host public events about LGBT rights.

In October 2012, the German Embassy in Yerevan and the European Union Delegation to Armenia organized a series of screenings of a film about LGBT issues in Serbia. Hayazn, an organization known for its nationalist views, protested the event in front of the German Embassy. Protestors then marched to two venues where

¹³ “Materials Being Prepared on Report made by ‘GALA’ TV Journalist”, Hetq online, Investigative Journalists, 14 May 2012, <http://hetq.am/eng/news/14409/materials-being-prepared-on-report-made-by-“gala”-tv-journalist.html>

¹⁴ “Radio Liberty Reporter Attacked in Armenia,” News.am, 6 May 2012, <http://news.am/eng/news/104374.html>

¹⁵ “DIY Incident Stirs National Debate: Hate crime was “right and justified” says deputy speaker of National Assembly”, 18 May 2012, ArmeniNow. http://www.armenianow.com/society/38162/diy_gay_lesbian_club_bomb_attack_yerevan_reactions. “The Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report, Submitted for consideration at the 105th Session of the Human Rights Committee, July 2012, Geneva.” http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT_Armenia_HRC105.pdf. “The Statement of the Civil Society Forum Armenian National Platform about the Raising Xenophobia and Intolerance in Armenia”, Easter Partnership Newsletter Armenia, 1 June 2012, <http://eaparmenianews.wordpress.com/2012/06/05/issue-105>

¹⁶ “Incident during Diversity March in Yerevan”, «A1+» TV, 21 May 2012, <http://www.a1plus.am/en/social/2012/05/21/diversity-march>

¹⁷ Public Information and Need of Knowledge NGO.

screenings were scheduled. Consequently, both venues cancelled the screenings. A third venue then agreed to show the film, but cancelled the event without providing an explanation to the organizers. At the time of writing, the organizers sought to find other venues to host the screenings.¹⁸

Threats have prevented LGBT rights defenders from expressing their opinions and participating in public events.

In October 2012, Mamikon Hovsepyan, an LGBT rights activist and President of PINK Armenia, received threats when he attended the Armenians and Progressive Politics conference in the USA organized by the Armenian Revolutionary Federation (ARF) Central Committee – Eastern Region.¹⁹ Due to the severity of the threats, Hovsepyan was given private security as a precautionary measure. On the second day of the conference, two members of the ARF's Western Region told Hovsepyan, who was scheduled to serve as a panelist at the conference, that he was not allowed to speak due to concern for his security. Later, Hovsepyan was told that the actual reason he was not allowed to speak during the conference was that the ARF would have institutional problems if they allowed him to serve as a panelist.²⁰

LGBT defenders also have experienced other acts of intimidation, including stalking.

In November 2012, PINK Armenia's staff members began to notice that they were being stalked by the young people who attacked the Diversity March in May. When PINK's staff left the office at lunchtime or at the end of the day, these young people showed up on the same street or at the same cafés. In the cafés, the attackers would sit at the next table, staring at the staff members, suggesting that the attackers' presence was more than a mere coincidence.

Conflict Resolution Activists

Activists who promote the resolution of the ongoing conflict between Armenia and its neighbors were harassed when they promoted messages of tolerance and peace in the South Caucasus. The authorities did not investigate these incidents.

On April 12, 2012, the Caucasus Centre for Peace Making Initiatives attempted to hold a festival of Azerbaijani films in Gyumri. A group of 50 protestors held a demonstration opposing the planned festival on nationalistic grounds. The protestors blocked access to the venue hosting the festival, threatened the organizers and the festival hosts, and physically assaulted one of the Centre's representatives. Due to the protests, the Centre was forced to cancel the event at the last minute.²¹

The Helsinki Citizens' Assembly-Vanadzor planned to host the same film festival at its offices on April 17. The day before the event, the organization's office was attacked. Protestors gathered in front of the office and threw rocks and eggs, breaking windows and injuring an employee. The police did not take any action to ensure the safety of the organization's staff, even though the organization informed the police about the

¹⁸ "EU-initiated demonstration of 'Parada' Serbian drama on sexual minorities arouses public discontent in Yerevan", Arminfo, 10 October 2012, <http://www.arminfo.info/index.cfm?objectid=8D84FF80-12F4-11E2-B1ACF6327207157C>

¹⁹ The Armenian Society of Columbia University and the ARF Western Region co-sponsored the conference.

