



Helsinki Citizens' Assembly - Vanadzor

# REPORT

## Human Rights Violations of the Electricity Price Hike Protesters

Vanadzor

2015

The Report covers the violations of the human rights of the peaceful electricity price hike protesters on June 23 and July 6, 2015.

The Report provides a summary of the mass media monitoring under the study of the human rights situation within police-citizen relations carried out by the HCA Vanadzor<sup>1</sup>, as well as the legal assessment of the police actions against the electricity price hike protesters and the actions taken by the HCA Vanadzor to protect the rights of the protesters.

## Chronology of Electricity Price Hike Peaceful Protests and Police Actions

In May 2015, the Electric Networks of Armenia applied to the Public Services Regulatory Commission (PSRC) to raise the electricity rate by 17 AMD. Later, on June 17, the Public Services Regulatory Commission (PSRC) unanimously decreed to raise the electricity rate. Accordingly, starting from August 1, 2015, the daytime electricity rates should have raised from the current 41.85 AMD per kW/h to 48.78 AMD, and the nighttime ones – from the current 31.85 AMD to 38.78 AMD.

On June 19, 2015, the No to Plunder (Armenian: ‘Voch Talanin’) civic initiative<sup>2</sup>, considering the people's demand, started a sit-in in the Liberty Square urging to immediately defer the illegal decree on raising electricity rates.<sup>3</sup>

On June 22, the protesters moved to Baghramyan Avenue. At the start of the assembly, its organizers announced several times that the assembly was absolutely peaceful and presented the legal grounds for the peaceful assembly. The march was attended by 4000-5000 people.<sup>4</sup>

At about 10 pm, the police officers announced that the RA President had proposed to negotiate with a delegation of 4 or 5 protesters; however, the rally participants turned down the proposal and carried on the peaceful rally. Later at about 11 pm, the rally participants turned down the music and reduced the noise. At about 12 am, black-clothed and masked police officers arrived in Baghramyan Avenue, and at 1 am, the lights on the Avenue went off. By 5 am, the number of sit-inners amounted to 500-800.

On June 23, at 5:20 am, Valery Osipyan, Deputy Chief of Yerevan Police, stated that the sit-inners' actions were illegal. After another warning and 10-minutes time for the protesters to

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<sup>1</sup>The information was collected from electronic media and official website of the RA Police.

<sup>2</sup>The No to Plunder civic initiative was launched in June, 2014. Ever since its team has taken an active part in revealing and resolving various social issues in the Republic of Armenia, <http://vochtalanin.am/վեփ-փուսիկ/>

<sup>3</sup>No to Plunder civic initiative statement: Moving to Baghramyan 26, June 20, 2015, Lragir.am, <http://www.lragir.am/index/arm/0/country/view/116312>

<sup>4</sup>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/>



leave, the police (including plain-clothes persons without any distinctive marks) dispersed the sit-in, apprehended 237 persons and released them on the same day.<sup>5</sup>

The police used excessive force against the RA citizens attending the peaceful demonstration. Particularly, the police used water cannon; the apprehended protesters suffered assaults by groups of 4 or 5 police officers, baton and shield hits, forceful striking down and strangling. Also, as seen in the video, some plain-clothes persons without any distinctive marks among the sit-inners tied up armbands with the note 'Police' and attacked the protesters by taking them away from the sit-in area. According to the information disseminated by the Ministry of Health, at dawn on June 23, 25 persons sought first aid, and 15 persons were taken to hospital with various bodily injuries.<sup>6</sup> By the special order of Levon Yeranosyan,<sup>7</sup> Police Troops Commander, Deputy Chief of Police, and other high-ranking police officers, a number of media representatives were apprehended, suffered brutal violence and beating<sup>8</sup>

According to the information disseminated by the media, the police apprehended 16 journalists, 13 of whom suffered violence.<sup>9</sup>

Particularly, the journalists below were apprehended: Ani Hovhannisyanyan (Hetq.am), Hrant Galstyan (Hetq.am), Mkrtich Karapetyan ('Haykakan Zhamanak' daily), Paylak Fahradyan (Gala TV), Karapet Sahakyan (Panarmenian Photo), Arsen Sargsyan (News.am), Tigran Hakobyan (Epress.am), Seda Mavyan (freelance journalist), Garik Harutyunyan (Liberty (Azatutyun)), Davit Davtyan (Armenia TV), Khachatur Yesayan (Armenia TV), Aren Mkrtchyan (1in. am), Levon Barseghyan (editor-in-chief, Asparez.am), Arsen Sargsyan (News.am), Koryun Davtyan, Serzh Siseryan, Vahe Harutyunyan and Paylak Siganyan.<sup>10</sup>

The journalists below suffered violence: Karen Chilingaryan (1in.am), Hovsep Hovsepyan (1in.am), Gor Hovhannisyanyan (1in.am), Nikolay Torosyan (Panarmenian.net), Gevorg Ghazaryan (independent journalist), Artur Papyan (Liberty (Azatutyun)), Sisak Gabrielyan (Liberty), Garik Azibekyan (Liberty), Hakob Karapetyan (ilur.am), Paylak Fahradyan (journalist, GALA TV), Tigran Hakobyan (cameraman, Epress.am), Karapet Sahakyan (photojournalist, Panarmenian.net) and Levon Barseghyan (editor-in-chief, Asparez.am).

