

Helsinki Citizens' Assembly-

Vanadzor



Situation of Human Rights Defenders in Armenia

2013

Report



SIGRID RAUSING TRUST



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Introduction

In 2013, together with the Armenian members of South Caucasus Network of Human Rights Defenders, Helsinki Citizens' Assembly – Vanadzor (HCA Vanadzor) published a report on the situation of human rights defenders in Armenia in 2011-2012¹. The report compiled cases of intimidation and harassment of human rights defenders.

The current report summarizes information on the situation of human rights defenders in 2013 and a follow-up on some of the cases presented in the report for 2011-2012. The report includes implementation of commitments undertaken by the Republic of Armenia, including, the recommendations of the UN Special Rapporteur (SR) on the Situation of Human Rights Defenders on Armenia issued in 2010.

The year of 2013, was marked with Serzh Sargsyan's unilateral decision on Armenia's accession into the Custom's Union and refusal to initial the Association Agreement with the European Union.

Refusal to initial the Association Agreement interrupted the reforms human rights and democracy and created uncertainty among civil society about the future of democratic processes. How democratic processes will proceed, what value system will be promoted with the new agenda of the authorities, and where that will leave civil society in terms of participation in decision-making, are yet to be understood. The practice of restriction and intimidation of civil society in the member countries of the Customs Union, Russia, Belarus and Kazakhstan, has become a state police. Meanwhile the increase of harassment of activists in Armenia is a clear indicator of the Armenian government's adoption of a similar position toward civil society.

¹ Situation of human rights defenders in Armenia in 2011-2012, <http://hcav.am/wp-content/uploads/2013/02/Report-English.pdf>

Due to the specificity of the violations against human rights defenders in Armenia in 2013, the report may be of interest not only to the Special Rapporteur on the Situation of Human Rights Defenders, but also to the Special Rapporteur on the Freedom of Assembly and Association. Some parts of the report have been jointly submitted with the Norwegian Helsinki Committee and Partnership for Open Society to the UN Human Rights Council, 21st Session of the Universal Periodic Review in 2015.

The report should also be of interest to the Armenian authorities and the RA Ombudsperson responsible for the implementation of recommendations by the Rapporteur on the Situation of Human Rights Defenders, international and regional organizations as well as other human rights commitments undertaken by the Republic of Armenia.

The report is based on media reports, information provided by partners, and other materials, which were publicly available in 2013 and 2014, as well as information received through official inquiries from state and local authorities.

HCA Vanadzor would like to thank those partners, who assisted in compiling information for the report to apologize if any incident was left out of the report and will readily add omitted relevant information if it is brought to our attention.

For the purposes of this report Human Rights Defenders (hereinafter, Defenders) are those, who individually or in group defend human rights², this includes but is not limited to NGOs, activists, advocates, lawyers, whistle-blowers, and journalists³.

² Who is a defender, UN SR on the Situation of Human Rights Defenders, retrieved on April 16, 2014, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>

³ The cases of violation of rights of journalists are presented in this report if they happened within the context of defending human rights, for other cases you can refer to the annual report by the

General Context

As a member of the United Nations, Council of Europe and Organization for Security and Cooperation in Europe, the Republic of Armenia is guided by international standards and human rights instruments promoted by them. On the other hand, the policy implemented by the Armenian authorities is affected by Armenia's membership in the Commonwealth of Independent States and Collective Security Treaty Organization, and the presence of a Russian military base on the territory of the Republic of Armenia.

In February 2012, CSTO Secretary General, Nikolai Bordyuzha stated that, the presidents of the CSTO participating states made an agreement at the informal meeting in 2011 to use the collective resources of CSTO in case of chaotic situation in one of the member countries⁴. In other words, Republic of Armenia as a CSTO participating country has accepted the possibility of external military intervention for solving internal issues.

Presidents of the CSTO participating states having discussed the lessons learned from the “Arab Spring”, evidently are considering moving into creating mechanisms of restricting freedom of information and putting more control on social media⁵. President of Belarus has been especially pushing for stricter regulations for activities of international organizations and foreign states operating within the CSTO participating Countries⁶. In support of the initiative N.

Committee to Protect Freedom of Expression, which was consulted extensively for the preparation of this report as well. <http://khosq.am/en/reports/annual-report-2013/>

⁴ The document is nowhere to be found - in Armenian. Armenian Times. 02 23, 2012. <https://armtimes.com/hy/read/31757>

⁵ CSTO Moves Into The Information Age. Radio Free Europe, Radio Liberty, McDermott, Roger. September 4, 2011, accessed on July 2, 2013,

http://www.rferl.org/content/commentary_csto_moves_into_information_age/24317363.html

⁶ "Security is collective matter." *Belarus Magazine*. Volyanyuk, Vitaly. 2011. accessed on July 2, 2013, http://www.belarus-magazine.by/en.php?subaction=showfull&id=1249722641&archive=1316587328&start_from=&ucat=2&

Bordyuzha stated that they “see persistent attempts of direct and indirect interference by some countries or groups of countries including with the help of international organizations and new tools, into the domestic matters of the CSTO Participating states, as well as attempts to impose some foreign policy patterns. Defiance results in political sanctions, straightforward political pressure, economic and other restrictions in disguise of protection of human rights and democracy.”⁷ The rhetoric persisted and escalated through 2013 with the approach of the EaP Vilnius Summit in November, where the Association Agreement with the EU was scheduled to be initialed.

On February 18, 2013, Presidential Elections took place in Armenia. The incumbent President, Serzh Sargsyan, was believed to be unchallenged, as none of the larger oppositional political parties (Prosperous Armenia with 37 MPs, Armenian National Congress with 7 MPs, and Armenian Revolutionary Federation with 6 MPs) had a candidate running for the office⁸. The pre-election campaigns seemed to follow the “usual” abuse of administrative resources, widespread vote-buying, forced participation in the incumbent’s rallies. At the same time, the meetings and rallies held by other candidates were poorly attended.

On February 1, 2013, there was an assassination attempt against Paruyr Hayrikyan, one of the presidential candidates. Another candidate, Vardan Sedrakyan, was found guilty of ordering the murder attempt and was sentenced to 14 years in prison. Another presidential candidate, Andreas Ghukasyan, was on a hunger strike throughout the entire election campaign, demanding to revoke the candidacy of the

⁷ BelTA. "CSTO to show solidarity in case of political pressure on its members." *Belarusian Telegraph Agency*. April 12, 2012. <http://news.belta.by/en/news/politics?id=679268> (accessed 07 02, 2013)

⁸ Report of the Armenian National Platform of EaP CSF Presidential Elections in Armenia in 2013, retrieved on April 17, 2014, <http://www.eap-csf.eu/assets/files/Documents/ANP%20report%20on%20elections%202013.pdf>

incumbent president Serzh Sargsyan due to infringements committed by his Republican Party.

The Election Day featured a full range of violations, including ballot-stuffing, multiple voting, vote-buying, violation of secrecy of voting and intimidation of participants of the electoral process, including voters, proxies, observers, and journalists.

The preliminary results were a surprise to the ruling party with Raffi K. Hovhannisian, head of Heritage Party, winning in several larger cities. However, the Republican Party was able to “fix the situation” and the ultimate results presented by the RA Central Electoral Commission had Serzh Sargsyan being reelected with over 58% of votes.

The fix-up of the election results was obvious due to the 5-10% difference in results for monitored and unmonitored polling stations. There was also a strange pattern recorded by numerous independent experts and monitoring organizations, according to which Serzh Sargsyan’s advantage was obvious in precincts with incredibly higher voter turnout, while, Raffi K. Hovhannisian led in election precincts with more moderate voter turnout. This is believed to testify of massive ballot stuffing and inflated voter turnout. The integrity of the electoral process was questioned by the OSCE/ODIHR election observation mission as well.⁹

Despite the obvious falsification, post-election protests were mostly decentralized and were not of the scale of those of 2008 post-election protests. Raffi K. Hovhannisian was heavily criticized both by the opposition and by the ruling party for indecisiveness and lack of a clear plan. Protests ended with police crackdown against protesters on April 9, the day of inauguration of Serzh Sargsyan, after Raffi K. Hohannisian’s supporters held his alternate inauguration on Freedom

⁹ Republic of Armenia, Presidential Election, 18 February 2013, OSCE/ODIHR Election Observation Mission, Final Report, retrieved on April 17, 2014
<http://www.osce.org/odihr/elections/101314?download=true>

Square, Yerevan. Former Member of Parliament from the Heritage Party, Armen Martirosyan was severely beaten by the police. In attempt to ease the tension and avoid further violence, Raffi K. Hovhannisian went to light a candle in a chapel in Yerablur Cemetery with the RA Chief of Police. The move was seen as an act of weakness and put an end to the protests.

Unlike the Presidential Elections, May 2013 elections to the Yerevan City Council attracted all major political parties. The elections to the city council again featured the full range of violations with more focus on pre-election “preparations” and vote-buying. The Republican Party retained the majority of seats in the city council. Taron Margaryan was reappointed as the Mayor.

At the end of May 2013, Hetq.am Investigative Journalists published an investigative piece on a fraud case involving Armenian businessman, Ashot Suqiasyan, his godfather, the Leader of Ararat Diocese of the Armenian Apostolic Church, Navasard Kjoyan and the Prime Minister of Armenia, Tigran Sargsyan¹⁰. Although both the Prime Minister¹¹ and the Archbishop¹² denied the allegations, investigation showed their relation to the scam. However neither was even interrogated during the reporting period. In April 2014, Tigran Sargsyan resigned and in June 2014, he was appointed as the Ambassador of the Republic of Armenia to the United States of America¹³.

On June 2, 2013, late night shootings near the mansion of the notorious governor of the southernmost Region of Syunik left Avetiq Budaghyan,

¹⁰Cyprus Troika: Who 'Stripped' Businessman Paylak Hayrapetyan of His Assets?, retrieved on April 24, 2014, <http://hetq.am/eng/news/26891/ovqer-en-paylak-hayrapetyani-unezrkman-hexinaknery-ofshorayin-eryaky.html>

¹¹PM Sargsyan Requests Aid of Prosecutor General in Off-Shore Financial Flap, retrieved on April 24, 2014 <http://hetq.am/eng/news/27012/pm-sargsyan-requests-aid-of-prosecutor-general-in-off-shore-financial-flap.html>

¹²Archbishop Kjoyan Denies Allegations of Being Linked to "Off-Shore Scandal", retrieved on April 24, 2014 <http://hetq.am/eng/news/27360/navasard-arq%E2%80%A4-ktchoyani-ardzaganqy-ir-anvan-shurj-taratsvox-texekutunneri-veraberyal.html>

¹³ Decree of the RA President, <http://www.president.am/en/decrees/item/1200/>

a former candidate to the post of the mayor of Goris, dead and his brother, Army Colonel, Artak Budaghyan, and Governor Surik Khachatryan's bodyguard heavily wounded. It should be noted that the case of the military doctor beaten to death in June 2012 by bodyguards of a former member of the RA Parliament, President of the RA Football Federation, businessman, Ruben Hayrapetyan, was investigated by the General Investigative Department of the RA Police. In contrast, the current case was delegated to the Investigative Department under the Ministry of Defense without any justification for such an inconsistency in practice of investigating offenses involving military personnel. Governor Surik Khachatryan was forced to resign. Nevertheless, the RA Military Prosecutor, Gevorg Kostanyan, who undertook his patronage, immediately denied Surik Khachatryan's participation in the incident and insisted that Surik Khachatryan had been asleep. Soon after the incident police arrested Khachatryan's son and another bodyguard of Khachatryan on charges of murder and the police confiscated large quantities of illegal weapons from the Governor's house. However, on September 7, 2013, Gevorg Kostanyan, the RA Military Prosecutor, announced that they were dropping all charges against S. Khachatryan's son and the bodyguard, on the grounds that their actions constituted self defense. Army Colonel Artak Budaghyan faced charges of threat to murder, to inflict heavy damage to one's health, or to destroy property¹⁴. The decision of the military prosecutor added to the existing atmosphere of impunity. Moreover, despite this explicit iniquity G. Kostanyan was appointed as the RA Prosecutor General in less than a month.

Late spring-summer 2013 saw a wake of civil activism with citizens in and outside of Yerevan protesting against government actions and inaction, including

¹⁴ 2013 Human Rights Reports: Armenia, U.S. Department of State
<http://www.state.gov/j/drl/rls/hrrpt/2013/eur/220251.htm>

- ≈ protests by villagers on demanding full compensation for the damage caused by severe hailstorm, low purchase prices of apricot and the difficulties, created on exporting apricot to Georgia;
- ≈ protest against the construction of a new hydropower plant in Marts, Lori region;
- ≈ the attempt of murdered soldier Lyuks Stepanyan's family to publicly bring the soldier's body to the Government building in Yerevan and demand fair investigation;
- ≈ protests against transportation fare hikes in Yerevan;
- ≈ Nagorno-Karabakh war veterans' protest, demanding equal rights and better social benefits;
- ≈ unlawful constructions in Yerevan;
- ≈ increase of gas prices and subsequent submission of the remaining government owned 20 % of stocks of HayRusGasArd to the Russian Gazprom;
- ≈ enforcement of mandatory accumulative pension funds introduced under pension reforms.

In the majority of those cases the police used physical force and unlawful restrictions against protesters.¹⁵

A series of protests followed the unilateral announcement by President on Armenia's willingness to join the Customs Union with Russia, Belarus, and Kazakhstan and failure to initial the Association Agreement with EU. The largest rally against the accession into the Customs Union was on December 2, 2013, on the day of the visit of the Russian President Vladimir Putin to Armenia, when the police unlawfully apprehended at least 110 protesters and took other excessive security measures violating the rights of Armenian citizens to freedom of movement, freedom of assembly, liberty, and security.

¹⁵Human Rights in Armenia, 2013 report, Helsinki Committee of Armenia, <http://armhels.com/wp-content/uploads/2014/01/Ditord-2014-01EngNew1.pdf>

Toward the end of 2013, non-ruling political parties came together mostly to address social-economic issues: including the gas deal with Russia and the pension reforms.

In December 2013, the RA Ombudsperson released a special report on the “Right to Fair Trial”¹⁶ exposing the hierarchical abuse, total top-down control, and double standards within the system and corrupt practices by the RA Court of Cassation and its president. The RA Ombudsperson’s report presents information about the range of bribes accepted by different courts, as well as arbitrary use of disciplinary regulations to curb judges of lower instances who dare to make a decision on a case without seeking the consent of the Court of Cassation. As expected, the report was discussed widely; however, the RA Judicial Department and the RA Court of Cassation simply criticized the report, without considering any of the facts brought in the report (the report includes reference to specific questionable cases). The RA Prosecutor General, Gevorg Kostanyan, who represents the Armenian Government in the European Court of Human Rights, argued that the report was absolutely groundless. It is also interesting that the report which was sent to every judge in Armenia was immediately sent back by all of them. This identical behavior is another evidence of the dictatorial and centralized control of the RA Court of Cassation and its president.¹⁷

¹⁶ Special Report of the RA Human Rights Defender on the Right to Fair Trial, <http://ombuds.am/library/library/page/101/type/3>

¹⁷ Armenia, Follow Up Report, Helsinki Citizens’ Assembly – Vanadzor, CCPR/C/ARM/CO/2

http://hcav.am/wp-content/uploads/2014/05/3.INT_CCPR_NGS_ARM_16205_E.pdf

Overview of Defending Human Rights

In her 2010 report on Armenia, the SR on the situation of human rights defenders specifically addresses the inadequate inclusion of CSOs and defenders from the preparation of the National Action Plan on Human Rights. She further makes a recommendation to address the specific needs of human rights defenders, including women and LGBTI human rights defenders, in the National Action Plan on Human Rights.¹⁸ The draft action plan, as indicated in the report, was to be prepared jointly by the government and the RA Ombudsperson by the end of 2010. The Action Plan was not adopted until February 2014 and officially commenced in June 2014.

At the end of 2011, a number of CSOs were asked to provide recommendations on the National Strategy for Human Rights Protection within an extremely short time. A coalition of NGOs under the Partnership for Open Society submitted their recommendations, which were not in any way reflected in the ultimate strategy adopted only one year later by the RA President on October 29, 2012. The document stressed the involvement of CSOs in the implementation and monitoring of the action plan of the Strategy and indicated that one of the goals of the National Strategy was to strengthen the capacities of the RA Ombudsperson, as well as human rights organizations and to establish other national mechanisms of human rights protection¹⁹. The strategy was criticized by CSOs as being irrelevant and inconsistent in the depth of addressing the problems.²⁰ In December 2012 - February 2013, CSOs presented their recommendations on the HR Action Plan. Considering the indicated goal to strengthen the capacities of human

¹⁸ Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Mission to Armenia, retrieved on April 17, 2014 <http://www2.ohchr.org/english/issues/defenders/docs/A-HRC-16-44-Add2.pdf>

¹⁹ Directive of the RA President on the RA National Strategy for Human Rights Protection, retrieved on April 17, 2014 <http://www.president.am/hy/Directives/item/838/>

²⁰ “National Strategy on Human Rights Protection” Discussion over Gaps and Need for Amendments, retrieved on April 17, 2014, <http://hcav.am/en/events/38254/>

rights organizations, HCA Vanadzor presented recommendations in several areas: including a proposition to add a chapter on empowering human rights defenders.²¹

Nevertheless, the final action plan adopted by the RA Government in February 2014 did not include any activities related to empowering human rights defenders and stressed empowerment of the RA Ombudsperson as the only mechanism of human rights protection.

