

ANNUAL REPORT

2012



Helsinki Citizens' Assembly-Vanadzor



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MESSAGE FROM THE HEAD OF THE ORGANIZATION

Dear collegues,

We are delighted to share with you the HCA Vanadzor 2012 annual report, which provides an overview of this year's projects, activities, achievements and challenges. The projects implemented throughout the previous year were mainly focused on human rights protection of RA's most vulnerable groups.

The organization also continued working on its institutional development in order to fulfill its strategic goals and objectives.

As you can see from this report significant attention was paid to human rights issues in relation to those authorities whose work is the riskiest from the perspective of human rights.



The violations of the rights to life, to be free from torture and inhuman or degrading treatment in the police and armed forces are still of big concern.

As a result of practice of strategic litigations the problems of judicial branch which continue to be an issue were identified. The absense of an independent judicial power to address human rights violations prevents the implementation of the rule of law in Armenia.

In 2012, the organization for the first time initiated an assessment of state liabilities in relation to budgetary allocations in the field of drug addiction and psychiatry. The organization developed and presented recommendations for legislative changes to different state structures.

Also in 2012, the organization conducted an observation mission of parliamentary and local self-government elections, which were assessed as neither free nor fair.

We believe that transparency and accountability are fundamental principles of non-governmental organizations. Therefore, we published all information regarding the 11 grant projects implemented by the organization, including financial data, on our website. It would be nice to see state bodies use the same approach while administering grant funds and allocations from the state budget.

We thank our partners for their efficient collaboration throughout the previous year and we look forward to your comments and opinions regarding this report.

Sincerely,

Artur Sakunts

Uh. Uludurly

President of HCA Vanadzor

MESSAGE FROM THE BOARD OF HCA VANADZOR

Dear collegues,

The report of Helsinki Citizens' Assembly confirms that the Organization has encountered serious challenges on the road to both the structure's internal reforms and implementation of its target activities. It is noteworthy that the report is the special elucidation of Armenia's internal political life from the viewpoint of human rights. This means that the Organization succeeded in pursuing its strategic program and goals. We come to see that little space is allocated to the success stories peculiar to such reports and the stress is basically put on the issues of the scopes of activities and further undertakings.

The presented rates and facts, however, testify that HCA Vanadzor achieved tangible success in arduous conditions, often combating against pressures and obstacles. It is apparently visible in the given true and effective evaluation index of the Organization's activities, which is conditioned by the ongoing growth of the beneficiaries and the greater scope of co-operations and partnerships. The Organizations' board is pleased to confirm that all of the objectives included in the report and the activities targeted at their realization are in line with the recommendations mentioned during joint meetings, annual meeting as well as during the discussion of the strategic plan. The report corresponds to HCA Vanadzor's changed statute and internal documents regulating the Organization's activities, the standards of donor organizations and partners and is in line with the spirit and wording of the international right.

HCA Vanadzor Board Member

Vanadzor office of Helsinki Citizens' Assembly (HCA Vanadzor) was established in 1998 as a branch of Armenian Committee of Helsinki Citizens' Assembly. In 2001, it was registered by the Ministry of Justice of RA as an NGO and re-registered in 2005.

The organization's office is located in Vanadzor, the capital of Lori region. The organization also has representations throughout Lori region in the cities of Alaverdi, Tashir, Stepanavan and Spitak. In 2012, Spitak branch of HCA Vanadzor was registered as "Spitak Helsinki Group" human rights NGO.

The organization is active throughout the country.



HCA Vanadzor's Vision

Society formed with supreme values of human dignity, democracy and peace.



Mission of HCA Vanadzor

The Mission of HCA Vanadzor is the promotion and support of Civic Initiatives, the strengthening of Human Rights Protection, and Peace-building Activities at national and regional levels.

Target Areas

The organization works in three main areas – Human Rights, Advocacy, and Peace Building. Within these areas the organization works towards:

- Compliance of legislation and its application to international standards in protecting political, civil and social rights
- Establishment of the institute of Human Rights witnesses
- Promotion of public participation mechanisms
- Development and implementation of advocacy policy with the aim of human rights protection, peacebuilding and support for civil initiatives
- Promotion for decreasing the militarization level
- Development of the peace-building potential of citizens
- Development of tolerance, mutual trust, and dialogue between isolated societies

Beneficiaries

- Persons liable for military service (a young person at pre-recruiting age, recruit, military serviceman, a person at reserve, a person in preparation for military service)
- People suffered from illegal actions or inactivity of law enforcement and judicial authorities
- People with psychic and mental disabilities
- People living in elderly homes, orphanages and Care centers
- People using drugs or the drug addicted
- People suffering from antagonism
- The voters and the candidates
- Victims of discrimination

The organization also works with those, whose property or labor rights, as well as the rights to proper medical care have been violated.

Stakeholders

- RA Judiciaries
- Constitutional Court of RA
- Suropean Court of Human Rights
- Local Self-Governing Bodies/ Local Authorities
- Regional Administration
- Government
- Sational Assembly
- Mass Media
- Intergovernmental and international agencies
- Ombudsman
- Local and International organizations and networks
- Public monitoring implementation groups in closed and semi-closed institutions

Types of Activities

Legal Assistance

- Free of charge legal consultations (orally and in written form)
- Representation and defense in Court
- Quick Response/hotline

Human Rights Monitoring/Civil control

- In closed and semi-closed institutions
- Of election processes
- Of court trials
- Solution of State expenditures in target areas
- Of implementation of state programs in target areas
- Of Local self-governance

Civil linitiatives and Advocacy

- Awareness-raising activities (i.e. campaigns, publications, public events, press conferences, discussions, presentations, urgent statements, actions of protest)
- Study and analysis of legislation and practice, Legislative Initiatives
- Strategic litigations
- Preparation and presentation of shadow reports on implementation of the RA international obligations
- Presentation of information about Human Rights situation in Armenia to international organizations /urgent statements, reports)

It should be noted that the activities of HCA Vanadzor complement each other and ultimately aim at achieveing systemic changes and improving the human rights situation in target areas.



All activities implemented by the organization are aimed at human rights protection, peaceful conflict resolution, and support for civic initiatives and advocacy of separate target groups.

Organizational Management/Human Resources

Structure of HCA Vanadzor

The supreme body of the organization is the General Assembly, which is authorized to make final decisions about the governance and activities of the organization. HCA Vanadzor's General Assembly consists of 14 members.