The mass beatings and arrests were accompanied by swearwords. Tehmine Yenokyan, Lragir.am reporter, recorded one of such incidences. The video clearly shows how one of the plain-clothes policemen, accompanied by uniformed police officers, mouthed swear words at a journalist, and

<sup>5</sup> Armenian protests: Thousands rally against energy price hike, <http://www.bbc.com/news/world-middle-east-33238070>

<sup>6</sup> Updates on persons injured in protest actions, <http://replik.am/arm/index.php?id=61784>

<sup>7</sup> RA Police Troops Commander, Deputy Chief of Police.

<sup>8</sup> See: Stories of Journalists Who Were Attacked, <http://media.am/en/Attacks-against-journalists-during-Electric-Yerevan>

<sup>9</sup> Statement: Demanding to Punish Those who Used Violence against Journalists, <http://news.am/arm/news/273399.html>

<sup>10</sup> 7 organizations issued statements regarding violence against journalists, <http://armtimes.com/hy/read/65889>

the police, particularly, the Deputy Chief of Police of the capital Karen Movsisyan ignored the incident.<sup>11</sup>

According to the statement of the RA Prosecutor General's Office of June 23, 2015, starting from 7:30 pm, June 22 till early morning of June 23, 2015, a number of persons violated the public order by holding an illegal assembly and a march followed by a sit-in on Baghramyan Avenue, Yerevan city. Criminal proceedings were initiated under hooliganism, Article 258(1), RA Criminal Code. On June 22, 2015, the criminal case was submitted to the RA Investigative Committee for preliminary investigation. The RA Investigative Committee investigators questioned almost 40 of the persons apprehended by the police and assigned forensic, substance and criminalistic expert examinations. The statement above also reads that to establish the fact of the bodily injuries sustained by the participants of the incidents on Baghramyan Avenue at night of June 22 and early morning of June 23, 2015, the investigators examined a number of relevant publications and video records on the electronic media websites and attached them to the criminal case.

Following the crime report by the HCA Vanadzor dated June 23, 2015, as well as the media coverage and video records of the violence and illegal actions by the police, on July 2, 2015, the RA Special Investigation Service initiated criminal proceedings on incidences of abuse of power with the use of violence and obstruction of journalists' professional activities under Article 309(2), Article 164(2) and Article 185(1) of the RA Criminal Code.

According to the media reports, over 10 journalists were involved as victims in the criminal proceedings.

According to the media reports, the police have already compensated some of the journalists for their devices damaged on Baghramyan Avenue. Journalist Hakob Karapetyan claimed having been offered compensation by the police on condition that he officially stated having no other complaints or claims against the police. The journalist rejected the offer of the police.<sup>12</sup>

Almost half of the 237 peaceful protesters<sup>13</sup>, namely 106 persons forcedly detained during the dispersal of the Baghramyan Avenue sit-in, were forcedly taken to the Yerevan Narcological Center for alcohol and drug test.

Petros Semirjyan, Head of the Center, reported to the Liberty radio station that no alcohol was detected in the blood of the tested protesters.<sup>14</sup> As for the drug test, no results have been published so far.

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<sup>11</sup> Mass Arrests in Armenian Capital Accompanied by Police Profanity and Harassment, <http://www.epress.am/en/2015/06/23/mass-arrests-in-armenian-capital-accompanied-by-police-profanity-and-harassment-video.html>

<sup>12</sup> 1) Case of Journalists who Suffered Police Illegal Actions is Deliberately Delayed; Situation Starting to Look like that in Azerbaijan, <http://galatv.am/hy/news/122024/>, 2) Journalists deemed victims under proceedings of June 23, <http://armtimes.com/hy/read/68309>,

3) Journalist who Suffered Violence on Baghramyan Avenue Considered Victim, <http://www.aravot.am/2015/08/14/600130/>

<sup>13</sup>Electricity Protest: Unprecedented Number of Citizens Detained, [http://civilnet.am/2015/06/23/electricity-protest-unprecedented-number-of-citizens-detained/#.VYftD\\_ntmkp](http://civilnet.am/2015/06/23/electricity-protest-unprecedented-number-of-citizens-detained/#.VYftD_ntmkp)



In her interviews to the media, Yelena Ovsyannikova, Russian Federation national residing in Yerevan stated that on June 23, in the evening as the protesters again blocked the Baghramyan Avenue after the violent actions of the police, she was trying to urge the police officers in the cordon in front of the protesters to refrain from any violence. A bit later, Hunan Poghosyan, Deputy Chief of the RA Police, came up to her and demanded that she left the area on the pretext that by staying there, she “turned on the police officers as they suffered sexual hunger, and by walking by them, she obstructed their work”. Shortly after, a few men came up to Y. Ovsyannikova, one of them roughly seized her hand and started to pull her to and fro. Unable to endure the pressure any longer, Y. Ovsyannikova had to leave the area between the police cordon and the "barricades". After the incident, various mass media posted on their websites and social networks various publications about Y. Ovsyannikova. Narek Malyan, Advisor to the RA Chief of Police, posted on his Facebook page a video showing Y. Ovsyannikova talking to deputy T. Poghosyan, with comments that she was a Ukrainian provocateur. Also, N. Malyan argued that Y. Ovsyannikova offered sex to all the police officers on Baghramyan Avenue.

