



HELSINKI CITIZENS ASSEMBLY VANADZOR

Annual report on cases of violation of human rights by the Police

(Summary of Mass Media Monitoring Results)

January-December 2016

NORWEGIAN HELSINKI COMMITTEE



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RA Law on Approving Disciplinary Code of RA Police

Article 10. Rules of Ethics for Police Officers

The rules of ethics for police officers shall be binding on police officers both during the performance of their official duties and beyond them

Police officers shall be aware of and respect human rights and freedoms, show restraint, polite, adequate and respectful treatment to citizens.

Methodology

This reference summarizes the cases of human rights violations by the RA Police officers during January-December, 2016.

To collect the cases of human rights violations by police officers, the Organization monitored 14 online mass media and the official websites of the RA Special Investigation Service and the RA Police.¹

The cases were identified and analyzed based on the information disseminated by the mass media, which are responsible for its credibility. The cases of human rights violations were listed in a chart pursuant to several criteria.

The identified cases were divided into 3 conditional groups: individual incidents, incidents occurred during assemblies or as a result of attending them, and alerts (cases of human rights violations, where the information on cases of breach is reported in the article by a third person /persons/). Here, assemblies include all the public events: demonstrations, sit-ins, marches, etc.

¹ Below are the monitored media outlets: www.aravot.am, www.arm.lur.am, www.gal.tv.am, www.azatutyun.am, www.1in.am, www.168.am, www.armtimes.am, www.hraparak.am, www.epress.am, www.lragir.am, www.ilur.am, www.news.am, www.hetq.am, www.a1plus.am, www.ccc.am, www.police.am

To ensure the objectivity of data, we have refrained from assumptions, and even if the overall context was related to assemblies, if the article did not specify the fact that the violation of human rights took place during an assembly or as a result of attending it, we categorized the case as individual.

In addition to the cases of illegal apprehension, all those cases, when a person was apprehended to the police station conventionally under the element of law, but was kept there more than 3 hours, as prescribed by the RA Criminal Procedure Code(Article 131¹)², were also deemed violation of the right to personal liberty and security in the reference.

The violations of human rights by the Police are presented as follows:

The violated human rights³ in 2016 comprised:

1. Right to freedom of movement;
2. Right to freedom of movement and choice of residence, right of citizen to register in his/her place of residence;
3. Right to liberty and security of person;
4. Right to respect for private and family life;
5. Right to be free from inhuman or degrading treatment;
6. Right to trade secret;
7. Right to health;
8. Right to a fair trial;
9. Right to freedom of expression;
10. Right to inviolability of home;
11. Right to inviolability of property;
12. Right to observation;
13. Right to vote
14. Right to legal aid;
15. Right to effective legal remedies;
16. Journalist's right to legitimate professional activities;
17. Right to freedom of peaceful and unarmed assembly;
18. Right to freedom of speech;
19. Right to be free from discrimination;
20. Right to confidentiality of correspondence, telephone conversations, postal, telegraph and other messages;
21. Right to receive information;

² See: RA Criminal Procedure Code. Available at <http://www.arlis.am/DocumentView.aspx?docid=68011>

³ See: Chart 3

22. Right to be free from physical violence;

This classification was made based on the RA Constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the violations due to obstruction of professional activities by persons performing journalists' functions in order to utmost clearly convey the purport of the human rights violations and bring it to light.

The computation on violated rights incorporates both cases of violation of specific rights, and cases coupled with breach of other rights.

Taking into account that while describing the public events following the seizure of the building of the RA Police Patrol-Guard Service Regiment by "Sasna Tsrer" ("Daredevils of Sassoun") group and the police actions, there is no accurate data about how many persons were apprehended on July 17, 2016, and summing up various mass media disseminations, pursuant to which, 100-200 persons were apprehended to the Police Internal Troops military units only on that day, we have estimated the average number of persons apprehended to the Police Internal Troops military units on July 17 as 150.

