

HCA Vanadzor Report on Human Rights Violations against Peaceful Electricity Price Hike Protesters

On June 19, 2015, the No to Robbery initiative launched its protest action against the electricity price hike in the Freedom Square demanding to annul the Public Services Regulatory Commission Decree on Increasing Electricity Rate by 6.93 AMD dated June 17, 2015. Instead of the planned march, the protesters began a sit-in to avoid potential clashes with the police (the police had brought in water cannons). The No to Robbery initiative members declared that they would go on a sit-in till Monday, 7 pm, and if their demand was not met, would march on Monday to the presidential residence at Baghramyan 26 to voice their demands there. The police first declared that sit-ins were not authorized after 11 pm; however, upon negotiations with the protest organizers they permitted the protesters to continue the sit-in, provided they kept the place clean and refrained from putting up tents.

On June 22, 2015, at 7 pm, the protesters advanced towards the presidential residence and continued the sit-in nearby. At the outset of the assembly, its organizers reiterated several times that it was absolutely peaceful and presented the legal grounds for holding peaceful assemblies. The participants marched from the Freedom Square to Baghramyan Avenue. Some 4000-5000 people joined in the march. The protesters brought musical instruments with them, sang patriotic songs and performed folk dances. They waved the Armenian and European Union flags and displayed posters with different slogans. At the beginning of Baghramyan Avenue, about 200 police officers with armor, helmets and shields blocked the protesters' way. There were water cannons and barbwire in the rear of the police on Baghramyan Avenue. Upon coming to the police cordon, the protesters sat down in the middle of the avenue.

At about 10 pm, the police announced that the RA President proposed negotiating with a group of 4 or 5 protesters; however, the protesters rejected the proposal. The protest proceeded peacefully. At about 11 pm, the protesters stopped the music and reduced the noise. At about 12 am, black-clothed and masked police officers arrived at Baghramyan Avenue. At 1 am, the lights on Baghramyan Avenue went off. By 5 am, the number of the protesters totaled 500-800.

On June 23, at 5:20 am, Valery Osipyan, Deputy Chief of Police of Yerevan, qualified the protesters' actions as illegal. After another warning and some 10 minutes given to the protesters to leave, the police launched the water cannons to disperse the protest¹:

On June 22-23, The Helsinki Committee of Armenia observed the assembly and prepared a detailed report on the police actions against the peaceful protesters. Here is an extract from the report: "...the majority of protesters were sitting at a distance of about 10 meters from the police line. After the requirement, the policemen stood in a special arrangement ('Angels' regiment behind patrols, internal troops round the water cannons in the middle and the special purpose division /DON/ behind the cannon and 40-50 policemen in civilian clothes – some with distinctive features) and surrounded the protesters from the two sides. The water cannon directed two water flows in the direction of protesters sitting in the middle and together with other troops, started to move forward. When the distance between the policemen and participants was about 5 meters, all police units headed by internal troops attacked the protesters and tried to detain them, although the latter tried to stay in their places. The detention was often accompanied with the blows of shields and

¹ Armenian protests: Thousands rally against energy price hike, <http://www.bbc.com/news/world-middle-east-33238070>

truncheons, throwing the people on the ground violently, choking them off with arms; this was mainly done in groups of 4 or 5 persons. There were cases when the protesters were hit with truncheons and pushed toward various solid objects (fences, columns, walls). When the police officers reached Baghramyan-Saryan crossroads, they started chasing the running protesters in all directions, including Moskovyan Street and North Avenue. In Freedom Square, from the stage in front of the Opera House, the policemen dragging dozens of protesters brutally threw them down the stairs”.²

During the dispersion of the sit-in on Baghramyan Avenue, the number of peaceful protesters apprehended with the use of violent force totaled 237³, with about half of them, 106 persons referred to the Yerevan Narcological Center for alcohol and drug tests.

The head of the Center, Petros Semirjyan said to Azatutyun Radio that 44 protesters underwent both alcohol and drug tests, another 48 protesters were tested only for drugs and 14 protesters - for alcohol.⁴ The protesters were illegally deprived of liberty, questioned as witnesses and detained for over 4 hours.

The apprehended protesters immediately had their cell phones seized and underwent a personal search.⁵

The police used excessive force against the peaceful protesters. As a result, according to the RA Ministry of Health, the number of people calling for the ambulance at the dawn of June 23 totaled 25 with 15 of them taken to hospital for various bodily injuries.⁶

By a special order of Levon Yerosyan,⁷ RA Police Troops Commander and Deputy Chief of Police, and other senior police officers, a number of media representatives also suffered violence and brutal beating.