²⁰ "Armenian Progressive Politics Conference Sees Highs, Lows," ianyan mag, An Independent Armenian Publication, 9 October 2012, <http://www.ianyanmag.com/2012/10/09/progressive-politics-conference-sees-highs-and-lows/>

²¹ "Festival fallout: Vanyan organizes show of Azeri films at restaurant outside Gyumri", Armenia Now, 13 April 2012, http://www.armenianow.com/arts_and_culture/37290/azerbaijani_film_festival_demonstration_fail_gyumri

situation at the office. The authorities also did not bring criminal charges against any of the attackers.²²

Defenders of the Environment

Authorities prevented environmental defenders from staging public protests in 2011 and 2012. During the pre-election period in 2012, political parties also sought to limit defenders' ability to participate in campaign rallies and spread their message to voters, sometimes forcibly dispersing demonstrators.

On April 27, 2012, Peace Dialogue organized a peaceful protest against mining activities in Teghut during a Republican Party parliamentary campaign rally in Vanadzor. Serzh Sargsyan, the President of Armenia and the head of the Republican Party, led the event. Young members of the local office of the Republican Party intervened and ordered the protestors to leave.²³

On April 30, 2012, members of the Teghut Protection Initiative tried to participate in a campaign rally organized in the Avan District of Yerevan. President Sargsyan attended the rally. Supporters of the President prevented the members of the Initiative from participating in the rally and destroyed their signs and banners.²⁴

Lawyers

Human rights lawyers also were harassed.

In January 2011, human rights lawyer Artak Zeynalyan's office was burglarized. Zeynalyan's computer monitor and keyboard were stolen, while money and other valuable objects were untouched. It also appeared that the office had been searched for documents.²⁵ Zeynalyan represents the interests of the victims who were injured, killed, and imprisoned on March 1, 2008, when police used excessive force against protestors who disputed the results of the presidential election. Zeynalyan also has represented the interests of Vahan Khalafyan, a man who died at the Charentsavan police department in 2010 under suspicious circumstances.

B. Arbitrary Police Interrogation and Detention of Defenders

Police arbitrarily detained activists who defended human rights by participating in public protests and assemblies related to human rights issues.

On October 27, 2011, the "Army in Reality" initiative organized a demonstration in front of the Armenian government building to protest abuse in the armed forces, to demand access to statistics about non-combat deaths of servicemen, and to encourage the authorities to conduct a proper investigation into those deaths.²⁶ The police prevented

²² "Statement about the attack on the organization on April 16, 2012, Helsinki Citizens' Assembly- Vanadzor," 17 April 2012, <http://hcav.am/en/events/hca-vanadzor-statement-regarding-the-attack-on-the-organization/>. "Concerned about attacks against human rights organisations in Armenia", statement of Human Rights House Network and South Caucasus Network of Human Rights Defenders, 18 May 2012, <http://humanrightshouse.org/Articles/18040.html>

²³ "Today We Are Building Our Future And The Future For Our Children..." (Video), Peace Dialogue, 20 April 2012, http://www.peacedialogue.am/english/activity_more.php?SID=2&AID=503&TopicId=5&Language=Eng

²⁴ "Civil Initiative for the Protection of Teghut," h.hraparak.am, <http://hraparak.am/texux-avan/>. Updates on the activities of the initiative in English: <http://www.ecolur.org/en/news/teghout/46/>.

²⁵ "Hanrapetutyun' Party Office Burgled For The Second Time", armtown.com, 10 January 2011, <http://www.armtown.com/news/en/a1p/20110110/201101108/>

²⁶ For more details on the cases, see "Civil and Public Control over Armed Forces in Armenia," HCA-Vanadzor, <http://hcav.am/wp-content/uploads/2012/04/Report-eng.pdf>

the demonstration from taking place. Lala Aslikyan, a human rights activist involved in the demonstration, was arrested and detained in a police station for several hours without access to her lawyer.²⁷

On March 30, 2012, Ervand Karapetyan was arrested for protesting in front of the Armenian Public Television (“H1”) building. During the protest, Karapetyan held posters stating that the television company had violated the law and he called on the station to air a film on the March 1, 2008 protests. After his arrest, the police transferred Karapetyan to a psychiatric institution, where he underwent a psychiatric evaluation. A team of three doctors found that Karapetyan displayed no symptoms of a mental illness, and he was released a few hours later.²⁸ The police appeared to have no basis for subjecting Karapetyan to a psychiatric evaluation.²⁹ Subsequently, the Civil Society Institute disseminated a report on the incident and requested that the government investigate Karapetyan’s arbitrary detention. The organization did not receive a response from the authorities.³⁰

In addition, police have requested HRDs to submit to questioning based on unfounded allegations of criminal conduct.

