

Armenia

Follow Up Report II

Helsinki Citizens' Assembly - Vanadzor

(June 2015)

TIMELINE

July 2012 (adoption of the Concluding Observations, CCPR/C/ARM/CO/2)

August 2013: submission of the State follow up report

Current Status: State Follow-up Replies overdue since 15th January 2015

OVERVIEW

Recommendation 12	Grade	Overview
The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned.	C	No substantial progress (see below sections for more details)
The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.	C	No substantial progress (see below sections for more details)
Recommendation 14	Grade	Overview
The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty.	C	No substantial progress (see below sections for more details)
The State party should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.	C	No prosecution in the recent cases of torture or ill treatment. (see below sections for more details)
Recommendation 21	Grade	Overview
The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.	C	No progress. (see below sections for more details)

Background & rationale

Armenia's combined [second and third periodic report](#)¹ to the Human Rights Committee (HR Ctte) on the implementation of the ICCPR was reviewed in August 2012. In paragraph 28 of its [concluding observations](#)², the HR Ctte requested Armenia to provide within one year information on 3 recommendations (N° 13, 14 and 15) deemed as requiring priority attention.

These 3 priority recommendations primarily relate to:

- Impunity for the March 2008 event (para. 12)
- Torture and ill treatment (para. 14)
- Independence of the judiciary (para. 21)

The State party provided a [follow up report](#)³ in August 2013, and the undersigned organisations submitted an [alternative report on follow up](#)⁴ in January 2014. During its 110th session in March 2014, the HR Ctte adopted the following grades on the implementation of the above said priority recommendations:

- Para. 12: C1 (Reply received but actions taken do not implement the recommendation)
- Para. 14: C1
- Para. 21: C1

On this occasion, the Committee reiterated its recommendations and requested additional information to the State party. In its [latest communication to the Armenian government](#)⁵ (December 2014), the HR Ctte requested updated information on the implementation of its priority recommendations by 15 January 2015. The submission of the present report to the HR Ctte follows a [visit to Armenia undertaken by the CCPR Centre and Human Rights House foundation](#)⁶ in February 2015. During the visit, the CCPR Centre and HRHF were able to meet with representatives from the government institutions involved in following up to the HR Ctte's recommendations. They were informed that a new government follow-up report was being prepared. However, at the time of writing, that report did not seem to be submitted yet.

The focus on the 3 priority recommendations in the present report does not preclude in any way the relevance of other recommendations contained in the above mentioned concluding observations of the Committee to Armenia.

The tables below provide suggested grades on the level of enactment of the Committee, recommendations, justifications for these grades, further actions needed and other comments. The grades proposed in this report are based on the [Committee's follow up procedure](#)⁷.

For questions and feedback, please contact Artur Sakunts: asakunts@hcav.am

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2f2-3&Lang=en

² http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fCO%2f2&Lang=en

³ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_FCO_ARM_15760_E.pdf

⁴ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_NGS_ARM_16205_E.pdf

⁵ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_FUL_ARM_19314_E.pdf

⁶ <https://www.facebook.com/media/set/?set=a.10153112535748839.1073741890.298121883838&type=1>

⁷ <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRICAqhKb7yhspttFNxTkgvXTPJWIZn3vkYvOw9PSedwR29kVvzz85iBTqSkX%2fNlaqz%2fTnQlap1opOvss4QoXGZP%2fAslgygKqgA02sRgNSOpDzamuSHNoc%2b>

Paragraph 12

The Committee is concerned about the ongoing impunity for excessive use of force by the police during the events of 1 March 2008, despite efforts to investigate the fatalities (arts. 6, 7 and 14).

Committee Recommendation	Grade	Action taken by the State	Other comments from the NGOs
<p><i>The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned.</i></p>	C	No progress	<p>The government's Special Investigation Service released a report to the attention of the media on the events of 1st March 2008 in December 2011⁸. Although national media made repeated references to the events, the government did not initiate a robust investigation process. The Special Investigation Service claims that investigations continues, but there are no further reports available to the public. In April 2015, the RA Ombudsman released his annual report, where he also condemned the lack of investigation and reparations⁹. On 13 September 2014 Police Head Vladimir Gasparyan said in a TV interview¹⁰ that he was "not familiar with the course of the investigation" and that he had "not dealt with this case"¹¹. He also affirmed that all the military police had done at the time was to protect government buildings.</p> <p>It is noteworthy that Vladimir Gasparyan was the head of the Military Police in March 2008. The Military Police is a subdivision of the Ministry of Defence and it receives orders from that Ministry. The absence of follow-up investigations into the circumstances of military police participation by the investigative authorities contribute to the prevailing impunity for March 1st events.</p> <p>On 1st October 2014, HCA Vanadzor¹² sent a written inquiry (Ե/2014-01.10/391) to the RA Prosecutor General and the Special Investigation Services (SIS) of RA about the information shared by Valdimir Gasparyan, based on Criminal Procedural code Article 176 which states that the information shared by media can serve as a basis to initiate judicial action. SIS's response (18-3255/դ-14) to the inquiry was sent on 5 November 2014. It states that there was nothing of criminal nature in the statement and they cannot start any further activity or make any decisions of procedural nature.</p> <p>As a consequence, the HCA Vanadzor stated that the Prosecutor General and the SIS¹³ had no interest to undertake a proper investigation into the March 2008 events.</p>