Particularly, the cases below were registered:⁸

- www.lin.am cameramen Karen Chilingaryan, Hovsep Hovsepyan and Gor Hovhannisyanyan suffered brutal violence and beating, and the latter's digital video camera and live broadcast device were damaged;
- Gala TV reporter Paylak Fahradyan sustained arms and neck injuries as a result of the strikes by the police officers as he was forcibly apprehended;
- Epress.am cameraman Tigran Hakobyan sustained a strike to his head with the baton and then was apprehended to the Kentron Police Department, and another cameraman Tigran Khachatryan suffered swear words, was pulled around and had his video camera seized. 3 video cameras of Epress.am were broken;

² Report on 22 June, 2015 assembly-march against electricity price rise, <http://armhels.com/en/2015/06/24/report-on-22-june-2015-assembly-march-against-electricity-price-rise/>

³ Electricity Protest: Unprecedented Number of Citizens Detained http://civilnet.am/2015/06/23/electricity-protest-unprecedented-number-of-citizens-detained/#.VYftD_ntmkp

⁴ <http://www.azatutyun.am/archive/news/20150624/2031/2031.html?id=27090602>

The list of the rights violated by the police in this report is not exhaustive

⁵ Most probably, the cell phones were examined, and therefore such actions constituted an interference with private life.

⁶ Follow the link <http://replik.am/arm/index.php?id=61784>

⁷ RA Police Troops Commander, Deputy Chief of Police

⁸ **Mass Arrests in Armenian Capital Accompanied by Police Profanity and Harassment (Video).** <http://www.epress.am/en/2015/06/23/mass-arrests-in-armenian-capital-accompanied-by-police-profanity-and-harassment-video.html>

- iLur.am reporter Hakob Karapetyan was apprehended, the police officers seized his camera, took out the memory card and gave back the device to him;
- the police also apprehended NEWS.am cameraman Arsen Sargsyan and forcibly seized the camera from reporter Aida Hovhannisyan's hands;
- Hetq.am journalists Ani Hovhannisyan and Hrant Galstyan were apprehended to the Kentron Police Department;
- One of the Azatutyun Radio video cameras and the reporter's phone with which he attempted to record a video were broken, and an officer at Nor Nork Police Department pushed the Azatutyun film crew out of the building.

According to the Statement released by the RA General Prosecutor's Office on June 23, 2015, starting from 7:30 pm, June 22 throughout the night of June 22-23, 2015, a group of people disturbed the public order for long by holding first an illegal assembly and a march and then a sit-in on Baghramyan Avenue, Yerevan city. A criminal case was initiated under Article 258(1) of the RA Criminal Code with elements of crime of hooliganism. On June 22, 2015, the criminal case was submitted to the RA Investigative Committee for preliminary investigation. The RA Investigative Committee investigators completed the questioning of almost 40 of the apprehended persons and still question some of them. A series of forensic, materialogical (substance study) and criminalistical expert examinations were scheduled. The Statement above also reads that to find out the factual background of how the Baghramyan Avenue events participants sustained bodily injuries on the night of June 22-23, 2015, a series of relevant publications and video recordings on the mass media websites were reviewed and attached to the criminal case.

Whereas the Prosecutor's Office initiated criminal proceedings against peaceful protesters with hooliganism as an element of crime, no criminal proceedings have been initiated on the facts of violence used by the police against the peaceful protesters.

The attempts to disperse the assembly, apprehension of its participants and the subsequent developments were accompanied by the violations below:

1. According to Article 8, RA Law on Fundamentals of Administrative Action and Administrative Proceedings, administrative action shall be directed at an objective pursued under the Constitution and laws of the Republic of Armenia and the means to achieve it shall be reasonable, necessary and proportional.

According to Article 31, RA Law on Police, police officers shall have the right to use water cannons and armored cars as special means. It shall be prohibited to use special means against apparently pregnant women, persons with apparent disabilities and minors (except for cases where they commit armed attacks, armed resistance or group attacks threatening human life and health) (...), as well as while stopping unarmed peaceful rallies and public events held in line with the law.

In this case, the means to achieve the objectives were not reasonable, necessary and proportional. The use of water cannons by the police as a special means was disproportionate. The water cannons were used against 300-400 people, and many protesters sustained injuries of various degrees.

2. According to Article 262, RA Code of Administrative Offences, a person who committed an administrative offense may be detained for no longer than 3 hours; in exceptional cases, the RA legislative acts may set other terms for administrative detention. As for the protesters, their liberty was restrained for longer than the 3 hours specified by law, without any procedural status.

3. According to Article 18, RA Law on Advocacy, an advocate shall be entitled to unrestricted private and confidential access to his client, without any limitation on the number and length of visits.