On January 16, 2012, Artur Sakunts, the Chairman of Helsinki Citizens’ Assembly-Vanadzor, was questioned at the Lori Regional Police Investigative Department. The police stated that they suspected that Sakunts had forced a civilian to give a statement alleging violence at the hands of the police. The police did not give Sakunts any additional information about the investigation after the interrogation. They only informed HCA-Vanadzor that the case had been closed due to lack of evidence after the organization made a formal inquiry about the proceedings.³¹

C. Threats against Human Rights Organizations

Politicians also directly threatened human rights organizations with reprisals for their activities, particularly during the pre-election period in 2012.

In May 2012, employees of the campaign offices of Prosperous Armenia, a political party, refused to speak with election observers from the Helsinki Citizens’ Assembly-Vanadzor. The employees stated that the party was against the organization’s activities and would terminate those activities if the party came to power. One employee told the observers, “If we come to power, the first thing we will do is to deport Artur Sakunts (the Chairman of HCA-Vanadzor) from Vanadzor.”³²

²⁷ “Activist released,” «A1+» TV, 27 October 2011, <http://www.a1plus.am/en/politics/2011/10/27/lala-free>

²⁸ <http://www.epress.am/2012/03/31/Իրավապաշտպանը-պատմել-է-ինչպես-էին-հոգ>, Armenian

²⁹ According to one source, “When doctors expressed surprised and asked police officers why they assumed Karapetyan was mentally ill, the officers said, ‘Well, there was a call and we were obliged to check.’” Independent Journalists’ Network epress.am, “Man Protesting Outside State Broadcaster Detained by Police Now Released,” 30 March 2012, <http://www.epress.am/en/2012/03/30/man-protesting-outside-state-broadcaster-detained-by-police.html>. Another source states that “[a]ccording to the police, Yervand Karapetyan’s strange behavior manifested ‘in standing with a poster in his hands’ and ‘in irregular movements of his hands.’” Civil Society Institute, “CSI Demands an Investigation into Occasion of Unlawful Interference by Police,” 4 April 2012, <http://hra.am/en/events/2012/04/04/csi>

³⁰ “CSI demands an investigation of the unlawful involvement of the police,” Aravot, 4 April 2012, <http://www.aravot.am/2012/04/04/55758/>

³¹ “Artur Sakunts was invited in for an interrogation,” HCA Vanadzor, 16 January 2012, <http://hcav.am/events/նստիկանությունը-հարցաքննություն>, Armenian

³² “Report on Observation Mission on the Parliamentary Elections of May 6, 2012, Vanadzor 2012,” p. 22, HCA Vanadzor, <http://hcav.am/wp-content/uploads/2012/08/Elections-report-final-May-2012-Eng1.pdf>

D. Smear Campaigns against Human Rights Defenders

The government used the media to disseminate false information about HRDs during 2011 and 2012 in an attempt to influence public perception of HRDs' activities and encourage public suspicion about HRDs' motives. These messages often were spread through online media and social networks.

Beginning in 2011, a number of local and Russian websites spread articles defaming the Helsinki Citizens' Assembly-Vanadzor and its chairperson Artur Sakunts. The articles accused Sakunts of having a political agenda and stated that he was "spreading the color revolution." Further, the articles criticized HCA-Vanadzor's 2010 project "Training and Networking for the Young Human Rights Activists", describing it as a boot camp for training revolutionaries to organize revolutions in their respective countries.³³

Current and former government officials promoted a similar view of human rights defenders in their statements to the media. The officials focused on the fact that foreign governments often fund human rights organizations and used that fact to attempt to discredit the organizations and their work. In their comments, the officials expressed a general distrust toward foreigners and questioned defenders' patriotism and loyalty.

Vladimir Gasparyan, former Deputy Minister of Defense, gave two interviews in October 2011 in which he criticized defenders who demanded fair investigations of human rights violations in the army.³⁴ In one interview, Gasparyan stated, "How can one's heart ache for the army of this country if one is financed from other countries? How can one's heart ache when one thinks the more sensational and the more terrible the case is, the better, because one can earn more money off of it? Those who are engaged in such activities are without a fatherland and with disgrace."³⁵

Journalists from government-controlled media outlets have made similar statements about human rights organizations and defenders.