It is quite noteworthy that the police persecutions against the protesters were not restricted to Baghramyan Avenue or Liberty Square. In fact, plain-clothes persons, who sometimes did not even introduce themselves, or mostly introduced themselves as the community "new police operatives" visited the apartments of numerous protesters and on various pretexts talked to their families or neighbors by asking questions about the protesters or their families. A case was recorded as plain-clothes persons visited a protester's apartment and without introducing themselves demanded the passports and cell phone numbers of their family members.<sup>15</sup>

The police even tried to force the residents of the houses on the Baghramyan Avenue to submit complaints against the protest participants as if the latter disturbed their pace and calm; however, they did not do so.

On June 23, in the evening, after the Police forcedly dispersed the Baghramyan Avenue sit-in in the early morning, the No to Plunder initiative held a rally there. To protect themselves from the police, the protesters put up barricades from trash cans. Afterwards, the flow of the people to the Baghramyan Avenue increased. On June 24, the protesters started a sit-in on Baghramyan Avenue.

On June 23-29, a number of public and political figures, on the initiative of deputy Nikol Pashinyan, formed a 'human wall' between the protesters and the police to prevent the use of violent force. On June 25, Prime Minister Hovik Abrahamyan stated at the Government session that after consultation they decided to add 24 thousand AMD annually to the social benefits of

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<sup>14</sup> No Alcohol Detected in Blood of Tested Protesters, <http://www.azatutyun.am/archive/news/20150624/2031/2031.html?id=27090602>

<sup>15</sup> New Police Operatives Visiting Baghramyan sit-inners, <http://www.epress.am/2015/07/10/«նոր-օպերներն»-այցելում-է-ն-քաղաքային.html>



105 thousand families, amounting to some 400 thousand people, to compensate them for the increased electricity rates. At the same time, Hovik Abrahamyan said that he considered the decree of the Public Services Regulatory Commission on increasing the rates for 1 kilowatt/hour by 6.93 AMD well-grounded.

The Prime Minister's statement stirred up the anger of the protesters and they resumed the protest action demanding to:

1. Review and annul the illegal decree on increased electricity rates by the Public Services Regulatory Commission (PSRC);
2. Review and reduce the past year's rates;
3. Punish all the police officers who violated the order by beating illegally the peaceful Baghramyan Avenue demonstrators in the morning of June 23 and the persons who gave them the illegal order.

On June 26, the 16<sup>th</sup> session of the Russian-Armenian Intergovernmental Commission for Economic Cooperation resulted in a decree to perform an audit of the ENA under the auspices of the Commission.

On June 27, in the evening, Serzh Sargsyan held a consultation with the officials responsible for the economic policy and stated that till the ENA audit opinion is issued, the Government will assume the entire burden of the increased rates noting that no ongoing programs or social expenditures would be affected whatsoever, and the reimbursement costs would be paid from security funds.

However, the protesters did not feel content with such a decree. The No to Plunder campaign members stated that their claim to annul the decree on increased electricity rate remained unchanged. They said they would stay on the Baghramyan Avenue till their demands are met. Also, they demanded to punish the plain-clothes police officers who had used excessive force on June 23.

On June 28, the situation on Baghramyan Avenue escalated; the police announced several times that after 11 pm they would "seek to restore the public order" and the offenders would be held liable. The No to Plunder members issued a statement urging the protesters on the Baghramyan Avenue to march to the Liberty Square to "make reasonable decisions" there. A small group of the protesters followed the call, and the majority carried on the protest action on the Baghramyan Avenue. Despite its statement on taking measures to disperse the protesters on the Baghramyan Avenue, the police took no actions.



On June 29, the Investigation Department of the Yerevan Kentron and Nork-Marash administrative districts issued a statement on initiating criminal proceedings under Article 185(3)(1), the RA Criminal Code, i.e. "intentional destruction or damage of property" and on June 28, the investigator decreed to seize the 41 trash cans belonging to Sanitek company and actually serving as barricades on Baghramyan Avenue.

On June 30, in the evening, a civic coordination group was set up. While the police continued urging the protesters to move to another place noting that otherwise it "would have to fully exercise the powers vested in it by the RA law", the Bagramanyan Avenue protesters remained adamant. On June 30, the No to Plunder members returned to the Baghramyan Avenue, but no longer coordinated the movement.

On July 4, Davit Sanasaryan, PR Coordinator of the Anti-Electricity Rate Hike Movement stated at the rally that the protesters gave time until Monday, July 6, 9 pm for the authorities to meet their demands. Otherwise, the Movement participants would start the "1 Step Forward" protest action by daily pushing the trash cans barricade one meter closer to the presidential palace.

On July 6, the police stated that if the protesters did not leave the Baghramyan Avenue till 12:30 pm, it would restore the obstructed traffic on the Avenue and dismantle the trash cans and did so later. As a result of police actions, 46 persons, including 6 minors, were apprehended. After some 2 hours, the Kentron and Arabkir police divisions released all the apprehended persons. Administrative proceedings were launched only against Argishti Kiviryan for disobeying the lawful orders of police officers.

According to the police statement, the police took no special measures against the rally participants during its actions of July 6.