Most of the apprehended persons were unable to access a lawyer due to the obstacles created by the police and the lawyers who arrived at the police were for a long time unable to access the police premises.

5. According to Article 16, RA Law on Police, the police shall be obliged to take urgent measures to rescue people and render first aid. Not only did the police refrain from rendering first aid to the injured, but also led to such a situation. Para 22, RA Government Decree on Approving the Code of the RA Patrol Service of the RA Police under the RA Government reads that the patrol officers shall perform their service in uniforms as established by law.

In this case, several dozens of police officers had no uniform on while performing their service and therefore were not entitled to apprehend the protesters.

6. According to Article 5(3), RA Law on Police, in any case of restricting human rights and freedoms of a person, police officers shall be obliged to immediately give him/her the grounds and reasons for such restriction and explain his/her rights and duties related thereto in an accessible and understandable language and support them in exercising their rights.”

Moreover, according to Para 1, Part 1 of the Annex N 1 to the RA Government Decree N 818-N on Approving the List of Rights Originating from the Restriction of Human Rights and Freedoms and Subject to Notification and Notification Procedure dated June 14, 2007, the person with restricted rights shall be entitled to learn since the moment of such restriction the *reasons, grounds of such a restriction as well as the position, rank and surname of the police officer responsible for restriction. According to Part 2, Annex N 2 of the Decree above, when restricting a right of a person, the police officer shall introduce himself/herself and mention his/her position, rank and surname.*

In this case, some of the RA police officers had no police uniform on and failed to present to the persons they apprehended the grounds and reasons for their apprehension. Moreover, the plainclothes police officers were among the protesters and only a few minutes before dispersing the rally tied the armbands seeking to use special-purpose violence and secure their protection from any violence.

7. According to Article 7(2), RA Criminal Procedure Code, in connection with a criminal case, no person may be arrested, searched, detained, convicted or apprehended and subjected to any other measure of judicial restraint, as well as any other restriction of his/her rights and freedoms, otherwise than on the grounds and by procedure prescribed by law

According to Article 153, RA Criminal Procedure Code, apprehension shall mean bringing forcibly before an investigative agency **a suspect, accused, defendant, (...) who fails without any reasonable**

excuse to appear before investigation, for the purposes of initiating relevant proceedings against him/her, as prescribed by this Code (...).”

In this case, the RA police officers apprehended 237 persons with the status of witnesses, who however, had never been summoned to the police.

8. According to Article 4, RA Law on Dissemination of Mass Information, interfering with the legitimate professional activities of a journalist shall be prohibited. Article 164, RA Criminal Code criminalizes the hindrance to the legal professional activities of a journalist.

According to Article 10(4), Police Disciplinary Regulations, a police officer shall be obliged to know and respect human rights and freedoms and show restraint, polite, decent and respectful treatment to people.

The Police obstructed the professional activities of the mass media and used force against the journalists covering the rally.

Some police officers showed indecent and disrespectful attitude towards protesters and journalists by using sexual swear words against them.

9. According to Article 17, RA Constitution, no one shall be subjected to torture, as well as to inhuman or degrading treatment or punishment.

Along with the violations mentioned above, the entire apprehension process of the rally participants also aimed to humiliate and punish them.

On June 23, 2015, the HCA Vanadzor released a statement condemning the police actions. The Organization provided legal advice to the victims of the police actions above.⁹

The lawyers involved by the HCA Vanadzor, Artur Harutyunyan and Anahit Chilingaryan (Legal Analyses and Initiatives Projects Department Coordinator, HCA Vanadzor NGO) arrived at Malatia and Nor Nork Departments of the RA Police to provide the apprehended persons with legal aid. They sought to find out what investigative actions had been carried out before the arrival of lawyers and the grounds for keeping the apprehended persons at the police stations.

Below is the report of the visits by the HCA Vanadzor lawyers to the RA Police Malatia and Nor Nork Departments:

Visit to RA Police Malatia Department

- The lawyers arrived at the RA Police Malatia Department at about 2:30 pm. At the moment, over 20 persons were kept there. They had been apprehended at about 5:30-6:00 am. According to the apprehended persons, they were brought to the police on suspicion of hooliganism under Article 258, RA Criminal Code, and relevant police reports were drawn up. They also claimed that the police officers had taken their fingerprints and seized the mobile phones of most of them.

⁹Announcement of Helsinki Citizens' Assembly – Vanadzor. <http://hcav.am/en/events/23-06-2015-4/> ,

- Starting from 3:30 pm, the police started releasing the apprehended persons. Furthermore, they had been kept at the police department regardless of the previous investigative actions and the need to perform any further urgent investigative actions.
- A. Harutyunyan and A. Chilingaryan also acted as advocates of Tigran Hakobyan and Davit Selimyan and attended the questioning of the latter. As for T. Hakobyan, he had been questioned before the arrival of the lawyers. D. Selimyan was questioned as a witness.