On October 11, 2011, Gevorg Altunyan, the Director of Informational and Analytical Public Television programs and the host of the Tesankyun (Viewpoint) program on public television (H1), criticized a petition promoted by several human rights defenders. The petition demanded President Sargsyan's resignation on the grounds that he has ignored evidence of torture, ill treatment, and a large number of non-combat deaths in the army. During the program, Altunyan stated that the defenders sought to commit acts of treason. Altunyan also insisted that because foreign governments fund human rights organizations, those organizations do not have the right to make political demands.³⁶

On October 16, 2011, the Arajin Lratvakan (First Informative) program on public television aired a report about Artur Sakunts, Chair of the Helsinki Citizens' Assembly-Vanadzor, and Levon Barseghyan, Chair of the Board of Journalists' Club Asparez. Sakunts and Barseghyan had spoken out about the number of non-combat deaths that occurred in the armed forces and had demanded a fair investigation into the deaths. The television report presented a distorted picture of the activities of the organizations and the projects that they have implemented, referring to random excerpts from project descriptions and referring to them as an unreasonable waste of money and resources.

³³ "Striking discovery about Artur Sakunts and what Helsinki Association does in Reality," BlogNews, <http://blognews.am/arm/news/16077/cnc>. Note: HCA and AHA are often confused, sometimes deliberately.

³⁴ On 15 October 2011, Gasparyan appeared on the "Zinuzh" TV program. On 17 October 2011, he gave an interview to www.hraparak.am.

³⁵ HCA Vanadzor vs. Vladimir Gasparyan, Helsinki Citizens' Assembly Vanadzor, 11 November 2011, <http://hcav.am/en/events/hca-vanadzor-vs-vladimir-gasparyan/>

³⁶ TesankyunARMTV, <http://www.youtube.com/watch?v=tnSXNbkN48&feature=plcp>

The report also referred to the activists as “traitors”, “grant consumers”, and “foreign servants”.³⁷

On October 18, 2012, Gevorg Altunyan, host of the Tesnakyun program on public television, discussed a survey conducted by PINK NGO on the public’s perception of LGBT people. Altunyan made homophobic statements that focused in particular on those who identify as transgender. He also commented that the public’s negative attitude toward LGBT people was “obvious, thank God,” and stated that LGBT rights were threat to the survival of the Armenian nation.³⁸

Online media also have been used to smear defenders and incite violence against them.

Before PINK Armenia and “Women’s Resource Centre” held the Diversity March in May 2012, information was disseminated through social networks and online media stating that the organizations were preparing a “gay parade”. In their online statements, extremists encouraged people to go to the streets and prevent the march. They stated that the march organizers were bringing “immoral Western values to Armenia and calling it diversity.” They also encouraged people to “burn the gays,” “clean the country from immorality,” and “send gays out of the country.”

E. Legal Actions against Human Rights Defenders

During the reporting period, HRDs were subject to criminal charges and prosecutions as well as civil defamation and libel proceedings.

Criminal Prosecutions and Charges

There were cases of criminal prosecutions of HRDs during 2011 and 2012 as well as instances in which HRDs were subject to criminal charges that subsequently were dropped or dismissed due to lack of evidence. Although a new Law on Assembly was adopted in 2011, freedom of assembly remained limited in practice,³⁹ and many charges were filed in connection with peaceful public demonstrations or protests. Police arrested peaceful protestors for crimes such as hooliganism and disturbing public order, suggesting that authorities’ goals were to end demonstrations quickly and intimidate other potential protest organizers.

On October 20, 2011, Vardges Gaspari was arrested during a protest at the Armenian government building that related to the continuing deaths in the armed forces and the flawed investigation of those deaths. During the protest, Gaspari stated that a former police chief was a murderer and a hooligan. Police detained Gaspari and charged him with hooliganism and assault. Gaspari was found guilty and fined 30,000 AMD (74 USD).⁴⁰ After participating in another protest in March 2012, Gaspari was charged with disturbing public order. Four months later, the police dropped the charges.

Criminal charges also were filed against journalists who were critical of government authorities.