The adopted HR Action Plan establishes a “monopoly” for the RA Ombudsperson in protecting human rights in Armenia. It rejects the role of CSOs and human rights defenders in human rights protection and prescribes only annual meetings/discussions of CSOs with relevant agencies, as well as participation in the monitoring of implementation of the plan.

The overall action plan seems to be directed at minimizing any costs and actions associated with its implementation, as well as avoiding most sensitive human rights issues such as prohibition of discrimination. According to the plan, 72 (60%) of the 119 activities do not require funding. Despite the more significant role given to the RA Ombudsperson, the state budget allocations for the RA Ombudsperson have decreased and the initial number of regional offices of the RA Ombudsperson was changed from 6 to 3.

Monitoring groups of public oversight over closed institutions, namely prisons, temporary detention facilities, special schools, and the expert Council of the National Preventive Mechanism (the RA Ombudsperson) include several non-governmental organizations and have been somewhat successful in voicing concerns regarding human rights violations at the respective institutions. However, the inadequate

²¹ HCAV Recommendations to the Action Plan of the National Strategy on Human Rights Protection, retrieved on April 17, 2014
<http://hcav.am/en/activities/hcav-recommendations-to-the-action-plan-of-the-national-strategy-on-human-rights-protection/>

response and lack of collaboration from the government belittles the institute of public monitoring and fails to recognize the valuable contribution the groups could have to the improvement of human rights in these institutions.

Moreover, the unwillingness of the Armenian Government to acknowledge and to work with CSOs and human rights defenders is explicit also through the government propaganda, which in 2013 was mostly directed against women's rights, LGBTI rights NGOs and those advocating for Armenia's European Integration. The negative propaganda was especially strong whenever publicly significant and scandalous information leaked out. The goal was to distract public attention and to belittle the importance of the issue raised by defenders. For instance, there was an obvious attempt to distract the public from the offshore scandal involving the Prime Minister and the Archbishop of Ararat Diocese²² by bringing up publicly sensitive issues such as the gender issue.

Although there was some success in government collaboration on certain issues, if and when the issue had a particularly broad public support, collaboration never took place when it came to protection of most vulnerable groups (namely, defenders of LGBTI people and religious minorities), whose rights were often violated by government officials as well. LGBTI people and their defenders were particularly vulnerable in 2013 due to deliberate misinformation. Such misinformation and negative propaganda succeeded mainly due to the fact that without independent broadcasters, defenders and human rights organizations were unable to publicly present their views and to counter the misinformation.²³

²²Cyprus Troika: Who 'Stripped' Businessman Paylak Hayrapetyan of His Assets?, retrieved on April 24, 2014, <http://hetq.am/eng/news/26891/ovqer-en-paylak-hayrapetyani-unezrkman-hexinaknery-ofshorayin-eryaky.html>

²³Broadcast media maintains the same policy as observed by the Rapporteur on the situation of human rights defenders in 2010. "56. The Government seems not to consider NGOs as potential

In 2013, there were several attempts to restrict the rights of LGBTI people and legitimizing discrimination to some extent. In August 2013, the RA Police proposed addenda to the RA Law on Administrative Offenses stipulating responsibility for “propaganda of non-traditional sexual relations”. The addenda were heavily criticized for vagueness of definitions, for clear discriminatory agenda and copycatting the Russian negative changes. The proposed amendments were postponed by the Police arguing that the issue was not a policy priority for them.²⁴

The initial version of the draft law on anti-discrimination prepared by the Ombudsperson of the Republic of Armenia in 2012 included prohibition of discrimination based on sexual orientation and gender identity. The phrase was later removed from the definition, and the draft law itself did not move forward during the reporting period. LGBTI human rights defenders also note that the RA Ombudsperson tends to play safe when it comes to speaking of sensitive issues and is not particularly eager to advance human rights of LGBTI people. In a statement made on October 11, 2013, Karen Andreasyan, the RA Ombudsperson argued: “Perversion of Komaygi [cruising park] should be abolished. It is possible. It is European. [...]Such perversion should be abolished, as it is not only immoral, but also illegal.”²⁵

In May 2013, the RA National Assembly adopted the Law on Equal Rights and Equal Opportunities for Men and Women. The adoption of the law was followed by criticism and heated arguments mainly

partners, nor are they perceived by society as representative. Awareness 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. The Special Rapporteur notes 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 labelled as foreign agents, spies, cronies and the “fifth column”.

²⁴ Human Rights Situation of LGBT People in Armenia 2013, Pink Armenia NGO.

<http://www.pinkarmenia.org/en/2014/04/lgbtreport2013/>

²⁵ Human Rights Situation of LGBT People in Armenia 2013, p. 9, Pink Armenia NGO.

<http://www.pinkarmenia.org/en/2014/04/lgbtreport2013/>

focusing on the definition of the term “gender” which was described in Article 3 of the Law as acquired, socially fixed behavior of persons of different sexes. The Armenian Apostolic Church, various nationalist groups, and a newly emerged Pan-Armenian Parents Committee²⁶ managed to present the law and particularly the definition of gender as a green light to legalization of pedophilia, incest, and perversion. The well-planned campaign against gender equality turned hate and discrimination against LGBTI people into a manifestation of patriotism by extreme nationalist groups. As Pink Armenia NGO states: “[As] “gender” became synonymous for transgender, homosexuality, and perversion, focalizing societal anger and garnering a reputation of all things un-Armenian. Proponents of the rights of women and LGBTI persons were portrayed as “national traitors”, “destroyers of families” and a “threat to Armenian values”. Extremist groups started disseminating misinformation on social networks sites, targeting and threatening women’s non-governmental organizations and gender equality advocates”²⁷. In August 2013, 40 local organizations released a statement condemning the threats against Women’s Resource Center, one of the most prominent women’s rights organizations.²⁸

The escalation of state-sponsored hate speech and aggression toward LGBTI people directly contradicts the recommendations (particularly, point 10) by the UN Human Rights Committee made in July 2012 at the consideration of the third periodic report by Armenia on the Convention on the Civil and Political Rights (CCPR).²⁹

²⁶ The entity is allegedly initiated by Russian groups and duplicating similar entities in almost all Eastern Partnership countries. <http://en.aravot.am/2013/12/25/163181/>

²⁷ Human Rights Situation of LGBT People in Armenia 2013, p. 9, Pink Armenia NGO, <http://www.pinkarmenia.org/en/2014/04/lgbtreport2013/>

²⁸ Statement regarding threats against Women’s Resource Center, accessed on April 18, 2014 <http://hcav.am/en/events/statement-regarding-threats-against-women%E2%80%99s-resource-center/>

²⁹ Consideration of reports submitted by States parties under article 40 of the Covenant, Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012. Armenia, Human Rights Committee,

10. The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality, or harassment of or discrimination or violence against persons because of their sexual orientation or gender identity. The State party should prohibit discrimination based on sexual orientation and gender identity and provides effective protection to LGBTI persons.

According to Article 5.2 of the Law on Freedom of Assembly, it shall be prohibited to exercise the right to freedom of assembly for forcibly overthrowing the constitutional order, inciting ethnic, racial, or religious hatred, or advocating violence or war. However, in 2013, there were several rallies and marches against the Law on Equal Rights and Equal Opportunities for Men and Women and its advocates. Most of these counteractions were organized or led by clergymen of the Armenian Apostolic Church³⁰. It is possible, that the Church was so adamantly promoting the gender-based hate agenda in order to reestablish its role as a moral leader and to distract public from the offshore scandal mentioned earlier, in which the leader of Ararat Diocese, Archbishop Navasard Kjoyan was involved.

The hate speech and aggression toward defenders escalated right before Serzh Sargsyan announced Armenia's willingness to join the Customs Union. The most common rhetoric during the period was denouncement of the West, particularly of the European values of liberty and endorsement of nationalistic approaches presented as traditional family centered culture attributed to the Eurasian states.³¹

In 2013, infringements against defenders, activists, and human rights organizations were carried out not only directly by government

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/3717C6911C621A9AC1257A3E0046D0CF?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/3717C6911C621A9AC1257A3E0046D0CF?OpenDocument)

³⁰ Armenian clergyman critical of gender law (video),

<http://www.tert.am/en/news/2013/10/16/komitas-vardep1/>

³¹ N.B. In May 2014, Ambassador of Russian Federation to Armenia, Ivan Volinkin, stated “I believe that Russia should remind of its own presence in Armenian informational sphere. There’s no doubt about it. However, additional methods should also be used in order to neutralize the NGOs which are striving to drive a wedge between the Russian-Armenian relations. Russia, in fact, has adopted a law that clearly regulates the NGO activity.”

<http://en.aravot.am/2014/05/09/165117/>

officials, but also by various groups, gangs, or GONGOS, and aimed to intimidate and restrict their activity. Despite the increasing challenges, the visibility of defenders and NGOs increased due to internet and social media. A side effect of the visibility was the increase of threats and insults against defenders.

As a rule, the complaints and reports submitted by human rights organizations and activists on attacks and intimidation against them were not properly investigated. In several cases when activists reported physical violence by police officers against them, the police filed a case against the activists themselves, accusing them of false statement, disobedience to a representative of authorities, or violence against a representative of authorities.³² In several cases, the only witnesses testifying in court are police officers; this raises suspicions on the integrity of the investigation and charges³³. Attacks and violence against activists and defenders were perpetrated and encouraged by the police. During the reporting period, journalists, civil activists, LGBTI and women's defenders, lawyers, and environmental activists were intimidated and harassed.

According to the Committee to Protect Freedom of Expression (CPFE), the year was particularly tense for the media due to the events described in the General Context of this report. The cases of physical violence against journalists recorded by CPFE in 2013 were 10, of which 3 were related to elections and 3 occurred during actions of protest. There were 57 cases of intimidation and obstruction of journalists, of which 12 occurred during elections and 6 took place during actions of protest³⁴.

³²Charges filed against Argishti Kiviryan, retrieved on April 19, 2014, <http://www.investigatory.am/en/news/item/431/>

³³ n.b. In Resolution 1620(2008) on The Implementation by Armenia of Assembly Resolution 1609 (2008) the Parliamentary Assembly of the Council of Europe stated that “4.7.3. a verdict based solely on a single police testimony without corroborating evidence cannot be acceptable;” <http://www.coe.am/docs/pace/1620eng.pdf>

³⁴ Annual Report -2013, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-2013/>

The number of defamation and insult suits against individual journalists and media increased in 2013 (24) compared to that in 2012 (17).

During the reporting period the attacks and intimidation against defenders and activists were accompanied with violation of the right to freedom of assembly. Defenders and activists were coercively apprehended and taken to police stations from the assembly venues without any legal grounds. There were numerous administrative cases filed against them.

The new Law on Freedom of Assembly adopted in April 2011 was a positive development compared to the much more restrictive previous Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations. Article 6.2 of the Law on Freedom of Assembly stipulates that no one may be compelled to participate in assembly or be obstructed from participation in any assembly. Yet, in 2013, there were numerous cases of citizens' right to freedom of assembly being violated by forcing them to take part in some assemblies or by preventing them from participating in other assemblies. The prohibition or coercion depended on whether the event was organized by pro-government or anti-government actors. And the police not only displayed inaction in relation to reported cases, but often served as the actual tool for prohibiting or enforcing participation.

In 2013, there were also cases of oligarchs using bribed supporters to counter genuine actions of protest. Most vivid examples of these were counteractions against activists protesting against the distortion and transformation of the historical building of the Closed Market in Yerevan into a supermarket (which belongs to a Member of Parliament from the ruling Republican Party, businessman, Samvel Aleksanyan) as well as a number of environmental actions against open mining and building of new hydropower stations on scarce rivers.

In 2013, the municipality of the City of Yerevan received 264 notifications of assemblies. Two notifications were returned for not

meeting the deadline for notification and the municipality applied restrictions to the route of the assembly in 20 cases. The number of urgent assemblies is unknown. Overall, in 2013, public events took place on 246 days in the City of Yerevan alone with several events taking place in one day: including actions of protest, several smaller rallies and demonstrations of which the municipality was not notified.³⁵ Several groups traditionally held smaller rallies in front of the Government Building on Thursdays during the weekly Cabinet sessions.

The official information provided by the Yerevan Municipality shows that the right to freedom of assembly was severely restricted before the adoption of the new Law on Freedom of Assembly in April 2011. The authorities consistently prohibited assemblies in the Freedom Square following the fatal crackdown on peaceful protesters in March 2008. The first formal permission to hold an assembly in the square was granted to the Armenian National Congress on April 28, 2011. In 2012, 10 % of notifications of assemblies were returned to the organizers without consideration, on the grounds of not complying with the technical requirements of the new law. The number of notifications of assemblies and the actual assemblies rapidly increased in 2013.

Notifications of assemblies in Yerevan	2010	2011	2012	2013
Notification acknowledged	38	19	77	241
Amendments/restrictions to the venue or the route	46	55	3	20
Prohibition	3	0	0	0
Return for noncompliance with law	0	0	12	3
Cancellation by the organizer	1	2	9	0
Total	88	76	101	264

³⁵ The Law on Freedom of Assembly does not require notifying of public events to be attended by less than a hundred participants.

Although restrictions were officially placed on only 20 public assemblies, police often arbitrarily imposed undue restrictions on rallies, in an attempt to disperse them without grounds. Most commonly, actions of protest held in 2013 were accompanied by police violence against protesters and reporters. In several cases, people were apprehended, arrested, or intimidated by the police. In most of those cases, administrative or criminal charges were brought against protesters. Activists often noted that the police had disguised instigators among the protesters, who initiated a fight or an argument with the police or other protesters creating grounds for the police to disperse the rally or unlawfully arrest the participants.

The current report includes 54 incidents, which involve violations of multiple rights. An index of related rights is included in the report.

The cases included in the report relate to the following rights:

Related Right	Number of related cases
Electoral rights	5
Freedom of assembly and association	26
Freedom of information	3
Freedom of movement	6
Freedom of speech and expression	16
Property rights	8
Right to be free from discrimination	12
Right to be free from torture and inhuman or degrading treatment and punishment	10
Right to fair trial	32
Right to liberty and security	24
Right to life	10
Right to participation in decision-making	2
Right to respect for private life	8

Despite the reform programs carried out by the police, including assurances about ongoing training of police officers in OSCE standards of police behavior during peaceful assemblies, the low level of trust toward law-enforcement bodies³⁶, the actual violations of the right to freedom of assembly testify of the formal character of those reforms. During the assemblies and rallies, the police consistently referred to the protection of rights and freedoms of other, hypothetical citizens at the expense of restricting the route and duration of peaceful rallies. The unwillingness of the police to ensure the right to freedom of assembly is also manifested in the fact that the police categorically refuse to allow for any minimum set-up for long-term demonstrations such as tents. The practice was criticized by the RA Ombudsperson, who argued that setting-up at least one tent was a legitimate demand by the protesters; however it did not lead to changing the police behavior.³⁷ In November 2013, Vladimir Gasparyan, RA Chief of Police, speaking at a conference on police reforms, stated that the opponents of the police are criminals, political opposition and dissenting NGOs.³⁸ This explains police intolerance toward defenders and particularly activists.

The analysis of the situation of human rights defenders in Armenia shows that the Armenian Government not only failed to ensure any opportunities for effective engagement of defenders in human rights protection but also made an extensive use of police as a political leverage. The police often violated the right to freedom of assembly and movement and the right to liberty and security. Despite the numerous documented evidence, no preventive measures have been taken to ensure the constitutional right of citizens to defend their and

³⁶ Law enforcement arbitrariness index in northern regions of the Republic of Armenia, HCA Vanadzor, http://hcav.am/wp-content/uploads/2014/04/index_en_correct.pdf

³⁷ Decision of the Ombudsperson on finding a violation in police actions and holding the perpetrator liable (available in Armenian), retrieved on April 19, 2014, http://www.ombuds.am/this_time/view/article/230

³⁸ Vova Gasparyan: Our opponents are criminals and political opposition, retrieved on April 19, 2014, <http://www.ilur.am/news/view/21601.html#sthash.nmq6gRKP.dpuf>

others' rights through actions prescribed by national and international legislation.

In 2014, a number of activists filed counterclaims against police demanding to recognize the violation of their rights to freedom of expression, freedom of assembly, freedom of movement, liberty and security, and to assess the lawfulness of police actions. Although Court did recognize the violations in some cases, it failed to recognize these violations in other identical cases or toward other participants of the same incident. Meanwhile police behavior remained arbitrary and unpredictable as well.

Implementation of Recommendations by the UN SR on the Situation of Human Rights Defenders about Armenia

In 2006, the Republic of Armenia issued a standing invitation to all Special procedures. Country visits were conducted by the SR on the Situation of Human Rights Defenders and Working Group on Arbitrary Detention, both in 2010.

After her visit in 2010, the SR on the Situation of Human Rights Defenders issued 34 recommendations to the Government (23), the Office of the Human Rights Defender (4), the international community and donors (5), and human rights defenders (2). Implementation of recommendations was assessed by HCA Vanadzor based on general observations presented in this report, possessed information and the current situation.