Pursuant to mass media publications, a great many people were detained in the Police Internal Troops military units more than 10 hours without food, water, they were prevented from making phone calls, receiving legal aid, proper medical aid, and were subjected to torture. In the view of these data, the case of persons apprehended to the Police Internal Troops military units on July 17, 2016, and their inability to refrain from physical violence, inhuman or degrading treatment, their right to legal aid and fair trial was considered as one case in this reference, whereas, the number of persons, who were denied not only their right to freedom due to illegal apprehension, but also the aforementioned rights, was in average estimated 75 (the average number of apprehended 150 people).

All of the violations of rights, personally reported to the mass media outlets by the victims or witnesses, were presented in separate cases.

Summary of cases on breach of human rights recorded in 2016

Foreword

40, 823, 825.3 AMD was allocated to the Police from the RA state budget in 2016, which exceeds the budget allocations of 2015 by 1,122,000 AMD (or by 2.8%) (39, 701,161.9 AMD).⁴ The wages and premiums of employees have also increased.⁵

The rate of crimes recorded in 2016 has parallelly increased. According to “Zhoghovurd” Daily, pursuant to the RA NSS computed data, the number of crimes recorded in January-October 2016 constituted 15, 461, which is by 1446 more as compared with the same timeframe of the last year. It is noteworthy that a double increase of crimes against the order of state power service and management has been officially recorded. During January-October of this year 2284 such crimes were recorded, which is by 1404 more as compared to the same timeframe of the last year.⁶

The growth of crime rate recorded by the Police suggests that the criminal situation in 2016 was quite tense. It is noteworthy that along with the growth of recorded cases of crimes, the police encroachments against citizens also increased.

How 2016 distinguished itself

The year of 2016 was unprecedented in terms of violation of human rights by the RA Police.

For instance, during the official visit of Pope Francis to the Republic of Armenia on June 25, 2016 the Police initiated “attack actions”. Particularly, at different hours of the day the police officers in plain clothes apprehended the supporters and persons sharing the thoughts of the Founding Parliament⁶, as well as journalists without any grounds by exerting violence against them.

That day the police officers openly displayed discrimination towards some activists preventing their participation in the ecumenical ceremony served by Pope Francis and Catholicos Karekin II in the Republic Square of Yerevan due to T-shirts with various imprints criticizing the activities of the authorities.

June 25, 2016 can be deemed as a “prelude” for July events. Namely, during July 17-30, 2016 period, when the members of "Sasna Tsrer" ("Daredevils of Sassoun") armed group seized the area of

⁴ See: Summary on state budget allocations to the RA Police for 2016, according to the articles of economic classification. Available at <http://www.police.am/news/view/tx2601.html> and Summary on 2016-2017 budget allocations to the RA Police, available at <http://www.police.am/news/view/f23012017.html>

⁵ See: Summary on state budget allocations to the RA Police for 2016, according to the articles of economic classification. Available at <http://www.police.am/news/view/tx2601.html> and Summary on 2016-2017 budget allocations to the RA Police, available at <http://www.police.am/news/view/f23012017.html>

⁶ See: RA Police fail to function as such(video), available at <http://arm.lur.am/622661/>

Patrol-Guard Service Regiment demanding Serzh Sargsyan's resignation and release of political prisoners, the Police "undertook" the RA citizens' ubiquitous breach of rights. Without any grounds or explanations activists, citizens, artists, even tourists were being apprehended not from the assemblies, but while walking in other parts of the city, from cafes, or driving their personal cars. Thus, the Police again took attack actions in an attempt to prevent citizens' participation in the demonstrations. The right of citizens to hold peaceful and unarmed assemblies was ubiquitously breached, physical violence was exerted against them, obscene language, degrading insults, threats, prosecutions were applied against them, the police officers even pointed guns at citizens, and excessively applied special means, including light and sound grenades.⁷ On those days Armenian-Canadian actress Arsinee Khanjian was apprehended. Even cases of abduction were recorded, when the Police took people to unknown directions, and their relatives could not for many hours get in touch with them, nor could they verify their whereabouts.⁸ As a result of the Police unlawful actions, only during July 17-30, 2016 period around 700 persons were apprehended (it should be noted as a comparison that during all 2015 the overall number of the apprehended during the assemblies or as a result of attending them totaled 380)⁹, various degrees of burns and physical injuries were inflicted on dozens of citizens, while an underage boy even lost his eye.¹⁰

