



Helsinki Association

**Helsinki Association's 2011
Report on the Condition of Human Rights
In the Republic of Armenia**

Volume I

**YEREVAN
2012**



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* www.hahr.am



The Helsinki Association presents its annual report for 2011, regarding human rights conditions in Armenia, which proves that the state authorities in Armenia continue to violate the human rights and fundamental freedoms which are protected by the Constitution of the Republic of Armenia (henceforth RA), laws and international treaties and documents, to which the Republic of Armenia is a signatory. Despite the fact that some personnel changes took place within the structures entrusted with the protection of human rights during the year (2011), there were no qualitative changes for human rights protection associated with these state structures.

On February 1, Armen Harutyunyan, Ombudsman of the RA for Human Rights Protection presented his resignation to the National Assembly [parliament]. The coalition government then nominated Karen Andreasyan from its own ranks for the position of Human Rights Defender who, with 83 votes for and 13 votes against, was elected to the position of Human Rights Ombudsman of the RA.

On November 1, President Serzh Sargsyan signed a decree dismissing Alik Sargsyan, the Chief of Police. The president, through another presidential decree, assigned Lieutenant-General Vladimir Gasparyan, deputy minister of defense, to the position of chief of police.

In 2011, large-scale protest actions resumed by the opposition forces of the Armenian National Congress (ANC) and the “Heritage” (Zharangutyun) party, led by Raffi Hovannisian. Moreover, on Thursdays, protest actions were held in front of the government center regarding killings that took place within the army. The actions were being organized by the soldiers' relatives and by various human rights activists that had joined them later, under an initiative called “the army factually.” On May 20 President Sargsyan proposed a general amnesty on the occasion of the 20th anniversary



of the independence of Armenia. On May 26, the parliament passed the general amnesty law with a vote of 91 for and 1 abstaining. The proceedings to set prisoners free and shorten sentences lasted from May 27 to September 21 and involved those who had committed crimes until May 1, 2011. The Helsinki Association finds that the decision for a general amnesty was taken due to pressure exerted through the international community, which targeted specifically those who were imprisoned as a result of the March 1 [2008] events. As of September 21, 590 convicts have been released from the penal institutions of the Ministry of Justice, while the sentences of 424 others have been reduced.

Despite the amnesty, prison sentences continue to be a significant problem. The Helsinki Association notes that persons in prisons are being subjected to torture as well as inhuman and degrading treatment.

According to data provided by the religious organization The Jehovah's Witnesses, as of January 2012, 58 of the organization's [Jehovah's Witnesses] members are still imprisoned in the penal institutions because they have refused to serve in the armed forces due to their religious beliefs. The Helsinki Association qualifies these people as prisoners of conscience. The Helsinki Association considers the ANC activist Tigran Arakelyan, as a prisoner of conscience. The political persecution of those businessmen who do not cooperate with the authorities continues as well. The best example in this regard is the bankruptcy of Yukos International Ltd. in the Russian Federation (RF) and the continuing political persecution of Yukos' representative in the RA, Armen Mikayelyan.



In a number of reports released in 2011 by The Freedom House ¹ and the Human Rights Watch, ² the condition of human rights in Armenia is represented as hopeless and with no possibilities for progress in the future.

On May 9, the Council of Europe's Human Rights Commissioner, Thomas Hammarberg has published his report on Armenia, where he stresses that the use of force by the authorities during the March 1–2, 2008 events was “disproportionate.” As to what concerns the legal procedures to uncover the circumstances of the killing of the 10 victims of the event it was deemed to be “ineffective.”

On October 5, during the 33rd session of the Council of Europe's Parliamentary Assembly, Resolution No. 1837 was adopted, which, the Helsinki Association does not view as portraying the current conditions of human rights in the RA in an objective manner—which in turn allows the authorities to continue their illegal policies unabated.

Despite the legislative changes for the sake of reforms as proclaimed by the authorities, the courts continue to be corrupt and remain in a dependent condition. The principle of the separation of powers is being violated, while judges and prosecutors are implementing the commands of the authorities.

The army continues to be a criminal and corrupt system. Special attention must be given to the fact that the majority of conscripted soldiers continue their service in the Nagorno Karabagh Republic (NKR).

Changes were made in the RA Electoral Code, according to which, article 31 of the rectified code states that registered members of non-governmental organizations (NGOs) can carry on

¹ <http://freedomhouse.org/country/armenia>

² <http://www.hrw.org/europecentral-asia/armenia>



observation missions, “if they have the qualification certificate or can act as such according to their qualifications.”³

On March 15 the U.S. Embassy posthumously awarded the prize of “Valiant Woman” to Amalia Kostanyan who was the president of the anti-corruption organization “Transparency international.”

On June 15 the “A1 +” website was awarded the Fritt Ord Press Prize for 2011 for its contributions in strengthening the freedom of the press.

³Electoral Code, article 31, section 1



The [Human Rights] Advocates



The law of the RA regarding “Social Organizations” regulates associations, joining with other persons, and becoming a member(s) of such organizations. This is an exercise that is fundamental for the constitutional rights of individuals as prescribed in the RA Constitution regarding the establishment, workings, reorganization and the liquidation of such social organizations. The Law does not provide for any restriction regarding the formation of organizations dealing with human rights, if the goals of the latter do not contradict with the Constitution and the legislation regulating the sphere of public organizations. The state registration of social organizations is also regulated and protected by the RA laws, especially the laws pertaining to “social organizations” and “State Taxes.” The right to freely associate with other national and international organizations is also envisaged by the law.

The law “Regarding Human Rights Defender” was adopted on October 21, 2003.

On February 1, 2011, the RA Human Rights Ombudsman, Armen Harutyunyan presented his resignation to the president of the parliament, after accepting the position of the UN High Commissioner’s Regional Representative for Human Rights in Central Asia. With a vote of 83 “for” and 13 “against,” Karen Anderyasyan, the candidate of the governmental coalition, was elected as the new Human Rights Defender of the RA.

According to Article 3.1 of the law “Regarding Human Rights Defender” the position “can be filled by any person over the age of 25, who is highly regarded within the society at large, and who has been a citizen of the RA for 5 years and is a permanent resident of the RA, and possesses



full electing rights.” The Helsinki Association observes that this article has a very “unclear” formulation.

On March 10, 2011, in Geneva, the UN Special Rapporteur on Human Rights Defenders, Margaret Sekaggya, during the 16th session of the UN Human Rights Committee, presented a report on Armenia,⁴ where she specifically underlined the challenges that human rights defenders in Armenia face during the dispensation of their lawful activities.⁵ The report indicates that the March 2008 events have contributed to the formation of a highly politicized environment, which hinders constructive cooperation between the human rights Ombudsman and human rights activists. Other challenges include restrictions on freedom of association, constraints on freedom of assembly, restrictions on freedom of speech in cases of violence and persecution against human rights defenders.

The reading of the report was followed by a response from the Representative of the RA, who stated that Armenia welcomes the report. In his speech, the RA representative underlined that the social organizations [in the RA] have all the capacity to get involved in advocating changes to the legislation and that in general, the Armenian authorities highly appreciate the role of social organizations.

Joining in the presentation of UN human rights Special Rapporteur Margaret Sekaggya’s report

⁴ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/179/19/PDF/G1017919.pdf?OpenElement>

⁵ On June 14-18, 2010, UN special rapporteur on human rights defenders, Margaret Sekaggya, During her visit to Armenia, she presented a number of proposals, in particular, the role and importance of human rights defenders in a democratic society, and the necessity of publicly adopting such a system. The Special Rapporteur expressed her concern for human rights defenders, violence against journalists and harassment cases and noted that such events show the existence of a culture of impunity for people who act against such a system in Armenia.



were members of the South Caucasus Network of Human Rights Activists. ⁶ Participating from the RA were the coordinator of the Helsinki Association in Armenia and the Network's chairman, Mikayel Danielyan, and other members of the network, "Activists [Lawyers] Against Violence" project coordinator for the government of Armenia, Artak Zeynalyan, and the head of "Shahkhatun" NGO, Melissa Brown.

On May 9, European Human Rights Council's Commissioner, Thomas Hammarberg published his report on Armenia, where, he stressed that on March 1-2, 2008, the forceful authority utilized by the representatives of the government had been "disproportionate," while the legal procedures to uncover the reasons of the death of the 10 victims were "ineffective." The report also reflected on the condition of human rights in the RA, as well as freedom of speech and assembly, and the condition of human rights in the army after the March events. Hammarberg urged the authorities to review legislation relating to freedom of speech and assembly, in accordance with accepted practices and standards.

In 2011, the authorities and the media in general continued manifestations of intolerance towards human rights defenders and their activities.

In January, 2011 the offices of the member of the South Caucasus Network of Human Rights Defenders and the coordinator of "Activists [lawyers] Against Torture" organization, Artak

⁶ [Network of human rights defenders of S. Caucasus](#) joins 30 activist social organizations from Armenia, Azerbaijan, and Georgia. In Georgia the network is coordinated through the Center for Human Rights. In Azerbaijan, the coordination is done through The International Organization for the protection of journalists and their freedoms. In Armenia the coordinating body is the Helsinki Association. Source: www.caucasusnetwork.org



Zeynalyan was ransacked. ⁷ A criminal case was initiated regarding the incident, but so far no progress has been registered. The Helsinki Association is convinced that the case is not being cracked due to police inaction. The Helsinki Association has announced that the incident was a government orchestrated job, which is directed solely against the activities of human rights activist Zeynalyan. Such behavior prevents the activity of human rights defenders.

At about 5:00 a.m. in the morning of July 6, unknown persons smashed the glass of the window, which was behind metal bars, of the Gyumri branch office of AD Sakharov Armenian Human Rights Protection Center in Shirak. Liquid fuel was used to ignite the window enclave. On seeing the fire, residents living near the office called the fire service and took their own measures to extinguish it, which they were able to achieve. A survey conducted after the incident found that there was significant damage to the training hall and the library as a whole. The repair cost exceeds 600.000 Armenian Drams [AMD].

On July 8, 2011, several human rights organizations released a statement in which they reflected on the conditions in the army and the human victims occurring there. They asked that the Supreme Commander of the Army, President Serge Sargsyan take effective steps to correct the situation. The representatives of human rights organizations proposed to the President of the Armenian Branch of the Helsinki Association, M. Danielyan, to sign under a proposed declaration. He refused to do so since, in his opinion, the declaration contained a clause, according to which “...it should be forbidden for citizens of Armenia to serve in Nagorno-Karabakh and the

⁷ A. Zeynalyan’s office was also ransacked on December 13, 2010. At the time, unidentified people had attacked the office, shattered the locks of file cabinets containing the documents related to human rights abuses, taken away the computer monitor, and the TV satellite system. The “thieves” had not taken the money that was found in the office.



occupied territories.” Danielyan declined to sign the declaration on the basis that the activists’ declaration gave a one-month period, after which they would demand the resignation of President Sargsyan [if he takes no action]. Moreover, Danielyan also refused to sign noting that by demanding such a thing, the activists are putting themselves in an awkward position. ⁸ A month later, when human rights activists did demand the resignation of the president, some human rights defenders who had previously agreed to sign the declaration refused to put their signatures on the document.

At 10:00 p.m. on August 9, 2011, ANC activists T. Arakelyan, S. Mouradyan, A. Gevorgyan, S. Gevorgyan, D. Kiramijyan, A. Giragosyan and Vahe Gevorgyan were brought to the central police station of Yerevan.

Lawyer Stepan Voskanyan said that violence was used against him at the police center. He as well as lawyer Vahe Hovsepyan were prevented from meeting with their defendants.

In the morning of September 21, during the parade on the occasion of the 20th anniversary of the independence of Armenia, police from Yerevan’s central police station arrested organizers of a protest against foreign military groups and flags being used during the military parade. Among those arrested were Levon Barseghyan, a member of the South Caucasus Network of Human Rights Defenders and president of the “Asbarez” Journalists club of Gyumri. The Helsinki Association provided Lawyer Garik Malkhasyan for Barseghian’s defense Malkhasyan was unable to meet with his client, since the police claimed that he [Barseghyan] was not arrested, but was brought

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<http://www.epress.am/2011/09/07/%D4%BB%D6%80%D5%A1%D5%BE%D5%A1%D5%BA%D5%A1%D5%B7%D5%BF%D5%BA%D5%A1%D5%B6%D5%A8-%D5%B9%D5%AB-%D5%BD%D5%BF%D5%B8%D6%80%D5%A1%D5%A3%D6%80%D5%A5%D5%AC-%D5%B0%D5%A1%D5%B5%D5%BF%D5%A1%D6%80%D5%A1%D6%80.html>



in for a chat. Only after the Helsinki Association's observer, Arman Veziryan did call the police hot line phone number, that 10 minutes later Malkhasyan was allowed to meet Barseghyan, who was released after being held for three hours at the police station. ⁹

In 2011 The Justice Ministry refused the Helsinki Association from entering prisons for monitoring purposes. In 2010 Former Minister of Justice Gevorg Danielyan had allowed the Helsinki Association the monitoring of the penitentiary institutions, which was regulated by a pertinent report published by the Ministry of Justice. The Helsinki Association was given a negative reply when it asked on March 21, 2011 for the implementation of the 2nd round of the program for monitoring of the penal system. The answer was not given by the current Minister of Justice, Hrayr Tovmasyan, but rather by Arsen Babayan, the Press Secretary of the Department of Penitentiaries of the Ministry. The reasoning was that the prisoners were dissatisfied with the report of the Helsinki Association, while according to the head of Helsinki Association in Armenia, Mikael Danielyan, the Ministry and the authorities are simply not willing for the Association to see the real picture at the penitentiary institutions.