³⁷ “The Debate between the Prominent Human Rights Activist and the TV-Commentator Continues,” Helsinki Citizens’ Assembly Vanadzor, 24 October 2011, <http://hcav.am/en/events/the-debate-between-the-prominent-human-rights-activist-and-the-tv-commentator-continues/>

³⁸ TesankyunARMTV, <http://www.youtube.com/watch?v=vVtWk87NPIE>

³⁹ “Written Contribution of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT) to the 2011 OSCE Human Dimension Implementation Meeting”, 27 September 2011, <http://www.fidh.org/Written-contribution-of-the>

⁴⁰ “The Decision Was Not Unexpected for Me,’ Vardges Gaspari Says”, Aravot Daily, 29 October 2012, <http://www.aravot.am/en/2012/10/29/124822/>

Hayk Gevorgyan, a journalist for the opposition newspaper Haykakan Zhamanak, was arrested on February 3, 2012, on charges that he violated traffic rules and ran over a citizen. Gevorgyan was arrested after the newspaper's February 3 edition featured an article that criticized the chief of police. Human rights organizations characterized Gevorgyan's arrest as based on unfounded allegations and as an act of revenge for the article.⁴¹ The criminal charges brought against Gevorgyan were dismissed in July due to a lack of sufficient evidence.

Lawyers were subject to criminal charges as well during the reporting period.

On April 25, 2012, a criminal case was filed against Gurgen Harutyunyan, a public defender, on the grounds that he had forced a client to give false statements. The charges were filed after one of Harutyunyan's clients was acquitted of hooliganism charges.⁴² With the help from the Chamber of Advocates and several NGOs, the court dismissed the case against Harutyunyan, stating that there was no evidence to support the charges.⁴³

Defamation and Libel

Article 1087.1 of the Civil Code regulates compensation for damage caused to honor, dignity or business reputation and effectively legalizes the intimidation of journalists and the media. In 2011, authorities used this legal provision to put pressure on the media, NGOs and individual defenders.⁴⁴ The number of incidents of intimidation of journalists, particularly in the form of lawsuits, increased significantly during the year—34 lawsuits against journalists were filed in 2011, as compared to 4 lawsuits filed in 2010.⁴⁵

In 2012, the number of lawsuits filed against media outlets decreased after the Constitutional Court adopted a broader interpretation of freedom of speech. The Court stated that individuals holding public office or other official positions should be more open to public criticism and less protected from public insult, slander and criticism. As a result, it has been more difficult for public officials to justify lawsuits against journalists. As of July 1, 2012, only 6 lawsuits had been filed against journalists during the year.⁴⁶

F. Other Restrictions on Human Rights Defenders' Activities

Legal barriers to effective human rights advocacy include legislative gaps in human rights protection, restrictions on the provision of legal assistance, and laws applicable to volunteers. Pro-government NGOs and bias in the judicial system also hinder HRDs' activities.

⁴¹ "Statement of Helsinki Citizens' Assembly-Vanadzor in Defense of Hayk Gevorgyan," HCA-Vanadzor, 4 February 2012, <http://hcav.am/en/events/statement-of-helsinki-citizens%E2%80%99-assembly-vanadzor-in-defense-of-hayk-gevorgyan/>

⁴² Criminal Code of the Republic of Armenia, Part 4, Art 258 on hooliganism.

⁴³ "Ruling on Gurgen Harutyunyan's Case," Republic of Armenia Chamber of Advocates, 25 May 2012, http://www.advocates.am/index.php?option=com_content&view=article&id=655:2012-05-25-11-53-22&catid=39:2010-09-13-15-11-58&Itemid=144

⁴⁴ On May 18, 2010 Article 135 (defamation) and Article 136 (libel) of the Republic of Armenia Criminal Code were decriminalized. The Republic of Armenia Civil Code now sets a fine for defamation and libel, which is 1-2 mln AMD (about €1900-3800), approximately 1000-2000 times the minimum wage in Armenia.

