



Arman Babajanian (far right), editor-in-chief of the oppositional *Jamanak Yerevan* newspaper, defending himself during a trial against him. © Photolur

In its 2006 *Freedom in the World* report, Freedom House rated Armenia as being “partly free.”<sup>1</sup> The status of political rights in the country was given a score of 5, and the status of civil liberties a score of 4, on a scale from 1 (highest degree) to 7 (lowest degree). The report concluded that “Armenians cannot change government democratically.”

At the end of the year, the government had yet to implement the recommendations made by the Parliamentary Assembly of the Council of Europe in resolutions 1361,<sup>2</sup> 1374<sup>3</sup> and 1405<sup>4</sup>, all of which were adopted in 2004. These resolutions addressed a number of major human rights concerns, including the use of force to disperse peaceful demonstrations in 2004, the continued assault on journalists and human rights defenders, flaws related to the conduct of the presidential and parliamentary elections in 2003, as well as various amendments required to be bring national legislation in line with international standards.

Despite continued efforts by the international community to promote a peaceful settlement of the Nagorno Karabakh conflict, there was no concrete progress in 2006. In an interview given to pro-governmental media on 15 December, President Robert Kocharyan said that no resolution of the conflict should be expected prior to the May 2007 parliamentary elections since an agreement could be “used adversely” by the political opposition. In light of this, the Helsinki Association of Armenia deemed it unlikely that any steps forward would actually be taken before the March 2008 presidential elections.

In July, the National Assembly approved an amnesty on the occasion of the 15<sup>th</sup> anniversary of the Republic of Armenia. As a result of this amnesty, more than 300 convicts were released and about 400 had their sentences reduced, however, it was not applied to political prisoner. The last previous mass amnesty was implemented in 2001.

On 31 May, the National Assembly ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which entered into force on 22 June.

### **Right to liberty, torture and inhuman treatment**

#### *Psychiatric institutions*

The 2004 Law "On Psychiatric Service," which did not correspond to relevant international standards, regulated psychiatric treatment. A main concern of this law was its provisions on compulsory treatment. According to article 23 of the law, "no one can be hospitalized without his/her wish." However, while the hospital administration was obliged to apply to court for permission to use compulsory treatment, patients could not leave the hospital until the court had made its decision or – subsequently – appeal this decision. It also appeared that patients did not have access to a legal counsel to help with their cases, nor were any cases of appeal known to have taken place.

During the year the Helsinki Association released a report documenting the findings of its monitoring work of psychiatric institutions. As described by the report, most psychiatric institutions were housed in dilapidated buildings in need of reconstruction and repair. While little daylight came in through the windows of the institutions because of large iron blinds, artificial light was also inadequate. Hygiene was poor: there were rare opportunities for patients to take showers (typically once in 7-10 days), unclean bedding was used and toilets consisted of holes in the floor. Food was poor and scarce, few – if any – activities for patients were organized, and patients did not have access to a telephone. Neither patients nor their relatives were duly informed about the treatment employed.

#### *Torture and ill-treatment in police facilities<sup>5</sup>*

While civil monitoring groups had access to other places of detention, no access was granted to detention facilities in police stations where most cases of ill-treatment and torture occurred. Such practices were facilitated by the fact that detainees were not properly registered and their status remained unclear.

About 60% of the prisoners interviewed by another civil monitoring group that visited penitentiaries (see below) claimed that they had been beaten at the time of arrest or during interrogation at police stations. However, their injuries were recorded either only superficially or not at all.

#### **Prison conditions<sup>6</sup>**

In a report on its findings from prison monitoring in 2005, a civil prison monitoring group<sup>7</sup> reported unacceptable conditions in Armenian prisons and especially in the Yerevan-Kentron facility.

With a couple of exceptions, the quality of food in penal institutions was unsatisfactory and conditions in prison kitchens unsanitary. Medical care was inadequate, with centers understaffed and medicines and medical equipment in short supply.

During an unannounced visit to the Goris penal institution, the monitoring team detected that a "special action" by police troops had been carried out just a week earlier, subjecting inmates to cruel and inhuman treatment.