On November 30, at the Kentron and Nork-Marash Court of First Instance and before the trial started, witness Anushavan Karapetyan pressured the Helsinki Association's observer, K. Hayrapetyan by saying that it would be very bad for him and he would gain enemies, if he continues to record the session.

On December 20, environmental guard Yeghya Nersisyan informed a media reporter that during a visit to Kacharan, the Governor of Syunik, Suren Khachatryan had threatened

⁹The video belongs to the Helsinki Association:

http://www.youtube.com/watch?feature=player_embedded&v=WuIMtUL8pqr



*environmental activist Mariam Sukhudyan that if she did not keep silent something bad would happen to her. Nersisyan also noted that the Governor of Syunik, Suren Khachatryan, views environmentalists as enemies. At the time, it had been several months that the villagers of Kajaran wanted the governor to rescind its decision number 627, which gives certain rights to the Zangezur Copper-Molybdenum Plant with priority benefit of the public lands of the village, which means the forced evacuation of the entire village.*¹⁰

In October 2011, H1 TV channel referred to the financial sources of the human rights activist groups vis-a-vis their protest actions, regarding the deaths in the army. In this regard the station noted that these actions were being sponsored from abroad and that these NGOs are fulfilling foreign orders.¹¹ In response, the defenders said that the public TV station was being financed through taxes that the people paid and that the station and especially TV host Gevorg Altounian were not doing their job in a professional manner.

H1 commentator George Altounian commented on this on his Facebook page, where he wrote that “...It can be assumed that human rights activists Arthur Sakunts’ and Levon Barseghyan’s hearts really goes out for our army not for the grants they are receiving in order to amplify the

¹⁰ <http://news.am/arm/news/86540.html>

¹¹ In interviews that appeared in “Hraparak” newspaper and “Zinouzh” T periodical he former vice minister of defense, and currently Armenia’s police chief Vladimir Gasbaryan had delivered stern criticism toward the Helsinki Association’s Vanatsor’s representative and political prisoner Artur Sakunts and a number of other activists, because of the acts they had organized against incidents in the army as well as uttering inappropriate remarks regarding the authorities.



issue but rather because they consider themselves Armenians and they are really patriotic. Therefore, my last week's reportage on the financing of some social organizations on the army issue was, in the eyes of the activists, misplaced." He and HI TV station would accept their mistake, if Arthur Sakunts and Levon Barseghyan publicly announced two things:

(1) As real Armenians and patriots whose heart really goes out for the army, they condemn the declarations of their colleagues, especially Gevorgi Vanyan and Michael Danielyan, who at different time frames had made statements regarding the Khojali incidents being a genocide that was carried out by Armenians and that Armenia is the aggressor, since it occupies Azerbaijani territories,

(2) that if a military aggression by Azerbaijan happens and the war resumes, they, as the real patriots and healthy men, are ready to take up arms in defense of our homeland... " ¹²

In 2011. U.S. Embassy posthumously awarded the title "Valiant Woman" of Amalia Kostanyan, the president of "Transparency international" of Armenia and the Anti-Corruption campaign representative of Armenia. The award was given for her decade long activism for "the promotion of accountable and transparent governance, fighting corruption and strengthening civil society involvement."

On December 9, at the Anti-Corruption Center "Transparency International," presented the Center's Amalia Kostanyan Award for the first time to Human Rights Defender, Artak Zeynalyan for his significant contributions for the development of civil society in Armenia.

¹² <http://tert.am/am/news/2011/10/23/discussion/>



Freedom of Speech and Media



Article 27 of the Constitution of the RA **stipulates that** : Everyone has the right to freedom of expression. It is prohibited to force someone from receding or changing his or her opinion.

Everyone has the right to freedom of speech, including the search for information and ideas and in seeking them, to receive and impart information in the manner he/she chooses, regardless of state limitations. The freedom of media and other sources of information is guaranteed by law.”

This process is also guaranteed by the law “Regarding Mass Media” enacted on December 13, 2003. Article 4, Paragraph 3, of the law forbids:

(1) censorship.

(2) dissuading any person from disseminating any information or refraining a journalist from the dissemination or the implementation of media activity

(3) interfering with the legitimate and professional activities of journalist.

According to data published by the Committee for Protection of Freedom of Speech, in 2011, 3 cases of physical violence has been recorded against journalists, media outlets and their correspondents, as well as 33 cases of pressuring such people were observed. There were also 6 registered cases of violations of the law against receiving and disseminating information. ¹³

In 2011 cases of violence were registered against journalists and their rights in receiving and disseminating information. There were also registered cases regarding pressure and violence being applied against mass media outlets.

In the morning of April 21, 2011, a coordinator of human rights violations of the Zinvor [Soldier] social organization, Margarita Khachatryan (a.k.a. Maroz) stormed into the offices of

¹³ <http://www.khosq.am>



Hraparak newspaper and flooded the editors with threats, breaking glasses, mangling issues of the newspapers and causing bodily injuries to the editors. According to the newspaper editor, Armine Ohanyan, she [Maroz] came in accompanied by 3 people and she growled for about 40 minutes while pouring obscene and sexually oriented curses on the editors, while at the same time threatening to kill Armine Ohanyan. At the end of the debacle, the editor noticed that her clothes were bloodied. According to the editor, Khachatryan was angry that Hraparak had published a piece with the title “Was There a Fistfight?” about her organization, Zinvor. Ohanyan said that the employees had called the police immediately after the invasion; the police, however, arrived at the site after some 30 to 35 minutes.¹⁴ On May 27, at the Police Central Investigation Department in Yerevan, the police chief refused to criminally prosecute Margarita Khachatryan, on the grounds that there was no grand jury present at the center. However, on September 27, a criminal proceeding was initiated regarding Margarita Khachatryan’s acts of hooliganism, in accordance with Article 258, paragraph 2 of the Criminal Code.

On April 23, a fact of violence against a journalist was recorded at the Hrazdan stadium, during a game of the sixth round of Armenia's Football League championship where a match between the Ararat and Pyunik teams was taking place. According to a news item released by Totalfootall.am, a photojournalist, Ashot Arushanyan, while attending to his job, was first hit by the Ararat team coach Arkady Andreasyan, who said to him: “Who are you

¹⁴ <http://tert.am/am/news/2011/04/21/hraparak1/>



photographing?” Afterward, those who were surrounding the latter [Arkady Andreasyan] started beating the young photojournalist at the stadium tunnel and demanding that he omit the photos he had taken of the game. The photojournalist was taken to the hospital with a broken jaw. He was released from the hospital the next day. The police prepared charges. However, on May 23, Arkady Andreasyan asked for forgiveness from Arushanyan in the presence of the latter’s parents regarding the incident that took place at the Hrazdan Stadium. ¹⁵

On July 28, at 23:30 hours, the police used violence against Ani Gevorgyan, a journalist from the ZhamanakArmenian newspaper, when the latter tried to fulfill her professional duties at Republic Square. According to Ani Gevorgyan, on July 28, at 23:30 hours, in the presence of hundreds of people who had gathered near the fountains of Republic Square, when a reporter tried to photograph the event, a woman present there who was trying to escape from a policeman nicknamed Kyazh near the pond and about 50 meters away from where Gevorgyan was standing, the policeman began to shout at Gevorgyan: “What are you doing, do not you have anything else to do?” Gevorgyan urged the policeman to compose himself and act like a law enforcement agent. The policeman, murmuring something to himself, came down from the pond wall and in the presence of scores of spectators ran in Gevorgyan’s direction and hit her right arm with his left arm. He then took the camera with his left arm and started to take it away from the photojournalist. He once again hit her in the arm. About a dozen policeman approached and one of them hit the journalist on the arm and tried to take the camera from her, which he ultimately was unable to achieve. ¹⁶

¹⁵ The second quarterly report of the Committee for the Protection of Freedom of Speech, April–June 2011: <http://www.khosq.am>

¹⁶ <http://www.armtimes.com>



On August 3, it became known that the police in the central section of Yerevan were collecting and preparing materials to be used in a case of assault by Gevorgyan against the policemen. But on August 25, it appears that the police did not find sufficient grounds to indict the policeman in the case of the attack on the reporter pertaining to the event. According to the criminal investigator, the policeman had acted and hit the camera since the apparatus was very close to his face.

On December 9, the main culprits of a car accident at the capital's Charents and Heratsi streets, nervous at the presence of photojournalist Gagik Shamshyan's presence, who was trying to take photos of the accident, hit the latter. According to Shamshyan, "an accident had taken place and the culprits were persuading the police 'with machismo' to prevent me from photographing the accident. Seeing that I was photographing, one of the culprits approached me and told me that he was a previous convict and demanded that I stop photographing. I naturally did not stop. Six to seven persons approached me and started beating me. The problem was that policemen were there and I can say with certainty that my beating was to their delight. They were happy. Oh, how good it is! Let's see what a day Shamshyan will have! They were able to stop the beating, but they did not." ¹⁷

On March 17 at 16:00 hours, in the center of Yerevan, the Liberty Square entrance was closed from the side of Mashtots-Tumanyan streets toward Liberty Square by the police, who had

¹⁷ <http://tert.am/am/news/2011/12/15/shamshyan/>



banned the Helsinki Association observer, Arman Veziryan as well as other reporters from entering the square, citing that they had strict orders in that regard. When Veziryan asked who had given such orders the police avoided giving any answer. They also told the reporters that those who gathered at the square had been there earlier and that once they left the square they would too be banned from re-entering the area.

When a reporter asked if the police were hampering the work of journalists, the police deputy in charge answered: “Yes, I am preventing it.”¹⁸

According to the Committee for Protection of Freedom of Speech, on February 1, the Haykakan Zhamanak newspaper reported that as of November 30, 2010, the “letters to the editor”—which the imprisoned editor of the Haykakan Zhamanak, Nigol Pashinyan, had sent from his the Artik prison to the newspaper in the presence of the Council of Europe Human Rights Commissioner Thomas Hammarberg—had reached the newspaper on January 3, through the Ministry of Justice. One of the letters was addressed to the Minister of Justice, where Pashinyan underlined the violations regarding his correspondence at the Artik prison during December. According to Pashinyan, only one out of 15 letters he had sent to his newspaper had reached Haykakan Zhamanak. In the same letter, Pashinyan asked the Justice Minister to deliver his letters through his office. As of February 1, the newspaper started publishing Pashinyan’s earlier articles

¹⁸ The video is the property of the Helsinki Association: <http://www.youtube.com/watch?v=QNM2kMOSGsY>



(letters to the editor). However, on February 5 information circulated that Artik prison officials prevented Pashinyan from communicating with the outside world through his writings. According to Pashinyan's lawyer, Pashinyan has once again been deprived of the opportunity to communicate through writing with his relatives or with the outside world.

On March 25, the Committee to Protect Freedom of Speech protested to the Administrative Court of the RA against the Ministry of Health, regarding the latter's actions (or, more precisely, inaction) in providing information.

On February 11 the Committee to Protect Freedom of Speech asked the Minister of Health, Harutyun Kushkyan, to present information regarding those journalists who had registered with the ministry as well as the rejection of such registration requests. The basis of the committee's request is decision No. 333, dated March 4, 2010, concerning the accreditation of journalists by the state governing bodies as well as "mass media" outlets. The ministry supplied its answer to the committee on April 5, thus violating the time frame allowed by law, and only after receiving the application requesting such an answer.