It is noteworthy that the apprehended persons claim having suffered violence by the police. Particularly, on the very day of the incident, Mikayel Kirakosyan filed a crime report to the RA Special Investigation Service. Accordingly, he suffered violence during the detention. At the Arabkir Police Division, he asked for medical aid. He was taken by ambulance to Hospital No. 8 where his injuries were recorded. After his discharge from the hospital, he reported to the SIS the crime the police committed against him.

After talking to the activists apprehended from Baghramyan Avenue to police departments, political scientist Styopa Safaryan told the journalists that he had received various alerts on violence by the police. According to him, the persons apprehended to both the Kentron and Arabkir Police Divisions claimed having suffered violence in police cars.

Maxim Sargsyan, No to Plunder coordinating group member, witnessed 4 or 5 minors with scratches on their arms and bodies coming out of the Arabkir Police Division. Vaghinak Shushanyan said that Narek Ayvazyan and minor Spartak were hit in the police car.



On July 16, 2015, the HCA Vanadzor received the response to its crime report of July 7. Accordingly, following the mass media publications as well as the reports by Artur Sakunts, Chairman of the HCA Vanadzor, and Mikayel Kirakosyan, criminal proceedings were initiated on abuse of power along with violence under Article 309(2), RA Criminal Code.

In the evening, July 6, the Movement coordinators held a rally in the Liberty Square, and decided to stay there for the night and map out their further steps.

On July 7, the No to Plunder civic initiative members stated that on July 14 they would march through the central streets of Yerevan to the General Prosecutor's Office demanding to punish the police officers having used force against the electricity price hike protesters on June 23 and during the subsequent rallies.

On July 13, the RA Police issued a statement that on the same day the Police Internal Security Department initiated official investigation of the Yerevan city Baghramyan Avenue and Liberty Square incidences of June 23.

As of July 13, the results of the investigation revealed that a group of police officers committed disciplinary offenses. By decree of Vladimir Gasparyan, 1 police officer was demoted by a rank, 1 police officer received a "reprimand" and 7 police officers received "severe reprimands".

In particular, Deputy Chief of the Police Public Order Department, Police Lieutenant Colonel G. Abrahamyan was demoted by one rank; Deputy Chief of the Yerevan Police Department Operative Division, Police Colonel A. Mehrabyan and Criminal Investigation Department junior operative agent A. Ghalechyan received "severe reprimands"; Yerevan Police Department Patrol Regiment Platoon Commander Assistant, Senior Police Non-Commissioned Officer S. Babayan, police officer of the same platoon, Police Sergeant A. Mkrtchyan, Senior Service Inspector of the same regiment, Senior Police Lieutenant K. Budaghyan, Battalion Commander, Police Captain G. Khachatryan, Criminal Investigation Division Junior Operative Agent of the Department above, Senior Police Non-Commissioned Officer A. Manucharyan and Central Department Operative Agent, Police Captain R. Vardanyan received "severe reprimands".

According to the information released by the Police on July 23, 2015, on the RA Chief of Police Vladimir Gasparyan's order, disciplinary penalties were imposed on 3 more police officers.

Particularly, the RA Police Yerevan Department Criminal Investigation Senior Operative Agent, Police Major E. Poghosyan, Patrol Regiment Senior Police Officer of the Department above, Police Sergeant H. Santosyan and Chief of RA Police Yerevan Department Minors Division, Police Lieutenant Colonel K. Babayan received "severe warnings" under Article 42(1)(2) and Article 43(6) of the RA Law on Police Service and the RA Law on Approving RA Police Disciplinary Code. The official investigation materials were submitted to the RA Special Investigation Service.



To reveal the identities of the police officers who used violence against the demonstrators and journalists, the HCA Vanadzor collected from the media the photos of the police officers having exerted violence against the protesters and journalists at the protest action. While the Organization filed a motion to the RA Special Investigation Service to involve the police officers in the photos as defendants under the criminal proceedings, no charges have been brought against any police officer so far. It is quite noteworthy that no disciplinary sanctions were imposed on the senior police officers who had directly ordered the violence above.

On July 14, at 6 pm, the No to Plunder initiative started a rally near the Moscow cinema. After staying near the cinema for almost 30 minutes, the rally participants marched toward the General Prosecutor's Office. The march participants demanded to punish the police officers having used force against the electricity price hike protesters on June 23 and during the subsequent rallies. The march participants held a sit-in at the crossroads of Mashtots and Amiryan streets by blocking it for some 20 minutes and in the Republic Square demanding that the RA Prosecutor General's Office guaranteed punishing the police officers and plain-clothes persons who had used violence against the protesters and journalists early in the morning of June 23. Upon submitting their written demand to the Prosecutor General's Office, the demonstrators dispersed by giving 10-day time to the RA Prosecutor General's Office to meet their demands.

On the same day, the No to Plunder issued a statement on the police investigation expressing its discontent with Vladimir Gasparyan's order to impose disciplinary penalties on 9 police officers. The statement covered the demands below:

- ✚ punish the police officers who committed illegal actions and the plain-clothes persons who introduced themselves as police officers, showed indecent behavior and took illegal actions, and the senior police commanders on duty in the protest area on June 23 and July 6;
- ✚ dismiss the persons above from the police system and then initiate criminal proceedings against them by thus confirming that the Chief of Police had not given them any order to take illegal actions.