Implementation of recommendations to the Government

Based on HCA Vanadzor assessment, the Government of the Republic of Armenia:

- ≈ Implemented – 2 recommendations
- ≈ Partly implemented – 10 recommendations
- ≈ Has not implemented – 11 recommendations

- *Publicly acknowledge the role and importance of human rights defenders in achieving a flourishing, pluralistic and democratic society – not implemented*
- *Carry out civic awareness and human rights education programmes, to foster tolerance and respect for human rights, and to ensure the dignity and respect of the individual– not implemented*

Although there was some success in government collaboration on certain issues, if and when the issue had a particularly broad public support, collaboration never took place in relation to protection of the most vulnerable groups (in particular, defenders of LGBTI people and religious minorities). Moreover, the unwillingness of the Armenian Government to acknowledge and to work with CSOs and human rights defenders was explicit also through the government propaganda, which in 2013 was mostly directed against women's rights, LGBTI rights NGOs and those advocating for Armenia's European Integration. Any criticism of the ruling regime is met with aggressive denial. Phrases coined by some public officials are derogatory of Human rights defenders and aim at creating an image of a state enemy in them.³⁹

- *Build trust and foster dialogue, based upon a sincere commitment to cooperation, collaboration and mutual respect by all stakeholders to strengthen civil society and the media so that they can play a meaningful role in the democratic process— not implemented*
- *Ensure the right to have effective access, on a non-discriminatory basis, to participation in the conduct of public affairs, which includes the right to voice criticism and submit proposals to improve the functioning of governmental bodies, agencies and organisations concerned with public affairs— partly implemented*
- *Fully consult, include and incorporate the views of the civil society and human rights defenders in decision-making processes, including the legislative process, formulation of national policies and reporting to regional and international human rights mechanisms— not implemented*

There has been some progress in cooperation, in a sense that public hearings, discussions became more common; however most of the collaboration is on individual level, while the institutions remain immune to civil society, with only exceptional cases of genuine dialogue. Moreover, human rights defenders are excluded from decision-making when it comes to sensitive human rights issues. For instance, the final action plan adopted by the RA Government in

³⁹ See preceding note

February 2014 failed to cover most sensitive topics and did not include any activities to strengthen human rights defenders except annual meetings/discussions of CSOs with relevant agencies, as well as participation in the monitoring of implementation of the plan.

- *Fully implement the recommendations of the Working Group on the Universal Periodic Review of the Human Rights Council and amend the legislation pursuant to the UPR recommendations approved by Armenia– partly implemented*
- *Include civil society in an ongoing and sustained process of follow up to the recommendations made during the assessment of Armenia in the universal periodic review process– partly implemented*

According to Mid-term Implementation Assessment Report, as of March 2013, 42 recommendations were not implemented, 78 recommendations were partially implemented, and 43 recommendations were fully implemented. No answer was received for 1 out of 166 recommendations and voluntary pledges⁴⁰.

Government held a two-day meeting with a limited number of CSOs in December 2011 during the mid-term assessment. The shadow reports for the 21st Session of the UPR will be submitted in June 2014. As of June 2014, CSOs have not been contacted for the assessment of the second cycle of the UPR review.

- *Address the specific needs of human rights defenders, including women and LGBTI human rights defenders, in the National Action Plan on Human Rights– not implemented*

As stated earlier, the final action plan adopted by the RA Government in February 2014 did not include any activities to strengthen human rights defenders, while it stressed empowerment of the RA Ombudsperson as the only mechanism of human rights protection. The

⁴⁰Armenia Mid-term Implementation Assessment, retrieved on May 10, 2013, <http://www.upr-info.org/followup/assessments/session21/armenia/MIA-Armenia.pdf>

action plan does not address most sensitive human rights issues such as prohibition of discrimination.

- *Guarantee that existing laws, regulations and rulings are implemented and enforced fully, promptly and effectively, in compliance with Armenia's international obligations – partly implemented*
- *Ensure that new laws and amendments of existing legislation are in conformity with international standards and the human rights instruments ratified by Armeni. – partly implemented*

As stated above, the Armenian government is reluctant to adopt laws prohibiting discrimination. Moreover in 2013, there were several attempts of restricting the rights of LGBTI people and legitimizing discrimination to some extent. In August 2013, the RA Police unsuccessfully proposed addenda to the RA Law on Administrative Offenses, stipulating responsibility for “propaganda of non-traditional sexual relations”.⁴¹

The initial version of the draft law on anti-discrimination prepared by the Ombudsperson of the Republic of Armenia in 2012 included prohibition of discrimination based on sexual orientation and gender identity. The phrase was later removed from the definition and the draft law itself has not moved forward.

In May 2013, the RA National Assembly adopted the law on “Equal Rights and Equal Opportunities for Men and Women.” The adoption of the law was followed by criticism and heated arguments mainly focusing on the definition of the term “gender” which was described in Article 3 of the Law as acquired, socially fixed behavior of persons of different sexes. The Armenian Apostolic Church, various nationalist groups, and a newly emerged Pan-Armenian Parents Committee managed to present the law and particularly the definition of gender as a green light to legalization of pedophilia, incest, and perversion.

⁴¹ Human Rights Situation of LGBT People in Armenia 2013, Pink Armenia NGO. <http://www.pinkarmenia.org/en/2014/04/lgbtreport2013/>

Another concern is that the definition of torture in the national legislation is not in line with Article 1 of the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment. This is a major obstacle to providing effective legal remedy to torture victims, including compensation.

- *Ensure that the right to hold peaceful, open and public demonstrations is freely available to all individuals without undue restrictions – partly implemented*

The new law on freedom of assembly adopted in 2011 is significant step forward in ensuring the right to freedom of assembly; however police often arbitrarily imposed undue restrictions on rallies, in an attempt to disperse them without grounds.⁴²

- *Undertake prompt, thorough and transparent investigation of all human rights violations, in particular attacks against journalists, in order to create a safe and enabling environment in which human rights defenders can carry out their activities free of all restrictions and reprisals, including judicial harassment – not implemented*
- *Ensure that investigations are undertaken with a view to ensuring meaningful and effective prosecution in compliance with international legal standards, including the Declaration on Human Rights Defenders– not implemented*

As a rule, the complaints and reports submitted by human rights organizations and activists on attacks and intimidation against them were not properly investigated. Investigation of attacks against defenders is unduly protracted; criminal cases are not instituted or are dismissed without any consequences for the perpetrators⁴³.

In several cases when activists reported about physical violence by police officers against them, the police filed a case against the activists themselves accusing them of false statement, disobedience to a representative of authorities, or violence against a representative of

⁴² See Case 48: Putin's Visit

⁴³ See Case 32: Mkrtych Tonoyan

authorities.⁴⁴ In several cases, the only witnesses testifying in court are police officers; this calls for suspicions on the integrity of the investigation and charges. During the reporting period journalists, civil activists, LGBTI and women’s defenders, lawyers, and environmental activists were intimidated and harassed.

- *Implement a comprehensive programme of reform within the police service, immediately take steps to ensure the full independence of the judiciary, and reform the administration of justice, which should be carried out in conjunction with the implementation of an extensive anti-corruption strategy in order to ensure accountability within government structures—partly implemented*

As reported to the Human Rights Committee for ICCPR, The Armenian Government argues that the 2012-2016 Strategic Program for Legal and Judicial Reforms in the Republic of Armenia and the List of Measures deriving from the Program stipulate a number of legislative amendments aimed at promoting judicial independence; however there is no reason to believe that the proposed amendments will result in increased independence of the judiciary, specifically in terms of the decisive and exclusive role given to the President of Armenia in appointing and dismissing judges (without an obligation to justify the decision) as well as the ill practice of other informal internal leverages used by higher instances, particularly by the Cassation Court.

According to the Caucasus Research Resource Centers, public trust toward Armenian courts decreased in 2012 as compared to 2011. In 2011, 6% of the population fully trusted the RA courts and 16% somewhat trusted them, while in 2012, the rates were respectively 4% and 13%. According to Transparency International, 67% of the Armenian population believes the Judiciary to be corrupt.

⁴⁴See Case 29: 5 Komitas: Argishti Kiviryan

In December 2013 the Human Rights Defender of Armenia published an outstanding report on the “Right to Fair Trial”⁴⁵ exposing the hierarchical abuse, total top-down control, and double standards within the system and corrupt practices particularly by the Court of Cassation and its president. The Ombudsman’s report presents information about the range of bribes accepted by different courts, as well as arbitrary use of disciplinary regulations to curb judges of lower instances who dare to make a decision on a case without seeking the consent of the Court of Cassation. The report was heavily criticized by the Judicial Department under the Court of Cassation, and the Prosecutor General, without consideration or investigation into any of the specific facts brought in the report.

2010-2011 Police Reform Program preceded the current one and was far more extensive. Similar to the current one, it also comprised structural and organizational reforms, reforms aimed to increase the level of trust towards the Police, reforms directed at the legal and social protection of the Police officers. The process of introducing the Community Policing was launched within the scope of the 2010-2011 Program. The analysis of 2010-2011 Program of RA Police reforms showed that 49 % of the planned activities had not been realized, with only 37 % being fully implemented⁴⁶. The report presented by the RA Police regarding the program implementation was very general and laconic, while, even the legal acts adopted in implementation of the program activities, including the decrees of the RA Chief of Police, were not posted on the RA Police official website. In response to the inquiry of HCA Vanadzor to provide the Guidelines for the activities of police units involved in public order management and for the use of physical force, special means and firearms by these officers during mass disorders and Guidelines on negotiations during public order

⁴⁵ Special Report of the RA Human Rights Defender on the Right to Fair Trial, <http://ombuds.am/library/library/page/101/type/3>

⁴⁶ Analysis of Implementation of 2010-2011 Police Reform Program, HCA Vanadzor, <http://hcav.am/wp-content/uploads/uploads/2012/04/Ձեկնայգ.pdf>

management and ensuring of public security and a number of other documents, the RA Police informed that the guidelines, approved by the order of the RA Chief of Police, were available on the official website of the OSCE office in Yerevan. Thus, the orders of the RA Chief of Police, drafted with the support of the OSCE office in Yerevan were only available on the official website of the OSCE office in Yerevan and not on the website of the RA Police. In 2013-2014, the RA Police undertook commitment to carry out both systemic reforms directly targeted at improvement of the RA Police activities and reforms directed toward the promotion of effectiveness of the RA Police activities implemented in different areas. Civil Society Organizations were excluded from the process of drafting the 2013-2014 Reform Program. Moreover, to the inquiry of HCA Vanadzor on the Program, the RA police replied that the program was in its drafting stage and the expedience for public discussions would be determined after the drafting. However, the Police reform program was posted on the RA Police official website only after approval.

- *Recognize the role of the Ombudsperson as an important actor within Armenian society – partly implemented*
- *Strengthen the financial and material resources available to the Office of the Ombudsperson to allow the Office to fulfill its mandate more effectively – partly implemented*

As stated earlier, the adopted HR Action Plan establishes a “monopoly” for the RA Ombudsperson in protecting human rights in Armenia, yet the RA Ombudsperson does not possess the leverages to fully carry on his powers. Moreover, despite the more significant role given to the RA Ombudsperson, even the initial number of regional offices of the RA Ombudsperson to be reopened (the regional offices were closed down in one year for lack of funding) was changed from 6 to 3, in order to cut down on the operation costs.

- *Reconsider the necessity of the envisaged amendments to the NGO Law – implemented*
- *Should the amendments be revised, ensure that public hearings on the Draft NGO Law are convened by the*

Standing Committee and the Ombudsperson and that the view of the civil society is taking into account – implemented

The amendments were dropped under CSO pressure.

- *Fully incorporate recommendations of civil society and international experts into the amendments to the Law on Television and Radio – not implemented*
- *Review the 2010 Amendments to the Law on Television and Radio, with a view to fully consulting all stakeholders within the country as well as international experts and monitors. In particular, the amendments should be reviewed with a view to adopting the recommendations made by the OSCE Representative on Freedom of the Media– not implemented*
- *Issue legislative regulations in order to ensure that NTRC is fully and completely independent of Government influence, including through the nonpolitical appointment of its members, its financing and its operations– not implemented*
- *Take concrete and effective steps to encourage plurality of media ownership and news reporting, including through a review of the current system of broadcast licensing and an end to the suspension of issuing of new broadcast license – not implemented.*

The Law on Television and the Radio still does not guarantee the independence of the national television and radio commission. Media ownership disclosure is not regulated and broadcast media is owned by the ruling elite, which excludes media pluralism by default. The digital switchover scheduled for 2015 has been criticized by CSOs and media for restricting media diversity and freedom of opinion.

- *Review the 2010 Amendments to the Armenian Criminal and Civil Codes with regard to Insult and Defamation in consultation with civil society, with a view to ensuring a proper balance between protection of the right to reputation and the right to freedom of expression and the press, and to fully bring Armenian provisions in this regard into line with best international practice– partly implemented*

As a result of amendments in the RA Criminal and Civil Codes in May 2010, defamation and insult were decriminalized; however, the

maximum penalties for insult and defamation are too high and are used for intimidation of media. 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 who hold public offices 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. The number of lawsuits for insult and defamation against journalists and media increased again in 2013.

Implementation of recommendations to the Office of the Human Rights Defender

Based on HCA Vanadzor assessment, the Ombudsperson on the Republic of Armenia:

- ≈ Implemented – 1 recommendation
- ≈ Partly implemented – 2 recommendations
- ≈ Has not implemented – 1 recommendation

HCA Vanadzor requested the Office of the Human Rights Defender to provide information on what was done by the RA Ombudsperson with regards to the recommendation. The summary of responses is presented below.

- *Translate into Armenian the Declaration on Human Rights Defenders and ensure its dissemination–implemented*

The translation of the Declaration in Armenian was submitted to OHCHR by the Armenian Government⁴⁷. According to information provided by the RA Ombudsperson, the Declaration is posted on the official website of the Ombudsperson.

- *Submit a proposal for a draft law on the harmonisation of the domestication of the Declaration on human rights*

⁴⁷ The Declaration on human rights defenders in different languages, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>

*defenders to the Standing Committee on Protection of
Human Rights and Public Affairs– not implemented*

As submitted by the ombudsman's office, the Ombudsman has exerted considerable efforts to improve the legal regulations above by both making observations and recommendations on relevant draft legal acts and raising controversial issues at various levels. The representatives of the Ombudsman's Office met a number of National Assembly deputies to discuss various legislative initiatives and draft laws on the agenda of the National Assembly (NA). The Ombudsman's Office held a series of round-table discussions attended by NA deputies, NA parliamentary staff representatives, as well as representatives of the Ministry of Justice, General Prosecutor's Office, RA Police, Chamber of Advocates, Judicial Department and civil society, and other specialists. A round-table discussion featured the need for declaring the obstruction of the lawful activities of human rights defenders as a criminal offence, given the acts of violence and beating by certain individuals against human rights activists. The Ombudsman also raised the issue of limiting the right to strike of trade unions and employees for the protection of their social and economic interests with regard to activities of state agencies. The Ombudsman also submitted a legislative proposal to the RA Ministry of Justice on stipulating by law relevant safeguards for journalists, particularly to enable them to protect their own sources of information. The Ombudsman also filed applications to the RA Constitutional Court, mostly aimed to exclude the application of regulations inconsistent with the RA Constitution; for instance, advocates no longer have to obtain permission of the investigator to take part in investigative and other procedural actions with their involvement; unlawful time limitations on advocates' participation in procedural actions will be removed, etc.

- *Create a focal point on human rights defenders in charge
of liaising with civil society– partly implemented*

The Ombudsman informed HCA Vanadzor that as early as in 2011, the Ombudsman held a number of forums on Civil Society, where NGOs presented their activity directions as well as various programs and

current human rights issues. The Ombudsman signed Memoranda of Cooperation with over 60 NGOs to ensure information exchange and foundations for effective collaboration. Along with representatives of NGOs, the Ombudsman's Office visited police stations, penitentiary and detention facilities, places of assembly, illegal construction sites, etc. NGO representatives attended regular discussions to map out the possible options for improving the Ombudsman's activity by their comments and recommendations.

In his capacity of the National Preventive Mechanism, the Ombudsman set up an Expert Council to ensure civil participation. The Expert Council comprises representatives of NGOs and independent experts. Expert Council members attend regular discussions on human rights situation, particularly in closed and semi-closed institutions, and possible reform packages based on the international best practices and recommendations to the RA Government by international organizations. In 2013, the National Preventive Mechanism, along with several NGOs, conducted 212 field visits to penitentiaries, police stations, detention centers, military units, psychiatric facilities, orphanages, special schools, retirement homes and boarding schools. The visits revealed/identified a number of concerns. The monitoring group duly informed the competent authorities of the violations detected and submitted relevant recommendations.

The Ombudsman's Office currently prepares the RA Draft Law on Amending the RA Law on Ombudsman, aimed at stipulating in the RA legislation the Ombudsman Plus model of the National Preventive Mechanism *de facto* in use, to effectively ensure civil participation in the activities of the Ombudsman as the National Preventive Mechanism. The initial version of the draft was submitted to NGOs to seek their feedback.

- *Increase its collaboration with civil society and in particular human rights defenders and NGOs through systematically consulting with civil society on the*

recommendations to be addressed to the authorities on draft laws that could potentially impact the activities of human rights defenders. –implemented

Attaching importance to collaboration with civil society and human rights organizations, the Ombudsman also set up a Department for Vulnerable Groups Protection and Cooperation with Non-Governmental NGOs under his Office. Afterwards, the Ombudsman assigned competent sector advisors for cooperation with the civil society, human rights defenders and human rights organizations.