On April 13, the Aravotdaily reported that the previous day, at 10:30 in the morning, some people had bought the whole batch of the newspapers supplied to kiosks in the city of Gyumri. According to the kiosk sellers, the issue was connected to a news item in the newspaper titled "Famous Women of Gyumri Are Being Punished" regarding the criminal cases brought against



Tatevik Panosyan, director of Polyclinic No. 1, and Jemma Amirkhanyan, director of School No. 1 of Gyumri. The two were accused of abusing their positions and embezzling large sums of money. According to the kiosk sellers, the newspapers were bought by Jemma Amirkhanyan's relatives.¹⁹

On May 13, the Moscow movie theater in Yerevan refused to show the documentary film Armenia's Missed Spring (screenplay by Dikran Paskevichyan, director Ara Shirimyan). According to Paskevichyan, the documentary was not shown for political reasons. The cinema director, Martun Adoyan, gave another reason: The film was not shown because of its [lack of] technical quality. He did not agree that the not showing of the film may be politically motivated. It is interesting to note that the film was sent to all TV stations, but only Gyumri's Gala TV expressed a desire to broadcast it.²⁰

In 2011, there were a number of lawsuits filed against the media by politicians and officials. The court cases are related to defamation and insult to the dignity or business reputation of persons and asked for monetary compensation for damage caused, as per the terms of **Article 1087.1 of the Civil Code**²¹ : This article is used by intolerant politicians and officials as a means to pressure media outlets.²²

¹⁹ The second quarterly report of the Committee for the protection of Freedom of Speech, April–June 2011: <http://www.khosq.am>

²⁰ The documentary, titled *Armenia's Lost Spring* is dedicated to the events of March 1, 2008. It depicts events that had occurred from September 2007 to March 1, 2008, as well as issues related to the pre-election, election campaigns, and post-election events.

²¹ On May 18, 2010, the National Assembly [Parliament] of the RA accepted a law amending and making some changes in the RA Administrative Code as well as another law amending and making changes in the Criminal Code of the RA. According to the laws accepted, The law nulls and voids Article 135 of the RA Criminal Code regarding “defamation,” and Article 136 regarding “insult,” and instead accepted articles with regards to a person's honor, dignity, and business reputation and the limits and procedures of monetary compensation commensurate to the damages done, which are now enacted in the RA Civil Code.

²² The information presented below is based on the testimonies of Helsinki Association observers, media reports, and the Committee for the Protection of Freedom of Speech.



On January 17, 2011, the **Court of First Instance** at Kentron and Nork-Marash examined the cases brought forth by members of parliament [MPs] R. Hayrapetyan, L. Sargsyan, and S. Alexanyan against **Haykakan Zhamanak**, which were known in the media as the cases of **“The List of Seven Out of Eight.”** The cases were brought because of an article entitled **“The List of Seven Out of Eight,”** which appeared in **Haykakan Zhamanak** and were published by **Dareskizb Ltd.** The MPs asked the court to oblige the newspaper to publish a retraction of the above-mentioned article, which damaged their honor, dignity, and business reputation, and to grant them financial compensation for their loss. On February 7, **the court** announced its verdict, according to which the plaintiffs claim was partially satisfied, **Haykakan Zhamanak newspaper** publisher **Dareskizb Ltd.** was bound to pay 2,044,000 Drams [AM D] to each plaintiff, and also to publish a retraction of **“The List of Seven out of Eight,”** which was published on October 14, 2010.

On December 9, 2010, the wife and son of the second president of the RA, Robert Kocharian, namely Bella and Sedrak Kocharyan, brought a case to the Kentron and Nork-Marash **Court of First Instance** to challenge the following articles from the **Zhamanak** newspaper: **“The Blood from the Kocharyans, the Gayf from Dzarukyan, and the Commotion from Lifk”** (September 25, 2010); **“The Robe of Diamonds”** (September 29, 2010); **“Volvo + Spayka = Sedrak”** (October 10, 2010). The Kocharyans asked that the newspaper retract these articles, which, in their opinion, had smeared their honor, dignity, and business reputation and to financially compensate them for damages incurred to the extent of 6,000,000 Drams [AMD].



On June 6, 2011, the court issued a judgment according to which the claim was partially satisfied: The newspaper had to rescind from and refute the aforementioned articles concerning the family of the second president of Armenia and thus reinstitute the family's honor, dignity, and business reputation. The court also decided that the newspaper pay 3,000,000 Drams to compensate for damage caused by defamation and insult. However, the claimant's request for attorney services of 3,000,000 was rejected.

On February 16, the Kentron and Nork-Marash Court of First Instance heard the case of the parliament president's former advisor, Tatul Manaseryan, against Zhamanaknewspaper's publisher Skizb Media Center. The plaintiff was suing regarding an article that had appeared in the September 29, 2010, issue of the newspaper entitled "Criminal Case Against the Parliament President's Advisor," which was slanderous and which compromised his honor and dignity. The plaintiff asked for a refutation to be published in the newspaper as well as 2,500,000 Drams [AMD] to compensate the damages he had suffered. On September 20, the court announced the verdict, according to which the claim was partially satisfied: the Zhamanaknewspaper was to publish a refutation and the plaintiff was awarded compensation of 510,000 Drams [AMD], of which 300,000 was for libel and 200,000 as compensation for legal representation fees, of which 10,000 was to be paid for state taxes.

On July 1, 2011, the RA Court of Cassation rejected the complaint presented by Gala TV company founder Chap Ltd. Thus the April 26, 2010, decision of the appellate court in favor of the Gyumri municipality remained in force. This meant that Gala was bound to dismantle the old broadcasting TV tower and other equipment from the roof of the Gyumri municipality. The issue between "GALA" TV company founder "Chap Ltd" and the Gyumri municipality started in November 2007. The court of general jurisdiction of Shirak had decided in favor of the Gyumri



municipality on April 14, 2008. The appellate court of the RA had left that decision unchanged, but the Court of Cassation overturned the decision of the Court of Appeal. The case litigation continued however, and the appellate Civil Court, by a decision on April 26, 2011, left the decision of the Court of First Instance unchanged. This obliged “GALA” TV to pledge to dismantle its TV broadcasting equipment. The Committee to Protect Freedom of Speech, as well as the “Asbarez” press club in Gyumri and the Yerevan Press Club signed a joint declaration, where they insisted that the decision was a pressure by the state bodies against speech and media freedoms.

On February 25 at the Kentron and Nork-Marash Court of First Instance an application was received from National Assembly member Tigran Arzakantsyan, where the latter contented that the article that appeared in “Yerkir Media” dated January 13, 2011 and titled “131 faces and the masks” were about him. He demanded 3,000,000 Drams in financial restitution for the damages, insult and defamation, and 568,000 Drams for legal representation costs. On June 8 the Kentron and Nork-Marash Court of First Instance issued a judgment according to which Arzakantsyan’s case was partially remedied. The newspaper was obligated to pay compensation of 200,000 Drams for insult and 80,000 Drams for legal costs, as well as 8,000 Drams for State Court fees.



On March 28 the Kentron and Nork-Marash Court of First Instance received the case of the second RA president, Robert Kocharyan against “Hraparak” newspaper, according to which the plaintiff requested a retraction of an article titled “They are liquidating Kocharyan and Explaining to Dzarukyan?” dated February 12. The plaintiff asked for a compensation payment of 6 million Drams, as well as for the seizure of the property and bank accounts of the newspaper. The court satisfied the “seizing the property and bank accounts of the newspaper” request of the plaintiff. The newspaper declared on February 22 as well as on March 12, that based on complaints by Kocharian it was ready to print refutations regarding the above mentioned article, if, in accordance with the law, it would get written statements by the plaintiff as to how the refutation must be formulated. The trial is still ongoing.

On May 1, 2011, the “Reporters Without Borders” organization released a statement which said that the organization was worried about the lawsuits that are filed against Armenian periodicals. The concern was over the overzealous compensation verdicts against the newspapers, which threatened the existence of the periodicals and contributed to the formation of an atmosphere of self-censorship. The organization noted that “although the punishment for criminal defamation and insult for 2010 was lifted in April, which meant a further step towards democracy, persecution of publications continue unabated, however.”²³

²³ <http://www.azatutyun.am/content/article/16800175.html>



In May 2011 the international human rights organization Freedom House International released its report on media freedoms, in which it included Armenia within the ranks of countries where there were no media freedoms.²⁴

On May 1, 2011, on the initiative of the Human Rights defender of Armenia, a Council for Media Disputes was established, whose primary objective was to protect freedom of expression, access to information, as well as personal dignity and right to privacy, and the introduction and publishing of expert opinions regarding judicial procedures arising from disputes during the realization of these rights, which are based on the legislation and regulations of the RA and international ethical norms.

On July 15, 2011, the RA Constitutional Court recognized a norm used by the Court of Cassation against “A1 +” as unconstitutional. On July 15, the Constitutional Court looked into the case of Meltex LLC and “A1 +” TV company, within the framework of legislative procedures of the European Court of Human Rights. The constitutionality of the alleged breach of the Constitutional Court in the case of “A1 +” was of interest to the Helsinki Association’s expert in Armenia, Artak Zeynalyan, who had applied to the Constitutional Court challenging the norm on which its decision was based *vis-a-vis* the “A1 +” TV company, which had been applied by the Court of Cassation and in the general procedure, and had denied the appeal presented by “A1 +” TV company, even though an appeal court review had accepted the norm in 2004. Thus, the European court decision applied to the Court of Appeals to quash the demand in 2004. After receiving the decision of the European Court, they applied to the Court of Appeals, demanding the judicial acts of 2004 against “A1 +” to be dismissed. However, the Court of Appeals at the time had utilized a norm, which had already been recognized as unconstitutional by the RA Constitutional Court in 2004. “A1 +” was arguing against the proportionality of the administrative acts that the National Television and Radio Commission (NCTR) had taken

²⁴ <http://krasnodar.kavkaz-u.zel.ru/articles/184714/>



against it. It also argued against administrative decisions of the National Television and Radio Commission based on the notion that they had violated Article 10 of the European Convention on Human Rights. “A1 +” won in the European Court. The Court registered that the NCTR had violated Article 10 of the European Convention on Human Rights and that the RA courts had not taken that into account. Therefore, the Armenian courts decisions must now be invalidated. On July 15, the RA Constitutional Court again confirmed its position that the Court of Cassation had used an unconstitutional norm in its dealing with the case of “A1 +” and that the European Court’s decision regarding “A1 +” had not yet been enacted, which meant creating equal conditions for “A1 +” to resume broadcasting. After the RA Constitutional Court’s decision was enforced, the Armenian National Assembly had to enact changes within the “Civil Code of Procedure” and eliminate the norm that was deemed unconstitutional, and according to which the Cassation Court had ruled against “A1 +” in 2004, and/or to come up with a new decision for the case in light of the decision of the European Court, or just send the case to the Administrative court for a new investigation.²⁵

On July 20, 2010, according to the RA Law “On Television and Radio broadcasting” Amended Law 62, Article 5 of the NCTR (TV) broadcasting network to digital TV broadcasting on the territory of RA and declared that a new procedure for broadcaster license tenders would be applied. On December 16, the commission announced the results of the licensing competitions. Once again, “A1 +” TV which had been denied the right to broadcast since 2002, was refused a

²⁵ <http://www.a1plus.am/am>



new broadcasting license. According to Grigor Amalyan, president of the NCTR, there had been false documentation in “A1 +” TV’s application package. According to the Commission’s president, the foreign companies who were mentioned in the application package as financially supporting “Meltex,” the entity which was the real owner of “A1 +” TV, did not exist. “A1 +” president, M. Movsisyan, considered such an accusation as baseless.

On October 3, 2011, the Administrative Court rejected “A1 +”’s claim against the NCTR. “A1 +” had asked for the annulment of NCTR’s 2010 decision No. 96, dated December 16, 2010, according to which the company was considered a loser in the TV digital broadcasting Competition No. 11. The winner of the competition was “Armenews.” According to the court’s decision, “A1 +”’s rights were not violated during the competitive bidding competition.

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²⁶ <http://www.a1plus.am/am/politics/2011/10/03/a1>



Peaceful Assembly



The right to freedom of peaceful assembly is regulated by:

The Constitution (Articles 29; 44, etc.);

“Human Rights and Fundamental Freedoms Convention” (Article 11);

“Civil and Political Rights” International Covenant (articles 21; 22);

The laws adopted on April 14, 2011: “Freedom of Assembly,” “Regarding the police,” as well as the law “On Administrative Foundations and Administrative Proceedings,” and the law “On Legal Acts.”

According to the RA Constitution (Article 6), international treaties in the RA are an integral part of the legal system and prevail over national laws and, therefore, “Human Rights and Fundamental Freedoms” Convention (Article 11), “Civil and Political Rights,” International Treaty (Articles 21; 22) on guaranteed freedoms cannot be limited to domestic legislation.

According to the RA Constitution, Article 3, “Mankind, his dignity, basic rights and freedoms are supreme values: The state guarantees the protection of fundamental human and civil rights and freedoms in accordance with the principles and norms of international law: The state is limited by fundamental human and civil rights and freedoms as a directly applicable right.”



The Constitution presents 2 mechanisms for the limitation of the basic human and civil rights and freedoms/rights, including peaceful assembly.