Hundreds of citizens were taken to the Police Internal Troops military units, although there is no such legislative norm allowing the apprehension of a person to the area of the Police Internal Troops military units and detaining him/her there.

On July 29, 2016 the police officers applied explosives against the protestors in Sari Tagh district. Police officers in plain clothes, who openly acted on behalf of the police, also applied violence with batons and iron rods against the protestors in Sari Tagh, including the local residents. The police acts of violence continued in the houses and flats of Sari Tagh residents as well.

It is noteworthy that the Police officials targeted on journalists that day by throwing light and sound grenades in their direction, inflicting physical injuries and persecuting them, breaking cameras, confiscating them and illegally destroying the shot materials. In the aftermaths, only on that day 16 journalists and cameramen were subjected to physical violence and suffered from applied explosives. The mass media disseminations on police actions, and the journalists' testimonies give grounds to infer that the police officers had a previously tailored plan on using excessive and illegal force against the

⁷ See for instance: "What happened in Sari Tagh, video materials have been restored" (video). Available at <http://www.a1plus.am/1476116.html>

⁸ See for instance: "Feliks Khachatryan's whereabouts unknown". Available at <http://www.aravot.am/2016/07/17/716242/>

⁹ See: Everything mixed up, the number of victims among law-enforcers. Available at http://armtimes.com/hy/article/91273?fb_comment_id=923703391073344_926135557496794#f2d2f7901c89b14

¹⁰ See: "With injured eye, they still wanted to hit him with 'batons'" (video). Available at <http://www.aravot.am/2016/07/30/722014/>

protestors, therefore, they also attempted to obstruct the journalists' work, who were documenting their unlawful actions.

In general, 30 cases of impeding the journalists' work were recorded in 2016 (17 cases in 2015), which were accompanied by violence, jostling, swear words, snatching recording devices and damaging applied against the journalists.

The quite great number of citizens, who suffered from the unlawful actions of the Police, forced even the Police to publish different figures about the illegally apprehended persons in an attempt to conceal the volume of their unlawful actions. Thus, pursuant to the clarification posted on the official website of Police, 136 citizens were taken to the territorial divisions of the Yerevan City Department of the RA Police on suspicion of making threats of violence or using violence with and without danger to life or health against a representative of authorities.¹¹ In the meantime, in response to the inquiry of the "Union of Informed Citizens", the Police notified that 18 citizens were apprehended on July 21, 2016.¹²

The findings of the mass media monitoring suggest that pursuant to the official data, during the aforementioned two weeks 367 citizens were apprehended by the Police, while, according to the media disseminations and evidence from witnesses, as many as 675 citizens were apprehended.¹³

In 2016 the police officers displayed obviously selective and unpredictable behavior in the same situation, for instance, towards the parents of soldiers, who died in peacetime. Namely, they were prevented from standing on the pavement of Baghramyan 26 adjacent to the RA Presidential Palace even though the parents were not staging a protest action. It is noteworthy that in 2016 the Police twice allowed the same parents to stand with posters opposite the RA Presidential Palace, in the same place.¹⁴

In one instance, approaching to the embassy was obstructed, yet it was allowed to approach another one. On January 25, 2016 the actions of the protestors in front of the British Embassy were

¹¹ See: Clarification, available at <http://www.police.am/news/view/uyupqupuunuf210716.html>

¹² See: Everything mixed up, the number of victims among law-enforcers. Available at <http://armtimes.com/hy/article/91273>