Human rights organizations attended discussions, meetings, round tables and press conferences to consider and prepare draft laws against domestic violence and discrimination; on health care; social inclusion and protection of the rights of persons with disabilities as well as to raise and resolve systemic issues related to legal practice. The Ombudsman issued statements on steps /allegations, prosecution and public insult/ against the defenders of women's rights, condemning such acts and urging the law enforcement authorities to duly investigate each of them. Meanwhile, in course of preparing the Annual Report on the Activities of the RA Human Rights Defender and Violations of Human Rights and Fundamental Freedoms in the Country, the Ombudsman collaborates with relevant NGOs and human rights defenders to reveal legislative and systemic violations and gaps in various areas. Furthermore, upon receiving various legislative drafts for feedback from governmental agencies, the Ombudsman oftentimes assigns his advisors to hold discussions with sectoral NGO-s and human rights defenders to identify the problems at hand and find their solutions.

Also, the recommendations, comments and observations of NGOs were constantly considered in course of discussions on the Human Rights Strategy and its Action Plan. A number of human rights NGOs took part in a discussion and by voting selected the NGOs to the Commission on the National Human Rights Strategy to control its implementation.

Implementation of recommendations to human rights defenders

Based on HCA Vanadzor assessment, the human rights defenders:

- ≈ Implemented – 1 recommendation
- ≈ Partly implemented – 1 recommendation

- *Improve coordinating networks aimed at strengthening the protection of defenders, particularly those outside the capital –implemented*

There are a number of formal and informal networks (e.g. Human Rights Network) which provide capacity development and information sharing for NGOs, including, human rights defenders. Organizations collaborate within various joint projects. Unfortunately, in most cases of infringements against human rights defenders their activity is on the level of releasing or joining statements about it.

Currently the largest platform for collaboration is the Armenian National Platform of Eastern Partnership Civil Society Forum. The Armenian National Platform was founded in June 2010. The role of the National Platform was to facilitate and encourage civil society participation in Eastern Partnership. 1st Working group of the Platform on Democracy, Human Rights and Good Governance conducted its first meeting in January 2012 and organized several meetings with member organizations and partners from Eastern Partnership Countries on human rights. However, the role of the Armenian National Platform was questioned by its members after Serzh's Sargsyan decision to terminate the negotiations on initialing the Association Agreement with EU. Despite the fundamental assumption that members of the Platform would be sharing the goal of European Integration, several member organizations of the platform have been reluctant to accept European standards of human rights in sensitive issues and avoid opposing the official government position on foreign relations.

Another initiative, Partnership for Open Society, launched in 2003, serves as one of the most active networks of human rights organizations. The initiative is an open coalition of a number of interested civil society actors in Armenia. It has been serving as an advocacy platform for the member NGOs to submit alternative reports and recommendations on Armenia's international commitments. Most recently Partnership for Open Society submitted a report on Armenia's commitments under UPR, which included information on freedom of assembly presented in this report. The initiative includes a number of human rights organizations from the regions and is coordinated by the Open Society Foundations.

2013 also marked the launch of Human Rights House Yerevan NGO, a network of Armenian human rights organizations, members of Human Rights House Network (coordinated by Human Rights House Foundation). Human Rights House Yerevan brings together 11 human rights organizations two of which are from outside the Capital. The launch of the House was protracted because the Armenian name of the prospective house was already taken by a local NGO operating in the premises of the RA Ombudsperson. After some fruitless negotiations with the NGO, Human Rights House Yerevan registered under the transliteration of the name in English. The network previously collaborated on compiling the 2011-2012 report on human rights defenders and will be conducting joint capacity developed projects in the near future after purchase of premises and other technical preparations are in place.

Aside from these formal initiatives, activists have created a number of strong Facebook initiatives, which have been somewhat successful in taking their protest to the streets and conducting long-term actions despite numerous police violations, unlawful apprehension, and other threats. With the increase of arbitrary deprivation of liberty several human rights organizations are collaborating to provide legal assistance to activists. Despite the attempts to encourage participation and human

rights activism in the regions, few of these initiatives have moved into the regions.

Most NGOs outside the capital avoid dealing with sensitive human rights issues and human rights defenders from and outside the capital continue focusing their activities and advocacy in the capital.

- *Cooperate more actively with the Ombudsperson.* –
partly implemented

As stated by the RA Ombudsperson, there is ongoing collaboration between NGOs and the Office of the RA Ombudsperson.

Mutual trust between defenders and the RA Ombudsperson increases as the RA Ombudsperson becomes more proactive in engaging defenders in dialogue on recommendations, as well as visits police and other detention facilities when violations are reported.

Nevertheless, it has been noted, that the RA Ombudsperson tends to use caution in sensitive issues and is not ready to promote, for instance, rights of LGBT people. That is why collaboration with the RA Ombudsperson is not accepted unequivocally.

Recommendations by HCA Vanadzor to the Armenian Government

1. Implement the recommendations of the UN Special Rapporteur on the Situation of Human Rights Defenders published after her visit to Armenia in 2010;
2. Adopt and adapt both on legislative and on practical levels the measures prescribed under the OSCE Guidelines on the Protection of Human Rights Defenders⁴⁸;
3. Ensure the protection of human rights defenders, especially those advocating for the rights of vulnerable groups, such as LGBTI persons;
4. Review the Law on Advocacy to ensure that individuals who are not advocates are allowed to protect the interests of victims of human rights violation in a court of law;
5. Ensure effective and transparent investigation into libel and defamation against human rights defenders;
6. Launch an objective, transparent and effective investigation into the cases covered in the current and previous reports on the situation of HRDs in Armenia and ensure that the investigation is carried out by an independent agency;
7. Hold meetings and dialogues in the capital city and regions of Armenia with public officials, human rights NGOs and general public to raise awareness about challenges to and national/international mechanisms of human rights protection;
8. Provide human rights defenders and human rights organizations with access to free airtime on public television;
9. Ensure effective participation of human rights defenders in implementation, assessment and review of the Action Plan of the National Strategy for Human Rights Protection.

⁴⁸ Guidelines on the Protection of Human Rights Defenders, OSCE, <http://www.osce.org/odihr/119633>

Follow up on 2011-2012 Cases

There were no criminal cases instituted on the majority of the attacks and threats against human rights defenders recorded in 2011-2012.

D.I.Y. bombing⁴⁹

The Court of General Jurisdiction sentenced brothers Hambik and Arame Khambazyan, who had firebombed gay-friendly D.I.Y. pub in May 2012, to 1 year and 7 months of provisional imprisonment and a 2 year probation. The Court of Appeals released the defendants on amnesty.⁵⁰

Arman Veziryan⁵¹

On February 4, 2013, prosecuting attorney motioned for dropping criminal charges against human rights activist Arman Veziryan and fining Tigran Manukyan for battery. On February 13, 2013, the Court of Common Jurisdiction granted the motion and fined Tigran Manukyan 30,000 drams (\$73) for attacking Arman Veziryan. The charges against Veziryan were dropped.⁵²

⁴⁹ Situation of human rights defenders in Armenia in 2011-2012, p. 8, <http://hcav.am/wp-content/uploads/2013/02/Report-English.pdf>

⁵⁰ For more details on the litigation, see Human Rights Situation of LGBT People in Armenia 2013, p. 5, Pink Armenia NGO, <http://www.pinkarmenia.org/en/2014/04/lgbtreport2013/>

⁵¹ Situation of human rights defenders in Armenia in 2011-2012, p. 15, <http://hcav.am/wp-content/uploads/2013/02/Report-English.pdf>

⁵² Court Drops "Beating" Charges Against Helsinki Association Monitor Veziryan, retrieved on April 2, 2014 <http://hetq.am/eng/news/23288/court-drops-beating-charges-against-helsinki-association-monitor-veziryan.html>

2013 Cases

Case 1: Peace-building training for teachers

Date: February 5, 2013

Description: In February 2013, HCA Vanadzor organized a peace-building training for school teachers with HCA Turkey. On February 5, 2013, HCA Vanadzor found out that the Lori Regional Administration unofficially ordered the school administrations not to give a leave to the teachers to participate in the project.

Follow-up: HCA Vanadzor released a statement condemning the alleged actions by the Lori Administration. Although the Regional Administration denied the allegations, the teachers were unable to participate in the project.

Related rights: Freedom of assembly and association, Right to be free from discrimination

Case 2: Narine Esmaeili and Artak Hambardzumyan

Date: February 18, 2013

Description: During the presidential elections a non-governmental international observer, Narine Esmaeili, and Artak Hambardzumyan, journalist from Journalists for Human Rights NGO, observing polling station 17/5 in the town of Artashat were physically assaulted and threatened by the polling station officials and unknown men when trying to stop ballot stuffing. Esmaeili and Hambardzumyan witnessed a group of 25-30 men walking into the station and surrounding the ballot box. According to Ms. Esmaeili, the police officer in charge of guarding the station had ignored her request not to allow more than 15 persons to enter the polling station as it was in violation of voting rules. Some men from the group (one of them later turned out to be the son of

the Mayor of Artashat) held Esmaeili's and Hambardzumyan's hands not allowing them to move, while a polling station official cut open the ballot box seal to allow one of the men from the group to pour the bag full of ballots. The local police officers, who arrived at the scene later responding to Esmaeili's phone call, told Narine Esmaeili to be a "good girl" and not talk to the media.⁵³

Follow-up: According to information from the Committee to Protect Freedom of Expression, the materials prepared in the police were referred to the RA Special Investigative Service, which instituted a criminal case on 22 February under Articles 149 and 153 of the RA Criminal Code (Obstructing the free exercise of the right to vote or of the powers of a mass media representative and voting more than once or instead of another person).

During the same period police reportedly informed Ms. Esmaeili that they had a video footage of her apartment where Ms. Esmaeili was allegedly seen half naked. Esmaeili and her lawyer, Tigran Yegoryan, argued that the video footage was shot from the building facing her apartment; however, the recordings did not confirm the allegation. To avoid possible manipulations by the police, Tigran Yegoryan insisted on audio recording the investigative activities involving Esmaeili; however, the investigative body and other parties to the case strongly objected to it. The RA Special investigation Service appealed to the Chamber of Advocates, requesting to take measures against Advocate Tigran Yegoryan for hindering the work of the investigative body by attempting to audio record the identification.⁵⁴

On 26 July, the proceedings on this case were discontinued due to the fact that the identity of the criminal was unknown. The two persons

⁵³Document - Armenia: Authorities Must Investigate Election-Related Human Rights Violations, Amnesty International, accessed on April 20, 2014, <http://www.amnesty.org/en/library/asset/EUR54/001/2013/en/b0f4d9d4-d9ce-4fe2-9858-27f04443d92b/eur540012013en.html>

⁵⁴ CIS applied to the Chamber of Advocates asking to consider holding Tigran Yegoryan liable, accessed on April 20, 2013, <http://www.pastinfo.am/hy/node/9727>

charged with the case, one of them being the son of Artashat Mayor, Gagik Muradyan, were acquitted. The ruling was not appealed.⁵⁵

Related rights: Electoral rights, Right to fair trial, Right to respect for private life, Right to be free from torture and inhuman or degrading treatment and punishment

Case 3: Marine Petrosyan and Nouneh Arevshatyan

Date: February 18, 2013

Description: Journalists from the newspapers Aravot.am and Asparez.am, Marine Petrosyan and Nouneh Arevshatyan, had spotted a particular vehicle parked outside polling station 35/22 in Gyumri. They noticed electoral bribes being distributed from one of the vehicles parked outside the polling station (a “Niva” which left soon afterwards) and started taking pictures. They were threatened to have their “necks cut” if they attempted to film the people and violations at the polling station.

Follow-up: According to the statement issued by the press service of the RA General Prosecutor’s Office, the Investigative Division of the Shirak Region Police examined the report and materials of the incident, but no criminal case was instituted due to absence of the event of crime.⁵⁶

Related rights: Electoral rights, Right to fair trial

Case 4: Marine Kharatyan and Gayane Saribekyan

Date: February 18, 2013

⁵⁵ Artashat Mayor’s son suspected of election forgery was acquitted, accessed on April 21, 2014, <http://www.ilur.am/news/view/17877.html>

⁵⁶ CPFE Annual Report 2013, p. 5, <http://khosq.am/en/reports/annual-report-2013/>

Description: Marine Kharatyan, reporter for the news website www.1in.am and Gayane Saribekyan, journalist from “Hraparak” newspaper, were attacked at the campaign headquarters of the incumbent President Serzh Sargsyan on Khorenatsi Street in Yerevan. According to CPFE, a group of people first prohibited them from entering the headquarters, then seized their video and photo equipment and demanded that they left the area.

Follow-up: According to the statement disseminated by the press service of the RA General Prosecutor’s Office, case materials were prepared in the Investigative Department of Ereboundi Police, and the video of the incident posted on 1in.am was attached to them. A criminal case was instituted under Article 149 of the RA Criminal Code (obstruction to the exercise of the powers of a media representative) by the RA Special Investigative Service. Identification conducted by the Special Investigative Service showed that the person who had been most active in obstructing the journalists’ work was Hakob Beglaryan, younger brother of the Minister of Transport and Communication, Gagik Beglaryan. On March 15, the Special Investigative Service closed the case due to lack of corpus delicti.⁵⁷

Related rights: Freedom of speech and expression, Right to fair trial

Case 5: Marine Martirosyan and Hripsime Jebejyan

Date: February 18, 2013

Description: The activities of journalists Marine Martirosyan and Hripsime Jebejyan from www.168.am and www.aravot.am were obstructed in the polling stations 9/27 and 9/28 located in the same building in the district of Noragyugh in Yerevan. The chairpersons of both commissions prohibited the journalists from taking photos or video record the women who were transported to the polling station en

⁵⁷ CPFE Annual Report 2013, p. 4, <http://khosq.am/en/reports/annual-report-2013/>

masse. A member of the commission ordered Marine Martirosyan to delete her videos. According to Hripsime Jebejyan, a group of police officers accused them of not acting in good faith and demanded to show the videos.

Follow-up: According to the press service of the RA General Prosecutor's Office, the institution of the criminal case was rejected for absence of the event of crime.⁵⁸

Related rights: Freedom of speech and expression, Right to fair trial

Case 6: Tsovinar Nazaryan

Date: February 18, 2013

Description: Chairperson of 17/4 polling station in Artashat threatened to kill Tsovinar Nazaryan, correspondent of New York Institute of Photography, and accused her of acting hysterical, when Ms Nazaryan tried to video record a violation. The video recording of the incident was posted on www.youtube.com. Tsovinar Nazaryan and observer Tatevik Barseghyan were reportedly warned by the head of the Territorial Electoral Commission (TEC), that if the two women angered the precinct electoral commission, he would not be responsible for any violence committed against them.

Follow-up: Ms. Nazaryan filed a complaint about the death threat against her with the TEC, which rejected the application. On March 20, 2013, Tsovinar Nazaryan filed a complaint with the Common Jurisdiction Court of Ararat and Vayots Dzor Regions against the Chairperson of the polling station for insult. On June 25, 2013, court rejected Tsovinar Nazaryan's complaint finding that there was no proof that the insult was public and intentional. On July 25, 2013, the plaintiff appealed the judgment with the Court of Appeals, which returned the

⁵⁸ CPFE Annual Report 2013, p. 5, <http://khosq.am/en/reports/annual-report-2013/>

appeal on 14 August to the plaintiff to correct the shortcomings. However, the appeal was not resubmitted within the designated two-week period.⁵⁹

Related rights: Right to life, Electoral rights, Right to fair trial, Right to respect for private life

Case 7: Student strike

Date: February 27, 2013

Description: Post-presidential election protests were accompanied with a number decentralized actions of civil disobedience. Activists and students from several universities and colleges organized strikes and marched through Yerevan encouraging students from other universities to join them. During one of these marches, at the Yerevan State University (YSU), there was a verbal argument between protesters and the leaders of the YSU student council. During the argument, the YSU assistant rector insulted the protesters and ordered his fellows to bring the “troops”, the students from Akhalkalaki (Georgia) forward.

Follow-up: When discussing the aggressive counteraction by the assistant rector, Minister of Education argued that activists were disrupting the classes and forcing the students to strike. He also argued that the activists were looking down upon students from the regions because those had no knowledge of foreign languages.⁶⁰ The activists and students demanded the assistant rector’s resignation.

Allegedly the aide was dismissed in June 2014 for another incident with the Akhalkalaki students⁶¹.