First, in ordinary conditions, to ensure a democratic society it is necessary for the state to ensure public safety, public order, crime prevention, public health and morality, the constitutional rights, freedoms, honor and reputation of others (Article 43).

Second, during military or state of emergency conditions, which are stated in article 44 of the Constitution, it is stipulated that human and civil rights and freedoms in emergency situations within the framework of international commitments on deviating from commitments may be required by law, the amount equivalent to the situation, temporarily limiting such freedoms during military or emergency situations.

Article 43, Section 2 of the Constitution stipulates that restrictions on fundamental human and civil rights cannot exceed the scope defined in Armenia's international obligations.

On April 14, 2011, the RA National Assembly passed the “Freedom of assembly” law, which was drafted in 2010 by the RA Human Rights Defender and the RA president’s office.

According to the Human Rights Defender of the RA, the law took into consideration the Venice Commission’s laws and the recommendations of the Geneva Convention on Human Rights.

According to the Human Rights Defender, the author of the, adopted law, it does not apply to all types of “events”, but limited “assemblies” only. It is clear enough to understand the difference



between the two basic types of assembly: assemblies subject to notification and assemblies not subject to notification. The law clearly defines the scope of the locations where assemblies can be prohibited by law. The law further stipulates that as long as the assembly is peaceful, it cannot be stopped by the police.²⁷ In the Defender's opinion, the law will contribute to ensuring the right of assembly and in aligning it to human rights in the fullest way possible.

In 2011, the police continued illegal arrests of participants during peaceful demonstrations. Violence was used against those arrested; people's free movement was restricted by police forces. On days assigned for peaceful demonstrations, the roads leading from the regions to Yerevan were closed by the police and cars were checked.²⁸

On March 1, 2011, during an ANC-organized rally, some police officers tried to prevent the Helsinki Association observer, Arman Veziryan from performing his duty near the Mashtots - Isahakyan crossroad. The police had intended to confiscate Veziryan's camera, since at the moment the latter was taking photos of violence against peaceful demonstrators by the police. Veziryan was also documenting, through photos, how the police were trying to confiscate the camera of the "Haykakan Zhamanak" daily newspaper journalist, Ani Gevorgyan. The police used violence against Veziryan and hit him in the back. They then took away his Helsinki Association membership badge as well as confiscated and smashed his camera. After the

²⁷ A practical example of such behavior was the one week long "spontaneous" rally of the ANC in October 2011, which was not banned by the police.

²⁸ The information given below is based on media reports by RA's Helsinki Association observer, Arman Veziryan.



*incident Veziryan approached the police regiment commander, V. Osipyan and informed him about the attack on him and the use of violence by the police. As an answer, Osipyan said the following (verbatim): “Why are you lying?”*²⁹

On March 3, during a protest which took place in the open air in front of a government building, police officers collided with people who were shopping at an open market. The demonstrators, including ANC activist Vartkes Gasparyan, were taken to the police station. The police banned Gasparyan’s attorney from entering the police station. MP demonstrators from the “Zharangutyun” [Heritage] party also took part in the demonstration. As a result of being hit by a policeman, Heritage MP Anahit Bakhshyan fainted and was taken to a hospital. Also beaten were MPs Zaruhi Postanjyan and Armen Martirosyan.

On March 15 Heritage party leader Raffi Hovannisian started an indefinite hunger strike in Freedom Square. His motive was proposing just elections, however, he did not present specific demands. Clashes between supporters and police officers took place in the square regarding the unsubstantiated grounds of erecting tents and umbrellas on the site of the hunger strike. Human Rights Ombudsman, Karen Andreasyan considered this illegitimate and contrary to the law that constitutionally allows “meetings, rallies, marches and demonstrations”.

On April 28, in the morning, police officers from the Ashtarak city police center visited the home of Aramays Barseghyan, Secretary of the Armenian Populist Party’s [Hay Zhoghoverdayin

²⁹ This video has been prepared by the Helsinki Association:
<http://www.youtube.com/watch?v=jiCt-6mpUWo>



Kusaktsutyun] Ashtarak city organization, to persuade him not to partake in the rally organized by the ANC the same day at 18:00 hours in Yerevan's Liberty Square. According to A.

Barseghyan, when he told the officers that what they were doing was considered a threat to his freedoms, they apprehended and took him to the police station. He was kept there for 7 or 8 hours, during which no action was taken against him.

On April 28, in the morning, the leader of the former leader of the Armenian National Congress [Hayastani Hamazgayin Sharzhum] and current member of the new ANC [Hay Azgayin Gonkres], Viktor Gasparyan, was visited by police officers at his home in Artashat, who asked him to come with them to the city police center. When V. Gasbaryan asked for a subpoena to that regard, the police responded that there was no reason for such a notice, once could be provided, and that the talk would last just five minutes. Thus Gasparyan was taken to the station. The ANC rally was organized the same day at 18:00 hours at Yerevan's Liberty Square. ³⁰

On May 31, the public transport system from the outer districts (provinces) toward Yerevan did not operate in a normal fashion. Minibuses, buses and taxis did not travel to Yerevan. According to information received, the transportation deficit was due to technical inspection. On May 31, at 19:00 hours a rally was organized by the ANC, which is an organization in opposition the ruling coalition, to take place at the Liberty Square in Yerevan. ³¹

On June 2, during an action in front of the RA Government building in Yerevan, ANC activist Vardges Gasparyan was taken into custody. Policemen had shoved and overpowered Gasparyan. Then they asked him to come with them to the police station. When Gasparyan asked

³⁰ Information was supplied by ANC Council member Harutyun Hovannisyan.

³¹ <http://tert.am>



them if he was being apprehended, the police refused to answer and forced him to come with them. They released him after keeping him for an hour at the station. ³²

On June 25, at about 21:00 hours, ANC activists Vahan Gevorgyan, Sargis Gevorgyan, Davit Kiremijyan and Sargis Khachatryan were taken to the police station from the by Pushkin - Mashtots Avenue intersection. They had been distributing leaflets for the ANC rally that was to take place on June 30. According to apprehended activist Sargis Gevorgyan, an altercation took place at the police chief's office, after which they were told that they were free to go. They asked them, however, not to shout "Serzhik Go Away" [one of the slogans used during opposition rallies asking president Serzh Sargsyan to step down]. The activists were freed at about 21:30.

On the morning of June 30, transport stopped on the Ashtarak – Yerevan route. According to passengers, means of transportation miraculously stopped functioning on those days when rallies were to take place in Yerevan. On June 30, at 20:00 hours, a rally was organized by the opposition ANC in Yerevan's Liberty Square. ³³

On June 30, minibuses operating on the Gyumri – Yerevan route started running at 11:00am. Passengers waited from early in the morning. However, the minibuses were not at their regular stops. According to passengers only two minibuses had gone to Yerevan early in the morning. They waited for hours in vain. Public taxis also did not operate on that day. Some passengers

³² Information was provided by Helsinki Association observer Arman Veziryan.

³³ This video has been prepared by the Helsinki Association:

<http://www.hahr.am/index.php/en/human-rights/peaceful-assembly/348-june-30>



had to take private taxis, the price of which per person is 5 thousand Drams. Passengers speculated that the reason for the halt to transport was a rally by the ANC in Yerevan. ³⁴

Days before the ANC rally on June 30, more precisely on the eve on June 22, a RA Special Investigation Service investigator and about 20 police officers followed the activities of five ANC activists when they were plastering leaflets announcing a rally on the streets of Yerevan. During an interview with Epress.am, ANC representative Areg Gevorgyan said that five activists came out from the area of the Yerevan municipality and started putting up information leaflets regarding the aforementioned ANC rally. A few meters from the central office of the ANC, they noticed a Mercedes 600 car with the license plate number 777 LS 03. A person in civilian clothing approached, and threateningly shouted at them to remove the leaflets. Upon refusing his demand, the person told them that he was an investigator in the Special Investigation Service. He immediately contacted a certain “Mehrabyan” and reported to him. A bit later 4 or 5 police cars approached the activists and demanded the leaflets. The activists asked according to which law could they confiscate the leaflets and ban them from plastering them on the walls? The policemen gave no answer. The activists continued to put up the leaflets in the presence of the police cars. In the morning, most of the leaflets had been torn down. ³⁵

³⁴ www.lragir.am

³⁵ www.epress.am



On September 9, all the roads leading from the regions to Yerevan were monitored, and long-distance transport, as well as private taxi services, was not working. Very early in the morning the roads from Tavush, Armavir, and Echmiadzin leading to Yerevan were closed. There were police checkpoints on the highway from Gavar to Yerevan. All passengers utilizing public transport on that route were sent back. The media spokesman of the first president of the RA, Arman Musinyan, and the leader of the ANC, Levon Ter-Petrosyan, said during a phone interview with news outlets that all of this was aimed at a single goal: not to allow people to participate in the rally that same night at 19:00, which the ANC had called in Yerevan's Liberty Square. The authorities tried to prevent the residents of the regions from participating in the rally. Police officers visited ANC regional offices and their leaders and asked them not to send people to the rally. Many were taken to police stations where they were detained for some time. In Djambori, on the morning of the same day (September 9), police did not allow "Gazelle" buses to go to Yerevan, even though the buses were full of passengers, who were going to the capital for personal reasons and not necessarily to partake in the rally. ³⁶

On September 21, at 09:00, in the center of Yerevan in Saryan Park, a group of activists held a protest against foreign military groups and flags being present during the 20th Independence anniversary military parade. The police prevented the action. They took away the placards of the demonstrators. Gyumri's "Asbarez" Journalists Club Council member, Levon Barseghyan approached the police. A short while later the demonstrators used tricolor flags, continued their rally and started chanting "free, independent Armenia." The police

³⁶ <http://www.a1p.lus.am>



immediately approached the demonstrators. They apprehended 2 activists, put them in police cars and took them to the Kentron police station. The two arrested activists were Levon Barseghyan and Sashik Ghalechyan (owner of Arno Kur), who had created a Facebook social network page for the rally.

On October 1, in Yerevan's Liberty Square, an indefinite sit-in was started by the RA citizens. The cafes and restaurants in the area were closed on October 1 and 2. Only police officers were able to use the restroom in the closed cafes and restaurants.

Public toilets were also closed to the general public, even though the police were able to use them. This can be viewed as a step towards making it harder for the citizen demonstrators to continue partaking in the sit-in.

On October 20, the group "The Army in Reality" [consisting mostly of relatives whose sons had been killed in the army in to mysterious circumstances] had organized a rally in front of the RA Government Building. The police harassed the participants. Activists were apprehended and taken to the Kentron Police Station. One such activist was Vardges Gasbaryan. Rally participant Astghik Aghekyan was beaten by police agents, and police chief Alik Sargsyan pushed rally participant Lala Aslikyan. The rally then moved in front of the Presidential Palace, where police harassment continued.



At 16:30 it became known that the police had apprehended Vardges Gasparyan, who was then transported from the Kentron Police Station to the Center for Special Investigations. Gasbaryan was accused of hooliganism, per article 258, section 1 of the Criminal Code of RA, and per article 316, section 1, inciting violence against a government representative.

On October 27, once again the group “The Army in Reality” organized a rally in front of the RA Government Building. The demonstrators wanted the government to specify what was happening in the army and the circumstances that led to the killings or deaths of their relatives. This time, group organizer Lala Aslikyan was apprehended, who was later released. ³⁷

On November 25 the public transportation routes between Garni, Kotayk, Hrazdan, Abovyan, New Hachin, and Yeghvard to Yerevan were closed. Passengers at Abovyan told an Epress.am correspondent that transport to Yerevan would not run because of a planned rally there. A passenger from Garni to Yerevan told the Epress.am correspondent that the police had stopped 2 minibuses on the route and had told the drivers in a very boorish way that they were forbidden to travel to Yerevan. Moreover, a “Gazelle” Bus driver who resisted was beaten by, the police, according to a passenger eyewitnesses. According to one eyewitness, the police shouted at the driver: “Do you not know that you are not going to the city? We had already warned the village chief in your village.” ³⁸

³⁷ This video has been prepared by the Helsinki Association:

http://www.youtube.com/watch?feature=player_embedded&v=SupWS1xu5JE#start=0:00;end=10:02;autoplay=false;showoptions=false

³⁸ <http://www.epress.am/>



In the early morning the “Gazelles” and minibuses to Yerevan were taken out of operation in Sevan and Echmiadzin. According to the ANC Head Office, police officers also harassed and intimidated private taxi drivers in Echmiadzin, by ordering them not to take passengers to Yerevan. According to the ANC office in Gyumri, the “Gazelle” buses that were to transport passengers to Yerevan were also taken out of operation. When the ANC office called the transport office to understand what the reason was for the non-operation of the buses the following answer was given: The routes are closed and that’s why the buses are not operating. In fact, and according to the Ministry of Emergency Situations, on November 25 at 09:00, only the roads from Tavush, Berd, Djambori and Dilijan to Yerevan, and the routes from Berd to Ijevan, Dilijan-Vanadzor, Kirants – Voskepar, as well as the Syunik Ghapan - Meghri and Goris-Ghapan routes were closed [due to weather conditions]. ³⁹

Thus, the situation in 2011 was similar to previous years, where citizens’ freedom of peaceful assembly and freedom of association with others, enshrined in the Constitution, were violated, even though those same liberties and rights were once again enacted and regulated in April 2011 through the Laws on “Freedom of Peaceful Assembly”, “On Administration Foundations and Administrative Proceedings”, “On Legal Acts,” as well as the “Human Rights and Fundamental Freedoms” convention, and “Civil and Political Rights,” of the International Covenant.