Between General Assembly meetings the ongoing activities of the organization are managed by the Board. The Board is a representative body, which is elected by the General Assembly. HCA Vanadzor's Board was formally elected in March 2012 and consists of five members. The presidency of the Board is transferred in alphabetical order every six months.

HCA Vanadzor's Board Members



Staff

The Chairman of the Organization is Artur Sakunts, who is also one of the founders of the organization.

In 2012, HCA Vanadzor had 22 permanent staff members of which 4 were regional representatives. Also, there were 121 short-term employees of which110 were election observers and 11 were experts and defense attorneys.

Artur Sakunts

Chairman

Manushak Ohanyan

Chief Accountant

Vardine Grigoryan

Office Manager

Ani Ghambaryan

Coordinator of Public Relations Department

Sirun Gharagyozyan

Translator

Gayane Haroutunyan

Specialist of Informatin Technologies

Suren Ananyan

Administrative Assistant

Tatevik Matinyan (till March 30, 2012)

Projects Coordinator

Ofelya Zalyan

Projects Coordinator

Armine Sadikyan

Coordinator of Peace-Building Department

Anahit Chilingaryan

Coordinator of Advocacy Department

Arayik Zalyan

Lawyer



Ani Chatinyan

Lawyer

Suzanna Gharaghashyan

Lawyer on patients' rights

Tatevik Siradeghyan

Assistant lawyer

Marieta Temuryan

Monitoring specialist

Project assistants Davit Martirosyan Nazeli Movsesyan Regional Representatives Lawyer- Consultants Artur Harutyunyan Anush Galstyan Gayane Anakhasyan Elada Nasibyan

Volunteers in 2012

In 2012, the organization had 5 volunteers:
Kathleen Lestina (Peace Corps)
Julia Weiss (European Voluntary Service)
Georg Leitner (European Voluntary
Service)
Mariam Ayvazyan
Zara Karapetyan

HCA Vanadzor values the role of civil society in policy development and government reporting. In 2012, the organization expanded its activities in the area of RA citizens' human rights protection. The majority of activities covered northern regions of RA and Yerevan. While implementing its activities the organization was guided by the necessity of adapting and defending international treaties and norms signed by the RA. In 2012, the organization worked in 3 strategic directions: human rights protection, peace-building, promotion of civic initiatives and advocacy of separate groups.

HCA Vanadzor also organized and/or participated in different public actions (i.e. campaigns, protests, roundtable discussions, press conferences) to show human rights violations and death cases in the Armed Forces and issues related to the inadequate examination of these cases.

In 2012, HCA Vanadzor implemented 11 grant and sub-grant projects aimed at fulfilling the strategic mission and goals of the organization. HCA Vanadzor also worked to strengthen its OD and institutional capacity building. Staff participated in more than 30 conferences, seminars, professional trainings and study tours at local and regional levels in Hungary, Estonia, Czech Republic, France, Germany, Sweden, Poland, Spain, Belgium, Bosnia-Herzegovina, Georgia, Ukraine and Switzerland.

1. PROJECTS AND ACTIVITIES AIMED AT OD CAPACITY BUILDING OF HCA VANADZOR

1.1. Sustainability and development of HCA Vanadzor

The challenges of human rights protection become increasingly difficult when there is no political will to implement or adhere to reforms. Therefore, HCA Vanadzor stresses capacity building so that staff members are capable of responding to frequently changing environments and to human rights violations in target areas. Capacity building also provides the opportunity to broaden the organization's range of activities, taking into consideration the fact that social issues are correlated and therefore cannot be solved alone.

"Sustainability and development of HCA Vanadzor" is a three-year project, which has been implemented since 2011 and is aimed at advancing democratic values in Armenia, human rights protection, strengthening national mechanisms of civil participation and promotion of civil control potential. All the above mentioned objectives are to be implemented through development and

sustainability of HCA Vanadzor.

The project is implemented by the financial assistance of the Open Society Foundations.

In the framework of the project HCA Vanadzor is implementing activities aimed at organizational development taking into consideration the main strategic directions (legal assistance, peace-building, human rights monitoring and advocacy) through staff capacity building. All project activities are directed at ensuring continuous and ongoing work of the organization.

In the framework of the project permanent staff was formed, who ensures ongoing activities of the organization and implementation of its strategic goals. With the financial support of the Open Society Foundations HCA Vanadzor staff members periodically participated in local and international trainings and conferences to improve their professional skills and knowledge. The aim of

the trainings was to improve and develop staff capacities in the following fields: financial management, writing reports, advocacy, strategic litigation, usage and application of new media tools, information security and efficient legal practice.

LEGAL ASSISTANCE

Provision of free of charge legal consultations

In 2012 872 citizens received legal assistance from HCA Vanadzor.

HCA Vanadzor provided legal consultations to 646 citizens, out of which 422 received consultations in verbal procedures, 224 citizens in written procedures. Additional 228 citizens received consultations from Alaverdi, Tashir, Stepanavan and Spitak representations of Lori region.

In 2012 citizens received legal assistance not only in person, but also via phone and an e-mail. Eighteen citizens received legal consultation via e-mail, and 45 - via telephone.

Thirty two people who applied to HCA Vanadzor for legal assistance wanted to stay anonymous therefore didn't provide their personal information.

In 2012 people applied to HCA Vanadzor with the following human rights violation cases:

Right	Quantity	%
Property right	219	31.9%
Social security right	96	14.0%
Right to fair trial	91	13.2%
Family rights	78	11.4%
Rights of soldiers/recruits	66	9.6%
Freedom of expression (information)	37	5.4%
Labor right	35	5.1%
Electoral rights	11	1.6%
Consumer rights	10	1.5%
Health protection rights	10	1.5%
Other	8	1.2%
Right to liberty and security	7	1.0%
Right to be free from torture and humiliating treatment	7	1.0%
Right to obtain citizenship	5	0.7%
Freedom of movement	2	0.3%
Right to respect for private and family life	2	0.3%
Right to education	1	0.1%
Insurance right (Compulsory third party liability motor insurance - APPA)	1	0.1%
Right to life	1	0.1%
Total	687	100%

Issues presented by citizens in 2012 are related to or are violated by the following bodies

The Body to which the issue was related			
Ministry of Defense	44		
Ministry of Labor and Social Affairs – social welfare benefits			
Real Estate Cadastre	7		
Local Self Government Bodies	6		
Court of Common Jurisdiction	5		
Police	5		
Compulsory Enforcement Service	4		
Prosecutor's office	4		
Court of Appeals	4		
Administrative Court	3		
National Assembly	2		
Social Security – Age Pensions	2		
Agency of Medical and Social Expertise	1		
Other	13		
Total	108		

It's worth mentioning that citizens apply more with the issues related to violations of property rights, social security rights and rights to fair trial, but it doesn't mean that the right to be free from torture and inhuman or degrading treatment or right to liberty and security are rarely violated in the Republic of Armenia. The problem is that violations of certain rights are difficult to reveal, as to the victims, they often refuse to reinstate their violated rights, thus avoiding further double pressure. In some cases under the influence of police pressure citizens not only deny the information that they have provided to the HCA Vanadzor, but also blame the organization on extorting the information from them.