⁵⁹ See preceding note

⁶⁰ Ashotyan was resented by civil society (in Armenian), retrieved on April 19, 2014, http://www.lin.am/arm/armenia_politics_164263.html

⁶¹ Scandal in YSU, Akhalkalaki students punished the rector’s aide their way, retrieved on June 20, 2014, <http://hrparak.am/news/view/57266.html>

Related rights: Freedom of speech and expression, Freedom of assembly and association, Right to be free from discrimination

Case 8: Inauguration Day

Date: April 9, 2013

Description: On April 9, 2013, while the formal inauguration of Serzh Sargsyan was taking place, protesters held an alternative inauguration of Raffi K. Hovhannisian⁶². After the inauguration ceremony at Liberty Square a group of civil activists marched toward Baghramyan Avenue which was closed to traffic. The police violently dispersed the march brutally beating protesters, including, former MP, member of Heritage Party, Armen Martirosyan (who was a candidate to the Yerevan Mayor's office). The police apprehended several activists from Baghramyan Avenue, including environmental activist Yeghia Nersisyan, Mariam Sukhudyen⁶³, Ruzanna Grigoryan, civil activists Vardges Petrosyan, Karen Harutyunyan and several others.⁶⁴

Follow-up: The apprehended activists were released in several hours. The case opened by the Special Investigation Service to investigate the police actions against Armen Martirosyan was dismissed in September 2013, without proper justification⁶⁵.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment, Right to fair trial, Freedom of movement

⁶²Is the known activist Yeghia Nersisyan detained?, retrieved on April 19, 2014, <http://www.arminfo.am/index.cfm?objectid=F11E7860-A114-11E2-9893F6327207157C>

⁶³Activist Mariam Sukhudyen Detained, retrieved on April 19, 2014, <http://www.ecolor.org/en/news/electionspoliticsecology/activist-mariam-sukhudyen-detained/4763/>

⁶⁴Police have apprehended Mariam Sukhudyen and Yeghia Nersisyan, retrieved on April 19, 2014, <http://iravaban.net/30247.html>

⁶⁵Case on Armen Martirosyan's beating was discontinued, retrieved on April 19, 2014, <http://168.am/2013/09/17/276459.html>

Case 9: Vardges Gaspari, Chief of Police 1

Date: April 20, 2013

Description: In the morning of the 20th, Vardges Gaspari held a picket by the house of the RA Chief of Police with a poster which read “Policeman liar, policeman bustard”. Two police officers coercively took him to a police station, where Gaspari was threatened by Vladimir Gasparyan, RA Chief of Police, who said he would “cut his head” and “smash his bones into dust”.⁶⁶

Follow-up: Gaspari was kept at the police station for some time and taken to Isahakyan Str. on the same car.

Related rights: Freedom of speech and expression, Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment,

Case 10: Hakob Karapetyan

Date: April 23, 2013

Description: Hakob Karapetyan, a reporter for www.ilur.am was subjected to violence when covering the Yerevan City Council elections campaign of the Republican Party on April 23 in Nor Nork, Yerevan. When Karapetyan started filming the preparation of the campaign meeting, a group of people demanded that he stop filming and threatened to use physical violence against him. During the argument, Ashot Papayan (who was identified later), an incumbent member of the Yerevan City Council approached the journalist and punched him in the face. During the skirmish, somebody snatched the journalist’s videocamera. The policeman and other people present did not interfere or take any actions to prevent the incident. Karapetyan’s

⁶⁶ Vardges Gaspari. Chief of Police threatened: “I will cut your head off”, <http://news.am/arm/news/149901.html>

camera was returned shortly after with all his recordings deleted from memory. Having his camera back, Karapetyan managed to film the person who had punched him, the policemen and the person who returned his camera.

Follow-up: On the same day, the editor-in-chief of www.ilur.am reported the incident to the Yerevan police. The policeman who was present at the scene received a disciplinary punishment, his immediate supervisor was issued a strict warning, and the deputy chief of Nor Nork Police for police service was dismissed from office.⁶⁷

On April 27 a criminal case was instituted under Article 164.1 of the RA Criminal Code, hindrance to the legal professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information. A number of human rights and journalistic organizations condemned the incident.

On June 20, Ashot Papayan publicly apologized for his actions. The instituted criminal case was dismissed upon the journalist's consent.

Related rights: Freedom of speech and expression, Right to life, Property rights, Right to be free from discrimination, Right to fair trial

Case 11: Tamara Yayloyan

Date: April 23, 2013

Description: Advocate Tamara Yayloyan, was threatened by high-ranking officials of the Gyumri Police Department that there would be a case fabricated against her and she would be in trouble if she continued dealing with certain cases.⁶⁸

⁶⁷ CPFE Annual Report 2013, p. 6, <http://khosq.am/en/reports/annual-report-2013/>

⁶⁸ Tamara Yayloyan: "They threatened to harm me, to fabricate a case against me", accessed on April 12, 2014, http://www.asparez.am/news-hy/tamara_yayloyanin_sparmacel_en-hy/

Follow-up: At a press conference held on May 1, 2013, Yayloyan told media that she had not reported the case to the Prosecutor's Office but had informed the Chair of the Advocates' Chamber about the incident. A group of advocates expressed their support for the advocate and called for holding the officials in question liable.⁶⁹

Related rights: Right to fair trial, Right to respect for private life

Case 12: Karen Harutyunyan and Ruzan Grigoryan

Date: May 5, 2013

Description: On the day of elections to Yerevan Council, Karen Harutyunyan (reporter for www.asparez.am and Gyumri – Asparez Daily) and Ruzan Grigoryan (Observer for Transparency International Anti-Corruption Center), video-recorded the visit of an influential Republican MP, Samvel Aleksanyan, who came into the polling station ordered to make sure everything was set. Right after the MP left, a group of Republicans stormed into the polling station 8/08 and demanded that the observer and the reporter left the polling station. The group stole their camera charger, attacked the observer, threatened, and swore at them.⁷⁰

Follow-up: According to the CPFE, Malatya Division of the RA Police in charge of investigating the case was unable to identify the thief⁷¹.

Related rights: Electoral rights, Property rights, Right to liberty and security, Right to fair trial

⁶⁹ Who has threatened the Advocate, accessed on April 15, 2014, <http://galatv.am/hy/news/v-e-sparnacel-pastabanin-er-anci-vanadorci-gyumreci-pastabannery-pahanjum-en-ostikannerin-patasxanatvutyanyan-entarkel/>

⁷⁰ Alerts: Yerevan City Council Elections, accessed on April 20, 2014, <http://www.asparez.am/news-hy/yerevan-10-11am/>

⁷¹ CPFE Annual Report 2013, p. 6, <http://khosq.am/en/reports/annual-report-2013/>

Case 13: Hripsime Jebejyan, City Council Elections

Date: May 5, 2013

Description: On the day of elections to Yerevan Council, Hripsime Jebejyan, Journalist for Aravot Daily noticed several women with voters' lists in a park near polling station 6/23. When the journalist started filming the women, one of them covered the camera and demanded that she stop the filming.

Follow-up: Mashtots Division of the RA Police instituted a case on the incident and Hripsime Jebejyan gave further explanations on the incident. However, the police did not reveal anything and the case was dismissed.⁷²

Related rights: Electoral rights, Freedom of speech and expression, Right to respect for private life

Case 14: Lyuks Stepanyan

Date: May 18, 2013

Description: On May 18, 2013, parents, relatives and co-villagers of the soldier, who was killed on May 15 in the army, wanted to take the body of the deceased soldier to the Ministry of Defense in protest against the flawed investigation of the numerous deaths in the army. The RA Police and the Military Police blocked Sevan-Yerevan highway and used violence to prevent the group from reaching the Capital.⁷³ According to the Helsinki Citizens Assembly-Vanadzor, the police used physical violence and psychological intimidation against the protest participants and restricted their right to freedom of assembly by blocking their way and not letting them continue the rally.

⁷² CPFE Annual Report 2013, p. 6, <http://khosq.am/en/reports/annual-report-2013/>

⁷³ Use of Armed Forces against Protestants is a Crime, accessed on June 1, 2014, <http://hcav.am/en/events/application-of-armed-forces-against-protestants-is-a-crime/>

Subdivisions of the armed forces were used against the participants in violation of constitutional norms.

Follow-up: HCA Vanadzor submitted an inquiry to the Ministry of Defense requesting justifications for bringing military troops to the scene. According to the military police, Sevan military police troops were deployed to the area to prevent possible obstruction of the highway in case the highway would need to be used for a military drill. HCA Vanadzor filed a lawsuit against the actions of Sevan military police officers. The RA Administrative Court found the lawsuit inadmissible arguing that the actions litigated did not violate the subjective rights of the HCA Vanadzor or its members, hence the organization could not be a party to the case.

Related rights: Freedom of assembly and association, Right to fair trial, Freedom of movement, Right to be free from torture and inhuman or degrading treatment and punishment

Case 15: Vardges Gaspari, Harsnakar

Date: July 4, 2013

Description: On July 4, 2013, activists held a picket at Harsnakar Restaurant, where a military doctor was beaten to death in 2012 by bodyguards of the restaurant's owner, former MP Ruben Hayrapetyan. Activists protested a celebrity wedding at the restaurant. During the picket, activist Vardges Gaspari held a poster saying "Nemetz⁷⁴ murderer, nemetz bustard, Harsnakar is a slaughterhouse where Vahe Avetyan was murdered". According to Mr. Gaspari, somebody in civilian clothing seized his poster. Immediately after, a group of police

⁷⁴ n.b. Ruben Hayrapetyan's nickname

officers held his arms and legs and removed him from the area. Gaspari returned to the same area and the police apprehended him.⁷⁵

Follow-up: Mr. Gaspari was released at 12 am. Police imposed 30 000 AMD in fines for obstructing pedestrian and vehicle traffic⁷⁶. Mr. Gaspari did not appeal the decision but held another picket by the house of the RA Chief of Police.⁷⁷

Related rights: Freedom of assembly and association, Right to liberty and security, Right to fair trial, Right to life

Case 16: Vardges Gaspari, Chief of Police 2

Date: July 5, 2013

Description: In response to the police actions on July 4, Vardges Gaspari held a another picket by the house of the RA Chief of Police. Mr. Gaspari held a poster saying “Stop leaking oligarchs’ shoes.” After the picket, unidentified men followed Mr. Gaspari and threw tomatoes and eggs at him.⁷⁸

Follow-up: Mr. Gaspari called the police who arrived and talked to the neighbors about the incident. There was a similar attack against him 2 days later, but he refused to report it to the police again, arguing that those who throw the tomatoes at him and those who receive the report are the same people.⁷⁹

⁷⁵ Gaspari will respond to the Chief of Police with “Stop Leaking Oligarchs’ Shoes” action, accessed on April 20, 2014, <http://www.epress.am/2013/07/05/գաւապարհին-նստիկանապետի-ն-կայատապիսանի-ը.html>

⁷⁶ n.b. According to Aravot.am Police ordered Mr. Gaspari to pay 35 000 AMD, then added another 50 000; however, the incident date in the article is incorrect; therefore the accuracy of information cannot be verified. <http://www.aravot.am/2014/05/08/458528/>

⁷⁷ See 75

⁷⁸ Somebody threw eggs and tomatoes at the activist: He will respond by Serzh Sargsyn’s house, accessed on May 15, 2014, <http://www.epress.am/2013/07/08/ակտիվիստի-վրա-լուիկ-ու-ձվեր-են-նետել-հս.html>

⁷⁹ See preceding note

Related rights: Freedom of speech and expression, Right to fair trial, Right to be free from discrimination

Case 17: Vardges Gaspari's house

Date: July 11, 2013

Description: In the morning of July 11, 2013, activist Vardges Gaspari found cow dung dumped at his front door. Mr. Gaspari believed that this was in response to the picket he held at the Presidential Residence the day before.⁸⁰

Follow-up: Gaspari telephoned the Presidential Residence and the police and demanded that they clean it away. It was cleaned away after the call.

Related rights: Right to respect for private life, Right to fair trial, Right to be free from discrimination

Case 18: Misak Hambardzumyan

Date: July 20, 2013

Description: An unidentified man started an argument with activists at a bus stop, demanding that they do not post their flyers against transportation fare hikes on the buses and minibuses. The man insulted the activists and then stopped a police car asking them to maintain public order in the area and to arrest activists for posting flyers on private property. It was later identified that the man was Misak Hambardzumyan, Director of Yerevantrans CJSC of Yerevan Municipality.⁸¹ Activists also reported that a young man, identified later

⁸⁰ Somebody dumped cow dung at Gaspari's door: he demands that the Chief of police act openly, accessed on May 14, 2014, www.epress.am/2013/07/11/գաւազարիի-տան-դիմաց-թրիք-են-դրել-նա-նստի.html

⁸¹ Is the man hindering the activists a municipal official? accessed on June 2, 2014, <http://www.aravot.am/2013/07/20/268244/>

as Hambardzumyan's son, obstructed the actions of the activists at another bus stop⁸² Later the same day, activists Davit Harutyunyan, Sonya Msryan, Arsen Ohanyan were apprehended for allegedly posting flyers on private property. Activists had to submit clarifications to the police that the flyers were not posted on private houses.⁸³ Activists Vahagn Minasyan and Taron Harutyunyan were also apprehended without known grounds.

Follow-up: All activists were released in several hours. On July 26, 2013, several activists started an indefinite sit-in strike demanding the dismissal of Misak Hambardzumyan and Henrik Navasardyan, Head of Transportation Department of Yerevan Municipality. The sit-in strike continued till October 30, 2013. During this period, activists were apprehended and attacked several times, while their demands were never met.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to fair trial

Case 19: Henrik Navasardyan

Date: July 21, 2013

Description: On July 21, 2013, Henrik Navasardyan, Head of Transportation Department of Yerevan Municipality, insulted a reporter of ilur.am, who tried to ask him a question while he was in the vicinity of an action of protest against the transportation fare hike. The video with the incident was posted on Youtube on the same day. On the following day, the head of public relations department of Yerevan

⁸² Is the son hindering the activists instead of his father? accessed on June 2, 2014, <http://www.aravot.am/2013/07/21/268458/>

⁸³ Activists distributing flyers against transportation fare hikes have been taken to the police, accessed on May 25, 2014, <http://www.ilur.am/news/view/16348.html#sthash.Q8weuMyw.dpuf>

Municipality argued that the video posted on Youtube was cut to discredit Navasardyan.⁸⁴

Follow-up: The insult was one of the reasons several activists started a sit-in strike in front of the Yerevan City Hall on July 26, 2013, demanding the dismissal of Henrik Navasardyan and Misak Hambardzumyan, Director of Yerevantrans CJSC of Yerevan Municipality. As mentioned above, the sit-in continued until October 30, 2013.

Related rights: Freedom of speech and expression, Right to fair trial

Case 20: Large protest by the City Hall

Date: July 23, 2013

Description: On July 23, 2013, activists held another large-scale action of protest at the Yerevan City Hall against transportation fare hikes. From the beginning of the protest action, police apprehended several activists. Activist Vahe Melkonyan informed that he was interrogated as a witness to events on the previous day. He had informed the police that he was not present at the action the day before; therefore, he could not testify. Activists Areg Gevorgyan and Sargis Gevorgyan were apprehended for disobeying police orders. Police would not allow activists to approach the City Hall. Deputy Chief of Yerevan police warned that they would continue apprehending protesters if they violated public order. By 4:15 p.m., the other 4 activists were also released.⁸⁵

Follow-up: According to information shared by MP Nikol Pashinyan, activists would be charged under articles 185 (Willful destruction or spoilage of property) and 316 (Violence against a representative of

⁸⁴ The video is cut: Henrik Navasardyan <http://hayeli.am/article/334705/>

⁸⁵ Released activists told what there were apprehended for, accessed on June 1, 2014, <http://www.epress.am/2013/07/23/234607.html>

authorities) of the RA Criminal Code.⁸⁶ Police also filed lawsuits against activists under Articles 182 of the RA Administrative Offenses. Court examination is in progress.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to fair trial

Case 21: Tents

Date: August 1, 2013

Description: On August 1, 2013, the police coercively confiscated three tents from activists, who tried to set them up by the Yerevan City Hall for sit-inners. The police returned two of the tents to activist Ani Kaghinyan. One of the tents, which belonged to activist Argishti Kiviryan, was not returned to him. According to Argishti Kiviryan, despite the fact that there are no legal regulations prohibiting set up of tents in public areas, police has always obstructed any attempted by protesters to set up a tent by seizing or damaging it.⁸⁷

Follow-up: According to information obtained from the Special Investigation Service website, the Prosecutor General instituted a criminal case against patrol service officers for exceeding their powers and using violence against Argishti Kiviryan while confiscating the tent (Article 309.2 of the RA Criminal Code). Court examination of the case is in progress.⁸⁸

Related rights: Freedom of assembly and association, Right to fair trial, Property rights

⁸⁶ See preceding note

⁸⁷ Argishti Kiviryan: "Police suffers from "Tentaphobia"", accessed on May 20, 2014, <http://www.aravot.am/2014/06/16/471337/>

⁸⁸ Police have not returned Argishti Kiviryan's tent, accessed on May 15, 2014, <http://www.aravot.am/2013/08/19/277714/>

Case 22: Against paid parking

Date: August 8, 2013

Description: In August 2013, activists started protest actions against paid parking in Yerevan. Activists believed that paid parking was illegal and did not derive from public interest, because 70% of the profit would go to a private company which now had the private data of all car-owners and could freely film and fine RA citizens, in violation of the RA Constitution. In protest against the decision, activists argued that if a company could privatize public areas and make money out of it, they could do the same with the parking lot in front of Yerevan City Hall.⁸⁹ Activists marked the parking lot in front of the municipality with red paint. According to Vahe Gevorgyan, the action was conducted by 4 activists: Vahe Gevorgyan, Sevak Mamyan, Davit Gevorgyan, and Sonya Msryan. Police apprehended Sevak Mamyan and Vahe Gevorgyan soon after the group was done with spraying the paint.⁹⁰ According to Deputy Chief of Yerevan Police, activists were apprehended for damaging public property. Activists Vahagn Minasyan and Gor Arakelyan, who were at a sit-in strike at the municipality were invited to the police to testify whether they had any connection with the action.⁹¹

Follow-up: Activist Vahe Gevorgyan was charged with Article 182 of the RA Code of Administrative Offenses. He submitted a counter claim demanding to recognize the violation of his right to freedom of expression, freedom of assembly, freedom of movement, liberty and security, and to assess the lawfulness of police actions.⁹²

⁸⁹ Activists have marked the municipality parking lot with red paint, accessed on May 29, 2014, <http://www.ilur.am/news/view/17059.html#sthash.GjX7vYYv.dpuf>

⁹⁰ Police appear in ridiculous situation during the court hearings, accessed on June 25, 2014, <http://www.aravot.am/2014/05/07/458082/>

⁹¹ Activists will be fined and released in 3 hours, accessed on June 10, 2014, <http://www.ilur.am/news/view/17051.html#sthash.1dC8OYj8.dpuf>

⁹² See preceding note

In May 2014, the RA Administrative Court upheld the claim of the Yerevan Police Department against Vahe Gevorgyan and fined him in the amount of 50 000 AMD.⁹³ The police claim against Sevak Mamyan was upheld and S. Mamyan was fined in the amount of 50 000 AMD. S. Mamyan's counter claim was dismissed. The verdict has been appealed to the RA Court of Appeals.⁹⁴

Related rights: Right to liberty and security, Freedom of speech and expression, Right to fair trial

Case 23: Karen Harutyunyan's car

Date: August 18, 2013

Description: In the evening of August 18, 2013, activist Karen Harutyunyan found the windshield of his car broken. Harutyunyan saw two barbells tied to each other by the side of the car, which, he believes, were used to break the windshield.⁹⁵ Harutyunyan is convinced that the attack was connected with the protests and the sit-in strike at the Yerevan City Hall.⁹⁶

Follow-up: Karen Harutyunyan reported the incident to the police. He took the car to the City Hall convinced that it would be safer under the security cameras there. The perpetrators of the attack have not been identified yet.