⁴⁵ Committee to Protect Freedom of Expression, *CPFE Annual Report 2011 On the Situation of Freedom of Speech and Violations of Rights of Journalists and Media in Armenia*, <http://khosq.am/en/reports/annual-report-2011-2/>

⁴⁶ *CPFE Second Quarterly Report (April-June 2012)*, Committee to Protect Freedom of Expression, http://khosq.am/wp-content/uploads/2012/09/2-CPFE-quarterly-report-2012_eng.doc

Legislative Gaps in Human Rights Protection

According to the Council of Europe's Fundamental Principles on the Status of NGOs in Europe and explanatory memorandum, "NGOs can be either informal bodies or organizations which have legal personality. They may enjoy different statuses under national law in order to reflect differences in the financial or other benefits which they are accorded in addition to legal personality."⁴⁷ In Armenia, laws of general applicability regulate the formation and activities of human rights organizations. A public association may register with the state and acquire the status of a legal entity in accordance with the Civil Code, which also defines the rights and responsibilities of registered public legal entities.⁴⁸ The rights and responsibilities are the same for all such organizations, regardless of the type of activity that an organization performs. If a public association does not register with the state (for example, in the case of an initiative group formed to protect human rights), legislation does not define any rights and responsibilities for that organization.⁴⁹ In the case of pressure, intimidation, or restriction on defenders' activities, general provisions in the Criminal Code and the law "On Administrative Offences" apply. These provisions fail to ensure sufficient protection for human rights defenders because they do not consider the character of threats and obstacles linked to their human rights work.

Armenia also does not have a law that ensures the application and implementation of human rights protections that are recognized by the Constitution and international documents. A separate law on human rights is necessary to ensure that the government implements its obligations. A separate law also should establish guarantees for the protection of the activities of individuals, initiative groups and organizations dealing with human rights issues.

Restrictions on Legal Assistance⁵⁰

Although human rights organizations in Armenia are able to provide citizens with legal assistance to ensure protection of human rights, legislation passed in 2012 restricted the ability of human rights defenders from NGOs to represent human rights victims in court. The new law "On the Profession of Advocate" requires lawyers to complete higher legal education or receive a degree in law and have a certificate awarded by the Chamber of Advocates. Only certified lawyers can provide legal services in civil court proceedings.⁵¹ In order to obtain a license, a lawyer is required to file an application (fee: 100 USD), study at the School of Advocates for six months (tuition: 1000 USD) and obtain a certificate (fee: 400 USD).

In the past, many licensed lawyers refused to take sensitive cases to court, particularly cases connected to allegations of abuse and non-combat deaths in the army. Other licensed lawyers charge high fees for their services. Consequently, NGO representatives often provided in-court assistance to victims of human rights violations or their successors. Some of these representatives had legal training but were not certified; others

⁴⁷ Fundamental Principles on the Status of Non-governmental Organisations in Europe and Explanatory Memorandum, Council of Europe, Art 5, p. 5, <http://www.osce.org/odihr/18045>

⁴⁸ Republic of Armenia law "On Public Organizations," Article 3, http://parliament.am/law_docs/241201HO268eng.pdf; Republic of Armenia Civil Code, Article 52, <http://parliament.am/legislation.php?sel=show&ID=1556&lang=eng>

⁴⁹ The report of the UN Special Rapporteur on the situation of human rights defenders August 2009: para 59 Registration should not be compulsory and that NGOs should be allowed to exist and carry out collective activities without having to register if they so wish. On the other hand, NGOs have the right to register as legal entities and to be entitled to the relevant benefits. <http://www.unhcr.org/refworld/pdfid/4aae4eebd.pdf>

⁵⁰ Sub-point c), Point 3 of Article 9 of the UN Declaration on HRDs prescribes that individuals, organizations and groups have the right "to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms." UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

⁵¹ Republic of Armenia Civil Procedure Code, Article 39: Conducting cases through representatives, Article 40: Persons who can be representatives in court. http://parliament.am/law_docs/070898HO247eng.pdf?lang=eng

did not have formal legal training but were well-known for their in-court advocacy on behalf of victims and their successors.

Some HRDs believe that the new law targeted defenders specifically, especially since the government and judiciary in Armenia historically have failed to provide sufficient remedies for victims of human rights violations. After the enactment of the 2012 law, several prominent HRDs were unable to continue to represent victims' interests in legal proceedings. For some HRDs, the significant amount of money and time that are required to obtain a certificate has been prohibitive, and thus they are no longer able to offer legal services to victims of human rights violations.

Volunteers

Volunteers are a critical part of a human rights organization's work, particularly when an organization operates with limited human and financial resources. Under Armenian legislation, any service for a public organization is subject to the legal regulations applicable to employer-employee relationships and requires "relevant reimbursement"—i.e., a salary. If a salary is not paid, then the organization may be liable for taxes and for violating the administrative code. As a result, it is difficult for organizations to account for the volunteers involved in their activities, and organizations' volunteer programs are not formalized.