Court Cases

In 2012 the organization initiated and conducted 22 court cases of strategic importance:

- Right to life 3 cases
- Right to fair trial 7 cases
- Right to be free from torture and inhuman or degrading treatment 2 cases
- Public Property right/ disagreement of city council (avagani) decision 2 cases
- Claim to recognize the actions (inactivity) of the community mayor not legal 1 case
- Claim to recognize the actions of the police not legal 1 case
- Compensation claim for violating the right to respect, dignity and business reputation 2 cases
- Sectoral right 1 case
- Right to information (freedom of expression) 1 case

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- Rights of soldiers/recruits 1 case
- Right to protection/inviolability of the home/apartment 1case

Nine cases from the above mentioned ones were conducted by the lawyers of the organization, the other 13 – by the involved defense attorneys.

In 2012 HCA Vanadzor presented complaints to the European Court of Human rights (ECHR) related to 5 cases.

The complaints presented to the ECfHR were related to:

- Right to respect personal and family life 1 case
- Right to freedom of conducting meetings and forming associations 2 cases
- Right to life 1 case
- Freedom of expression 1 case

One case on preventing from torture and inhuman or degrading treatment was presented to the UN High Commissioner for Human Rights. The case was initiated in 2010.

Human rights monitoring/civil control

One of the main components of HCA Vanadzor activities is civil control. It provides with the opportunity to evaluate the efficiency of performance of obligations by the authorities.

The goal of civil control is

- To reveal the institutional problems/issues related to human rights protection with the aim of development of legislative guarantees and legal practice reform.
- To ensure guarantees for human rights protection and freedom, as well as to attain the complete performance of the obligations by authorities.

Among civil control mechanisms the organization applies classical monitoring in closed and semi-closed institutions, as well as election observation, observation of state projects and expenses, Mass Media monitoring, watches the appliance of different legal acts.

Monitoring of the publications disseminated in 2012 through mass media about drug users and psycho-social and mental disabilities

HCA Vanadzor always keeps in the limelight the right protection of drug users, people with psycho-social and mental disabilities. To do this, the organization conducts mass media monitoring to identify in what condition are the rights of people with mental disabilities, drug users, the drug addicted in Armenia, to assess the attitude of the society and authorities and to take measures to prevent and recover their rights.

In 2012 in the framework of monitoring 20 printed and electronic, official and non-official mass media were observed.

Material study showed that news on criminal prosecution for illegal circulation of drugs are elucidated much more, than news on problems of drug users and drug addicted, people with psychological and mental disabilities. Majority of news related to circulation of drugs and drug users contain investigation elements and are of punitive nature, it means that material covers mainly how law enforcement bodies arrest and punish people suspected in illegal circulation of drugs.

Material related to psychological health is mainly about the situation in this field overall the world and in Armenia specifically, it is also about suicides and suicide attempts, right protection of people with psychological and mental disabilities.

As to the violation of rights of drug users and people with psychological and mental disabilities, as a rule, nobody speaks about the violation of rights of drug users, at the same time mass media representatives themselves often violate the right of respect for private life and secrecy of the latter, which is demonstrated by making their personal data public.

Assessment of funding for psychological and narcological medical assistance and care service

In 2011-2012 HCA Vanadzor conducted monitoring of funds allocated from the state budget for treatment and care of people with psychological and mental disabilities, as well as the drug addicted. The monitoring studied compliance of medical service provision in the field of psychological health with the legislation regulating that area, rights implementation of people with psychological and mental disabilities, as well as the drug addicted, and efficiency and transparency of public funds expenditures during provision of the above-mentioned medical services.

The main information for the research was obtained from surveys conducted by the organization. The surveys were mainly about the current and capital expenditures of medical institutions, their services, funding forms of capital expenses of psychological and narcological medical institutions or other legal basis. The surveys also studied the results of different inspections, examinations and monitoring implemented during 2008-2012. Through different inquiries the organization received and studied the copies of agreements of medical institutions signed in 2008-2012 with the Ministry of Health of RA.

As a result of monitoring it was revealed that money allocated for psychological health care is

almost completely spent on care and treatment of in-patients of Psycho-Neurological Institutions. The study showed that especially in similar institutions the rights implementation of people with psychosocial and mental disabilities is at risk. Besides, even the size of those expenditures is decided not based on need assessment, but rather based on distribution of funds allocated to the RA Ministry of Health by year budget.

Whereas the Republic of Armenia in 2010

ratified the UN Convention on "The Rights of the Disabled" where the Article 19 states, that the countries ratifying the convention should ensure that people with disabilities benefit from a series of in-home services, as well as services related to inhabitation and community support, and receive necessary personal support to live and get involved in the community, as well as not to get isolated from it.

Monitoring of implementation of state projects

Monitoring of the national program of RA on struggle against drug usage and illegal drug circulation in 2009-2012

In 2011 the organization conducted monitoring of the national program on struggle against drug usage and illegal drug circulation in Armenia in 2009-2012. The aim of the monitoring was to find out to which extent the project relates to the right protection of the drug users, how the project activities are being implemented and if the project brings any positive changes in the existing situation.

Based on the monitoring a preliminary report was made, in which the fulfillment and efficiency of the national program is presented with the data of 2011.

In order to assess especially the fulfillment and efficiency of the national program the organization studied the timetable (activity plan) of events foreseen by the program, different publications about the national program, and the responses of the 17 inquiries sent by the organization to the people in charge of the program.

The timetable (activity plan) was evaluated as a document that defines measures in order to reach the set goals, the implementation of measures written in the first 5 sections (these sections involve immediate measures directed at solving the objectives and goals of the program). The implementation of the measures was evaluated not only on quantitative basis, but also based on the content taking into consideration the universal principles of human rights, the obligations undertaken by RA by international treaties. In order to evaluate the planned measures based on the quantity, the measures were divided into 3 groups based on the year of implementation.

