

ARMENIA

REPUBLIC OF ARMENIA

Head of state: Robert Kocharian

Head of government: Andranik Makarian (replaced Aram Sarkisian in May)

Capital: Yerevan

Population: 3.5 million

Official language: Armenian

Death penalty: retentionist

Reports of torture and ill-treatment continued, amid allegations that the authorities were often reluctant to investigate them thoroughly and impartially. Among those who complained of torture were a number of political prisoners who also reported other violations of their right to a fair trial. The authorities continued to imprison conscientious objectors to military service. At least two death sentences were passed during 2000, and around 30 men were under sentence of death at the end of the year, although the moratorium on executions continued.

Background

The political situation remained volatile, in the wake of the October 1999 assassinations of the Prime Minister and the Speaker of Parliament. In May President Kocharian dismissed the prime minister, appointing Andranik Makarian in his place, and made other ministerial changes. In October the Constitutional Court reinstated the parliamentary speaker, following disputes over a parliamentary vote on his resignation the previous month.

Torture/ill-treatment

Reports of torture and ill-treatment in custody continued, together with complaints about brutal treatment, known as "hazing", of army conscripts. As in previous years, there were persistent allegations that law enforcement officials subjected people to torture and ill-treatment in order to obtain confessions and coerce testimony, and that in some cases the authorities appeared reluctant to conduct prompt and comprehensive investigations, or to initiate proceedings against those alleged to be responsible.

Among those alleging torture were several men detained in connection with an armed attack in the Armenian parliament in October 1999, which left eight men dead. Journalist Nairi Badalian, for example, reported that he had been subjected to sustained torture and ill-treatment at the hands of law enforcement officials in the Nurabashen investigation-isolation prison in Yerevan. He said he had been made to stand outside in freezing temperatures in the winter without warm clothing; doused with water; chained to a metal chair while some 10 people beat him, knocking out some of his teeth; and made to stand against a wall for extended periods of time without sleep. He also reported that officials had

threatened to rape his wife and sister. He was eventually released on 3 June, and all charges against him were dropped.

Nairi Unanian, the alleged leader of the attack, also stated that he had been tortured. In May he withdrew his testimony, including that which implicated some of the other accused, on the grounds that it had been extracted under duress. Charges against him included some which carry a maximum sentence of death.

UN Committee on the Rights of the Child

In January the UN Committee on the Rights of the Child reviewed Armenia's initial report on the steps the authorities had taken to implement the UN Children's Convention, to which Armenia became a party in 1993. Among the Committee's main concerns was Armenia's failure to acknowledge and address domestic violence. The Committee expressed its concern at the ill-treatment of children, including sexual abuse, within the family as well as in schools and institutions. The Committee was further concerned at the limited access to complaints mechanisms and the insufficient rehabilitation measures for children in such situations. It recommended that Armenia ensure that all forms of physical and mental violence are prohibited, including corporal punishment and sexual abuse against children in the family, schools and care institutions, and that mechanisms be established to receive complaints, as well as to monitor, investigate and prosecute instances of ill-treatment.

UN Committee against Torture

In November the Committee reviewed Armenia's second periodic report under the UN Convention against Torture. AI had submitted its own report to the Committee, detailing its concerns. The Committee's recommendations included: detainees should be guaranteed immediate access to their lawyer, family members and a doctor of their choice; Armenia should establish an effective and genuinely independent system of inspection of all places of detention; and officials should carry out prompt, independent investigations into allegations of hazing in the army (and institute proceedings when such allegations are upheld). The Committee welcomed the stated willingness of Armenia to establish an ombudsperson, and the moratorium on the death penalty. However, the Committee noted that the uncertain situation of those currently on death row pending abolition appeared to amount to cruel and inhuman treatment.

Membership of the Council of Europe

Armenia's application to join the Council of Europe was reviewed in June. Membership was recommended provided Armenia fulfilled a number of commitments. These included ratifying the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment within a year of accession; adopting the draft Criminal Code within a year of accession, thus abolishing the death penalty and decriminalizing consensual homosexual relations between adult males; and adopting, within three years of accession, a law on an alternative to compulsory military service in

compliance with European standards. In the meantime, Armenia pledged to pardon all imprisoned conscientious objectors. A formal invitation of membership was issued in November, with Armenia expected to join early in 2001.

Prisoners of conscience

There was no sign during 2000 of Armenia acting in the spirit of its Council of Europe commitments with regard to conscientious objectors to compulsory military service. At least 16 young men were reportedly sentenced to prison terms for refusing to perform military service on religious grounds. They included one man sent to serve a second prison term on these grounds, and at least 12 sentenced after the recommendations on Council of Europe membership had been issued in June.

☞ Vitaly Usupov, a Jehovah's Witness, refused his call-up papers on religious grounds but was forcibly conscripted into a military unit. He continued to refuse to perform military service, and as a result was reportedly beaten by military personnel in the unit. He was sentenced by a court in Vanadzor on 17 March to four-and-a-half years' imprisonment, for "evading military service" under Article 257a of the Armenian Criminal Code. It was further alleged that Vitaly Usupov, an ethnic Kurd, was not provided with an interpreter during his trial as specified under Armenian law.

The death penalty

By the end of 2000 the draft new criminal code, under which the death penalty would be replaced by a maximum sentence of life imprisonment, had still not finally passed into law, although it had had its first parliamentary reading in April 1997. At least two death sentences were passed during the year. Armen Ter-Sahakian and Alik Grigorian were sentenced to death in June by a court in Yerevan. They were convicted of involvement in murdering a number of people regarded as opponents of those in power at the time. There were no executions.

AI country report

- Armenia: Torture and ill-treatment – Comments on the forthcoming review by the United Nations Committee against Torture (AI Index: EUR 54/002/2000)