Pro-Government NGOs

NGOs that supported and/or cooperated with the government also created problems for HRDs during the reporting period. When HRDs publicized human rights violations, these NGOs responded in support of the government and gave the government's actions an appearance of legitimacy. For example, The Choice is Yours is a pro-government NGO that observes elections. Since 2009, the organization's final reports on elections have found no electoral violations,⁵² while international and other local observers have found that elections have suffered from several shortcomings.⁵³ Two other NGOs, Hayots Artsivner (Armenian Eagles) and Hayazn Youth Union, are right-wing pro-government NGOs that have established representation in all regions of Armenia.⁵⁴ Their members actively instigate and participate in attacks on human rights organizations, use the administrative support of the government, and propagate an extremely nationalistic ideology.

Bias in the Judicial System

The judicial system continued to lack independence and impartiality. Courts were unresponsive to complaints about human rights violations and cases of violence against HRDs. Moreover, courts failed to provide remedies for victims of human rights violations and issued harsh and disproportionate punishments in criminal cases brought against HRDs.

On August 9, 2011, police forcibly detained three young members of the Armenian National Congress (ANC), an opposition party, when the ANC members attempted to prevent police officers from arbitrarily checking the identity of a person walking in the city center.⁵⁵ The police officers forcibly detained the men, whom the officers recognized were ANC members. The police then refused to provide access to medical care while the men were in custody, though the men had been injured during the

⁵² "Reports", The Choice is Yours, <http://www.iyc.am/eng/index-5.html>

⁵³ For example, Freedom House states that the May 2009 municipal elections in Yerevan "suffered from significant violations, though international observers claimed that the fraud did not jeopardize the overall legitimacy of the results." Freedom House, "Freedom in the World 2011: Armenia," <http://www.freedomhouse.org/report/freedom-world/2011/armenia?page=22&year=2011&country=7987>

⁵⁴ "Hayots Artsivner" (Armenian Eagles) Patriotic NGO, <http://www.hayocartsivner.am/masna&uxer.html>, Armenian

⁵⁵ "Armenian Activists Arrested After Clash with Police," Radio Free Europe, 11 August 2011, http://www.rferl.org/content/armenian_activists_arrested_after_clash_with_police/24293508.html

process of apprehension.⁵⁶ The men were charged with the crime of hindering the work of police officers and were sentenced to six, three and two years in prison, respectively. The court verdict was based solely on the testimony of the police officers involved in the incident.⁵⁷ One of the men is currently in prison while the other two have appealed the court's decision.⁵⁸

On April 30, 2012, Tigran Manukyan assaulted Arman Veziryan, an election monitor for the Helsinki Association for Human Rights, while Veziryan was monitoring the campaign activities of an ANC candidate for the National Assembly.⁵⁹ Veziryan filed a complaint with the police and a criminal case was initiated against Manukyan. There were numerous attempts by authorities and other persons with private interests to pressure Veziryan to drop the case. On June 12, Veziryan then was charged with criminal battery of Manukyan in connection with the original incident. Numerous procedural requirements were not complied with during the investigation and initial court proceedings.⁶⁰ As of the date of writing, the case against Veziryan was still pending.⁶¹

Members of the judiciary publicly criticized lawyers who spoke out about the problems in the judiciary.

On June 11, 2012, around 600 lawyers from the Chamber of Advocates, the national bar association, participated in a one-day strike. The lawyers protested the Court of Cassation's practice of denying the majority of appeals in civil cases without considering the merits of the appellant's argument and without providing reasoning for the decision.⁶² In response, the Court of Cassation released a statement accusing the lawyers of political motivations.⁶³

⁵⁶ "A[rmenian] N[ational] C[ongress] statement about the arrest of the activists," HAYNEWS.AM, <http://haynews.am/hy/archive-67251>, Armenian

⁵⁷ PACE Resolution 1643, "Implementation by Armenia of Assembly Resolutions 1609 (2008) and 1620 (2008)", in 2009 clearly states that the charges based on police officers testimony are untrustworthy and can be politically motivated. PACE, <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta09/eres1643.htm>

⁵⁸ "Protesters demand freedom for ANC activists," Tert.am, 17 August 2012, <http://www.tert.am/en/news/2012/08/17/hak-protest/>