¹³ See: Reference on Actions of Law Enforcement Agencies after Seizure of RA Police Patrol-Guard Service Regiment by 'Sasna Tsrer' Group, Available at <http://hcav.am/publications/03-08-2016-02/>

¹⁴ See: "On Serzh Sargsyan's birthday, black-clothed mothers were prohibited from approaching the gates of the Presidential Palace", available at <http://www.epress.am/2016/06/30/%D5%BD%D5%A5%D6%80%D5%AA-%D5%BD%D5%A1%D6%80%D5%A3%D5%BD%D5%B5%D5%A1%D5%B6%D5%AB-%D5%AE%D5%B6%D5%B6%D5%A4%D5%B5%D5%A1%D5%B6-%D6%85%D6%80%D5%A8-%D5%BD%D6%87%D5%A1%D5%A6%D5%A3%D5%A5%D5%BD%D5%BF-%D5%B4.html>

not impeded,¹⁵ whereas, on April 13, 2016 the citizens staging a protest in front of the RF Embassy were prohibited from approaching the building. Thus, the actions of the Police went unpredictable.

The behavior of RA Chief of Police Vladimir Gasparyan is noteworthy during the reporting period. During the first half of 2016 he was very active and stood out with his special communication skills and breach of rules of ethics for police officers. In particular, on January 28, Vladimir Gasparyan, Chief of the RA Police, who visited Yerablur Pantheon on the Armenian Army Day, responded as follows to journalists' questions on the challenges of the police: "You are primitive."

The next incident occurred on April 24 in Tsitsernakaberd Genocide memorial complex. In response to the observation on the part of the journalists that the police did not improve, the RA Chief of Police said, "This a matter of vision, hearing and understanding; the police has changed and in fact it has changed dramatically, just some people want to see it and some others don't want...". Also he advised the journalists "...improve yourselves, my dear friends, you are too old, you remained old, you're getting yellow, you're fading."¹⁶

And in response to the observation below by Siranuysh Papyan, journalist at a1plus.am: "We don't see your reforms", Gasparyan answered, "And I don't see a woman in you"¹⁷

On April 25, 2016 the Headquarters of "Nor Hayastan" (New Armenia) Public Salvation Front issued a statement which particularly read that on April 24 in Tsitsernakaberd memorial complex, the RA Chief of Police talked to Gagik Yeghiazaryan, a member of "Nor Hayastan" Public Salvation Front, not only in a language of threat, but also "used phrases falling short of the moral standards."¹⁸

It should be pointed out that unlike the 1st half of 2016, Vladimir Gasparyan almost did not appear "on the stage" in the 2nd half, which seems rather strange in the context of July events and relevant police actions back those days.

Deputy Chief of the RA Police Levon Yeranosyan distinguished himself in the 2nd half of 2016. First, while dispersing the protestors staging a demonstration in Tigran Mets Avenue, Deputy Chief of the RA Police Levon Yeranosyan used obscene language in the address of a sick boy during the latter's

¹⁵ See: UK ambassador to Armenia does not eat caviar, she is vegetarian. Available at <https://news.am/arm/news/308095.html>

¹⁶ See: "I don't see a woman in you" Chief of Police at Tsitsernakaberd Monument Complex, a1plus.am, available at <http://168.am/2016/04/24/628217.html>

¹⁷ See: "I don't see a woman in you" Chief of Police at Tsitsernakaberd Monument Complex, a1plus.am, available at <http://168.am/2016/04/24/628217.html>

¹⁸ See: "Incident at Tsitsernakaberd Monument Complex between Vladimir Gasparyan and 'Nor Hayastan' member", available at <http://www.lin.am/1899235.html>

apprehension¹⁹, while in another case Police Deputy Chief Levon Yeranosyan uttered swear words of sexual nature in the address of “Heritage” faction MP Zaruhi Postanjyan.²⁰

2016 and 2015

During the reporting period covering the timeline of January-December, 2016 338 incidents of breach of human rights by the police officers were recorded. (Chart 1)

Chart 1. Incidents of human rights violations by police officers in 2015 and 2016.