## Electricity Price Hike Protests in Other Cities of the Country

Electricity price hike protests were also held in some other cities and towns of the country, namely in Gyumri, Vanadzor, Spitak, Alaverdi, Ashtarak, Abovyan, Kapan and Sisian, and on June 28, the rural inhabitants of the Aragatsotn marz (region) blocked the Yerevan-Aparan highway demanding not to raise the electricity rates.

### Electricity Price Hike Protests in Gyumri

According to the media reports, incidences of violence by the police against peaceful protesters were recorded only in Gyumri, out of the cities and towns above.

On June 23, at the dawn, 13 inhabitants of Gyumri were apprehended from the Gyumri Theatre Square peaceful electricity price hike protest sit-in. Criminal proceedings were launched against one of the apprehended persons, Karen Petrosyan, instructor at the University of Economics Gyumri branch, Compass NGO Board Member, Ph.D. in Economics and Associate Professor. Karen Petrosyan was first involved as a suspect and later on June 30, he was charged with hooliganism under Article 258(2), Criminal Code, punishable by a maximum of one year of corrective labor or a maximum of three years of imprisonment.

Every apprehended person had bruises upon their apprehension. Apart from apprehending the protesters, the police seized their vehicles from the parking quite far from the sit-in area, without notifying their owners of it.<sup>16</sup>

After June 23, the activists in Gyumri resumed the protests demanding to immediately discontinue the criminal proceedings under hooliganism against economist and instructor Karen Petrosyan combating the electricity price hike. The activists stated that in case their demand was not met, they would initiate civil disobedience actions in Gyumri. They also demanded that Shirak Marz (Region) newly-appointed Chief of Police Grisha Amirkhanyan resigned.

On July 31, 2015, it was decreed to stop the criminal prosecution against Karen Petrosyan.<sup>17</sup>

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<sup>16</sup> Advocate: activists apprehended in Gyumri have bruises:  
<http://www.epress.am/2015/07/10/գյումրիում-բերման-ենթարկված-ակտիվիստներ>

<sup>17</sup> Criminal Proceedings Initiated under False Testimony of Gyumri Deputy Chief of Police Discontinued,  
<http://www.aravot.am/2015/07/31/597778/>

## Electricity Price Hike Protests in Vanadzor

June 23 marked the start of electricity price hike protests in Artsakh Park, Vanadzor. The protesters demanded to annul the PSRC decree on increased electricity rates, as well as perform an independent audit at the ENA, punish the police officers who had used violence against the protesters in the morning of June 23 and those persons who gave them such an order and stop the administrative and criminal prosecution against the protesters and journalists. Later the protesters marched to the Hayk Square, and some of them held a sit-in at night there. The protesters tried to put up tents there, however the police did not let them to do so. On the following day, they resumed the demonstration in the Hayk Square, and a group of taxi drivers also joined them and held an auto march protest action. On June 26, Samvel Darbinyan, Mayor of Vanadzor, urged the protesters to "distinguish themselves" from others and stop the protest. He also promised to convene an extraordinary session of the City Council to discuss the issue of audit requirement. However, the protesters carried on the protest action, and no extraordinary meeting of the City Council was held.

Along with the demonstrations above, other protest actions were held in Vanadzor. In the morning, July 2, graffiti depicting a young man "spattered by the water cannon", with the electricity rates gradual increase over years appeared in the Hayk Square. The municipality immediately had the pictures removed. Early on July 7, pictures with the young man "spattered by the water cannon" appeared on the sidewalks of the other streets in the town.

On July 15, the columns and trees in the city of Vanadzor were covered with the pictures of the plain-clothes police officers having used violence against protesters on Baghramyan Avenue on June 23 and leaflets with the electricity rates gradual increase.

On July 14, the activist in Vanadzor, chanting "We are the Owners of Our Country", marched from the Hayk Square to the Lori Marz (Region) Prosecutor's Office demanding to bring to responsibility the police officers having used violence on June 23 and to stop the criminal and administrative prosecution against peaceful protesters. During the march, the activists distributed leaflets and urged the passers-by to join them.

The activists submitted a statement with their demands to S. Chilingaryan, Head of the RA Lori Marz Prosecutor's Office Territorial Department.

After voicing their demands to the Lori Marz (Region) Prosecutor's Office, the protesters stated that they would carry on their struggle till they achieved positive results. In response to a written inquiry from a protester, the Lori Regional Prosecutor's Office reported that the protesters' statement had been attached to the criminal case which was still under investigation.

## Actions by HCA Vanadzor

*The Organization provided the protesters with legal assistance by offering them legal advice and involving advocates to protect the interests of the apprehended persons. The Organization also filed applications, inquiries and crime reports to competent officials.*

*Starting from June 23, the HCA Vanadzor representatives observed all the demonstrations in Vanadzor, and set up a rapid response group to provide protesters with legal aid if any of their rights was infringed.*

### The HCA Vanadzor took the actions below:

✚ Based on the alerts received, on June 23, 2015 the Organization filed an inquiry to the RA Police on 88 persons<sup>18</sup> to find out whether they had been apprehended and, if so, the exact time and grounds on which each of them was apprehended, the police division where they were detained and their status.

On July 7, 2015, the Organization received a response note from the Chief of Police Headquarters providing information on the location of each of the apprehended persons, along with the details on their years of birth and residence addresses. The police also noted that the persons above were apprehended on suspicion of hooliganism.