³⁹ <http://www.epress.am/>



Torture and Inhuman or Degrading Treatment



The Republic of Armenia signed the UN “Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment”, as well as the European Convention on “Torture and Inhumane or Degrading Treatment or Punishment prevention.” According to Article 19 paragraph 1, of the UN “Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, “States that are Parties to the convention, shall, in entering the convention into force after a year from its signing, inform the United Nations through the Secretary-General’s special Committee through a report showing the means and measures with which they handled their obligations under this Convention. Later, States which signed the convention, submit additional reports after four years, as well as other reports, the Committee may require. Regardless of its obligations, the RA has not presented any report to the designated committee since 2000. The new round of reports is due in May-June 2012.

The European Committee had published its report regarding “Torture and Inhumane or Degrading Treatment or Punishment” on August 17, 2011, in which it explained the results of its visit to Armenia in this regard from May 10-21.

“During its visit in 2010, the committee heard a large number of reliable and consistent declarations regarding police brutality, and in some cases brutality by high-ranking police officers against arrested persons, sometimes reaching even physical ill-treatment, especially during the initial investigation phase (the phase of investigation that precedes the presentation of the Registration of arrest). Ill-treatment included slapping, kicking and striking arrested persons with batons, water-filled bottles or sticks in order to extract confessions. In some cases, ill-



treatment had reached such a level of ferocity that it was mentioned that it could be considered as torture (beating the arrested person from head to foot, use of electric shocks, beating soles of feet). Moreover, many persons, including people who were interrogated by the police as witnesses, declared that they had been pressured through different means (very lengthy questioning by up to eight investigators, physical ill-treatment or death threats, other threats, and that these would create bad consequences for them and their family members). These methods were aimed at either making them confess to things they had not done, or to convert them into informants,” the [UN] Committee’s report stated in section 12. As an integral example of such interaction by the police, the Committee’s report speaks about the case of Vahan Khalafyan, who was killed while in police custody on April 13, 2010. In the report it is mentioned that: *“From the material gathered during the investigation, it became clear that Khalafyan was kept arrested for 7 hours at the Charentsavan police department without an arrest warrant being issued or records of his arrest being prepared. Moreover, during his interrogation, he was severely beaten by four policemen including the Criminal Investigation Department chief.*

“Given these statements, the Council of Europe Committee urges the authorities of Armenia, to send a clear message to all police forces, warning them that such behavior can be subjected to criminal liability,” says the report.

On August 17, 2011, the police published its answer regarding the Committee’s report.

In the response report it is said that “ the crudeness, contempt of, and especially the torture and inhuman or degrading treatment of citizens by police officers in any given case is becoming a



subject of discussion, since guilty people are being subjected to strict disciplinary actions. For example, during 2010, 81 complaints had been received by the police for gross violations, disrespectful and degrading treatment of citizens (the number of such complaints in 2009 was 245). Of these, 19 were investigated for incidents occurring in 2010 (37 for incidents occurring in 2009). As a result of the official examinations, 23 police employees were subjected to disciplinary actions (the number was 2 in 2009). One police employee was sentenced to imprisonment, 1 to detention, and it was decided to leave 2 employees on probation.”

Because of the death of Vahan Khalafyan while under police custody at the Charentsavan police station, 6 policemen—including the police chief—were subjected to severe disciplinary actions. Criminal charges were brought against 4 by the court of general jurisdiction, and 2 of them were later convicted. The verdicts were appealed at the RA Court of Appeals, which refused to look into the case. An initial letter has been sent to the European Court regarding the case. The Helsinki Association’s observer in the RA, Artak Zeynalyan presented the complaint to the European Court.



“The rights of detained persons to inform their relatives, lawyer, doctor, or other persons regarding their condition is enshrined in Article 13 of the RA Code: “ Rights of handling arrested and detained persons.” to the RA Law” in Article 13.

On February 18, 2011, Dilijan resident Vahe Santrosyan was brought to the city’s police station saying that an argument took place and clarifications were necessary. While at the police station, Santrosyan’s cell phone was switched off and the police did not allow him to get in touch with a lawyer or his relatives. The next day, in the morning, his mother, Mrs. Kokhlikyan, was called by the police and was told by officers to bring some fresh clothes for her son. Vahe Santrosyan was accused of theft. Detention was used against him as a means to frustrate him.

On July 13, 2011, at about 20:00-20:30 hours, Shengavit community police station agents apprehended a 15-year-old, Yura Simonyan, from the yard of Bagratunyats Building No. 26. According to lawyer Narine Sargsyan, Simonyan was brought in as a witness to a brawl that had taken place in the yard of the aforementioned building, during which shots were fired. The next day, July 14, as of 16:00 hours, lawyer Narine Sargsyan tried at 4 different time frames to meet with her client, but she could not. The police investigator, Kamo Sharoyan had consistently assured the lawyer that Y. Simonyan would be brought down in 10 minutes, but the minor did not show up. The Helsinki Association in turn tried to contact the Shengavit district police department regarding Simonyan's disappearance, but the police station would not accept the Association’s calls. The minor was freed one day later on July 14, at around 23:05.



According to information supplied by lawyer Narine Sargsyan, Simonyan had been beaten at the police station and had been pressured to inform the investigators about who shot the firearm during the dispute in the building's yard.

According to point 4 of the RA law “On keeping arrested and detained persons”, “the arrested person has the right to health, including getting enough food, urgent medical aid, as well as being examined by his/her chosen medical doctor through his/her own money.” As to what regards the arrested or detained person being examined by a state appointed medical doctor, Article 15 of the same law states: “The person arrested or detained, and in the case of the arrested or detained person’s agreement with his/her lawyer, has the right to require medical examination by a state appointed medical doctor.”

In 2011 law-enforcement officers have influenced “judges, prosecutors, investigators or persons making an investigation,” even though such acts are against the law as per the dictums of Article 341 of the Criminal Code of RA. The article specifies as punishable acts where influence is accompanied by use of a weapon, beating, or other violence.

Stepan Hovakimyan was accused of theft at the Moscow Theatre with his friend, Vahram Kerobyan, on January 10, 2010. The theft at Moscow Theatre took place on January 10, 2010, while the criminal case was initiated on February 6. During this time frame, Hovakimyan was brought twice, without proper notice prepared for such apprehensions, to Yerevan’s Kentron.



When called in again for a third time, he was interrogated for 9 hours and was subjected to physical and psychological torture. His right to an attorney was dismissed and he was not presented with his rights before the interrogation. The confessions taken from him through inhuman means were the only evidence that was used in the case against him.

Armen Martirosian is accused of a series of gang attacks in 2009 with Karen Karapetyan and Petros Hakobyan. Armen Martirosian was apprehended on January 19, 2010. He was accused of joining a gang in 2009 through his cousin, Karen Karapetyan, a resident of Yerevan, to participate in robberies. Armen Martirosian's mother, Ophelia Martirosian, approached the Helsinki Association and spoke about the abuses committed against her son. She said that her son's confessions were extracted through torture. She stated that 10 to 15 policemen in civilian clothing had forcibly entered their home at 1 in the morning by breaking the front door and began to search it. Armen Martirosian was eventually apprehended in Gyumri, and, in accordance with his mother's statement, he was beaten all the way from Gyumri to Yerevan's Arabkir district police station. 2 or 3 days later, Armen Martirosian (who was a minor at the time)was transferred to a children's prison, where his mother was able to visit him and see the bluish marks of beatings on his skin. The mother stated that her son's kidneys bled for 2 months. He told his mother that he felt very bad during his interrogation, that they had taken him to a window and told him that they would throw him out of the window. Armen Martirosyan



attempted suicide by cutting his wrists: Ophelia Martirosyan also reported that she saw Karen Karapetyan at the police department and that he was hardly able to move from being beaten. There was also information that Petros Hakobyan and his father had also been beaten, but they, fearing future reprisals, did not give any specific information.

The only other piece of evidence that implicated Vahe Santrosyan's guilt in the theft was the confession of another accomplice, Gurgen Avetisyan. The latter wanted to change his testimony later. He insisted that he did not know Vahe and that he confessed about him as an accomplice under police torture during his investigation. Vahe Santrosyan has been previously tried twice. The first time for stealing a bicycle, which he rode and returned later, for which he was sentenced for two years as a minor, and the second time for stealing two ten-pack boxes of cigarettes and 13,000 Drams, for which he was sentenced to 4 years in prison. After coming out of the Vanadzor penitentiary institution, Vahe Santrosyan was regularly subjected to police pressure, and was the focus of police probes in Dilijan as a suspect in various thefts. When Santrosyan was once again brought to the police station in 2010, he was beaten and pressured to confess his "crimes". Unable to withstand the torture and knowing that he was innocent, Vahe cut his neck with a razor in the office of the criminal investigator. He was taken to a hospital where medical doctors were able to save his life. The police later found the real culprit for the theft.



Defendant Khdr Broyan, whose case was being heard at the Kentron and Nork Marash Court of First Instance under Article 266, part 3 paragraph 2, Article 266, Part 4, paragraph 2, Article 268 part 3, Article 268 paragraph 2, points 1 and 2 of the RA Criminal Code; defendants Samvel and Manvel Asatryan under the Constitution, Article 165 paragraph (4); Mr. Manvel and soldier Asatryan, whose case was being heard at the Kentron and Nork Marash Court of First Instance under Article 266, paragraph 3, Part 2, and Article 268 part 3, Article 266 paragraph 2, Article 266 (4) and paragraph 3 of the RA Criminal Code; all gave testimony that during the investigation phase unorthodox methods had been utilized against them. They had been beaten and violated. They confessed to untrue things under torture.

Article 17 of the Constitution of RA stipulates that no one shall be subjected to torture and inhuman or degrading treatment or punishment. Arrested, detained and convicted persons have the right to human treatment and respect. Article 119 is included in the Criminal Code of the RA, which was accepted into law in April 2003. The article states that punishment must be enacted in cases involving acts of torture. Nevertheless, the article's content is incomplete and the punishment subscribed is mild, which is not in line with international norms regarding punishment for torture.

Armen Martirosyan, who was accused of participating in a number of gang related thefts, has tried twice to defend himself against the extremely biased stance the court took against him. Armen Martirosyan tried to commit suicide first in the courtroom, when the defendants were removed from the courtroom and the trial was to continue without their presence. The judge kept the suicide incident a secret and did not even bother to inform Martirosyan's parents about it.



The court sentenced him to 12 years in prison, and Karen Karapetyan and Armen Martirosyan to 9 years in prison. Petros Hakobyan was sentenced to 11 years in prison. ⁴⁰

On August 9, 2011, at around 22.00 hours, ANC activists Tigran Arakelyan, Sahak Muradyan, Areg Gevorgyan, Sargis Gevorgyan, Davit Kiramijyan, Artak Kirakosyan, and Vahagn Gevorgyan were brought to Yerevan's Kentron police station. At around 22.00 hours, in Yerevan, ANV young activists approached policemen while they were checking on some citizens. The young activists demanded the policemen to justify their actions. In response, the police officers attacked and beat them, and they too were brought to Yerevan's Kentron police station. T. Arakelyan, V. Gevorgyan and D. Kiramijyan received bodily injuries as a result of the beatings. Torture had been used against Artak Kirakosyan at the police station. Attorney Stepan Voskanyan reported that when the ANC activists refused to testify, they were beaten and that he, as well as lawyer Vahe Hovsepyan, were banned from meeting their clients.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in accordance with the Optional Protocol to the Convention under Article 17, had been ratified by the RA National Assembly on May 31, 2006. According to the above mentioned article 17, the Republic of Armenia has pledged to accept the convention in its entirety no later than one year from its ratification, with the implicit pledge that the period would be used to form the preventive mechanism and the committees to oversee the implementation of said protocol and especially Article 17 thereof.

⁴⁰ See the law regarding "Just trials and Effective Means of Self Defense".