Taking into consideration the fact that the project ends at the end of 2012, and the information on final implementation of the measures is available only at the beginning of 2013, the final copy of the report is planned to be prepared after receiving the above mentioned information.

1.2. Strategic litigation administration

From November 1, 2012 till May 1, 2013 HCA Vanadzor was implementing "Strategic litigation administration" project funded by American Bar Association. The goal of the project was to improve human rights protection and prevention of torture in the Armed forces and police through implementation of strategic trials. The project gave the organization an opportunity to obtain and develop its sub-grant management skills.

In the framework of the project 4 strategic cases were funded on competitive basis, out of which one case was in the stage of investigation, two cases - in the stage of trial and one case that went through all domestic instances. All cases were related to the right to fair trial, to the right to be free from torture and inhuman or degrading treatment, to the right defined by Protocol #7 of the European Convention on Human rights and

fundamental freedom (punishment exclusively based on the law.) Another case was about litigation of discrepancy between the first part of the Article 361 of the Criminal Code of RA and the 2nd part of the 16th Article of the Constitution, the 1st part of the 18th Article of the Constitution and the 7th part of the Article 22 of the Constitution.

In the framework of the project different meetings were organized with participation of Lori, Shirak, Tavush and Syunik region attorneys, during which the importance of strategic litigations where discussed, primarily on human rights violations in the Armed forces and on search, arrest and detention in the Police. Consultations for attorneys were organized to develop the strategies of the cases funded by the project.

2. PROJECTS AND ACTIVITIES DIRECTED TOWARDS FULFILLMENT OF THE MISSION OF THE ORGANIZATION

2.1. Projects aimed at the improvement of human rights situation in police-citizen relationships in RA.

As a result of the analysis on human rights violations committed by the police officers the HCA Vanadzor in 2012 enlisted that police officers continue to violate human rights in decision making and implementation procedures of the following cases: citizen detention, search and arrest. The practice of ill-treatment of citizens in police departments is continued through psychological and physical violations and through

other illegal means. The right of citizens to get legal assistance during apprehension, search and arrest is periodically violated. Because of the ill-treatment of citizens by the police a comprehensive, complete and objective examination during the investigation of the case and the trial is not conducted.

In 2012 HCA Vanadzor implemented 2 projects aimed at the study and improvement of human right situation in citizen-police relationships.

2.1.1. RA Police system Reforms

"RA police system reforms" is a 3-year project, which is financed by the Norwegian Helsinki Committee. Since 2011 it is being implemented by HCA Vanadzor and is directed at resolution of the

reforms in RA police system through exploration of the police system. The project is implemented in Lori, Shirak and Tavush Regions. In 2012 in the framework of the project the organization

continued to provide legal assistance to the citizens, whose rights were violated by the illegal actions of Lori, Tavush and Shirak region police officers. Strategic litigations, monitoring of mass media publications on police, human right situation monitoring in police-citizen relationships based on the analysis of

attorneys were conducted. National legislation and state strategy were studied and recommendations were prepared.

monitoring cards filled in by defense

In order to raise citizens' awareness the organization applied modern information technologies. In September-December of 2012 an animated social advertisement was shot on 3 topics – search, detention, apprehension and arrest. The social advertisement was broadcasted by local TV stations of Lori, Shirak and Tavush regions, as well as disseminated via internet¹.

The reports on "Analysis of human rights violation cases committed by police officers" and "Analysis of the implementation of reform project in RA police activities area in 2010-2011"² were presented during the discussion organized on March 20, 2012 in Yerevan. The reports

were prepared as a result of research conducted in the framework of the projects "RA reforms in Police system" and "Sustainability and **HCA** capacity of office". Vanadzor Representatives of state structures - RA Police, RA Prosecutor's office, as well as NGOs and Mass Media

representatives were invited to the discussion. The aim of the discussion was to present the violations existing in the Police activity area, discuss its causes and ways of solution together with involvement of interested organization and responsible bodies



2.1.2. Youth involvement in South Caucasus right protective movement

The presentation on human rights in Armenia and Georgia took place on March 16, 2012 in Tbilisi, Georgia, and on March 20 in Yerevan. The report was prepared in the framework of a three-year project "Youth involvement in South Caucasus right protective movement" implemented

by financial assistance of National Endowment for Democracy (NED). The goal of the project is to increase youth role in right protective movement in South Caucasus region.

In the framework of the project a monitoring group was created. The group consists of 17

¹ Human rights in police-citizen relationships, http://hcav.am/publications/մարդու-իրավունքները-ոստիկան-քաղաքաց

² "Analysis of human rights violation cases committed by the police officers", http://hcav.am/wp-content/uploads/2012/04/analysis of human rights violation cases.pdf

young activists (7 participants are from Georgia, 8 from Armenia, 2 from South Ossetia). During the monitoring the legislation that regulates police-citizen relationships was studied, different interviews with the former arrestees, relatives of the arrestees, NGO representatives, police

officers and defense attorneys were conducted, court cases were observed.

Comparative analysis was conducted in the report; different recommendations on improvement of legislation and practice were presented.

2.2. Projects focused on human rights protection in the Armed forces of Armenia

In 2012 the HCA Vanadzor assessed the human rights situation in the Armed forces of Armenia to be of great concern, primarily because of violations of statutory relationships and improper examination of death cases.

The organization for many times came up with announcements and accused inadequate disposition and evaluations of the RA Military Prosecutor's office on human rights violation

cases. The HCA Vanadzor encouraged the RA Supreme commander-in-chief, Minister of Defense and other law enforcement bodies with its declarations and messages to seriously take into consideration each separate case of human rights violation, alarms received from NGOs and Mass media representatives and suggested taking serious steps towards dispelling public concerns and making radical changes³.

2.2.1. "Strengthening of human rights protection mechanisms in the RA Armed forces"

Since 2012 HCA Vanadzor has been implementing "Strengthening of human rights protection mechanisms in the RA Armed forces" project financed by US Department of State.

In the framework of the project different interviews were conducted with the military servicemen who were demobilized after adoption of the disciplinary code of rules in 2012. The interviews were conducted with the aim of identification and study of human rights violation cases of military servicemen during military service, internal mechanisms of appeal, provision of medical service. The study was conducted in Lori, Shirak and Tavush regions as well as in Yerevan. The results of the

study were presented in the report⁴ "The problems of human rights protection in the Armed Forces of the Republic of Armenia".