⁵⁹ "The Criminal Case against Helsinki Association Monitor Arman Veziryan is a Showdown. Mikael Danielyan." Helsinki Association for Human Rights, 14 June 2012, <http://www.hahr.am/index.php/en/component/content/article/65-parliamentary-elections/484-the-criminal-case-against-helsinki-association-monitor-arman-veziryan-is-a-showdown-mikael-danielyan->

⁶⁰ For example, during the preliminary investigation, the bodies conducting the investigation did not recognize Manukyan as a victim. In addition, Manukyan's claim is missing from the case materials and evidence submitted, while a criminal case legally can only be initiated by a victim's claim. After rejecting the written petitions of Veziryan's lawyer, the court stated that the advocate's petitions and motions were just an opinion and held that there was enough evidence to continue with the case without the victim's involvement.

⁶¹ Haykakan Zhamanak campaign was hindered, 1 May 2012, <http://www.armtimes.com/33359>, Armenian

⁶² "In Armenia, 545 persons take part in lawyers' strike", Caucasian Knot, 11 June 2012, <http://www.eng.kavkaz-uzel.ru/articles/21273/>

⁶³ "High Court Condemns Lawyers' Strike," Radio Free Europe/Radio Liberty, Armenian Service, 12 June 2012, <http://www.azatutyun.am/content/article/24612197.html>

III. RECOMMENDATIONS

The South Caucasus Network of Human Rights Defenders asks the international community to call upon the Governments of Armenia, Azerbaijan and Georgia to:

- Conduct prompt, impartial and transparent investigations into cases of attacks and pressure against human rights defenders, including journalists, and end the climate of impunity for intimidation and harassment of defenders;
- Issue standing invitations to United Nations and Council of Europe Special Rapporteurs and implement their recommendations;
- Implement those recommendations of the Universal Periodic Review that the respective countries have accepted;
- Ensure access and effective participation of human rights defenders and lawyers in the reform work of governmental bodies, including judicial reforms.

We call upon the European Union to:

- Promote awareness and ensure implementation of the EU Guidelines on protection of human rights defenders among EU Delegations and Member States' embassies in the South Caucasus. Representatives of the Delegations and embassies should: attend the events organized by civil society, especially in the regions outside the capitals of the respective countries; observe court trials concerning human rights violations and human rights defenders; and communicate regularly with a variety of non-governmental organizations working on different human rights issues;
- Encourage the embassies of EU Member States in the South Caucasus to adhere to EU Guidelines and issue free, multiple-entry visas to human rights defenders to facilitate their participation in international advocacy and networking events and to improve protection for defenders;
- Ensure that independent human rights organizations take part in the human rights dialogue between the EU and the respective South Caucasus countries;
- Translate relevant European Parliament resolutions related to human rights issues in Azerbaijan, Georgia and Armenia into national languages and Russian to increase public awareness;
- Follow-up with the relevant government ministries in each country about progress in implementing the recommendations in this report.

Recommendations to the Government of Armenia:

- Implement the recommendations of the U.N. Special Rapporteur on the situation of human rights defenders, which were released after her 2010 country visit;
- Develop comprehensive anti-discrimination legislation that prohibits discrimination based on sexual orientation and gender identity, including hate crimes and hate speech;
- Revise the law on the activities of advocates to ensure that non-lawyers can defend human rights victims in courts;
- Ensure the protection of human rights defenders, in particular those protecting the rights of vulnerable groups, such as LGBT persons;
- Ensure that slander and defamation against human rights defenders is investigated effectively and transparently;

- Carry out objective, transparent and effective investigations in all cases of violations of HRDs' rights and restrictions of their activities, and ensure that investigations are conducted by an independent body;
- Organize meetings and dialogues with a variety of non-governmental organizations working on different human rights issues, also covering cases in the regions, in order to raise government officials' awareness about the implementation of international human rights standards, implementation of those standards, and mechanisms for enforcing them;
- Establish a complaints mechanism in cooperation with non-governmental organizations to ensure that violations by police and law enforcement are investigated independently, effectively and transparently. Non-governmental organizations should be able to monitor the implementation of such a mechanism, including by having access to information and by being represented in the mechanism.

Recommendation to the Armenian Public Defender:

- Release a separate annual report dedicated to analyzing the situation of human rights defenders in Armenia, paying particular attention to the steps taken to follow up on the recommendations issued by the UN Special Rapporteur on the situation of human rights defenders after her country visit in 2010.