The amendment to the Law “Regarding the Human Rights Defender” in 2008, which was adopted by the RA National Assembly, specifies that the Defender is a prevention mechanism per the articles of the Convention (especially Article 6.1).

According to the RA Criminal Code Article 105, only 6 detainees are allowed to occupy a cell in a penitentiary institution cell. Article 73 of the same code states that the area allotted to a detainee cannot be less than 4 square meters. These provisions are being violated and more people are being assigned per cell. The Helsinki Association considers this torture, inhuman and degrading treatment in prisons, in particular for detainees in the Nubarashen Prison. ⁴¹

Ill-treatment or even torture investigations at military barracks by medical personnel to detect bodily injuries are not properly documented and proper law-enforcement authorities are not informed about such incidents, which might imply that such medical examinations might reveal ill-treatment.

In connection with the investigation of torture and ill-treatment in the army, the medical doctors assigned to the army are not keeping complete records of such incidents against private soldiers and the cases are not being transferred to the proper criminal investigative authorities, since such incidents may invoke cases of torture and abuse. Thus, soldiers who are not guilty are being

⁴¹ See the RA’s Justice Ministry’s prison system for 2011.



accused while the real perpetrators remain unpunished. At best such bodily injuries incurred by soldiers are being considered as a military Code of Service Violation by higher ranking military personnel. Suicides are common as a cause of death of soldiers, while accidents, or a shot fired by the enemy, are mostly added to the list of the causes of death. In such cases, the primary investigation bodies are avoiding criminal investigations, even if, after expert judgments, the body of a deceased soldier exhibits traces of violence and torture. In such cases preliminary investigation and trials are stalled. Cases of investigation and trials of army soldiers who died as a result of torture began and continued in 2011.

On August 24, 2011, citizen Vardan Vardanyan approached the Helsinki Association and said that on May 21, 2010, his son, Hovhannes Vardanyan, was conscripted to serve in unit No. 34153 in NKR [Nagorno-Karabagh Republic]. In the 14th month of his service, on June 16, 2011, an unnamed soldier contacted Vardan Vardanyan and informed him that his son had had problems with the unit's officers, after which beatings took place, and Hovhannes deserted as a result. Days later Vardan Vardanyan once again received a phone call and this time he was informed that Hovhannes Vardanyan was in the Kanaz hospital's psychiatric ward in Yerevan. In the evening of the same day the father visited his son at the hospital and found him in a serious condition with marks of bodily injuries on his back and legs, which, according to his son, were the result of him being beaten.

On August 30, 2007, in the Karjaghbyur military unit of Gegharkunik province, conscripted soldier and junior sergeant Tigran Ohanjanyan was killed. A criminal case regarding the incident was undertaken on August 31, 2007, and a preliminary investigation ensued. The



criminal coroner did not register all the bodily injuries sustained by the deceased soldier. For example, it was not mentioned in the coroner's report that Ohanjanyan had a damaged left ear that was swollen, reddened, and differed from his right ear. It was also not mentioned that the deceased's fingers and palm had been bruised.

On March 15, 2005, Khachatur Melikyan, a conscript serving with the NKR Defense Army unit No. 46492 was killed. A criminal case regarding the incident did not commence immediately, since, according to the official report, Melikyan was killed by a bullet in combat against Azerbaijan. According to the conclusions of the medical coroner, Melikyan died from a gunshot to the head, resulting in a great loss of blood. Meanwhile, the investigation at the place of the incident yielded no traces of blood. The coroner had also reported that there were signs of injuries on different parts of Melikyan's body, such as the hands, legs, chest and back, where scratches, bruises and blood clots had occurred shortly before his death (0-10 minutes before his death).

On March 15, 2010, army conscript Valerik Mouradyan, assigned to unit No. 39138 of the NKR Defense Army, was found hanging with a rope around his neck at the back of the unit's officers' room. The unit's soldiers found Valerik Mouradyan's body. Criminal case No. 90951310 was initiated. According to Article 110, Paragraph 1 of the RA Criminal Code, suicide was registered as the reason of death. The case was and is still being handled in a biased and sloppy way. In order to prove the suicide, the criminal investigator has assigned a psychological team. However, according to the forensic report, the second marking around the neck suggested that the soldier was first strangled and then hanged.



On July 27, 2010, lieutenant Artak Nazaryan of the RA Defense Ministry No. 21127, assigned to the Z/M military combat post, died by shooting himself in the head through the mouth using his rifle of “CC -74” type, registration No. 1093977. There was an oral cavity produced by the gunshot. According to the prosecution, Artak Nazaryan committed suicide because of 3[sic] soldiers in his combat post: Captain H. Manukyan, and the senior lieutenant of the adjoining “Luys” combat post, V. Hayrapetyan, who had beaten and ridiculed Nazaryan some 3 to 8 days before the incident. During the preliminary investigation, 2 conscripted soldiers, Artur Megerchyan and Artak Hovannisyan, retracted their previously given testimonies, noting that they were beaten and threatened to give false testimony. The preliminary investigating body, in whose presence the beating of the 2 witness soldiers had taken place, called them in. Afterwards, the 2 soldiers affirmed their original testimony. According to the coroner’s examination, scores of injuries were found on Artak Nazaryan’s corpse, as well as cuts, bruises, and scars. At least one of the 54 injuries counted by the coroner was a finger scratch, which had occurred 3 to 5 days prior to his death.



The Army



Military relations are regulated by the RA Constitution, international treaties, the Law on Military Service, and other laws and regulations.

The Helsinki Association's specialists observe that the army has been and continues to serve as a corrupted system, dominated by non-statutory relationships within the military, and serious crimes and their causes are covered up by high-ranking military personnel. Rule is blurred over in cases of serious crimes and mainly various ranks of military commanders seek additional income at ordinary soldiers' expense. They persuade them to pay a bribe to go on short- or long-term vacation for a substantial amount of money, and to spend considerable amounts of money to pay for the myriad needs of their units, such as paying hospital bills for medical assistance received. It has now become a widespread practice to bully servicemen out of their monthly salaries that range from 4500 to around 12500 Drams. Senior officers force soldiers to sign their salary receipt documents, without paying them the money after signing. The Helsinki Association's expert, R. Martirosyan observes, that due to the number of military units involved, such amounts reach to extremely large sums, which are then transferred to the senior officers of the units. This fact has not, as of yet, been a subject of investigation, since the political authorities of the country, based on political considerations, are turning a blind eye to such matters. Thus, the army is directly dependent on the political processes; the army brass is closely related to the faulty mechanism of politics and business, and during each and every election and in its aftermath, it becomes an effective weapon in the hands of the political establishment. The result of this is that army officers' and soldiers' relations are not based on the rule of law, but rather on the shady "regulations" of the criminal world. The army was mobilized against the



citizenry on March 1, 2008, thus violating Article 8.2 of the Constitution the RA, under which the armed forces provide security, defense and territorial integrity, inviolability of the country's borders, and maintain neutrality in political matters and remain under civilian control.

So far, it has been impossible to make any high-ranking military officer criminally accountable.

High-ranking military officers in their public speeches often confess that the military commanders of military units are often covering small and medium sized crimes in their respective military units to create the illusion that military discipline in those units is at a high level. Such actions contribute to the formation of an attitude of being above the law in these units and eventually lead to more serious crimes, especially murders. The RA Ministry of Defense Investigative Service and other institutions foster and promote such attitudes. These bodies often cover up crimes, presenting intentional killings as suicides, unintended accidents, or unfortunate events. Killings and murders at combat stations are often presented as deaths by enemy fire.

As a result, murders are not being disclosed because, at the location of the occurrence, evidence is falsified, investigations are based on false facts, and conclusions derived do not correspond to real events. The last validating link is the court, where many of the elements and rules of a just trial are being violated (e.g. evidence obtained illegally is introduced as legitimate) and a verdict



is announced (if ever), where the real facts of the case are never presented and, consequently, a fair punishment is not given to the guilty party. It seems that the beatings, violations, and humiliations of regular soldiers by their senior officers are a common occurrence in the army. Such events come to the forefront when a murder takes place and a preliminary investigation is launched, since often the beating and violation usually take place before the murder. Exceptions are cases where the beating results in heavy injuries to the soldier, as a result of which they are permanently disabled and/or handicapped.

Special attention deserves to be placed on the fact that many of the newly conscripted soldiers are being sent to complete their service in NKR. In this case, many legal infringements are taking place, since the conscripts, by being sent to NKR, are not serving under the RA Defense Ministry, but rather in units under the jurisdiction of the NKR Defense Army, i.e. in the army of another state. According to Article 8.2 of the Constitution of the **Republic of Armenia**, the armed forces provide security, defense and territorial integrity, inviolability of the borders of the RA. Another contradiction is that the RA Military Prosecutor's office and the Military Police Division also operate there. The same can be said of the RA Ministry of Defense Investigative Division as well as the Syunik Regional Court. These structures may be assigned to arrest, indict, and try soldiers who carry NKR citizenship. In other words, Armenia is obtaining the right to deliver justice in the territory of another state, against the citizens of that other state. These circumstances often become the cause of legal disputes.

Below we present the murder cases of Tigran Ohanjanyan, Khachatur Melikyan, Valerik Mouradyan, Tigran Nazaryan, and Tigran Hambartsumyan:



The Case of Tigran Ohanjanyan's Murder

On August 30, 2007, Tigran Ohanjanyan, Junior Lieutenant at the Kachaghbyuri village military unit of Gegharkunik province, was killed. A criminal case was commenced regarding the incident on August 31, 2007, which lasted 1 year and 1 month, and was completed by investigator Gnel Manukyan. According to the official report, the cause of death of Tigran Ohanjanyan was his coming into contact with a communication antenna in the unit's area of operation and thus being electrocuted. According to this hypothesis, the devices in question were not in a good operational capacity. Accordingly, the unit's communication systems operators, Karen Tovmasyan and Rustam Asatryan, were accused of neglect and carelessness.

Based on a number of discrepancies, deficiencies and fraud regarding the case, the Court of First Instance of Gegharkunik region did not find evidence proving the electrocution and set the accused free. Approximately 1 year and 7 months later, Ohanjanyan's case was once again returned to the initial investigation stage.

First of all, the time of Ohanjanyan's death was forged during the initial investigation phase. According to the documents pertaining to the criminal case, the death had occurred at around 23:00 hours. However, when the mother of another soldier serving in the same unit as Ohanjanyan met with the latter's parents, she told them that her son called her from the unit at around 21:00 to 21:10 hours on August 30 and told her that Tigran had died. Later, the soldier in question refuted that he had made such a call to his mother. But on Ohanjanyan's parents' request, when the list of the phone calls the soldier had dialed that day was published, it confirmed the conversation with the mother. The investigating body did not want to take this into consideration, because if the real time of the incident were disclosed, the testimony of all witnesses would lose credibility.



It is not clear if the military uniform brought as evidence actually belonged to Ohanjanyan. On the day following his death, in the morning, a RO unit employee found Ohanjanyan's military shirt, which was in a tattered condition. By abusing his position, the RO employee investigated the military shirt as and photographed it. Gnel Manukyan, disregarding the law, did not send the shirt for forensic investigation. 2 months after the incident and after numerous complaints by Ohanjanyan's parents, a military uniform, supposedly belonging to Ohanjanyan, was finally sent for forensic evaluation. The uniform in question could not have belonged to Ohanjanyan, a fact that became obvious through the documentation and the photographs taken by the RO employee that were incorporated into the criminal investigation dossier of the case.

Therefore:

- a. judging by the photos of the uniform taken, the expert opinion was that the uniform sent for forensic evaluation was new and had no tattered markings, while Ohanjanyan's real uniform was dusty and tattered as per the photographs taken of it. (corresponding photos);
- b. Ohanjanyan wore a size 52 uniform, while the uniform sent for forensic evaluation was a size 46.

Forensic evaluation did not register all the injuries on the body. It was not noted that Ohanjanyan's left ear was damaged, swollen, red and differed from the right ear. It was not stated that the deceased's fingers and palms were bruised. Aside from these, when Ohanjanyan was conscripted, he did not have one of his upper front teeth, while the forensic examiner recorded that his upper teeth were complete.

The antenna, which was considered to be objective proof, and by which Ohanjanyan was electrocuted because he touched it, was not confiscated as material evidence by the investigator, G. Manukyan, as is subscribed by law. The Investigator confessed under the burden of evidence



that he took the antenna from the military unit's depot. The antenna did not contain any DNA traces belonging to the deceased.

At the beginning of 2011, by order from the president of the RA, the new Prosecutor, G. Kostanyan, visited the Kachaghbyuri unit twice and studied the area, which was previously presented as the scene of the incident by the preliminary investigation. As a result of thorough investigation, the new prosecutor came to the conclusion that the location was forged by G. Manukyan and that the deceased could not have got the bodily injuries referred to in the preliminary investigation as a result of the incident which killed him. Regardless, the new prosecutor did not take steps aimed at exposing or revealing the truth.