✚ On June 23, the Organization filed a crime report to the RA Prosecutor General's Office and Special Investigation Service on the violence used against protesters and journalists by the police officers while dispersing the Baghramyan Avenue sit-in earlier at 5:30 am by the order of Levon Yeranosyan, Police Troops Commander, Deputy Chief of Police.

Based on the crime report submitted by the Organization and the media coverage and video records of the violence and illegal actions by the police, on July 2, 2015, the RA Special Investigation Service initiated criminal proceedings on using violence, abuse of power and obstruction of journalists' professional activities under Article 309(2), Article 164(2) and Article 185(1) of the RA Criminal Code.

Under the criminal proceedings initiated on July 2, 2015, the Organization, in its capacity of the person having submitted a crime report, filed a motion to the RA SIS on assigning expert examination of the police officers on duty on the sit-in dispersion days for drugs and psychotropic substance.

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<sup>18</sup> Before submitting the inquiry, it was known that 60 of the 88 persons in question were apprehended and as for the rest 28, their families had no information about their whereabouts.

The investigating agency dismissed the motion above on the grounds that under the criminal proceedings no data had been obtained for the assumptions that police officers might have used any drugs or psychotropic substance, and therefore, there was no need for such expert examinations. At the same time, 106 electricity price hike peaceful protesters were illegally referred by the police to the Republican Narcological Center on unknown grounds.

The investigating agency's decision on dismissing the motion above was appealed to senior prosecutor.

The senior prosecutor decreed to dismiss the appeal on the same grounds as provided by the RA SIS investigator responsible for the proceedings.

The Organization also motioned to involve the Police Interior Troops Commander Levon Yeranossyan, Hunan Poghosyan, Heads of the RA Police Nor Nork and Malatia Departments, Rafayel Poghosyan, Artur Poghosyan, Artur Ghalechyan, Khachik Avetisyan, Artur Mehrabyan<sup>19</sup> as defendants under criminal case № 62217915 and to identify the persons<sup>20</sup> on the pictures whose names were still unknown to the Organization and involve them as defendants as well.

As for this motion, the investigating agency decreed to postpone its consideration noting that it would examine this issue after establishing the essential facts during the criminal proceedings.

✚ On June 23, 2015, the Organization filed a crime report to the RA Prosecutor General's Office on kidnapping the peaceful protesters, using violence against them, illegally depriving them of liberty and referring them to the Republican Narcological Center for expert examination.

The response letter of July 2, 2015 contained the decree of V. Avetisyan, Deputy Head of the RA Special Investigation Service Torture and Crimes against Person Investigation Department. Accordingly, upon examining the materials collected after the application by the HCA Vanadzor Chairman Artur Sakunts and the mass media publications, criminal proceedings were initiated on using violence through abuse of power as well as obstructing the legal professional activities of journalists through abuse of power by officials and intentional destruction or damage to property of others (Article 309(2), Article 164(2) and Article 185(1), RA Criminal Code).

✚ The Organization submitted an inquiry to the RA Ministry of Health (MoH) Republican Narcological Center to find out how many persons were referred to the Center by the Police on June 23-25, 2015 for drug and psychotropic substance expert examination.

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<sup>19</sup>Police officers having used violence against protesters whose names are known.

<sup>20</sup>Police officers having used violence against protesters whose names and surnames were impossible to find out.

In response to the inquiry, the RA Republican Narcological Center stated that on June 23-25, 2015 the police had referred to the Center 106 persons for drug and psychotropic substance expert examination.

✚ Also, an inquiry was submitted to the RA Ministry of Health to find out how many persons had sought medical aid with the medical centers in Yerevan city upon suffering violence by the police after the dispersal of the electricity price hike protests in Yerevan on June 23, 2015 and particularly, how many of them had been taken to medical facilities by ambulance, how many persons had consulted such facilities themselves, what injuries had been recorded as they sought medical aid, how many of them had been discharged from the medical facilities on the same day and how many of them had to stay there.

The response letter of July 9, 2015 stated that the number of emergency calls totaled 31, 25 of which ended in hospitalization. 13 of the injured persons were admitted to St. Grigor Lusavrich Medical Center CJSC, 5 persons - to Erebuni Medical Center CJSC, 2 persons - to Armenia RMC CJSC, 1 person to Yerevan Medical Unit № 2, 4 persons – to Yerevan State Medical University after M. Heratsi Fund Heratsi Hospital Complex № 1. Also, 6 persons received medical aid on the spot.

As of June 24, there were 12 emergency calls, with 1 person taken to hospital. The other 11 persons received medical aid on the spot. No severe injuries were recorded.

✚ On June 30, 2015, an inquiry was submitted on the statement of the Yerevan City Deputy Chief of Police V. Osipyan. Particularly, the statement contained the phrases below: "There are some organizations, there are some individuals who are here every day watching everything carefully, including the police actions, including from the top of the trash cans, making phone calls, preparing reports here to be submitted in and outside the country, etc. And as for who are those individuals and organizations, let the police refrain from saying who they are (...)."

Based on the statement above, the Organization asked the RA Police the questions below:

- Which actions (making phone calls, preparing and disseminating reports) are considered illegal in the Yerevan Deputy Chief of Police accusing statement?
- Which legal act considers such actions illegal?