In 2012 in the framework of the project "Capacity and development of HCA Vanadzor office" the facts of human rights violation cases in the RA armed forces were recorded. Relevant information about 34 people was collected through letters, inquiries and applications addressed to the Ministry of Defense and its subdivisions. Besides, different visits were organized with an aim to get information from military servicemen, conscripts and their relatives, as well as provide them with

^{3 1. &}quot;The conscripts don't have the chance to appeal the results of the medical examination of their health condition", December, 26, 2012, http://hcav.am/events/զորակոչիկները-hնարավորություն-չունե

^{2. &}quot;To immediately stop inhuman treatment", December 27, 2012, http://hcav.am/events/անհապաղ-դադարեցնել-անմարդկային-վերա

^{3. &}quot;Declaration on examination of vicious army cases", December 28, 2012, http://hcav.am/events/բանակային-գործերի-արատավոր-քննությա

^{4 &}quot;Statement on the situation of human rights in the armed forces in 2012", 2013, http://hcav.am/wp-content/uploads/2013/03/ Տեղեկանք-զինված-ուժեր_2012.pdf

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legal assistance.

Mass media monitoring was conducted based on which statistics of death cases in 2012 in the RA Armed forces, the description of death circumstances and investigation process of its exposure was prepared.

As a result of case studies and legal assistance performed in 2012 one military serviceman was called back from the military service based on the existence of health problems, 2 conscripts were recognized disqualified for the same reason and called back from the service, another 5 conscripts received a deferment for later treatment.

Based on the cases presented to the organization by the citizens a study on health condition of conscripts and military servicemen as well as a

study on the medical service provision to the latter was conducted. Based on the study the report⁵ on "The situation of human rights violation cases related to medical service provided to conscripts and military servicemen" was written and published. The report covered the legislation regulating health condition examination of conscripts, pre-conscripts and problems of its application. Relevant recommendations were developed.

The report was presented at the discussion organized in Yerevan on December 21, 2012 with participation of representatives from state structures, international and local organizations.

A documentary film "Don't count me absent" devoted to a military serviceman Hayk Khachatry-an who died from the chickenpox in 2011 was shot and presented as well.

⁵ "The situation of human rights violations related to the medical service of conscripts and military servicemen", 2012 թ., http://hcav.am/wp-content/uploads/2012/12/ՀՔԱՎ_Ձեկույց_առողջական_2012.pdf

3. PROJECTS AIMED AT PEACEBUILDING

"Promotion of peacebuilding through projects and cooperation" and "Build peace on your own"

In the framework of cooperation with international peacebuilding networks the HCA Vanadzor is a partner organization in the projects "Promotion of peacebuilding through projects and cooperation" and "Build peace on your own" which are initiated by the "United network of young peace builders", and "European intercultural forum". The

goal of the projects was to strengthen capacities of young people from Europe to actively participate in changes in their society, to increase the youth role through implementation of joint projects. Young people from Netherlands, Spain, Romania, Armenia, Georgia and Azerbaijan participated in the program.

4. PROJECTS AIMED AT DEVELOPMENT AND APPLICATION OF CITIZEN MONITORING MECHANISMS

4.1. Civil oversight of elections

In 2012 the HCA Vanadzor conducted observation mission of RA parliamentary and local government elections. The pre-election campaigns as well as electoral processes were observed during the parliamentary and Vanadzor local government elections.

On February 12, 2012 15 observers of the organization conducted election monitoring in PEC #14/01 of Saralanj community, Aragatsotn region, PEC # 25/01, 25/04, 25/06, 25/07, 25/10, 25/15, 25/16, 25/17, 25/22, 25/25 of Hrazdan community, Kotayk region and PEC #36/01, 36/02 of Pemzashen community, Shirak region.

In April-June 2012, HCA Vanadzor implemented project "Capacity building of civil control skills for the parliamentary elections of 2012". Ninetyone observers of the organization conducted observation mission on the Election Day in 31 out of 35 polling stations of Malatia-Sebastia PEC #7, 21 polling stations of Lori region PEC # 29, 30, 31, in all 8 polling stations of Ijevan PEC # 41 and in 3 Polling stations of Gyumri.



In September 2012 HCA Vanadzor implemented the project "Capacity building of citizen monitoring skills for Local government elections of 2012". In the framework of the project the organization conducted observation mission in all 58 polling stations of Vanadzor with the help of 31 observers.

During observation the organization reported several violations, which proved that local as well as national elections of 2012 in Armenia did not comply with the international criteria of free, fair and transparent elections. Different reports with recommendations were prepared by the organization

and submitted to the Central Electoral Commission. The reports were disseminated also electronically⁶.

4.2. Monitoring of Local Government

Since November 1, 2012 the HCA Vanadzor has been implementing monitoring of Local Government. The goal of the monitoring is to support the increase of reporting and transparency of Vanadzor local government bodies.

In the framework of the project it is planned to assess the adequacy and compliance of LG decisions with the Law on Local Self-Governance and RA legislation, the accordance of those decisions with the interests of community inhabitants and human rights principles, the appliance of adopted decisions with the community four-year strategic and annual plans, and the accordance of the latter with the Law on Local Self-Governance. The accordance of fund allocations from the budget to the community strategic plan and implementation of adopted decisions was assessed as well.

The necessary information for the research was collected before the end of 2012. Particularly the decisions adopted in 2008-2012 by the mayor and city council (avagani), reports and budgets of the recent 4 years were collected from the official website of Vanadzor municipality. Along with it different inquiries to obtain information were sent to Vanadzor municipality. The collected information was studied and analyzed based on the Local Governance legislation as well as its

relevance with the community inhabitants' interest and human rights.

In 2013 along with the study of LG resolutions the organization is planning to study the recent 4 year budget of the community. The budgetary allocations will be compared with the community 4 year strategic plan, besides it will be studied if relevant funds are allocated for implementation of resolutions/decisions that require budgetary investments. As far as community budget by itself is an activity plan of a community, the study of the budget and annual reports will give the chance to find out to which extent it reflects the development priorities of the community, to which extent it corresponds to the principles of public interest and human rights, as well as to which extent the budget projections came true, that is to say how efficiently the community resources were managed.

Based on the research and monitoring implemented in the framework of the project a final report will be prepared that will include recommendations developed as a result of study, discussions and monitoring. The presentation of the report and recommendations will be done at presence of community inhabitants and LG representatives during joint meeting/press conference.