Even though the court has returned the case for reexamination, the prosecution is not conducting such a reevaluation or reinvestigation. After a long struggle, the deceased's relatives managed to get a new preliminary investigation to take place, which was assigned to the experts at the Radio-physical Institute. According to report No. 1-1/47 prepared by those experts on November 22, 2011, the normal operation of the antenna and the normal insulation of the "antenna feeder cable" could produce exposed electrical current, unless they were damaged." Thus, it is possible to state, that the preliminary investigation result, electrocution, concerning the death is baseless. It was manufactured only to disguise the real reasons for the murder of the soldier.



The case related to the death of Khachatur Mikayelyan

On March 15, 2005, Khachatur Mikayelyan, a soldier serving in military unit No. 46492 of the NKR Defense Army was killed. No immediate criminal case was initiated, since according to the official preliminary report, Khachatur Melikyan died of gunfire in a combat position facing Azerbaijani forces. He was posthumously awarded the medal of courage by the President of NKR. Later, under the burden of evidence, the prosecution was obliged to open criminal case No. 91001105, according to which, on March 15, 2005, at around 23:00, conscripted soldier Misha Domikyan had visited the N 5 observation site of combat position 145, asked for the AK-74 rifle serial No. 2445696 of the soldier guarding the position, and then fired 3 single and one automatic round of bullets toward the N 4 observation site—where Khachatur Melikyan was on guard duty—and killed him.

The initial investigation body formulated another version of the events based on fabricated testimony:

1. The site of the incident was destroyed. Investigator Adamyan was satisfied, based on forged testimony, that the death had occurred when Melikyan was at N 4 observation site, which contradict other data obtained through the case file:
 - a) According to the testimony of all witnesses, the N4 site had no equipment and no guard duty was being performed there. Therefore, the deceased soldier could not have been there;
 - b) According to the results of autopsy No. 226/14, Melikyan died because of a gunshot injury to the head, resulting in a great loss of blood, when there was no pool of blood at the scene of the incident;



2. It was already mentioned in the forensic investigation that Melikyan's body showed he had imbibed alcoholic beverages before his death. Conscripted soldier M. Tomikyan who was questioned as a witness, stated in the presence of captain S. Sahakyan that 1 or 2 hours before the incident and in the process of preparing for dinner with his fellow officers, the captain had brought a one liter bottle of strong homemade vodka to the table. Despite this fact, the investigator had indicated that there had been no alcohol use at the combat position and neither Melikyan nor anyone else had drunk any alcoholic beverages. It should be noted, that on being questioned, the coroner affirmed his previous statement of finding alcohol in Melikyan's blood, and that the blood sample was still at the coroner's center, that he could provide it to any independent expert, and that he believed that the result would be the same.

3. According to the same forensic medical expert, his examination showed that Melikyan had numerous scratches, bruises and blood stains on the various parts of his body, such as his hands, legs, chest and his back, which, according to his expert opinion, had been caused about 0 to 10 minutes prior to death. In order not to register these revelations as proof of torture, the investigator took witness testimonies, according to which:

- a) None of the soldiers could have beaten Melikyan, because he was physically stronger than all of them, since he was trained as a boxer and was a professional athlete;
- b) The injuries could have been caused when Melikyan's body was rushed through trench walls and his body might have come to contact with the uneven walls.

4. In forensic evaluation report No. 13920502 of the victim's clothes, it is stated that there was blood on Melikyan's underwear, while there was no blood observed on the winter coat, which, according to information gathered, he was wearing.

Such one-sided and incomplete irregularities that had marred the pre-trial continued when the case was heard a second time in Stepanakert by Judge Lornik Atanyan. None of the new evidence was taken into consideration by the new judge. The judge denied all motions, including



the arrest and detaining of the alleged killer, M. Domikyan. As a result, Domikyan, seeing that the inadvertent killing could be considered as an unlawful murder, escaped. Since then, law enforcement bodies have not been able to detect the whereabouts of M. Domikyan, because the search and arrest is being conducted by the NKR police investigative organization and within the NKR territory, while Domikyan is a resident of the Lori province of the RA and, therefore, it is only natural that the search must be conducted in the province, the RA, or even abroad.

The situation obliged the victim's mother, Donara Melikyan, to transfer the case from the criminal to the civil domain, and to raise the question of:

- a) On what right did the RA send her son to serve in another state?
- b) Why was the meeting of the Court of First Instance of the Syunik region of the RA transferred to the capital city of another state?
- c) According to what code of law would the victim's mother approach this other state, in order to apprehend the suspect and commence the trial?

These issues arise whenever a soldier possessing an RA citizenship is killed in NKR. These are contradictions that are not regulated by the RA legislation and do not receive legal solution.



Valerik Mouradyan's murder case

On March 15, 2010, at around 00:35, the body of RA conscripted soldier Valerik Mouradyan was found dangling with a rope around his neck in the back room of the NKR Defense Army's renovation company of military unit No. 39138. Criminal case No. 90951310 was initiated due to the evidence of death, in accordance with the RA's Criminal Code Article 110, paragraph 1: suicide.

On August 3, 2010, with the intent to continue the criminal investigation, the case was transferred from the RA Ministry of Defense investigative unit it was placed in to the Special Investigation Service Department of the same ministry. On January 15, 2011, the RA investigator, A. Tamrazyan, decided to suspend the criminal case on the ground that the identity of the person who committed the crime was not clear. About a month later, and after numerous complaints from the dead soldier's mother, the criminal case was brought out of suspension and a preliminary investigation was started, which continues today (January 2012).

These circumstances indicate that:

- a- The investigator is not interested in making an objective examination;
- b- There is no pertinent or proper prosecution in this case. If the suspension of the case was baseless, which is manifested in the 11 months of idle speculation regarding the case, then:
 - a- A. Tamazyan should bear responsibility for stopping it in an illegal manner, and
 - b- The case should have been given to another investigator, since the superior authority did not take action regarding the above-mentioned steps.

In April 2011, the preliminary investigative body charged with investigating the crime accused A. Grigoryan, per Article 359, part 1 of the RA criminal Code, "regarding the violation of the rules regarding relations between military personnel." On June 30, 2011, per the



decision of prosecutor H. Harutyunyan, the criminal case against A. Grigoryan was suspended and he was freed per the general amnesty accorded. It is important to note A. Grigoryan's guilt was not qualified as a reason that had aided in Mouradyan's suicide.

Let us also note that a biased and incomplete preliminary investigation had been conducted for the case. In order to substantiate the suicide hypothesis, the investigator posthumously appointed a forensic psychiatric examination, No. 10-1365. Despite the fact that the psychological experts had stated in the conclusion of their report, that based on information in the criminal case docket, it was not possible to unconditionally determine that Mouradyan was suffering physiological effects, the preliminary investigative body concluded that the case was a suicide, and thus continues its investigation in that regard. Aside from this, the conclusion of the coroner's report, No. 238/12, purports to murder in the case. The coroner's report alluded to evidence found on the front of the neck of the victim, which indicates that the victim was killed by hanging. The report also notes, that "there is a half groove, width 1.2-1.3 cm, with dark, red color on the left surface of the neck, which looks like a ribbon blood stream." With this characterization the coroner makes it clear that the initial medical examiner had given a deliberately incomplete conclusion as to the cause of death of the victim. He was supposed to further explain the particularities of the groove observed by the coroner and also register its width, characteristics, and also note the blood stain, which he did not do. Moreover, this information should be reflected in the "Conclusions" section, under the sub-title "consequences," which is, however, absent. Let us note that in accordance with forensic medical practice, the second set of injuries on the victim's neck suggests, that Mouradyan was suffocated first and then hanged.

It is remarkable that the old and tattered uniform that Mouradyan was wearing belonged to Avetik Khachatryan, who in turn was found wearing Mouradyan's uniform. The preliminary investigation considered Khachatryan's explanation that since he was going for leave, he asked



Mouradyan for the latter's new uniform and forgot to return it, as credible. Norayr Grigoryan's belt was found on the site of the incident. Grigoryan's explanation that he had forgotten his belt was also accepted as *bona fide* and a credible explanation by the preliminary investigator. These facts also indicate that the investigation was not fully implemented and the suspects were thus being taken outside the scope of the investigation.

It is perhaps also noteworthy that the victim's mother had said that a few days before the incident, the victim told his mother during a phone conversation that some of his co-workers at the unit's garage stole fuel from the depot and filled the empty tanks of some officers' cars. They were contract servicemen, who threateningly ordered V. Mouradyan to keep his mouth shut about the stolen fuel. During his conversation with his mother, Mouradyan also told her that the thieves offered him money in order to keep silent about their act. It is clear that Mouradyan was in a perilous situation and had to make a difficult choice; if he accepted the money he would become an accomplice to the theft, while if he refused he would become suspicious and the thieves would try to eliminate him because he could be a witness. Mouradyan's mother recounted those facts when meeting the defense minister in October 2011. The minister accepted the fact that stealing fuel could have been a murder factor. He ordered his subordinates to investigate the possible theft of gasoline. However, the investigative body has thus far conducted no such investigation.



The murder case of Artak Nazaryan

On July 27, 2010, at around 07:50, staff-appointed Lieutenant Artak Nazaryan, serving at the “Ghozlu 12” combat site of the RA Defense Ministry’s No. 21127 unit, fired his “AK-74” type rifle, serial No. 1093977 in the oral cavity of his mouth and died. According to the conclusion of the preliminary investigative report, the fatal wound was self-inflicted. The report also stated that 3 military personnel were the cause of the incident. Captain A Manukyan, who was the officer responsible at the site, as well as Senior Lieutenant V. Hayrapetyan from the adjacent “Luys”, had, about 3 to 8 days prior to the incident, on separate occasions, humiliated and beaten Lieutenant Artak Nazaryan.

Helsinki Association expert, R. Martirosyan, was incorporated as the representative of the victim into the criminal case through the affidavit of the victim’s mother. After reviewing the dossier of the incident, Martirosyan was able to conclude that a biased and incomplete preliminary investigation had been concluded, where several violations of the Criminal Code had been observed.

Thus:

1. Two conscripted soldier witnesses, Artur Mkrtchyan Artak Hovannisyan, had later rescinded their testimony during the preliminary investigation, stating that they had testified under duress and the threat of being beaten. The preliminary investigative body, under whose supervision the violence against the 2 witness soldiers had taken place, had invited the 2 and was able to make them agree on their initial testimony. During this procedure the investigator had committed an official forgery. He re-questioned the witness soldier, A. Mkrtchyan, regarding the written statement he had given to the parents of the 3 accused soldiers in the case, but he did not recognize that written statement as evidence in the case and did not attach it to the criminal case.



Helsinki Association expert R. Martirosyan obtained the written statement through personal means, where witness A. Mkrtchyan specifically states, that the accused, Harutik Kirakosyan, Atibek and Mkhitar Mkhitaryan and were not guilty and that he was “beaten in order to give his testimony.”

2. Around 1 hour and 25 minutes after the incident, an operative report was sent to the General Staff and the Ministry of Defense, according to which, A. Nazaryan had committed suicide in the trench of the combat station. The scene of the event was later changed and a new site was chosen on a high rock, where the victim committed suicide in a sitting position by firing the rifle in his mouth. In such circumstances there would have necessarily been blood stains and bone fragments on the new site, as well as brain matter, since the bullet had come out of the officer's head from the left side, at the area of the back of his neck. However, no trace on the scene examined produced such evidence.

Seven months after the incident, a new investigation (the 3rd) was conducted at the scene by the new investigator, L. Petrosyan, as a result of which the new examiner indicated “what resembled blood stains.” However, the new investigator, by abusing his position and by violating the norms of the Criminal Code, did not take samples of the blood stains he had discovered, did not secure such samples, and did not send such samples for forensic evaluation. In other words, it was still not proven if what he purportedly assumed to be blood stains were really blood stains. If they were, then were they human or animal blood? And, if human, what type of blood was found and was it the same type as that of the victim?

3. In the initial report about the investigation conducted at the site of the incident it was mentioned that it was completed on July 28, 2010. Photos of the site and the victim in the site were taken by a Canon model camera. This is refuted by the fact that on the day of the murder, July 27, 2010, at around 15:00 hours, an external inspection of the body of Nazaryan’s body was made at the Berd city hospital and the body was sent to Yerevan on that same day. Moreover, on



the same day, July 27, 2010, the relatives of the victim had overtaken the vehicle that was transporting the victim's body to Yerevan, and one of the officers showed the relatives the photo of the body at the site of the incident which was on his cell phone (illegal photographing). As a result, it is now assumed that the body of the victim had been in 2 different places on the same date and time (June 28, 2010 at around 12:00-14:00 hours): The first instance is at the site of the incident, while the second instance is at the RA Ministry of Health's coroner's center.