Related rights: Property rights, Right to fair trial

⁹³ The RA Police defeated a civil activist in court: is this a political decision? accessed on June 5 2014, <http://www.aravot.am/2014/05/22/463038/>

⁹⁴ Court examination of Sevak Mamyan's case, http://datalex.am/dl_case_view_page.php?caseType=5&courtID=137&caseID=38562071809774257

⁹⁵ Beware of the municipal barbells: front window of the activist's car has been broken, accessed on April 19, 2014, <http://www.panorama.am/am/law/2013/08/19/mayor-k-harutyunyan/>

⁹⁶ Activist's car was damaged, accessed on April 15, 2014, <http://news.am/arm/news/167441.html>

Case 24: Shoghik Melkonyan

Date: August 21, 2013

Description: On August 21, residents of 5 Komitas St., Yerevan, and activists continued protesting against the illegal construction in the backyard of the building. A photo posted on the internet from the events on that day showed that Hakob Khachatryan, a police officer, was holding a female activist, Shoghik Melkonyan, too tight and allegedly kissing her neck. In another episode, several police officers attacked her and took her to a police car. Arayik Petrosyan, Deputy Chief of Arabkir Police whispered a sexually offensive phrase in her ear, which she repeated out loud informing everyone that she was threatened to be sexually harassed at the police station.⁹⁷

On the same day, a police officer brutally pushed an elderly woman to the ground.⁹⁸

Follow-up: The activist later stated in a press conference that she had not felt anything that day, but had only seen the pictures afterwards. However, the officer in question followed her the entire day and pretended to be caring. He offered to take her away from the street arguing that she was not feeling well. Melkonyan insisted that the officer stay away from her until a friend of hers took her away from there. She also stated that police was using force against activists and their behavior was unacceptable. Melkonyan also stated that she deliberately repeated out loud the words Arayik Petrosyan had said to her, because that was a way to ensure her security. Melkonyan and another activist, Tatevik Mayilyan, informed that Arayik Petrosyan and other officers approached women on August 17, and whispered sexually offensive words to them.

⁹⁷ Red beret took advantage of the girl's weakness, accessed on June 10, 2014, <http://www.aravot.am/2013/08/27/280119/>

⁹⁸ The officer pushing the elderly woman will be subjected to disciplinary punishment, accessed on June 10, 2014, <http://armenpress.am/arm/news/730672/>

During a protest against police violence, Valeri Osipyan, Deputy Chief of Yerevan Police justified Khachatryan's actions by telling reporters: "I think it is quite normal. You know, a girl remains a girl until she is considered a delinquent girl. Everyone is equal. And she becomes a delinquent as she breaks the law. Do you see my point? And the actions by the police were quite lawful and proportionate in this case, and if you have in your mind any other method without touching and tapping, please tell us. I also used to stand too close to women and girls, holding one's hand or waist, it is quite possible..."⁹⁹

After an internal investigation of the incident, Hakob Khachatryan's service was terminated,¹⁰⁰ however, he was restored in his position in December¹⁰¹. Arayik Petrosyan, Deputy Chief of Arabkir Police, was dismissed.

The police officer, who had pushed the elderly woman, was subjected to disciplinary punishment.

Related rights: Freedom of assembly and association, Right to respect for private life, Right to fair trial, Right to be free from discrimination

Case 25: Women's Resource Center

Date: August 20, 2013

Description: On August 24, 2013, Lara Aharonian, Director of the Women's Resource Center, informed the media that the organization received several threats within the last few days, including threats to blow up the office of the organization. The threats escalated during the

⁹⁹ 'RA POLICE, WHAT A SHAME!', accessed on June 11, 2014, <http://hcav.am/en/events/ra-police-what-a-shame/>

¹⁰⁰ Officer, who kissed the activist, tries to justify himself, accessed on June 12, 2014, <http://news.am/arm/news/168708.html>

¹⁰¹ Nothing else could be expected from that corrupt system, accessed on June 15, 2014, <http://news.am/arm/news/185028.html>

protests against the term gender in the Law on Equal Rights and Opportunities for Men and Women¹⁰².

Follow-up: Mrs. Aharonian applied to the police asking to ensure the security of the organization and its staff.

Related rights: Right to life, Right to be free from discrimination, Freedom of assembly and association

Case 26: Tigran Khzmalyan and Anushavan Grigoryan

Date: August 21, 2013

Description: On August 21, 2013, residents of 5a, 3, and 7 Komitas St. surrounded the entrance to the construction site not to allow the construction to resume. Residents argued that the construction was illegal. Film director Tigran Khzmalyan was apprehended by the police for entering the construction site. Activist Anushavan Grigoryan, who had given an hour to the police to remove the construction equipment, cut his veins.¹⁰³

Follow-up: Anushavan Grigoryan received emergency medical assistance and was discharged the same day. Tigran Khzmalyan was charged with Article 182 of the RA Code of Administrative Offenses. The court examination of the charges against Khzmalyan is in progress.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to fair trial, Right to life

Case 27: Anushavan Grigoryan

Date: August 22, 2013

¹⁰² They threaten to blow up NGOs because of the “gender equality law”

<http://www.epress.am/2013/08/24/հկ-ներին-սպառնում-են-«տրաքսցնել»-զենդ.html>

¹⁰³ Tense situation at 5 Komitas, accessed pm June 10, 2014,

<http://www.ilur.am/news/view/17461.html#sthash.Mdqi7PdP.dpuf>

Description: Activist Anushavan Grigoryan, who had cut his veins in protest on August 21, was severely beaten by an unknown group in civilian clothing after he stood up for a female activist.

Follow-up: According to protesters, the men in civilian clothing were bodyguards of Davit Ohanyan, Deputy Mayor of Yerevan.¹⁰⁴ There is no further information available on the investigation.¹⁰⁵

Related rights: Right to life, Right to fair trial

Case 28: Flash-mob: first attempt

Date: August 23, 2013

Description: on August 23, 2013, several activists were apprehended by the police before they could start a flash-mob at the Yerevan City Hall. According to media, police attacked the activists justifying that the city hall was not a place for a flash-mob. Apprehension was justified by the commonly used Article 182 of the RA Code of Administrative Offenses. Allegedly, police found that sitting on the stairs to the city hall was violating public order and obstructing traffic.

At the same time, some activists noticed that after activists were apprehended there were several other people sitting or standing on the stairs behind the police chain; hence, either the police allowed the violation to continue or the apprehension was arbitrary and unlawful.¹⁰⁶

¹⁰⁴ Unidentified people have beaten up an activist of 5 Komitas

<http://www.epress.am/2013/08/22/կոմիտաս-5-ի-ակցիայի-ժամանակ-անհայտ-անձի.html>

¹⁰⁵ n.b. Anushavan Grigoryan was one of the men arrested on November 5, 2013, (Case 46)

¹⁰⁶ About 10 people have been apprehended, accessed on June 30, 2014,

<http://www.ilur.am/news/view/17550.html#sthash.QzLZzjBu.dpuf>

Follow-up: In spring-summer 2014, courts rejected the claims filed by the police against activists and found their actions on August 23, 2013 unlawful.¹⁰⁷¹⁰⁸

Related rights: Right to liberty and security, Freedom of speech and expression, Right to be free from discrimination

Case 29: 5 Komitas: Argishti Kiviryan

Date: August 24, 2013

Description: During another clash between police and protesters against the construction at 5 Komitas, Yerevan, activist, Argishti Kiviryan, Coordinator of Armenia Today News Agency, was apprehended and severely beaten in a police car. Kiviryan received severe injuries and had to spend the night at the intensive care unit, where he was taken from the police station.¹⁰⁹

The police attempted to apprehend activist Yeghia Nersisyan. During the skirmish, Nersisyan's health worsened and he was taken to the sidewalk for some emergency assistance. In a few minutes, a large group of special police forces attacked the activists and apprehended Nersisyan. Several citizens and activists blocked the road and some even lay under the wheels, but they were forcefully removed from there and the police car drove away with Nersisyan.¹¹⁰ Police apprehended

¹⁰⁷ Court rejected the police claim against activist, accessed on June 30, 2014,

<http://www.aravot.am/2014/05/23/463618/>

¹⁰⁸ Cases against Vahagn Minasyan, Suren Sahakyan, accessed on July 1, 2014,

http://datalex.am/dl_case_view_page.php?caseType=5&courtID=0&caseID=38562071809775998

¹⁰⁹ Charges brought against Kiviryan, accessed on May 20, 2014,

<http://civilnet.am/2013/11/07/artgishti-kiviryan-accusation>

¹¹⁰ Protesters have closed Komitas, accessed on June 2, 2014,

<http://www.epress.am/2013/08/24/բողոքողները-փակել-են-կոմիտասը-նստիկա.html>

activists Vardan Hakobyan, Armen Mikayelyan, Mariam Sukhudyan, and several others.¹¹¹

On the same day, Vahan Vrtanesyan, a police officer reported to the Arabkir Police Station that while he was transporting Argishti Kiviryan from 5 Komitas to the police station for disobeying the order of a police officer to clear the traffic area of the road, Kiviryan swore at him, punched him in the forearm and bit him.¹¹²

The police reported that Yeghia Nersisyan had obstructed traffic and disobeyed legal demands of police officers and would face administrative charges. They also reported that Nersisyan had filed a complaint that on the same day a police officer had dragged him onto the ground and he was injured as a result.¹¹³

Follow-up: On August 24, Arabkir Police instituted a criminal case against Argishti Kiviryan under Article 316.1 of the RA Criminal Code “Violence or threat of violence, not dangerous for life or health, against a representative of authorities or close relatives, concerned with performance of his official duties, as well as hindrance to the representative of authorities in the execution of duties under law”. Argishti Kiviryan filed a report on police violence against him as well.

On August 27, 2013, several activists held a protest against police repressions. Argishti Kiviryan who had suffered beating by the police officers, announced: “The police are trying to isolate active citizens in an attempt to instill fear in society.... All these activities are coordinated and link back to the well-planned actions of the regime to exterminate activists ... The power supporting such a regime is not the

¹¹¹ Mariam Sukhudyan, Vardan Hakobyan and other have been taken to the police, accessed on June 2, 2014, <http://www.aysor.am/am/news/2013/08/24/mariam-sukhudyan-komitas/>

¹¹² Information on reports about attacks against activists, accessed on June 1, 2014, <http://www.lragir.am/index/arm/0/right/view/87552>

¹¹³ See preceding note

police, but rather a pack with sexual dissatisfaction which displayed its actions at Komitas 5”.¹¹⁴

On August 31, 2013, police apprehended an activist of Pre-parliament, Dmitri Harutyunyan. He was first summoned as a witness but was later charged with Article 316.1 of the RA Criminal Code. On September 3, 2013, a two-month detention warrant was issued against Harutyunyan. He was released in less than a week, but there were no justifications given about his arbitrary detention and release.¹¹⁵

The RA Ombudsperson conducted an independent examination and presented a detailed account of the events. He concluded that the police were impatient and intolerant on August 25 and their actions were not legitimate. After studying separate incidents of the assembly, the RA Ombudsperson also found that the police violated the rights and freedoms of individuals. The RA Ombudsperson concluded that the police officers used excessive physical force against Argishti Kiviryan when there was no resistance from his side. According to the RA Ombudsperson’s observations, “The police used physical force and demonstrated unnecessary aggressive attitude towards those participants of the protests, who were already neutralized and were not violating the law, especially, this was noted when bringing the mentioned persons into the police cars... and the police officers who use such force shall be brought to liability. The RA Ombudsperson also condemned the use of offensive language against citizens arguing that even if a citizen insulted an officer, the police officers should not have countered them swearing and insulting, but should have held the person liable in accordance with the law. In his decision, the RA Ombudsperson also addressed cases of sexual harassment against female activists and called for legal consequences for the officer in question. Finally, the RA Ombudsperson reminded that “the soldiers of

¹¹⁴ ‘RA POLICE, WHAT A SHAME!’, accessed on June 11, 2014, <http://hcav.am/en/events/ra-police-what-a-shame/>

¹¹⁵ Pre-parliament activist; Police have chosen to retreat, accessed on June 10, 2014, <http://www.aravot.am/2013/09/09/383470/>

the police troops participating in the protection of the public order shall wear the defined uniform, where in the visible part the distinguishing insignia of those specific units is displayed. Such demands are also defined in the “Guidelines of the Freedom of Peaceful Assembly” published by OSCE/ODIHR, where it states that the law enforcement authority representatives shall be clearly and specifically distinguishable.¹¹⁶

On November 6, 2013, the investigator of the RA Special Investigation Service decided not to institute a criminal case on the fact of violence against Kiviryan during apprehension. The decision was appealed in the Courts of Common Jurisdiction and Appeals but was not reversed.¹¹⁷ On November 7, 2013, Kiviryan was charged on second count: Article 333.2.1 of the RA Criminal Code: False crime reporting which was accompanied with accusation of a grave or particularly grave crime. On January 13, 2014, the second count was dropped.¹¹⁸ Court examination on the first count is in progress.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment, Property rights, Right to fair trial,

Case 30: flash-mob: second attempt

Date: August 24, 2013

Description: In the evening of the 24th, activists attempted to perform the flash-mob, which was prevented by the police the day before. According to the video material disseminated by Lragir.am, police

¹¹⁶ Ombudsman: During the Komitas 5 Protest, Actions of the Police were not Legitimate; The Police Displayed Impatience and Intolerance, accessed on June 11, 2014, http://ombuds.am/en/library/view_news/article/1085

¹¹⁷ Argishti Kiviryan on the rejection of his appeal: “There is political persecution going on against me, <http://www.aravot.am/2014/06/04/467636/>

¹¹⁸ Hearing on Argishti Kiviryan's case was postponed, accessed on June 15, 2014, <http://civilnet.am/argishti-kiviryan-trial-session-canceled/>

coercively apprehended several activists. During the apprehension, police damaged one car parked by the municipality, then apprehended another protester accusing him of causing the damage. As a justification for apprehension, police used Article 182 of the Code of Administrative Offenses and argued that protesters had to have a permission to conduct the performance.¹¹⁹ It was unclear why the protesters would need permission, and which rules of public order they were violating.

Arsen Ohanyan, one of the apprehended activists, filed a complaint against police officers who used violence against him during apprehension.

Follow-up: According to the statement disseminated by the Office of the Prosecutor General on August 30, 2013, Ohanyan had undergone a forensic medical examination and investigation on the incident was underway.¹²⁰ On July 25, 2014, the RA Administrative Court found police actions of against activists unlawful and obligated the police pay a total of 600 000 AMD to four activists in damages.¹²¹

Related rights: Right to liberty and security, Right to fair trial, Freedom of assembly and association, Property rights

Case 31: Mihran Margaryan and Babken Ter-Grigoryan

Date: August 25, 2013

Description: On August 25, at 01:30 am a group of unidentified men attacked and beat up activists Mihran Margaryan and Babken Ter-Grigoryan. The group asked the activists if they participated in the sit-

¹¹⁹ The theater performance by the municipality was prohibited for the second time, accessed on June 15, 2014, <http://www.lragir.am/index/arm/0/videos/view/87283>

¹²⁰ There were 9 reports about violence received, accessed on June 1, 2014, <http://www.aysor.am/am/news/2013/08/30/genproc/>

¹²¹ RA Police will pay 600 thousand drams to civil activists <http://www.aravot.am/2014/07/25/483055/>

in strike, and attacked them after Margaryan and Ter-Grigoryan confirmed it.¹²²

Follow-up: A month after the incident, police instituted a criminal case against S. Babayan and S. Purtoyan for battery (Article 118 of the RA Criminal Code). Mihran Margaryan, who was invited to identify the alleged assailants, did not recognize them and believed that they did not have any connection with the attack. According to Margaryan, the alleged assailants were unable to describe Babken Ter-Grigoryan, who was not participating in the identification process.¹²³ Babayan and Purtoyan were released on their recognizance. Further information about the investigation is not available.¹²⁴

Related rights: Right to life, Right to be free from discrimination, Right to fair trial

Case 32: Mkrtych Tonoyan

Date: August 25, 2014

Description: On August 25, 2013, three unidentified men attacked and beat up civic activist Mkrtych Tonoyan on Haghtanak (Victory) Bridge in Yerevan. Tonoyan was on his way home from the area by the Yerevan City Hall, where activists were on a sit-in strike demanding dismissal of two municipal officials.