Obstacles for clients to private access to their advocates

- It is noteworthy that the lawyers were denied private access to their clients. At the police precinct, the lawyers were advised first to consult the Ombudsman's Office staff (who at the moment stood in front of the Police premises) as the police had already made some arrangements with them. In response to the question on what the Ombudsman's office representatives had to do with the right of the apprehended persons to access to a lawyer, the police precinct officers firmly insisted that the lawyers discussed that issue with the representatives of the Ombudsman's Office.
- Afterwards, the lawyers turned to the RA Human Rights Defender's Office staff to find out what the matter was and what arrangements was mentioned by the police. However, the Ombudsman's Office staff had no idea about it either and entered the Police premises along with the lawyers.
- After some time, the lawyers were allowed to enter the room where the apprehended persons were kept.

Deprivation of liberty of the apprehended persons

- None of the officers at the police department could give a precise answer to the lawyers' question on the grounds for keeping the apprehended persons at the police. The Investigative Committee officers stated that they had nothing to do with the restraint of the liberty of the persons in question and it was not the Investigative Committee but rather the Police that kept them. As for the Investigative Committee investigators, they questioned the apprehended persons and conducted other investigative activities based on ready relevant materials and returned the items (phones) confiscated from the apprehended persons.
- The police officers in their turn reported that the apprehended persons were kept at the police for further necessary investigatory activities, questioning and return of their personal belongings. They also mentioned that the persons who have already given testimonies might have to testify again.
- Upon lengthy negotiations with the investigative agency and the Police, the apprehended persons were released. Furthermore, the police officers decided to release them in groups of 4.

Thus the apprehended persons were detained at the police for almost 9 hours. As they were apprehended to the police department, they were wet.

RA Police Nor Nork Department

Obstacles for clients to private access to their advocates

- The lawyers arrived at the RA Police Nor Nork Department at about 5:30 pm, however, were not allowed to immediately meet their clients. At the police precinct, the lawyers were advised to wait for the police to obtain some more specific information.
- As this process lasted too long and the lawyers attempted to find out how long it might take for the police to contact the investigator and obtain relevant information, they received an aggressive reaction from the police precinct officer and were even accused of showing degrading treatment.
- Then the lawyers contacted the RA Ombudsman's Office. Upon relevant action by the Ombudsman, they

were invited to the deputy chief of the RA Police Nor Nork Department who presented to them the situation at the police department related to persons apprehended during the dispersion of the rally. He also stated that the RA Prosecutor's Office initiated criminal proceedings under Article 258 (Hooliganism), RA Criminal Code and set up an investigating group composed of 3 investigators from the Investigation Department of Avan and Nor Nork administrative districts of Yerevan city, RA Investigative Committee.

- After conversation with the Deputy Chief of the police department, the lawyers were allowed to meet the apprehended persons. The number of the persons detained at the police department totaled 50- 60.
- There also, the lawyers provided the apprehended persons with legal advice. A. Chilingaryan and A. Harutyunyan respectively took on the defense of Artur Sukiasyan and Tigran Gevorgyan. The lawyers also attended the questioning of A. Sukiasyan and T. Gevorgyan with the status of witnesses at about 6 and 7 pm.

Restraint of liberty of the apprehended persons

- Like at the RA Police Malatia Department, here the lawyers also were unable to find any grounds for the detention and restraint of the liberty of the apprehended persons.
- The apprehended persons were kept at the RA Police Nor Nork Department premises and accompanied to the investigator's room for questioning. In fact, 3 investigators of the Investigative Committee questioned some 50-60 persons. Thus, they had to wait for hours for their turn to testify and then were referred in groups to the RA Republican Narcological Clinic for tests.
- Considering that the last group of the apprehended persons was transported to the Republican Narcological Clinic at 7:30 pm, their liberty was actually restrained for over 13 hours.

Apprehended persons had to undergo expert medical examination

- All the persons at the Nor Nork Police Department were transported to the Republican Narcological Clinic for expert medical examination.
- It was only after lengthy negotiations that the apprehended persons and the lawyers were presented the relevant decree to familiarize themselves with it. It turned out that the persons above were referred to expert examination on the grounds that they had been apprehended on suspicion of committing a crime prohibited under Article 258, RA Criminal Code.
- This means that the apprehended persons were referred to expert examination as suspects, whereas an hour before they had been questioned as witnesses. After testifying as witnesses, they had not been informed of the decision on changing their legal status to suspects.