- Which organizations do, according to V. Osipyan, "prepare reports to be submitted in and outside the country"?
- How did V. Osipyan learn about the phone calls mentioned in the statement and were any such calls made?

In its response letter, the RA Police Headquarters stated that all the words attributed to V. Osipyan are his personal judgments and are not of informative nature. At the same time, the statement read that such words contained no information on illegal actions.

✚ On July 1, 2015, an inquiry was submitted to find out how many of the electricity price hike protesters in Yerevan and Vanadzor were apprehended on June 24-30, 2015, as well as the grounds on which each of them was apprehended, how many of the apprehended faced charges and under which articles of the Criminal Code and how many hours each of the apprehended persons was detained at the police.

On July 22, 2015, the Organization received a letter from the RA Police stating that no electricity price hike protester was apprehended in Vanadzor in the period above. As for Yerevan, 1 person was apprehended on the Baghramyan Avenue on suspicion of a crime; however, he faced no charges and was detained for no longer than 3 hours as prescribed by law.

✚ On July 6, 2015, the Organization submitted 2 crime reports against the Heads of the RA Police Yerevan city Malatia and Nor Nork Divisions on obstructing advocates' professional activities and illegally depriving the apprehended persons of liberty.

In its response letter of July 27, 2015, the RA SIS stated that the crime reports above were attached to the criminal case initiated on July 2, 2015 to carry out relevant investigation under the proceedings.

✚ On July 7, 2015, the Organization filed a crime report to the RA SIS and the Prosecutor General's Office to protect the rights of Yelena Ovsyannikova.

The Organization did not receive any decree on the crime report above, as prescribed by the RA Criminal Procedure Code and therefore submitted an application to the RA SIS requiring that it decided on the crime report. No reply has been received so far.

✚ Based on the media publications, on July 7, 2015, 5 crime reports were submitted to the RA SIS and the RA Prosecutor General's Office on the illegal police actions against protesters Davit Sanasaryan, Edul Yedigaryan, Tigran Kirishchyan, Narek Ayvazyan and Spartak Mirzoyan on July 6, 2015.

On July 16, 2015, the Organization received a response letter from the RA Special Investigation Service with the decree of V. Avetisyan, Deputy Head of the SIS Torture and Crimes against Person Investigation Department on initiating criminal proceedings on incidences of abuse of power with the use of violence under Article 309(2), RA Criminal Code, based on the media reports and publications and reports by the HCA Vanadzor Chairman Artur Sakunts and Mikayel Kirakosyan.

The HCA Vanadzor assumed protection of the rights of 5 participants of the Baghramyan Avenue electricity price hike protests of June 23 and July 6, 2015, namely Tigran Hakobyan, Yelena Ovsyannikova, Davit Selimyan, Shoghakat Vardanyan and Mikayel Kirakosyan. 2 of the protesters above, namely Tigran Hakobyan and Mikayel Kirakosyan, were considered as victims under the criminal proceedings, and as for the others, relevant applications were filed to consider them victims as well.

A number of NGOs, journalists and protesters also submitted crime reports on the illegal police actions on the Baghramyan Avenue on June 23.<sup>21</sup>

It is quite noteworthy that on July 7, Elur website reporter Hakob Karapetyan having filed a crime report to the Police Kentron Division on June 26, was summoned to the Police Internal Security Department to provide explanations on the crime related to the events of June 23 he had reported. However, the police offered him a deal; according to the reporter, the police officers told him they were ready to compensate for his damages if he withdrew his complaint.<sup>22</sup>

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<sup>21</sup> The organizations and individuals below submitted crime reports to the RA Special Investigation Service: Union of Citizens and Civil Society Institute NGOs, Lragir.am journalist Tehmine Yenokyan, Elur website reporter Hakob Karapetyan, etc.

<sup>22</sup> No Suspects on Violence against Journalists Proceedings Identified So Far, <http://www.azatutyun.am/content/article/27116857.html>



## Legal Assessment of Police Actions

*The RA police actions to disperse the peaceful electricity price hike protests of June 23 and July 6, 2015 were accompanied by a number of violations of human rights and freedoms.*

*The actions to stop the rally of June 23, 2015, apprehension of the protesters and the subsequent actions were accompanied by the violations below:*

1. According to Article 8, RA Law on Principles of Administration and Administrative Proceedings, the administration shall aim to achieve the target set by the RA Constitution and laws and the actions to achieve it shall be useful, necessary and moderate.

According to Article 31, RA Law on Police, police officers may use water cannons and armored vehicles as special means. It shall be prohibited to use the special means against apparently pregnant women, disabled persons and minors (except for the cases if they commit armed assaults, show armed resistance, commit group assaults threatening human life and health)... and to stop peaceful, unarmed and lawful rallies and public events.

**In this case, the means and actions to achieve the target were neither useful, nor necessary and moderate. The use of the water cannon as special means by the police proved to be inadequate. The water cannon was used against 300-400 peaceful protesters, many of whom sustained bodily injuries of various severity.**

2. According to Article 262, RA Code of Administrative Offences, the administrative arrest of an administrative offender may last at most 3 hours, and in exceptional cases, as there is special necessity other terms for administrative arrest may be prescribed by the RA legal acts.