◆ On 29 April, a "special action" by Interior Ministry troops occurred when they conducted a massive search in all cells of the Goris facility. After all inmates had been handcuffed and taken out of their cells, the searchers messed the cells and took with them the inmates' personal belongings such as pictures of family members, documents, clothes and hygienic articles, and cigarettes. The "action" was

accompanied by violence: at least five inmates were subjected to cruel beatings with rubber batons, kicks, and electroshocks. At least three reportedly lost conscience. Some inmates bore physical traces of abuse still a week after the incident. No medical assistance was given to them and their injuries were not officially registered. Three victims were placed in punishment cells and staged a hunger strike to protest the violence and degrading treatment. According to the head of the institution, the "action" was prompted by an argument between a convict and an investigator from the military prosecutor's office.

With regard to the Yerevan-Kentron facility, which is located in the building of the Armenian National Security Service (NSS), the monitoring team noted that it remained unclear under which legal regulations its detainees were held. The team stated however that its impression was that the inmates were detained on criminal charges but with underlying political motives (including opposition representatives that took part in anti-governmental rallies in April 2004), some were foreign nationals, and others high-profile criminal cases. Although officially under the jurisdiction of the Ministry of Justice, the facility in reality operated as a detention facility of the NSS.

In Yerevan-Kentron, the prisoners' communication with the outside world was severely restricted: they were almost fully denied access to phones; their right to private correspondence was not respected; and they could read only a small selection of newspapers. Foreign nationals were not informed about their rights in a language that they could understand. In addition, inmates and their legal counsels suspected that their conversations were eavesdropped on.

## Freedom of expression and free media

### *Media landscape*

While numerous oppositional print media outlets continued to operate, all electronic media were controlled either by the state or private persons loyal to the authorities. Despite calls from the Council of Europe and other international organizations, the *A1+* and *Noyan Tapan* TV stations, which were forced off air in 2002, were not granted new broadcasting licenses.

The constitutional amendments adopted in 2005 increased the independence of the National Commission on Television and Radio (NCTR), the body in charge of issuing and revoking broadcasting licenses, by giving parliament the power to appoint half of the members and the president the power to appoint the other half (previously all members were appointed by the president). This provision, will, however, only be applied in six years' time since the incumbent members of the NCTR were granted the right to stay in office until the end of their terms.

### *Attacks on journalists*

Independent journalists were intimidated, physically assaulted, arrested and prosecuted on political grounds. The authorities failed to ensure the security of journalists and bring to justice those responsible for attacks on journalists. For example:

◆ On 30 January, at daytime, unknown individuals stabbed David Jalalayn, a journalist working for the oppositional *Haykakan Jamanak* newspaper. The general prosecutor initiated criminal proceedings into the incident, but the proceedings were discontinued two months later.

◆ On 23 May, Taguhi Tovmassyan, a journalist with the independent *Iravunk* weekly was verbally abused and threatened in the lobby of the parliament building by National Assembly deputy Aleksandr Sarkisyan, who is the brother of Minister

of Defense Serj Sarkisyan. No criminal proceedings were initiated.

◆ In the morning of 26 June, Arman Babajanyan, editor-in-chief of the oppositional *Jamanak Yerevan* newspaper was arrested in his office for allegedly evading military service. He was subsequently sentenced to four years in prison on those grounds, but the sentence was reduced to 3.5 years on appeal. The charges against Babajanyan were related to his absence from Armenia in 2000-2006, during which time he avoided enlistment. However, by law, those who have escaped military conscription by leaving Armenia can pay a fine and so avoid criminal liability. The Helsinki Association was not aware of any other case when this provision had not been applied.

◆ In the evening of 12 July, Gagik Shamsyan, a journalist with the oppositional *Jorord Ishkanutyun* newspaper, was assaulted by a group of persons led by the brother of the head of the Nubarashen district of Yerevan. Prior to the incident, Shamsyan had written an article alleging that one of the relatives of this district head had been involved in a bank robbery. A criminal investigation was opened into the assault, but was suspended without results. Instead Shamsyan was charged with extortion. The trial had not started by the end of 2006. On 8 August, police officers had searched his apartment without warrant, confiscated his passport and professional equipment, and sealed off the apartment, preventing Shamsyan from entering it.

◆ In the morning of 6 September unknown persons assaulted and beat Hovhannes Galajan, editor of the *Iravunk* newspaper. A criminal investigation was initiated but was subsequently discontinued.

### **Harassment of members of the political opposition**

Opposition politicians were also vulnerable to intimidation and attacks.