«The torment of all people refers to each one»

Václav Havel, The first president of the Czech Republic

^{6 1. &}quot;The summaryof the results of short term observtion mission during RA local elections held on February 12, 2012", http://hcav.am/wp-content/uploads/2012/02/Դ-իտորդության-արդյունքների-ամփոփում.pdf

^{2. &}quot;Report on observation mission of June 6 parliamentary elections of 2012" http://hcav.am/publications/2012-թ-մայիսի-6-ի-խորհրդարանական-ընտրությո-2

^{3. &}quot;The summary of observation results of Vanadzor LG elections of September 9, 2012" http://hcav.am/wp-content/uploads/2012/10/LSG-election-observation-report-Arm.pdf

One of the important directions of HCA Vanadzor is implementation of activities aimed at advocacy and initiatives targeted at civic activism. Through advocacy the organization aims to give systematic solutions to those problems that were identified and raised during its work. Keeping this in mind in 2012 the organization implemented strategic litigations, developed policy papers, legislative recommendations, wrote opinions on different draft laws and submitted them to the relevant bodies. In order to reach its goals the organization conducts negotiations with decision making authorities and other stakeholders of the relevant field, organizes discussions and debates with representatives of civil society, mass media and state structures. The organization in its turn actively participates in the discussion and debates organized by other organizations and state structures.

In 2012 the HCA Vanadzor organized discussions and meetings with representatives of RA police, Ministry of Health, Standing committee of health care, maternity and childhood of the National Assembly of RA.

On February 22, 2012 the HCA Vanadzor organized presentation and discussion of the report on "Human rights situation in psycho-neurological medical institutions of RA". Representatives of

RA Ministry of Health, psycho-neurological medical institutions, as well as Armenian office of the Open Society Foundations participated in the event. As a result of the event it was decided to take measures and implement joint activities together with the RA Ministry of Health and psycho-neurological medical institutions to solve problems addressed by the HCA Vanadzor.

The experts of the organization had separate working meeting-discussions with Suren Krmoyan, the Head of the staff of the RA Ministry of Health, Armen Soghoyan, the Chairman of the working group developing mental health policy in Armenia, Samvel Torosyan, the head psychiatrist of the Republic of Armenia. Separate visits were made to the psycho-neurological dispensary of Lori region, Avan psychiatric clinic and Kasakh neurosis clinic of "Psychiatric medical center" CJSC of Ministry of Health of RA. The aim of the visits was to discuss the problems discovered in psycho-neurological medical institutions of Armenia as a result of monitoring conducted by HCA Vanadzor in 2009, the measures undertaken by the Ministry of Health to solve the problems, still existing problems, as well as to listen to the suggestions and recommendations of the heads of psycho-neurological medical institutions regarding the upcoming monitoring in 2013.

1.1. Draft legal acts

In 2012 the organization developed a draft law on making amendment to the RA law on "Psychiatric assistance". The document was presented to the expert of the standing committee of health care, maternity and childhood of the National Assembly of RA and later to the members of the committee. By the amendment to the law it is foreseen to provide the person getting treatment in the psychiatric hospital with the opportunity to

receive free of charge legal assistance through public defense attorney.

During the meeting held on December 13 with the standing committee of health care, maternity and childhood of the National Assembly of RA Ara Babloyan, the chairman of the committee assured us that recommendations and problems raised during the discussions will be in the center of the committee's attention, and the

most optimal recommendations will be included in the draft documents⁷:

1.2. The Constitutional court of the Republic of Armenia satisfied the claim of HCA Vanadzor

On March 6, 2012 based on the request of HCA Vanadzor the Constitutional Court of RA adopted a decision to review the issue about relevance of Article 8, Paragraph 4 subparagraph "Z" and Article 12, Paragraphs 6 and 7 of the law on "State and official secret" to the Constitution of the Republic of Armenia.

The Constitutional Court of RA stated in its decision that in the Article 12 paragraph 7 of the law on "State and official secret" the provision "the departmental lists are confidential and may not be published" contradicts the requirements of Articles 27 and 43 of the Constitution of Armenia.

The prehistory of this case began on February 2, 2010 when HCA Vanadzor applied with an inquiry to the RA Minister of Defense asking him to provide information about number, names, surnames and addresses of military servicemen who died in the Armed Forces during their service in 2009. The Ministry of Defense refused to provide the needed information justifying that based on the law the demanded information is considered to be confidential based on the extended list of information composed and confirmed by the order of RA Minister of Defense and cannot be provided to the organization. The



organization made the second inquiry asking to provide the relevant order of the RA Minister of Defense and the extended departmental lists of information that are subject to secrecy. The Ministry of Defense again refused to provide any information to the organization.

With the claim to recognize the violation of the organization's right to freedom of information, as well as the derivative claim to receive the order of the Ministry of Defense on the extended departmental lists of confidential information and obligating demand to receive those lists the organization applied and went through all domestic instances. Reaching no success organization applied to the Constitutional Court of RA.

⁹ Meeting with representatives of NGOs, December 13, 2012 http://www.parliament.am/news.php?cat_id=2&NewsID=5618&year=2012&month=12&day=13&lang=arm

1.3. "Mataghis case", justice 9 years later

On December 18, 2012 the Court of General Jurisdiction of Shirak region recognized Arayik Zalyan, Razmik Sargsyan and Musa Serobyan to be innocent. They were convicted of murdering of 2 soldiers serving in Mataghis military unit of Nagorno Karabakh in 2003.

The basis for accuse was Razmik Sargsyan's self-confession testimony, which was extorted by torture and violation. Sargsyan declared for many times that on April 19, 2004 during his first examination where he was questioned as a witness he was severely beaten, threatened and subjected to psychological pressure for several days by the inspectors of the Prosecutor's office. As a result of the tortures he confessed that he had committed the crime and named Serobyan and Zalyan to be his partners. Serobyan and Zalyan also mentioned about tortures and threats exerted by the inspectors during examination, but they never recognized themselves to be guilty.

On May 18, 2005 the Court of First Instance of Syunik region recognized the military servicemen of military unit #33651 Arayik Zalyan, Razmik Sargsyan and Musa Serobyan to be guilty of murder of 2 soldiers and sentenced them to 15 years of imprisonment.

The Military prosecutor's office appealed the court's decision and asked to sentence the accused to life sentence. The defendants appealed the court decision in their turn by denying their guilt and asked to review the case. The Court of Appeals dealing with RA criminal and military cases on May 30, 2006 sentenced A. Zalyan, R. Sargsyan and M. Serobyan to life imprisonment.