The liberty of the protesters was restricted for longer than the 3 hours prescribed by law, without any grounds and procedural status.

3. According to Article 18, RA Law on Advocacy, advocates shall be entitled to confer freely and in full confidence with their clients without limitation of number and duration of their visits.

**Most of the persons apprehended to the police stations were unable to access advocate's services due to the obstacles created by the police, and a considerable number of the advocates who visited the police station were unable to immediately enter there.**

5. According to Article 16, RA Law on Police, the police shall be obliged to take all the urgent measures to save human life and provide first medical aid.

**The Police failed to provide the apprehended persons who sustained injuries as a result of the violent police actions with first medical aid.**

6. According to Para 22, RA Governmental Decree on Approving the Patrol Service Code of the RA Police under the RA Government, police officers shall do their service in uniforms as prescribed by law.

**In this case, several dozens of police officers did their service without any uniform and therefore had no right to apprehend any protesters. Moreover, the plain-clothes police officers stayed among the protesters and tied up armbands with the note 'Police' only a few minutes before dispersing the protest; by doing so, such police officers aimed to use targeted violence against the protesters and prevent any violence against themselves.**

6. According to Article 5(3), RA Law on Police, whenever restricting human rights and freedoms of any person, the police officers shall immediately undertake to provide them with the grounds and reasons for such restriction and notify and explain to them in plain language their rights and duties emerging from such restriction and assist them in exercising such rights.

Moreover, according to Para 1, Part 1, Annex № 1 to the RA Government Decree № 818-N on Approving the List of Rights Emerging from Restriction of Human Rights and Freedoms to be Notified and Notification Procedure dated June 14, 2007, upon restriction of his/her rights and freedoms, any person shall be entitled to know the reasons and grounds for such restriction, as well as the position, rank and surname of the police officer responsible for it. Under Part 2, Annex № 2 to the Decree above, the police officers responsible for restricting any of the person's human rights shall introduce themselves by mentioning their positions, ranks and surname.

**In this case, apart from having no uniform on, some of the RA police officers failed to introduce themselves and mention the grounds and reasons for apprehending the protesters.**

7. According to Article 7(2), RA Criminal Procedure Code, no one may be arrested, searched, detained, convicted, apprehended and subjected to any other procedural coercive measures as well as other restriction of rights and freedoms under criminal proceedings otherwise than on the grounds and under the procedures as prescribed by law.

Under Article 153, RA Criminal Procedure Code, apprehension shall mean forced presentation to the criminal investigating agency of a *suspect, accused or defendant (...) failing to appear before the investigation* without any reasonable excuse in order to take relevant procedural actions as prescribed under this Code against him/her (...).

In this case, the RA Police officers apprehended 237 persons as witnesses, who had never been summoned to the police.

8. According to Article 4, RA Law on Dissemination of Mass Information, it shall be prohibited to interfere with the legitimate professional activities of journalists. Under Article 164, RA Criminal Code, interfering with a journalist's professional activities shall entail criminal liability.

According to Article 10(4), RA Police Disciplinary Code, police officers shall undertake to know and respect human rights and freedoms and show restraint, polite, decent and respectful treatment.

**Journalists covering the protest on Baghramyan Avenue also suffered the excessive force and illegal actions by the police. Hence, the police obstructed the activities of the mass media representatives and used force against the journalists covering the rally by destroying and damaging their professional activity devices. Some acts of violence against the journalists were committed on direct orders of senior police officers.**

**Some of the police representatives treated the protesters and journalists indecently and disrespectfully by mouthing sexual swear words at them.**

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

**Some of the police representatives treated the protesters and journalists indecently and disrespectfully by mouthing sexual swear words at them.**

**Along with the violations above, the entire apprehension of the protesters aimed to humiliate them and “punish” them for attending the rally.**

*On July 6, 2015, the actions to stop the rally, apprehend its participants and the subsequent actions were accompanied by the violations below:*

1. According to Article 10(4), RA Police Disciplinary Code, police officers shall undertake to know and respect human rights and freedoms and show restraint, polite, decent and respectful treatment.

**The actions of the police officers failed to comply with the logic behind the legal provision above; they failed to show restraint and treat the protesters politely, respectfully and decently both in their verbal communication and actions.**

2. According to Article 32(2), RA Law on Freedom of Assembly, if the assembly is held in violation of the notification requirements as laid down in Chapter 2 of the Law, the police shall undertake to inform the assembly participants by loudspeakers that the assembly is illegal, and its participants will have to assume the liabilities as set out by law. **As for peaceful assemblies, the police shall undertake to assist their participants within its competence.**

**From its very start, the electricity price hike protest action was peaceful and did not aim to violate the public order; hence the assembly did not aim to violently overthrow the constitutional order, stir up national, racial or religious hatred or incite violence or war; therefore, the police actions should have been aimed at assisting the assembly participants rather than dispersing them.**

On July 6, 2015, the RA Police issued a statement that it intended to restore the traffic on Baghramyan Avenue disrupted for almost 2 weeks by, among others, removing the things obstructing the traffic area of the Avenue. Once again, the Police considered the assembly illegal without any grounds.

**The Police dispersed the electricity price hike protest in violation of the RA Law on Freedom of Assembly since it failed to comply with the requirements of the provisions laid down by Law.**

The report was edited on September 4, 2015.



## **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 office in 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.