Follow-up: Mkrtych Tonoyan is a permanent resident of Canada. He left Armenia in September and asked the police to consider Artur Sakunts, Chairman of Helsinki Citizens' Assembly – Vanadzor as his

¹²² 10 people beat up Mihran Margaryan and Babken ter-Grigoryan at Ararat Hotel, accessed on June 10, 2014, <http://operativ.am/?p=34697/Արարատ-հյուրանոցի-մոտ-10-հոգով-ձեծի-են-ենթարկել-ակտիվիստներ-Միհրան-Մարգարյանին-ու-Բաբկեն-Տեր-Գրիգորյանին>

¹²³ Activists did not recognize the suspects in beating him, accessed on June 10, 2014, <http://www.azatutyun.am/content/article/25122249.html>

¹²⁴ Assailants are free, accessed on June 10, 2014, <http://www.armtimes.com/hy/read/47976>

authorized representative during the investigation.¹²⁵ The police did not accept the request arguing that Tonoyan did not submit a proper authorization. Police filed a case under Article 118 of the RA Criminal Code: battery. In October 2013, the prosecutor informed Tonoyan that the persons fighting with him were A. Tumanyan, V. Voskanyan, and V. Vardanyan. According to the prosecutor, investigation revealed that the perpetrator was A. Tumanyan, who had confessed to arguing with Tonoyan and hitting him once. Tumanyan was released on his recognizance, while investigation continued.

Related rights: Right to life, Right to fair trial, Right to be free from discrimination

Case 33: Apprehended for sleeping

Date: August 27, 2013

Description: At approximately 1:00 am, on August 27, police apprehended 4 activists, who were spending the night on the stairs of the Yerevan City Hall. As presented by activist Ruzan Grigoryan, police apprehended Vahagn Minasyan, Suren Sahakyan, and Gohar Saroyan for lying on the stairs, and Karen Harutyunyan for demanding legal grounds for apprehension.¹²⁶

Follow-up: Activists were released in several hours. Police filed lawsuits against them under Article 182, RA Code Administrative Offenses. Court examination of the claims is in progress.

Related rights: Right to liberty and security, Freedom of assembly and association

¹²⁵ Open letter: attacked activist is in Canada and ready to cooperate with the police, accessed on June 11, 2014, <http://news.am/arm/news/173642.html>

¹²⁶ 4 activists were apprehended from the municipality area last night, accessed on June 11, 2014, <http://www.epress.am/2013/08/27/qh2երը-4-ակտիվիստի-բերման-են-ենթարկել-ք.html>

Case 34: Artur Sakunts

Date: August 28, 2013

Description: In September 2013, 2 videos were posted on a newly created Youtube channel called Armenian Grants. Both videos told about Artur Sakunts, Chairman of HCA Vanadzor and funding received by the organization. The message in both videos was that the organization received large sums of money for serving the interests of foreign donors.¹²⁷

Follow-up: The video was widely circulated but did not seem to have decisive influence on the supporters or opposers of the organization

Related rights: Right to be free from discrimination, Freedom of assembly and association

Case 35: Vardges Gaspari's cell phone

Date: August 31, 2013

Description: During one of the protest actions for the Closed Market, Vardges Gaspari, an activist of Armenian National Congress, noticed that a person standing next to him attempted to steal his phone. Gaspari shouted out about it and was invited to the police to report the crime.¹²⁸

Follow-up: At the police station, Mr. Gaspari found out that the person was a police officer in civilian clothing¹²⁹. The incident was left without consequences.

Related rights: Right to fair trial, Property rights, Freedom of assembly and association

¹²⁷ Grant-eaters, Parts 1 and 2, accessed on April 18, 2014,

<https://www.youtube.com/channel/UCHiE6pfki4oZclt7I5zdw5g/videos>

¹²⁸ Vardges Gaspari was invited to the police to report a crime, accessed on June 11, 2014,

<http://www.tert.am/am/news/2013/08/31/gaspari/>

¹²⁹ n.b. He mentioned it in a Facebook status

Case 36: Protest against Custom's Union

Date: September 4, 2013

Description: After Serzh Sargsyan made an announcement about Armenia's joining the Customs Union, a number of activists organized an impromptu action of protest in front of the Presidential Residence. The protesters attempted to approach the Residence, some activists tried to sit down on the street. However, the police pushed the back to the opposite side of the street and formed a line blocking their way back to the street. During the clashes between the police and protesters, 9 activists of different political parties and civil initiatives were apprehended for violating public order, as stated by the Deputy Chief of Yerevan Police. The Deputy Chief referred to the requirement of the Law on Freedom of Assembly, which states that assemblies should be held at a reasonable distance from certain strategic objects, such as the Presidential Residence.¹³⁰

Arpi Makhstudyan, a reporter for Civilnet, was pushed to the ground by police officers during the clashes with activists.¹³¹

Follow-up: Police released them after taking written statements from them about their activities¹³². Various activists and NGOs voiced concerns about increasing violence against reporters.

Related rights: Freedom of assembly and association, Right to be free from torture and inhuman or degrading treatment and punishment, Freedom of movement

¹³⁰ Clashes between police and protesters, accessed on June 12, 2014, http://www.irakan.info/full_news.php?id=4039#sthash.IIeVw4EF.dpuf

¹³¹ Protest action by the Presidential Residence, 3 activists have been apprehended, accessed on June 12, 2014, <http://civilnet.am/2013/09/04/բողոքի-ակցիա-նախագահականի-դիմաց-բերք/>

¹³² Protest action against decision to join Customs Union near presidential residence, accessed on June 12, 2014, <http://news.am/eng/news/169652.html>

Case 37: Arman Aleksanyan

Date: September 4, 2013

Description: On September 4, 2013, after an action of protest at the Yerevan Municipality, activist Arman Aleksanyan was beaten up by a group of 10-15 unidentified men.

Follow-up: The police informed that in December 2013, they made a decision to dismiss the criminal case as the victim never showed up for interrogation and despite other actions taken, it was impossible to identify the perpetrators. Aleksanyan informed the media that there were several security cameras in the area where the attack took place; hence, the police would have been able to easily identify the perpetrators if they wanted to. Aleksanyan found that, in such circumstances, going to the police would have been a waste of time.¹³³

Related rights: Right to life, Right to fair trial, Freedom of assembly and association

Case 38: Elderly woman injured

Date: September 5, 2013

Description: On September 5, 2013, the construction and protests at 5 Komitas, Yerevan resumed. An elderly resident of the building, Emma Aristakesyan lay in front of the gates blocking cars from entering the construction area. Allegedly, police officers dragged her away from the gates. As a result, Mrs. Aristakesyan lost consciousness.¹³⁴

Follow-up: Mrs Aristakesyan received emergency care but did not wish to be hospitalized.

¹³³ Assaultants are free, accessed on June 10, 2014, <http://www.armtimes.com/hy/read/47976>

¹³⁴ Construction at 5 Komitas continues, accessed on June 13, 2014, http://www.irakan.info/full_spec.php?id=4085#sthash.4kis7S6k.dpuf

Related rights: Freedom of assembly and association, Right to liberty and security

Case 39: Haykak Arshamyan and Suren Saghatelyan

Date: September 5, 2013

Description: In the evening of September 5, 2013, 6-7 unidentified persons attacked activists Haykak Arshamyan and Suren Saghatelyan when they were returning home from a protest action against Armenia's accession into the Customs Union. According to medical forensic examination, Haykak Arshamyan and Suren Saghatelyan received multiple traumas. Haykak Arshamyan represents Yerevan Press Club and Suren Saghatelyan represents World Vision Armenia. Both organizations have been actively involved in the EU Eastern Partnership Civil Society Forum.¹³⁵

Follow-up: According to a police report from September 16, 2013, “On September 13, Police Central division initiated criminal proceeding under article 113, section 2, paragraphs 3 and 6, and article 118 of the RA Criminal code, preliminary investigation is underway.”¹³⁶

As of September 1, 2014, perpetrators of the attack have not been identified.

Related rights: Right to liberty and security, Right to life, Right to fair trial

Case 40: Participation in the city council meeting prevented

Date: September 10, 2013

¹³⁵ The regime has seizures again, accessed on June 13, 2014, <http://www.asparez.am/news-hy/haykak-suren/>

¹³⁶ Acts of violence being detected, accessed on June 13, 2014, <http://www.police.am/en/news/view/բռնությունները-բացահայտվում-են.html>

Description: At approximately 11:00 a.m. on September 10, 2013, police apprehended 7 activists, Suren Sahakyan, Karen Harutyunyan, Ruzanna Grigoryan, Hasmik Grigoryan, Vahagn Minasyan, Sonya Msryan, and Gohar Saroyan, who had been trying to enter the Yerevan City Hall to participate in the meeting of the City Council.¹³⁷

Follow-up: All 7 activists were released at 15:00 p.m. They were charged under Article 182 of the RA Code of Administrative Offenses: disobeying a lawful order by a police officer. The activists filed counter claims for violation of their rights to freedom of expression and speech, freedom of association and assembly, freedom of movement, liberty and security. They claim that police actions against them were unlawful. Court examination is in progress.

Related rights: Right to liberty and security, Freedom of movement, Freedom of speech and expression, Right to participation in decision-making, Freedom of information

Case 41: Activists' cars destroyed

Date: September 19, 2013

Description: As sit-in protesters were not allowed to set up tents, they used their cars as shelters while on sit-in strike at the Yerevan City Hall. In the early hours of September 19, a Soviet made trunk (Zil) slowed down and hit both cars parked in front of the municipality¹³⁸

Follow-up: The driver of the trunk said he had fallen asleep and was not in control of the vehicle. On September 21, 2013, police demanded that activists Suren Sahakyan and Vahagn Minasyan removed their cars parked in front of the city hall. Vahagn Minasyan refused to move his

¹³⁷ Activists were apprehended from the Municipality area, they won't even let reporters into the building, accessed on June 13, 2014, <http://www.epress.am/2013/09/10/բաղաբապետարանի-մտտից-ակտիվիստներին-է.html>

¹³⁸ Activists car was destroyed, accessed on June 14, 2014 <http://www.aravot.am/2013/09/19/387225/>

car, the car was towed and taken to an impoundment lot. Suren Sahakyan's car was towed shortly after. Vahagn Minasyan and Suren Sahakyan were apprehended for disobeying a lawful order by a police officer, Article 182 of the Code of Administrative Offenses.¹³⁹ Vahagn Minasyan and Suren Sahakyan were released the same day. The police deprived them of the only shelter they had by not allowing them to return their cars to the City Hall.¹⁴⁰

Related rights: Freedom of assembly and association, Property rights

Case 42: Volodya Avetisyan

Date: September 20, 2013

Description: In June 2013, Volodya Avetisyan started a sit-in strike demanding social benefits for Karabakh War Veterans. Volodya Avetisyan was supported by several other veterans who protested with him in Yerevan and even traveled together to different cities to mobilize supporters and get their voice heard. After meetings with government representatives, Volodya Avetisyan was convinced that their issues would not be resolved.¹⁴¹ During the entire sit-in strike Avetisyan and his supporters were intimidated and even offered money to stop the protests.

On September 19, 2013, Volodya Avetisyan's family received a phone call from the Military Police informing them that Avetisyan was with them. On September 20, 2013, Avetisyan was charged with Article 178.2.2 of the RA Criminal Code for swindling in large amounts. According to the indictment, Avetisyan allegedly demanded 500 USD from A. Matosyan on July 29, 2013, in return for arranging that his son

¹³⁹ Activists were taken to the police from the municipality area, accessed on June 14, 2014, <http://www.epress.am/2013/09/21/ալկոհիկոստներին-քաղաքապետարանի-մոտից.html>

¹⁴⁰ Police have established a strict control of the municipality, accessed on June 14, 2014, <http://www.aravot.am/2013/09/23/388807/>

¹⁴¹ Freedom Fighter Volodya Avetisyan was arrested for swindling, accessed on June 15, 2014, <http://www.aysor.am/am/news/2013/09/20/volodya-avetisyan-1/>

continued his military service as a computer operator at a military unit in Nagorno Karabakh¹⁴².

Avetisyan's supporters are convinced that both charges are fabricated and Avetisyan is a political prisoner.

Follow-up: Avetisyan's detention continued throughout the preliminary investigation despite the fact that the alleged victim was nowhere to be found and there were no sufficient grounds for keeping Avetisyan in detention. Although the official indictment includes only the count presented above and has not been modified, on April 2, 2014, the prosecuting attorney presented another count, according to which Avetisyan allegedly received 2000 USD from H. Zakaryan for assisting in releasing the citizen's son from mandatory military service.¹⁴³ While Avetisyan was detained, one of his sons was drafted to the army despite severe health condition and being previously recognized unfit for service. Avetisyan's family argued that if Avetisyan was able to release someone from military service, he could have released his son, who has been in military hospitals since the beginning of his service.

Prosecuting attorney asked for 6.5 years for Volodya Avetisyan. In July 2014, court sentenced Volodya Avetisyan to 6 years in prison.¹⁴⁴

Related rights: Freedom of assembly and association, Right to liberty and security, Right to fair trial

Case 43: Closed Market

Date: October 9, 2013

¹⁴² Court trial of Volodya Avetisyan,

http://datalex.am/dl_case_view_page.php?caseType=1&courtID=0&caseID=14918173765708800

¹⁴³ There is no victim in freedom fighter Volodya Avetisyan's case,

<http://www.lrahos.com/ազատամարտիկ-վոլոդյա-ավետիսյանի-գործ-2/>

¹⁴⁴ Prosecuting attorney asked for 6.5 years of imprisonment for Volodya Avetisyan, accessed on June 30, 2014, <http://www.pastinfo.am/hy/node/45343>

Description: On October 9, there were two counter protests at the closed market which belongs to MP from the Republic Party, businessman Samvel Aleksanyan. One of the actions was organized by “Let’s save the monument from the oligarch” Initiative, which demanded preserving the architectural look of the building. The other action was organized by supporters of Aleksanyan. The latter whistled at the activists of the Initiative and chanted “Turks, go away”, “No to foreign spies” “Traitors”, “We need Jobs”.¹⁴⁵

Two participants of the protest from both sides were apprehended and taken to the police. One of them was an activist, Aren Manukyan, while the other was a resident from a neighboring building, who, according to another activist, had been trying to provoke activists for several days.¹⁴⁶

Follow-up: The two participants of the protests were released within several hours without any charges.

Related rights: Freedom of assembly and association, Right to be free from discrimination, Right to liberty and security

Case 44: Mothers of deceased soldiers

Date: October 10, 2013

Description: On October 10, 2013, mothers of deceased soldiers held an action of protest at the Presidential Residence. The police officers present in the area asked the women to leave, arguing that standing in the area was not allowed. After the women refused to leave without making an appointment to see Serzh Sargsyan, the police officers

¹⁴⁵ Action in support of MP’s business, accessed on June 15, 2014, <http://www.epress.am/2013/10/09/ֆոտոշարք-ակցիա-ի-պաշտպանություն-պատգ.html>, “Turks leave”, supporters of the oligarch met the “enemies” by the newly opened market, accessed on June 15, 2014, <http://www.epress.am/2013/10/09/240888.html>

¹⁴⁶ Two participants of the action by the closed market were taken away, accessed on June 15, 2014, <http://www.panorama.am/am/society/2013/08/31/closed2/>

started pushing and pulling them. During the skirmish, one of the women fell on the ground. She refused to get up for some time.¹⁴⁷

Follow-up: The incident was left without consequences.

Related rights: Freedom of assembly and association, Right to be free from torture and inhuman or degrading treatment and punishment

Case 45: Activists prevented from participating in the City Council Meeting

Date: October 31, 2013

Description: Thursday morning, young activists of the Armenian National Congress, Heritage, and Hayazn parties made an attempt to enter the municipality building to take part in the meeting of the Yerevan City Council. Although the City Council meetings are open to public, the police did not allow them to enter and apprehended Vahagn Minasyan and Dvin Isanyans. Activists had drafted a statement which they wanted to present to the Council. The statement demanded full cancelation of the decision on transportation fare (the decision was suspended earlier) and dismissal of municipal officials mentioned earlier.¹⁴⁸

Follow-up: Both activists were released in two hours.

Related rights: Right to liberty and security, Freedom of speech and expression, Right to participation in decision-making, Freedom of information

¹⁴⁷ Skirmishes by the Presidential Residence, mothers of deceased soldiers were removed, <http://www.epress.am/2013/10/10/240946.html>

¹⁴⁸ Fare Treatment: Activists stage protest against transport fares; two detained, http://www.armenianow.com/news/49667/armenia_public_transport_yerevan_fares_protest

Case 46: Shant Harutyunyan et al

Date: November 5, 2013

Description: On October 31, 2013, Shant Harutyunyan, Leader of Tseghakron (Ethno-theism) Party and a Karabakh War veteran, launched a sit-in strike in Freedom Square under “I am starting a revolution” slogan. He was calling for a revolution of values along with overthrowing the current regime. A number of other veterans of war expressed their solidarity and joined Mr. Harutyunyan in the strike.