The father of one of the killed soldiers presented an appeal to the Court of Cassation after



finding many contradictions in the case. He stated that the case investigation was done with violations of norms of Criminal Court trials; as a result, the investigation of the case was not objective, comprehensive and complete. Therefore, the real murderers were not accused during 2 previous court trials, but were in freedom, and instead of them 3 innocent military servicemen were accused of the crime.

On December 22, 2006 three years later after the murder, the RA Court of Cassation satisfied the claim of M. Mkrtumyan, the father of the killed soldier, to reverse the verdict of R. Sargsyan, M. Serobyan and A. Zalyan and start new investigation of the case.

In the famous "Mataghis case" the HCA Vanadzor got involved in 2004 by providing legal assistance, immediate response and monitoring of right to fair trial, organizing public events (press conferences, discussions, declarations, complaint campaigns, petition, providing international organizations with information). In 2007 the «Mataghis case» was presented to the Open Society Foundations, and it received financial assistance from the latter by being of strategic importance. Hayk Alumyan, the defense attorney, was involved by assistance of the Open Society

CIVIC INITIATIVES AND ADVOCACY



Foundations.

The case received big publicity and was in the center of public attention due to big efforts of a group of activists, right protective organizations and journalists.

Arayik Zalyan since 2008 has been working in HCA Vanadzor as a lawyer, legal consultant.

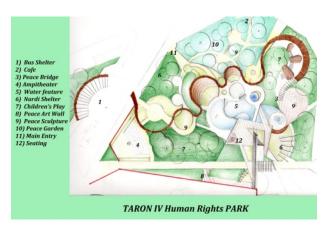
With an aim to eliminate these vicious phenomena of examination of army cases and restoring the victory of justice, citizen's rights protection, as well as the trust of citizens towards the state and the army we, the representatives of the society which adopted human rights as the supreme interest, declare that «the Mataghis case» is the success of the constant, literate 9 year struggle of all of us – individual citizens, parents, the intellectuals, political actors, NGOs, representatives of diaspora, international right protective organizations, journalists, doctors, lawyers.

«The Army in Reality» initiative and several NGOs⁸

1.4. Human Rights Park

Let's arm the citizens with the knowledge, so that they will be able to bring positive changes to their communities.

In the framework of the activities of creation of Human rights park initiated in 2011 by HCA Vanadzor and its partners the following activities were implemented in 2012: Human rights park plan and business plan were developed and presented to the department of Architecture of Vanadzor municipality, after it by the decision of the city council the park was given to the HCA Vanadzor for free of charge permanent usage.



^{8 &}quot;The declaration of the initiative «The army in reality" about Mataghis case http://www.tert.am/am/news/2012/12/28/mataxis, http://mitk.am/մադադիսի-գործով-բանակն-իրականում

The property right was registered in the Real Estate of Cadastre of the RA. An application was presented to the department of architechture to receive architechtural assignment.

The aim of the initiative is

- To ensure safe environment in nature, that will be accessible to representatives of all generations in different seasons. It will encourage and contribute to organizing of leisure and healthy lifestyle.
- To ensure awareness raising of community inhabitants on fundamental values of human rights, democracy, tolerance and dissidence.
- To create a model of similar parks to be built in Armenia to show how community and civic groups can have their voice in planning and using a public place².

1.5. Human rights day

On December 7, 2012 at Vanadzor School #27 which is located next to the Human rights park HCA Vanadzor organized an event devoted to the international day of human rights. Around 40 students of the school participated in the event. The event consisted of educating and informative parts and a competition.

The EVS volunteers of HCA Vanadzor Julia Weiss and Georg Leitner partipated in the event. They presented the history and the concept of human rights, main conventions and their content, primarily the UN and European Convention on human rights.

The idea of human rights park, its goals, plan and the work to be done were presented to the participants.



At the second part of the event a competetion of human rights park logo preparation was announced.

The event was made possible with the financial assistance of Armenian branch of IREX.

⁹ For more information about the initiative go to: http://hcav.am/wp-content/uploads/2011/05/Մարդու-իրավունքների-այգի.pdf

In 2012 the HCA Vanadzor was the author of 14 reports, analytical reports and statements directed at research and study of human rights situation in the Republic of Armenia.



HUMAN RIGHS IN THE RELATIONS BETWEEN CITIZENS AND POLICE IN ARMENIA AND GEORGIA



ANALYSIS OF HUMAN RIGHTS VIOLATION CASES MADE BY POLICE OFFICERS



ANALYSIS OF
IMPLEMENTATION OF POLICE
REFORM PROGRAM IN
2010-2011 IMPLEMENTED IN
ARMENIA



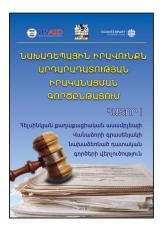
THE POSSIBILITIES FOR DEMOCRATIC, CIVIL AND PUBLIC CONTROL OVER ARMED FORCES IN ARMENIA



RIGHT TO FREEDOM OF MOVEMENT IN ARMENIA IN 2011



SUMMARY OF THE RESULTS OF OBSERVATION MISSION OF THE RA LOCAL SELF-GOVERNMENT BODIES HELD ON FEBRUARY 12, 2012



THE CASE LAW (PRECEDENT LAW) IN JUDICIAL PROCEDURES



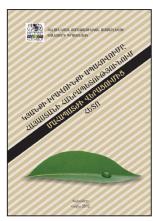
REPORT ON VIOLATION
OF RIGHTS OF MILITARY
SERVICEMEN AND RECRUITS
RELATED TO MEDICAL
SERVICE



SUMMARY OF THE RESULTS
OF OBSERVATION MISSION
OF VANADZOR COMMUNITY
LG ELECTIONS OF



SEPTEMBER 9, 2012 ANNUAL REPORT OF HCA VANADZOR OF 2011



ENSURING RIGHT TO LIFE IN ARMENIA AFTER ELIMINATION OF DEATH PENALTY



STATEMENT ABOUT DEATH
CASES IN RA ARMED FORCES
IN 2012



REPORT ON OBSERVATION MISSION OF PARLIAMENTARY ELECTIONS HELD ON MAY 6, 2012



REPORT ON OBSERVATION MISSION OF PARLIAMENTARY ELECTION CAMPAGN HELD ON MAY 6, 2012

Attack on HCA Vanadzor and staff on April 16, 2012

On April 17, 2012 HCA Vanadzor planned to host Azeri film festival organized by "Caucasus Center of Peacemaking Initiatives" NGO. On the day before the festival the organization's office was attacked by more than 200 people, who came on April 16, 2012 at 10:30-11:00 with police escort carrying posters and flags. They approached HCA Vanadzor and started throwing stones and eggs towards the office. As a result the windows of the office were broken and one of the staff members got injuries.