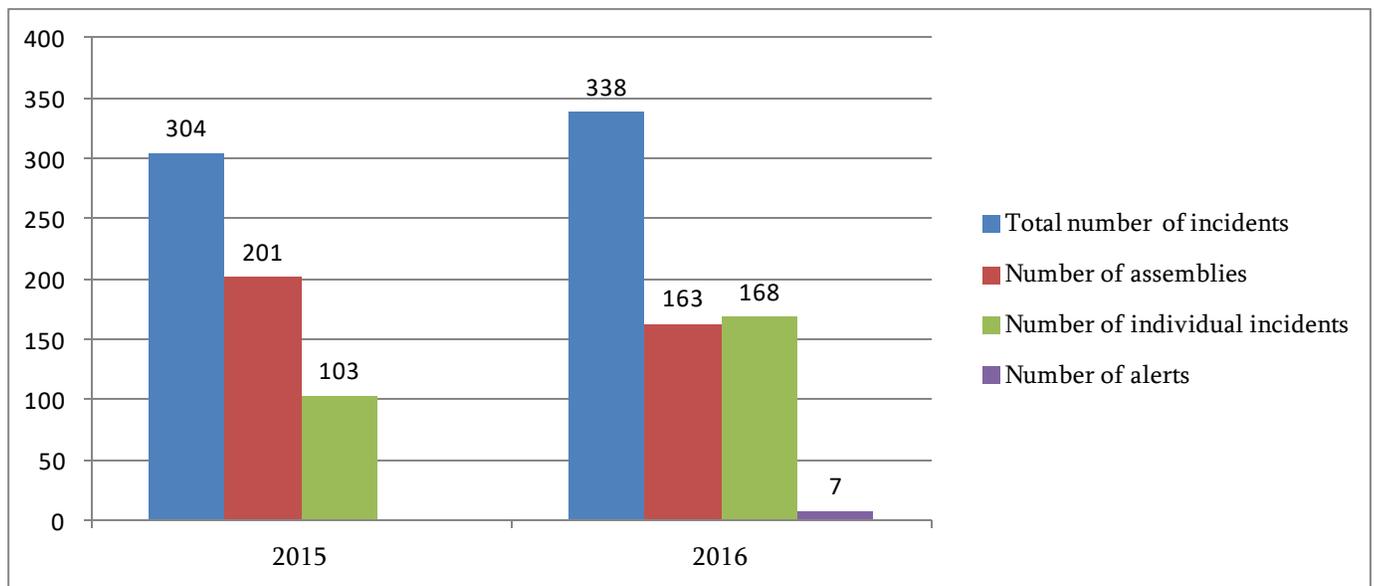


Chart 1 shows that the number of human rights violations in 2016 has increased by 34 (with 11.18%) as compared to 2015. Interestingly, 52.7% (178 incidents) of the aforementioned incidents were recorded during July 17-30 period of 2016.

163 out of 338 incidents that led to the violation of human rights occurred during assemblies or as a result of attending them. The figure has dropped by 38 (18.9%) as compared with that of the previous year, however, this decrease is actually conventional and does not necessarily mean that the police officers respected the citizens’ right to freedom of peaceful and unarmed assembly. On the contrary, especially during July 17-30 period of 2016, the police officials stood out with their aggressive actions, they initiated a “human hunting” in the city of Yerevan and throughout the whole territory of the republic in an effort to prevent their potential participation in public events. The rate growth of individual incidents also hints on the increase of aggressiveness in the police working style. In particular, 168 individual incidents resulting in violations of human rights

¹⁹ See: Deputy Chief of the RA Police insults the sick boy during the apprehension (video). Available at <http://www.a1plus.am/1474266.html>

²⁰ See: “Levon Yeranosyan swore and ordered to throw a grenade at journalists, and another one was thrown in my direction”, Postanjyan. Available at <http://www.aravot.am/2016/08/08/724582/>

were recorded in 2016. As compared with 2015 figures (103 incidents) the rate has increased by 65 (38.7%).