During the week of the sit-in strike Shant Harutyunyan and his supporters prepared for a Guy Fawkes style march of masks on November 5th. Before the march, Mr. Harutyunyan announced that the group had prepared some rocks, bottled petrol, wooden sticks, and some handmade noise explosives, so the police should not use guns against them, but if they did, those who survived, would come back with guns.

After the statement, the police did not take any action to prevent the march or the use of abovementioned items, but instigated a fight on Mashtots Avenue via disguised policemen, who provoked the protestors inciting a fight and causing them to use noise explosives and the sticks. The clashes between the police and the protesters started with explosions. According to Mr. Harutyunyan’s son, Shahen, the first explosion was in Mr. Harutyunyan’s pocket and he was not aware how it could happen, he was convinced that the march was going to be peaceful.

Shahen, who is 14 years old, was with his father since the first day of the strike. Speaking about the events of November 5, Shahen said that the only thing he could recall was that he was trying to shield a young girl from police batons and got hit on his head and face; he was then forced into a taxi by the policemen who beat him up on the way to the police station.

38 people were apprehended, of which Shant Harutyunyan, Vahe Mkrtchyan, Liparit Petrosyan, Aleq Poghosyan, Misak Araqelyan, Albert Margaryan, Hayk Harutyunyan, Armen Hovhannisyan, Vardan Vardanyan, Sevak Mnatsakanyan, Avetis Avetisyan, Anushavan Grigoryan, Tigran Petrosyan, and Mkrtich Hovhannisyan were detained.¹⁴⁹

Follow-up: A Member of Parliament, Nikol Pashinyan, met with Shant Harutyunyan, while he was in custody and found out that Mr. Harutyunyan was also beaten by the Chief of Police and the Deputy Chief of Police. Shant Harutyunyan confirmed the beating to human rights activist and expert of the Public Monitoring Group of Penitentiary Institutions, Artur Sakunts. The police denied the allegations. By the way, Pashinyan was arbitrarily not provided access to the prisoner the first day he arrived at the penitentiary, even though legally MPs have full access to places of detention at any time.

On November 21, 2013, Shant Harutyunyan was transferred to Nubarashen Psychiatric clinic for psychiatric screening, which would take 24 days. The investigator argued for the screening because Shant Harutyunyan took part in the protests after the 2008 presidential elections and was one of those arrested during the clashes on March 1st. Shant Harutyunyan was then declared insane. Another protester, Anushavan Grigoryan was transferred to a psychiatric institution for screening.

According to Mr. Harutyunyan and his wife, placing Mr. Harutyunyan in a psychiatric institution was a punitive measure and there would most probably be provocations used against him to prove his insanity. Although there have been numerous reported cases in recent years of people being placed in psychiatric institutions and declared legally incapable for socio-economic reasons, Mr. Harutyunyan's and Mr.

¹⁴⁹ Clashes in the center of Yerevan, several citizens have been apprehended, accessed on March 10, 2014, <http://www.azatutjun.am/content/article/25159068.html>

Grigoryan's placement in the clinic may be an attempt to revive the use of psychiatry for silencing dissent, which is currently resuming in a number of post-soviet authoritarian regimes. The examination concluded that Shant Harutyunyan was sane and he was transferred back to prison. Anushavan Grigoryan was declared insane.

On December 24, 2013, Shant Harutyunyan and several others declared a hunger strike demanding permission for family visits forbidden to him and those arrested with him. The ban on family visits was lifted eventually; however, before that Shant Harutyunyan's health significantly deteriorated.

Court examination of the case commenced on June 12, 2014. Court examination of Anushavan Grigoryan's actions is conducted separately.

Related rights: Freedom of assembly and association, Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment

Case 47: Khudoyan family

Date: December 2, 2013

Description: In the early hours of December 2, a group of police officers, without identifying uniforms or insignia, coercively removed Ashot Khudoyan, his wife Heghine Makaryan, and their children from the area in front of the Presidential Residence. The family had been on a sit-in strike since November 28, 2013. In a rush to clean up the area, the group had left Khudoyan's infant sleeping in a cardboard box. Activists were able to film how the officers returned for the baby and took her away from the elderly woman protesting there as well.

Khudoyan's family was taken to their house in the town of Vagharshapat and was essentially under house arrest.¹⁵⁰

Follow-up: The family applied to HCA Vanadzor for assistance. HCA Vanadzor filed a crime report with the RA Special Investigation Service in February 2014. The investigator refused to institute a criminal case due to lack of corpus delicti. The decision was appealed in court, but the appeal was rejected. Another application was submitted to the RA Administrative Court to determine lawfulness of police actions and whether there was a violation of the rights to freedom of movement, liberty and security. Application about violation of rights was not admitted. Court examination on lawfulness of police actions is in progress.

Related rights: Freedom of speech and expression, Right to liberty and security, Right to respect for private life, Freedom of movement

Case 48: Putin's visit

Date: December 2, 2013

Description: Long during the preparation of Vladimir Putin's visit and during the visit itself, police and national security troops unlawfully searched apartments of activists, obstructed citizens' freedom of movement in Yerevan and Gyumri where the RA and RF presidents were to participate in a Russian-Armenian economic forum. During the official visit of Vladimir Putin to Armenia, a large number of peaceful protesters took to the streets of Yerevan protesting against Armenia's forceful accession into the Customs Union and the future Eurasian Union. The protesters followed the route they had indicated in an urgent note to the police and city authorities, i.e. the authorities were notified about the protest and its peaceful nature.

¹⁵⁰ "110 citizens were brought to the police" Police, accessed on June 12, 2014, <http://civilnet.am/2013/12/02/110-citizens-detained-police/>

The police troops stationed on the protest route used excessive force against the protesters by coercively apprehending a number of them without proper grounds. Many of the protesters were simply kidnapped from the area in attempts to weaken the action and to isolate the organizers. The police apprehended over 110 peaceful protesters, who were kept in custody for up to 8 hours without access to advocates or lawyers. Among them were prominent activists and reporters: Levon Barseghyan, Zaruhi Hovhannisyan, David Sanasaryan, Lala Aslikyan and many others. A reporter for Hraparak.am, Vardan Minasyan, was violently beaten by the police.

During the protest, members of Hayazn Party participating in the protest activists, who held the rainbow flag (Lala Aslikyan and Sevak Kirakosyan) several times¹⁵¹. Police did not provide any assistance to Aslikyan and Kirakosyan, moreover they were both apprehended as well. Lala Aslikyan's camera was unlawfully seized by the police.

Apprehended protesters were subjected to violence by the police. The chronology of events on December 2 was compiled in a documentary by Lagir.am Journalist Tehmine Yenokyan and Helsinki Citizens' Assembly-Vanadzor.¹⁵²

Follow-up: On the next day, the RA Ombudsperson released a statement voicing his concern about police actions on December 2. The RA Ombudsperson had received 30 calls on the Hot Line regarding the apprehension of dozens of citizens.¹⁵³ The police stated that they would bring administrative charges against 43 citizens for “disobeying lawful orders by the police” (the administrative penalty for this offense is 50 000 AMD). Administrative charges would be brought against 62 people for “failing to follow the orders of the police to ensure the

¹⁵¹ Lala Aslikyan “Rights of homosexual people are violated in CU member states” accessed on June 12, 2014, <http://www.aravot.am/2013/12/03/411334/>

¹⁵² December 2 Folder, <https://www.youtube.com/watch?v=8nSBvyKh08A>

¹⁵³ The Ombudsman Expresses Deep Concern about Yesterday's Incidents, accessed on June 12, 2014, <http://ombuds.am/en/guard/view/article/427/type/1/page/119>

natural and peaceful flow of an assembly” (50 000 – 100 000 AMD in administrative penalties). One citizen would be charged both for disobeying a police officer (50 000 AMD) and for failing to carry out the duties of a participant of an assembly as prescribed by law (50 000 – 200 000 AMD). 3 citizens would face administrative penalties of 20 000 – 60 000 AMD for “violating the rules for use of public space”. The statement released by the Police noted that citizens “were isolated from the assembly venue, brought to the police station for imposing administrative charges and released shortly after.” However, citizens and advocates insisted that along with violations of freedom of movement, freedom of assembly, and a number of other constitutional rights, citizens were kept in custody for over 6 hours.¹⁵⁴

The police opened administrative proceedings and filed lawsuits against the protesters; however, in March 2014, the police started retracting some of the claims. Court examination is in progress.

Related rights: Right to liberty and security, Right to fair trial, Freedom of assembly and association

Case 49: Gor Arakelyan

Date: December 4, 2013

Description: At 1:00 a.m., activist Gor Arakelyan noticed three men standing on the sidewalk on his way home. The men swore at Arakelyan when he was passing by, then started beating him. Arakelyan told them that he did not have any problems with them and they should leave. The men beat Arakelyan while he was on the ground. Then Arakelyan noticed several police officers who attacked him, twisted his arms and ordered him to calm down. The police officers held Arakelyan’s arms while the group continued beating him.

¹⁵⁴ Activists apprehended yesterday face administrative charges, accessed on June 12, 2014, <http://www.azatutyun.am/content/article/25188884.html>

One of the police officers stopped the beating by saying: “ok, it is enough, his ear is bleeding.”¹⁵⁵

Follow-up: Arakelyan refused to report the case to the police because he did not see any point in it. He also refused to see a doctor. Arakelyan was one of the activists conducting the sit-in strike by the Yerevan City Hall.¹⁵⁶

Related rights: Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment

Case 50: Christmas Lights

Date: December 17, 2013

Description: At around 7 pm on Dec. 17, during the ceremony organized by the municipality, a group of activists, chanting "Taron, it's not pretty," "Taron, plunderer," and "Shame," tried to approach Yerevan Mayor Taron Margaryan, who was lighting the Christmas tree.

Gevorg Safaryan, one of the activist, spoke through a megaphone saying that "this so-called mayor is disgracing Yerevan... We don't need a criminal mayor. You openly allow violations of the law, and as a result of your criminal silence, today they destroy our monuments. You know only how to speak but not to act..."

Meanwhile, Taron Margaryan left the square and immediately after, Gevorg Safaryan and another activist, Armen Mikaelyan, were forcefully shoved into a police car and taken away.¹⁵⁷

¹⁵⁵ Police and Criminal ran away, accessed on June 15, 2014, http://forrights.am/?ln=1&id_=8&page_id=64

¹⁵⁶ See preceding note

¹⁵⁷ Lighting of Yerevan's Main Christmas Tree Ends with Activists' Detention, accessed on June 15, 2014, <http://www.epress.am/en/2013/12/18/lighting-of-yerevans-main-christmas-tree-ends-with-activists-detention.html>

Follow-up: At around 10 pm, on the same day, a reporter for Epress.am managed to speak with Safaryan, who informed that he and Mikaelyan were at the Central Police Station. The police officers had not told them why they were taken to the police station. Safaryan stated that during the entire period they were in custody, the officers cursed and beat them. The activists were released at 10:42 pm. The police filed a report under Article 182 of the RA Code of Administrative Offenses: willfully disobeying a lawful order or request of a police officer or soldier.¹⁵⁸

Related rights: Freedom of speech and expression, Right to liberty and security

Case 51: Gas deal on the agenda

Date: December 20, 2013

Description: On December 20, 2013, activists held a peaceful protest in front of the Armenian National Assembly, demanding cancelation of the gas deal with Russia before it was put to the vote before the National Assembly. The protesters blocked Baghramyan Avenue for a few minutes¹⁵⁹. 12 activists were apprehended without proper grounds. The police formed a chain around activists and reporters and did not let them move for 40 minutes. During apprehension a police officer punched activist Anton Ivchenko in the nose. The activist was taken to Arabkir Police Station with a bleeding nose. Police also apprehended activists Armen Mkrtchyan, Sipan Pashinyan, Gor Arakelyan, Karen Harutyunyan, Vilen Gabrielyan, Vahagn Minasyan, and Vardges Gaspari.¹⁶⁰

¹⁵⁸ See preceding note

¹⁵⁹ Several citizens were apprehended, accessed on June 15, 2014, <http://civilnet.am/2013/12/20/protestors-detained/>

¹⁶⁰ Police officers hit the activist in the nose while apprehending him, accessed on June 15, 2014, <http://www.lin.am/239236.html>

Follow-up: Activists were freed a few hours later; however, the Police released a statement denying the arrests and stated that only two people were apprehended, Vardges Gaspari and Anton Ivchenko. Anton Ivchenko faced administrative charges for not obeying the lawful orders of the Police (Article 182, RA Code of Administrative Offenses), while Vardges Gaspari faced administrative charges for publicly insulting a police officer (Article 172, RA Code of Administrative Offenses).¹⁶¹

Related rights: Freedom of assembly and association, Right to liberty and security, Right to be free from torture and inhuman or degrading treatment and punishment

Case 52: Gas Deal approved

Date: December 23, 2013

Description: On December 23, 2013, the National Assembly held an extraordinary session to consider the agreements between Armenia and Russia signed by both presidents during Vladimir Putin's visit to Armenia on December 2, 2013. The controversial decision about transferring the remaining stocks of the HayRusGasArd to Russia for an obscured gas debt sparked protests both inside the National Assembly and around it. About a thousand people protested outside the gates. 4 journalists conducted a protest action by holding posters against the gas deal in the MP meeting hall before the voting. A Member of the National Assembly, Republican Arakel Movsisyan yelled and swore at the journalists calling them monkeys and rudely ordering to remove them from the area.¹⁶²

Follow-up: A number of media NGOs released a statement condemning the actions of the MP, while the journalists themselves appealed to the

¹⁶¹ Police statement about the apprehended citizens, accessed on June 15, 2014, <http://civilnet.am/2013/12/20/police-clarification/>

¹⁶² Journalists applied to the ethics commission with Arakel Movsisyan's case, accessed on June 15, 2014, <http://civilnet.am/2013/12/27/journalists-national-assembly-ethics-committee/>

Ethics Commission of the National Assembly. On June 2, 2014, Ethics Commission concluded that although the reporters were not authorized to conduct any activity inside the National Assembly other than covering the session, the MP in question did violate the ethical rules stipulated in the NA Regulations, and his actions were disrespectful toward the participants of the discussion, including, the reporters.¹⁶³

Related rights: Freedom of speech and expression, Right to respect for private life

Case 53: Defamation charges against Gaspari

Date: December 25, 2013

Description: At one of the court hearings against him, Vardges Gaspari, called police officers sneaky bastards, who are more impudent than prostitutes. Gaspari argued that if prostitutes sold only their bodies, police sold people's fates by accepting bribes and shifting the blame to innocent people.¹⁶⁴ In December 2013, Aida Demirkhanyan, a police officer filed a claim against Mr. Gaspari for libel. She argued that Gaspari's words were a personal insult to her and demanded 1 million AMD in damages.¹⁶⁵

Follow-up: Court investigation is in progress.

Related rights: Freedom of speech and expression

Case 54: Taron Margaryan's Doctoral Thesis Defense

Date: December 26, 2013

¹⁶³ N E-2/2014 decision of the Ethics Commission, accessed on June 15, 2014, http://parliament.am/committee_docs_5/Etika/02.06.2014_Lragroxn-A.Movsisyan.pdf

¹⁶⁴ Prostitutes sell their bodies, police sell people's fates, Gaspari confirmed his opinion in court <http://news.am/arm/news/199403.html>

¹⁶⁵ See preceding note

Description: On December 26, 2014, several reporters attempted to cover the doctoral thesis defense of Yerevan Mayor, Taron Margaryan at Yerevan State Economic University. Although the defense was public, journalists were not allowed to enter the auditorium and were insulted by young men, who refused to introduce themselves. The behavior of the young was supported by the police officers present at the scene, who also obstructed the work of the reporters. Rector Koryun Atoyán insisted that the reporters could not enter the auditorium and claimed that they were making a show out of the defense.¹⁶⁶

Follow-up: Several media organizations released a statement condemning the conduct of the young men and police officers. According to the Police, the officers on duty the scene were given a severe reprimand. In August 2014, the leader of the group of young men, head of the student council, was appointed as the vice-rector of the university.

Related rights: Freedom of Information

¹⁶⁶ Who Blocked Journalists' Entry to Yerevan Mayor Taron Margaryan's Doctoral Thesis Defense, <http://m.media.am/en/Journalists-job-hindered-at-Taron-Margaryans-dissertation-defense>

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About HCA Vanadzor

Helsinki Citizen's Assembly-Vanadzor NGO (HCA Vanadzor) is a non-political, non-religious, non-profit, NGO, which unites individuals who support the supreme principles of Democracy, Tolerance, Pluralism, and Human Rights, as values.

HCA Vanadzor was founded in 1998 as a branch of Helsinki Citizens' Assembly Armenian Committee. It was registered as an independent organization in 2001 and was re-registered in 2005 at the Ministry of Justice. The Headquarters of the organization is in Vanadzor – Lori Regional Center. HCA Vanadzor has representative offices in Spitak and Yerevan. The geographical scope of the organization's activity covers both the Lori Region and the entire territory of the Republic of Armenia.

The Vision of HCA Vanadzor is a society formed with the supreme values of Human Dignity, Democracy and Peace.

The Mission of HCA Vanadzor is the promotion and support of civil initiatives, the strengthening of human rights protection, and peacebuilding activities on national and regional levels.

Helsinki Citizens' Assembly – Vanadzor

59 Tigran Mets, Vanadzor 2001,

Republic of Armenia,

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