A big group of protestors entered the office and demanded from the organization not to provide the office to the "Caucasus Center of Peacemaking Initiatives" NGO on April 17 for screening Azeri films.

The organization head told the protestors that Caucasus Center of Peacemaking Initiatives announced early in the morning about postponing the festival. The protestors demanded announcing it out loud to the people gathered outside. The head of the organization, taking into account the circumstances, announced the news to the protestors with the microphone.

representatives of the protestors occupied the office and demanded to never provide the office for screening Azeri films. Along with this demand the demonstrators outside started to throw eggs and stones towards the office, as well as different threats and insults were made in the address of HCA Vanadzor.

By assessing the situation and with an aim of to prevent later unpredictable steps the head of the organization was forced to announce that the festival would never take place in Vanadzor.

It's worth mentioning that although HCA Vanadzor informed the police through telephone calls about attacks and threats, as well as that measures need to be taken to prevent it, the police officers didn't do anything to prevent the violation of public order and threats towards HCA Vanadzor staff, as well as to keep the security of the latter. Moreover, the authorities didn't arrest any aggressor¹⁰. Materials about the attack were collected in RA Lori region Criminal Investigation department, and as a result of the decision on dismissing the criminal case was adopted on April 26, 2013. The decision on dismissing the criminal Despite this fact a little bit later the case was appealed to upper instances. On October



"When you take a stand against injustice inflicted upon innocent people, there will be those who will hate you for it."

Ellen J. Barrier

^{9 1.} HCA Vanadzor, "HCA Vanadzor announcement on the attack", April 17, 2012 http://hcav.am/events/hpա-վանաձորիգրասենյակի-հայտարարութ-7.

^{2. &}quot;Concerned about attacks against human rights organisations in Armenia", the announcement of Human rights house network and South Caucasus Network of Human Rights Defenders, May 18, 2012p. http://humanrightshouse.org/Articles/18040.html

^{3.} The declaration of a right protective organization "Freedom House" about attacks on right protective organizations in Armenia, April 20, 2012, http://hcav.am/events/hայաստանում-իրավապաշտպան-կազմակերպո

^{4.} The declaration of "Amnesty International" right protective organization directed to RA government about freedom of speech in Armenia and ensuring security of organizers of Azeri film festival. April 25, 2012 http://hcav.am/events/amnestyinternational-ի-իրապարակային-իայտարարությունը

^{5. &}quot;The organizations should protect freedom of speech-secure screening" the declaration of Human Rights Watch international organization, April 17, 2012 http://hcav.am/events/hայաստան-քննել-տեղական-հասարակական-կ

16, 2012 the Court of General Jurisdiction of Lori region studied the claim of the organization to eliminate the decision of dismissing the criminal case and adopted a decision to satisfy the claim. The court satisfied the claim bringing the reason that the body conducting the proceedings didn't conduct an objective, comprehensive and complete examination.

Different local and international organizations applied to the RA authorities with an announcement primarily accusing the pressure made on the civic activists wishing to organize Azeri film festival in Armenia. They appealed to take necessary measures and conduct impartial investigation of the attack, to call the guilty to responsibility and defend the right to freedom of expression of all citizens, as well as ensure secure



screening of the films.

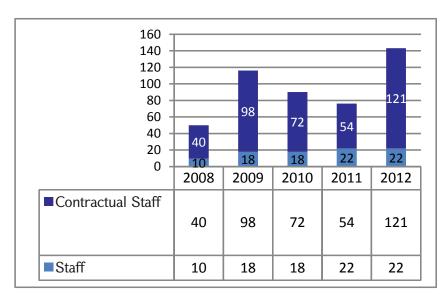
The following organizations appealed to the RA authorities with declarations: Amnesty International, Human Rights Watch, Freedom House, Human rights house network, South Caucasus Network of Human Rights Defenders.

A comparative analysis of 2008-2012 budgets

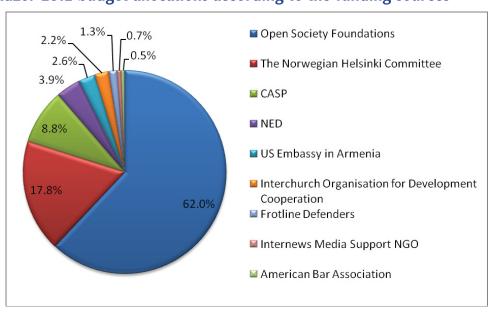
AMD

	2008	2009	2010	2011	2012
Salary	12,093,780.00 32%	32,261,730.00 45%	35,010,973.00 38%	47,768,460.00 52%	49,818,240.00 50%
Program expenses	22,587,349.00 59%	32,710,094.00 46%	51,700,486.00 55%	37,117,401.00 40%	1,975,885.00 42%
Administrative expenses	3,700,210.00 10%	6,476,773.00 9%	6,585,248.00 7%	37,117,401.00 8%	8,203,136.00 8%
Total	38,381,338.00	71,448,597.00	93,296,707.00	91,956,436.00	99,997,260.00

Number of staff in 2008-2012



HCA Vanadzor 2012 budget allocations according to the funding sources



- Open Society Foundations
- Sorwegian Helsinki Committee
- US Embassy of Armenia
- The Embassy of the United Kingdom of Great Britain and Northern Ireland in Armenia
- Embassy of the Federal Republic of Germany in Armenia
- American Bar Association
- SCF Yerevan office
- EU Information Center in Armenia
- European Council Office in Yerevan
- Helsinki Citizens Assembly Network
- Eastern partnership Civil Society Forum including Armenian national platform
- Civic Solidarity Platform
- The South Caucasus network of human rights defenders
- # Human rights house South Caucasus network
- Human rights house in Yerevan
- European platform of democratic elections
- Union of young peacebuilders
- European network against nationalism, racism, fascism and in support of migrants and refugees(UNITED)
- Partnership for Open Society
- Human Rights Network of Armenia
- Foreign Embassies in Armenia
- Frontline Defenders organization for the Protection of Human Rights Defenders
- Helsinki Foundation for Human Rights, Poland
- "Asparez Journalists' club" NGO
- "Helsinki Committee of Armenia" NGO
- Transparency International Anticorruption Center
- Yerevan Press Club NGO
- Women resource center
- Goris Women's Development Resource Center Foundation
- "Leading group of social researches" NGO
- * "Sakharov Armenian Human Rights Centre" NGO



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