In the meantime, the number of human rights violations and that of the incidents, which entailed the violation of two or more human rights, has increased. If back in 2015 18 human rights were violated due to police actions,²¹ (15 human rights were breached during individual cases and 13 human rights during assemblies), then in 2016 22 rights (21 human rights were breached during individual cases, 15 human rights during assemblies and 9 human rights based on alerts) were violated (Chart 2 and 3).

²¹ See: Situation of Human Rights Violations by the Police according to 2015 Media Monitoring Results, Reference, Helsinki Citizens' Assembly Vanadzor, available at <http://hcav.am/publications/29-01-2016-03/>

Chart 2. The violated human rights in 2015 according to number

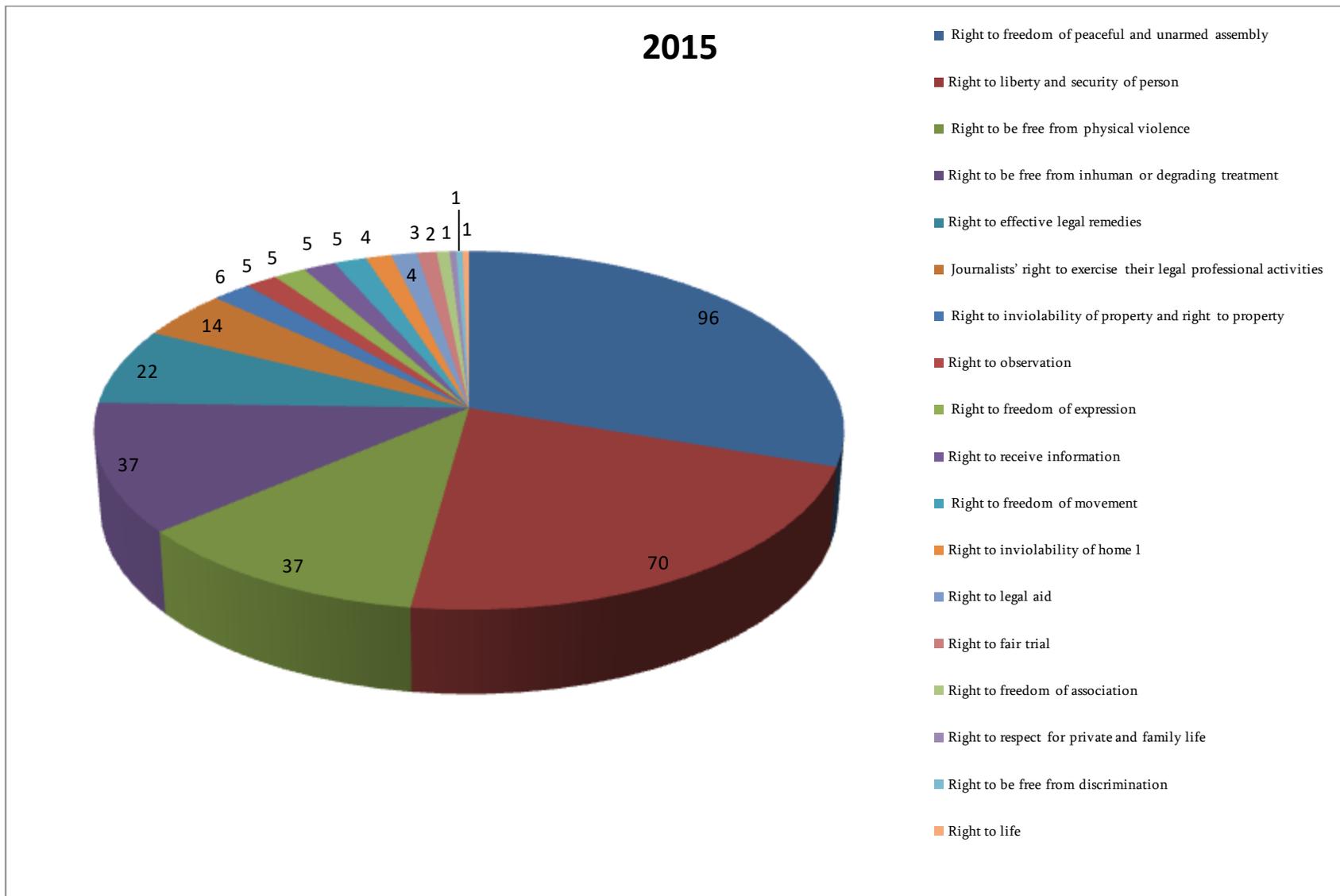
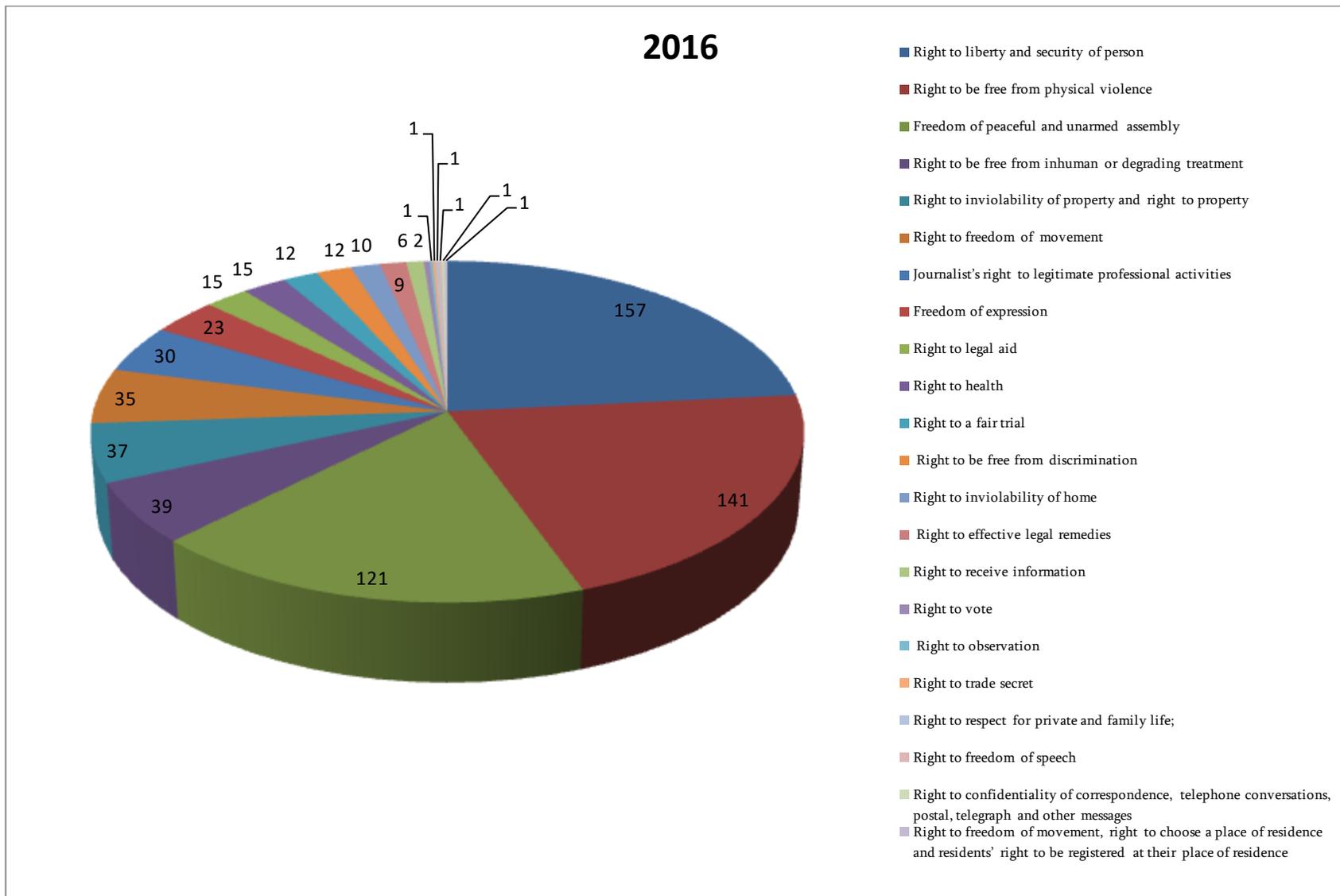