◆ On the morning of 8 October, two unidentified individuals assaulted Suren Abrahamyan, a member of the oppositional Republican Party. The perpetrators knocked him to the ground, and told him to “go and apologize.” Prior to the incident, Abrahamyan had alleged that Prime Minister Andranik Markaryan had ties to the criminal world. An investigation into the case was initiated.

◆ On 7 December, two unidentified persons assaulted and beat Harutyun Arakelyan, leader of the oppositional Ramkavar Azatakan (Liberal Democratic) Party. Eye witnesses reported that the assailants had been waiting for Azatakan by the party office several hours prior to the attack. The case was under investigation at year’s end.

### **Conscientious objection**

New groups of Jehovah Witnesses were arrested and imprisoned because of their conscientious objection to military service. As of the year’s end, 40 persons had been convicted since the beginning of the year, while another six were awaiting trial.

### **Non-discrimination<sup>8</sup>**

Since 2001, basing on Order No. 378 by the minister of defense, homosexuality has been considered an illness and homosexuals unfit for military service despite the fact that homosexuality is not officially a reason for exemption from military service.

Many homosexuals voluntarily identified themselves as gay and asked to be exempted from service, because they feared that, after “outing” themselves, they would become targets of violence in the army, and be isolated from others servicemen (for instance, others would not greet them, have meals together with them, etc.). Yet, there were also cases in which military draft offices sent individuals claiming to be homosexual to psychiatric institutions, which subsequently issued medical certificates stating that these individuals were “mentally disordered” and thereby exempted from military service.

Homosexuals were also subjected to violence solely on grounds of their sexual orientation.

◆ On 22 January, a group of homosexual men was assaulted by officers guarding the French embassy in a park located close to the Italian and French embassies in Yerevan. The guards beat the individuals with batons. No investigations were initiated into the case.

### SOURCES FOR FURTHER INFORMATION:

- ◆ Armenian Helsinki Association
- ◆ Helsinki Committee of Armenia, at [www.armhels.org](http://www.armhels.org)

#### *Other organizations:*

- ◆ Civil Society Institute, at [www.hra.am](http://www.hra.am)
- ◆ Internews, at [www.internews.am/index.asp](http://www.internews.am/index.asp)
- ◆ Helsinki Citizens' Assembly - Vanadzor Office, at [www.hcav.am/site/index.html](http://www.hcav.am/site/index.html)
- ◆ Investigative Journalists of Armenia, at [www.hetq.am/eng/](http://www.hetq.am/eng/)
- ◆ Women's Rights Center, at [www.spyur.am/wrc.htm](http://www.spyur.am/wrc.htm)
- ◆ Yerevan Press Club, at [www.ypc.am/eng/](http://www.ypc.am/eng/)

#### *Publications:*

- ◆ Helsinki Committee of Armenia, *Observer: Human Rights in Armenia ("Ditord")*, journal on human rights, at [www.armhels.org](http://www.armhels.org)

### Endnotes

- <sup>1</sup> The Freedom House report is available at [www.freedomhouse.org/template.cfm?page=22&year=2006&country=6912](http://www.freedomhouse.org/template.cfm?page=22&year=2006&country=6912)
- <sup>2</sup> *Honouring of obligations and commitments by Armenia*, (1362/2004), at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/documents/adoptedtext/ta04/eres1361.htm>.
- <sup>3</sup> *Honouring of obligations and commitments by Armenia*, (1374/2004), at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/documents/adoptedtext/ta04/eres1374.htm>.
- <sup>4</sup> *Implementation of Resolutions 1361 (2004) and 1374 (2004) on the honouring of obligations and commitments by Armenia*, (1405/2004), at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/asp/search/pasearch.asp>.
- <sup>5</sup> Based on *Human Rights in Armenia: Armenian Helsinki Committee Annual Report 2006*, January 2007.

- <sup>6</sup> Based on *Human Rights in Armenia: Armenian Helsinki Committee Annual Report 2006*, January 2007.
- <sup>7</sup> The group was set up on 14 May 2004 on the basis of article 47 of the “Law on Holding the Detained and Arrested Persons” for the purpose of monitoring conditions in penitentiaries under the Ministry of Justice. The group was empowered to make unimpeded and unannounced visits to penal institutions, granted access to various documents, including prisoners’ personal records with their consent, and to meet with prisoners.
- <sup>8</sup> Based on information from the Armenian Helsinki Association and the Armenian Helsinki Committee, January 2007.