⁸ http://www.investigatory.am/upload/file/Information_for_MassMedia.pdf

⁹ <http://ombuds.am/en>

¹⁰ <https://www.youtube.com/watch?v=r4kUhMhm4mE>

¹¹ <http://news.am/eng/news/228797.html>

¹² <http://hcav.am/events/02-12-2014/>; <http://hcav.am/events/15-09-2014-5/>; <http://hcav.am/events/20-08-2014-1/>; <http://hcav.am/events/15-09-2014-3/>

¹³ <http://hcav.am/events/23-10-2014-2/>

<i>The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.</i>	C		As mentioned in our January 2014 report ¹⁴ , the government did not provide any kind of compensation or assistance to the victims' families. In 2014, Gagik Jhangiryan, member of Parliament introduced a draft bill on compensations for relatives of victims of March 2008 events. However the bill did not pass. In fact, the relatives of March 2008 victims have not been compensated and have not received any psychological or medical assistance. Some of these relatives such as Alla Hovhanissyan have left Armenia and now reside abroad. Mrs. Hovhannisyian was also lid off from work for participating in the protests. Their family owned a small business in Armenia; however, the business was shut down and the family had to leave Armenia.
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Paragraph 14

The Committee is concerned about the absence of a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment in places of deprivation of liberty, as well as the low number of prosecutions of such cases (arts. 7 and 14).

Committee Recommendation	Grade	Action taken by the State	Other comments from the NGOs
<i>The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty.</i>	C	No progress	No notable changes have been witnessed since the submission of the January 2014 report. See below for further comments
<i>The State party should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.</i>	C	No progress	HCA Vanadzor reports that those in charge of Police departments who are reported to have undertaken or colluded with acts of torture or ill treatment are not prosecuted. They are simply removed temporarily and appointed to the same or higher position in a different police department. In a recent incident, HCAV litigated on behalf of a young woman who was ill-treated as part of a police investigation process. So far, despite her telling testimony, no police officer have been held to account. Her case was also presented on TV. As reported in 2014, Ashot Karapetyan who was recognized as a torturer ¹⁵ by the European Court of Human Rights in Grisha Virabyan against the RA case is not only still working in police, but he was also been promoted as chief of the Yerevan police. This sends a clear message to the public that authorities support their agents committing violence or manifesting inaction when violence is committed. It also contributes to a general culture of impunity.

¹⁴ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_NGS_ARM_16205_E.pdf

¹⁵ http://www.armenianow.com/society/human_rights/45441/armenia_new_yerevan_police_chief_torture_claim

Paragraph 21

The Committee is concerned about the lack of independence of the judiciary. In particular the Committee is concerned about the appointment mechanism for judges that exposes them to political pressure and about the lack of an independent disciplinary mechanism (art 14).

Committee Recommendation	Grade	Action taken by the State	Other comments from the NGOs
<p><i>The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.</i></p>	C	No progress	<p>The government has achieved no progress in this sphere. In his latest report on the matter¹⁶, which was published in March 2015, the Council of Europe's Commissioner for Human Rights "encourages the authorities' on-going efforts to reform the justice sector, and emphasises that every effort should be made to enhance its independence, impartiality and effectiveness, in line with European standards"¹⁷. From the perspective of gaining public trust towards the judiciary system, there have been no accomplishments. As a rule, the acquittal verdicts are very few in numbers: 26 in total for the first half of 2014¹⁸, and are not appealed by the court. This can hardly lead to increased trust towards the justice system.</p>

¹⁶ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2706043&SecMode=1&DocId=2243332&Usage=2>

¹⁷ Para 30

¹⁸ <http://court.am/?l=lo&id=50>