Chart 3. The violated human rights in 2016 according to number



In 2016, like 2015, the right to freedom of peaceful and unarmed assembly, the right to liberty and security of person, the right to be free from discrimination were breached in greater numbers with a recorded drastic increase. As mentioned before, 30 cases of breach of journalists' rights were recorded, 24 (80%) of which during July 17-30 period of 2016.

During 2016 as a result of 132 (or 39.3%) out of 338 incidents leading to the violation of human rights, 1 human right was breached, in case of 109 (or 32.5%) 2 human rights were meantime breached, in case of 74 (or 21.3%) 3 human rights, in case of 13 (or 3.85%) 4 human rights were simultaneously violated, while in case of 9 incidents 5 human rights, and in 1 incident 6 human rights were simultaneously violated. It is noteworthy that throughout 2015 in case of all of the incidents leading to the violation of human rights, only 2 human rights were breached at the same time (10 such cases were recorded in 2015).²²

During the mass media monitoring in 2016 20 incidents were also recorded (5 such incidents were recorded in 2015), when police officers in plain clothes carried out actions during the assemblies. For instance, as shown in some mass media footages, persons in plain clothes take clubs from the police officials and give them orders,²³ or freely pass through the police wall²⁴, whereas Article 12 of the RA law on Police stipulates, "Police officers shall, while ensuring public order, be obliged to wear a uniform of specified form whereon a distinctive emblem enabling personal identification of police officers shall be fixed in a visible place".

Summing up the data on the breach of human rights by the police officers in 2016, we can infer that,

1. As compared with 2015, the number of incidents entailing breach of human rights has increased by 10%.
2. The number of types of human rights violated by the police has increased, totaling 22 human rights (18 types of rights in 2015).
3. As compared with 2015, the number of incidents, during which 2 or more human rights were simultaneously breached totaling 60.9% of the incidents (206 incidents), has increased. In 2015 10 out of 304 incidents were recorded when 2 human rights were simultaneously breached.

²² See: Situation of Human Rights Violations by the Police according to 2015 Media Monitoring Results, Reference, Helsinki Citizens' Assembly Vanadzor, available at <http://hcav.am/publications/29-01-2016-03/>

²³ See: Police attack in Sari Tagh, available at <https://www.youtube.com/watch?v=Risy6YI3taU>

²⁴ See: What pills the police officers in plain clothes take before the attack (video). Available at <http://araratnews.am/inch-haber-en-ehndunum-khaghakhaciakan-hagustov-ostikannereh-grohic-araj-tesanyuth/>

4. As compared with 2015, the number of violations of the right to liberty and security of person, the right to be free from physical violence, the right to freedom of peaceful and unarmed assembly has drastically increased.
5. The Police have adopted the policy of “attack actions”: not only persons engaged in civic activism but also common citizens, who are not part of any public event and are located far from the site of public events, are being apprehended without any proper grounds.
6. The apprehension of citizens to places not designated for detention and keeping them there.
7. Excessive application of special means in a dangerous manner for the society.
8. The Police display unpredictable conduct in the same situations.
9. The Police Chief and Deputy Chief publicly violated the rules of ethics for police officials that was coupled with swear words, degrading expressions, and mocking towards the journalists and citizens.
10. The Police carry out planned targeting of journalists with an aim to impede their professional activities.
11. The police officers carry out their service duties during public events in plain clothes.