4. During the investigation of Nazaryan's weapon as evidence, the investigator deliberately destroyed the fingerprints on the weapon. According to report No. 25101003 of the expert, no fingerprints were found on the weapon. R. Martirosyan presented a declaration about the crime in this regard and asked the general prosecutor of RA to conduct a criminal investigation regarding this issue.
5. During the investigation, the investigator produced 3 magazines of Nazaryan's rifle with 90 bullets. It was also found that the magazine which was on Nazaryan's rifle contained 29 bullets, while one bullet was in the chamber of the muzzle of the rifle. This means that the 120 bullets that Nazaryan had received before going to the combat station were accounted for. This is being refuted by the initial investigation, which maintains that the victim committed suicide with his own rifle. As during the initial investigation, so too during the criminal investigation, none of the witnesses was able to present into evidence any proof that Nazaryan could have obtained any bullets aside from those allocated to him before going to the combat station.
By law, the investigator was obliged to submit for examination all the weapons at the combat position under question, to prove which gun was fired after they were last cleaned. However, the investigator, by grossly abusing his official position, and by purporting himself to be an expert in



firearms “has reached the conclusion” that no bullets were shot from any of the rifles at the combat position since the weapons were last cleaned.

6. According to medical forensic examination (report N704-34), dozens of injuries were noticed on different parts of A. Nazaryan’s body when it was found. These included injuries, bruises, scratches, and blood stream stains that can be divided into 3 groups:

- (a) injuries received 3-5 days before the murder,
- (b) injuries received 6 hours before the murder,
- (c) injuries received immediately before the murder.

In addition, of at least 54 injuries, only one, on a finger, had occurred 3-5 days before the murder.

The examiner had meticulously examined the injuries found on Nazaryan’s body and which were 3 to 5 days old; however, he remains silent on the injuries that the victim had sustained 6 hours or less prior to his death (which are much disproportionately more numerous and deeper).

It also becomes clear from the record of the initial investigation that the testimonies of all ordinary soldiers at the “Ghozlu 12” military station were directed and dictated by the investigators. Each of the accused soldiers had individually beaten, humiliated and cursed.

Returning back to the issue of the injuries that Nazaryan had sustained about 6 hours to immediately before his death, which were documented in the coroner’s report, it must be noted that the criminal case was brought to court without this extremely important aspect being included in the case dossier. This was done so that the investigators would not answer important



questions on who had beaten the victim at 02:00 and 07:00 - 07:40 on the morning of the murder.

7. According to the conclusions of coroner report No. 704/34, the deceased's blood contained 1.8 ppm of ethyl alcohol, which is equal to the average level of drinking of alcoholic beverages. According to the expert's report, the deceased had consumed alcohol 1 to 1.5 hours before his death. The preliminary investigation did not state where and with whom the victim consumed alcoholic beverages. Let us add to this evidence that the deceased had a diseased liver and usually did not consume alcohol, which is also what the witnesses had testified. It is possible then to assume that Nazaryan was forced to drink.
8. In a document attached to the conclusions of medical forensic report No. 704/34, the author, expert medical examiner Adamyan, stated that he was attaching 19 photos of the deceased's body. However, only 16 of these were found in the case dossier. The preliminary investigating body, in violation of the law, had reserved the right to hide 3 photos, which is a criminal offense in itself.
9. In the medical forensic report No. 704/34 it is mentioned that in different parts of Nazaryan's body, there were parts that lacked skin. Expert medical examiner Adamyan writes in his conclusion in this regard that it was possible for this to have happened during the transportation of the body. Let us note that similar injuries were also reported during the external examination of the victim's body. These injuries were recorded at the Berd Hospital's expert medical examiner's office, by Expert medical examiner Davit Harutyunyan.



Therefore, expert Adamyan's observation regarding the absence of skin on parts of the victim's body is not only incomplete, but even ambiguous, not to say dubious, since it was not proven by scientific reasoning.

10. Over the course of the year-long preliminary criminal investigation, one of the most important examinations regarding the criminal case has not been conducted: A. Nazaryan's uniform has not been sent for forensic/chemical/biological evaluation/examination, which should have answered the following questions:
 - (a). Are there any traces of blood on the clothes or not? If yes, what type is the blood? Did it belong to A. Nazaryan? On which parts of the uniform were the blood stains located?
 - (b). Is there any vomit residue on the clothes?
 - (c). Is there any brain matter residue on the clothes?
 - (d). Are there any traces of vegetation on the victim's socks?
 - (e). What other kinds of traces are there on the victim's clothes?
11. The criminal case did not indicate which soldiers from the "Ghozlu 12" were taken to RO divisions in Berd and Ijevan and for what length of time. The criminal case also did not indicate which officers and soldiers from other military units were taken to RO divisions in Berd and Ijevan and for how long (how many days). The preliminary investigation was conducted using non-transparent methods and in violation of legal norms.

At the beginning of September 2011, the Helsinki Association expert and the representative of the victim's family, R. Martirosyan, challenged the appointment of Harutyun Harutyunyan as an accuser prosecutor, since the latter was the person who had conducted the preliminary investigation of the case. Martirosyan's challenge was based on the issues raised above, which



indicated that Harutyunyan had violated norms in conducting his investigation, which meant that he could not be an unbiased person in the capacity of a prosecutor in this particular case. The judge, S. Martanyan, president of the Court of First Instance of Tavush, refused to accept this and prosecutor Harutyunyan's exclusion from the case on the basis presented by R. Martirosyan. The judge was obliged, under the law, to familiarize himself with the case and the investigation before accepting to preside over the trial. This meant that, had he been informed about the case, he would not have admitted the preliminary investigation dossier to be admitted in the trial. The judge did not address the above-mentioned violations of the law, reasoning that he would do so at the time such issues were brought as evidence during the trial. The judge and the prosecutor rejected the victim's and the defendants' motions regarding the trial procedure which criticized presentation of the evidence, examining of witnesses, and interrogating the defendants. Based on the illegalities in the preliminary investigation and the criminal investigation phase, such a trial procedure was important in order to ask the witnesses questions regarding the evidence. The challenge to the judge and prosecutor was also refused. Arman Mnatsakanyan's testimony was also problematic. The witness refused to answer questions, arguing that he remembered nothing and asked that his testimony from the preliminary investigation be considered instead, which was totally contrary to the proof gathered through expert evidence in the case. The witness's demeanor implied that he was afraid. He was being brought to court by RO agents, one of whom disregarded the law by sitting beside the witness and was following his movements and utterances. It was with great difficulty that the parties managed to get the RO employee outside the courtroom.

Taking into account the above-mentioned fact that 2 of the witnesses had reneged on the testimony they had given during the initial investigation phase by arguing that the testimonies were extracted from them under duress, the victim's side motioned the judge to let witness Mnatsakanyan be questioned after he was discharged from active duty (he was conscripted on



December 4, 2009. The motion was to question him by the end of November [2011]). The judge partially accepted the motion and set Mnatsakanyan's questioning for a week later.

On December 6, 2011, the RA Defense Minister, Seyran Ohanyan accepted a visit from R. Martirosyan and the victim's mother, Hasmik Hovannisyan. They tried to explain to the minister the violations of law that had taken place during the initial investigation of the case through the offices of investigator Armen Harutyunyan and his subordinates at the Tavush RO division. The minister seemed uninterested in hearing about the issue. He announced that he could only help on issues within his jurisdiction. R. Martirosyan pleaded to the minister that for the sake of a just trial, he should discharge the conscripted soldier and witness A. Mnatsakanyan. The minister gave orders in that regard to his secretaries present during the visit. However, 3 weeks later no such discharge took place. The witness continued to give conflicting and evasive answers throughout.



The murder case of Tigran Hambartsumyan

On June 28, 2011, Tigran Hambartsumyan, a conscript at military unit No. 54809 of the RA Defense Ministry was killed. The next day, criminal case No. 905543 was initiated. According to the preliminary investigation, conscripted soldier Tigran Hambartsumyan had voluntarily deserted from his unit at around 18:30, on June 28. As a result of the search to find the soldier, his body was found in the forest near the unit's base on June 29, 2011, at around 13:15, about 100 meters from the military base. According to the testimony of the soldiers, the preliminary investigation body concluded that the incident was a suicide, in accordance with section 1 of Article 111 of the RA Criminal Code. The investigation thus continued in that direction. The investigation found that Hambartsumyan's body was found with skin and muscle tissue absent on some parts of the head and neck. According to expert opinion, the injuries were the result of a dog(s) mutilating the body, since 3 dog hairs were found on the dead soldier. Even though the body's neck was partially covered with his underwear, the dog(s) had eaten parts of the head, nose, throat, ears, and the neck and had done nothing to the hands and shoulders. The victim's clothes were found about 10 meters away from the body, including his summer shirt, on which, and according to expert opinion, huge blood marks were found. 6 meters away from the body a Russian made ["ՃԱԻԷԾԱ"] shaving blade and its box were found, which, according to expert opinion, was the instrument with which the victim committed suicide, by cutting his veins at a depth of 2 cm into his left forearm. In the conclusion of the medical forensic report (No. 610/19) it was mentioned that before he committed suicide, the victim had consumed alcoholic beverages. A muscle sample from the body showed 0.7 ppm of ethyl alcohol, which corresponds to a level of light alcohol consumption.



About three months after the incident, in October, after several complaints by the victim's representative, Benik Hambartsumyan, and his representative, the Helsinki Association's expert, R. Martirosyan, the military prosecutor of the RA, G. Kostanyan, invited them to Goris to discuss the criminal case. General Armen Harutyunyan, head of the Investigation Department of the Ministry of Defense, who had conducted the initial investigation of the case, as well as other officials from the regional investigative body and prosecutor's office were present during the meeting. The victim's side presented the following observations:

1. The investigating body rejected the motions prescribed by the law and presented by the victim's representatives to obtain photocopies of investigative and other documents pertaining to the place of inspection (incident), the records of the external inspection of the body, and any photos taken during the investigation.

The prosecutor tried to satisfy the requirements and provide the documents, but not copies of the photos. After the meeting, however, the case investigator refused to give the photocopies of the documents, stating that after the meeting the military prosecutor ordered him not to supply them to the victim's representatives. Weeks later, when the victim's father went to Goris and once again petitioned to receive copies of the above mentioned documents, he too was refused by the case investigator. However, the latter allowed the victim's father to sit down and transcribe 2 printed documents that consisted of 2 pages.

2. According to the initial investigation body, the soldiers of the unit could not find the victim's body, even though they concluded a meticulous search on June 28, 2011 around the base. They were able to find the body on the next day. This implies that the murder site was not real, since Hambartsumyan's body was transferred there a day after he was killed. This is indirect proof that what happened was a murder.



3. The investigator conducted a thorough investigation of an incident that had taken place about 7 months before the incident, which does not have any relevance to the case at hand. However, he had not been able to find out how long before the incident, where, and with whom Hambartsumyan consumed alcohol. It is still not clear whether the victim had a fight with someone before he was killed, and what was his reason to leave (desert) the base.
4. The conclusion to medical forensic report No. 610/19 is flawed: first, the medical forensic expert did not conclude how much time elapsed between the time of death and when the body was found. According to the expert, the death occurred 24 hours or more before the body was found. This means that the death could have occurred on June 28 (as the expert implies), or even on June 27. Secondly, in spite of the fact that the level of alcohol is derived from an examination of the blood, in this case the expert had seen it prudent to use a muscle sample. Such an examination requires another question to be answered: if the alcohol level in the deceased's muscle tissue was 0.7 ppm, then what was the percentage in his blood? Thirdly, the medical expert did not record the injury on Hambartsumyan's shoulder, which was recorded during the external inspection of the body.
5. According to fingerprint investigations, no fingerprints were found on the razor, which directly contradicts the suicide hypothesis.

Considering this and other observations by the victim's representatives regarding the initial investigation, the military prosecutor has given a directive to question the medical forensic expert assigned to the case. A month after the incident, the victim's side motioned to receive a copy of the minutes of the questioning of the forensic doctor. In response to this petition, the



investigator, Hakobjanyan orally stated that he did not accomplish the directive of the military prosecutor and has not questioned the forensic doctor since he did not find it appropriate.

6. Hambardzumyan's shirt is evidence in the case. If he had taken it off before he committed suicide, then there would not have been blood stains on it. It would also be impossible for him to take the shirt off while committing suicide, because, per the forensic doctor's observation, immediately after cutting the veins on his forearm he would have strongly bled and gone into hemorrhaging shock.

On August 29, 2011, the aggrieved party petitioned the investigation department of the RA Ministry of Defense 9th Garrison Investigative Division to receive hair samples from the military commander's dog, whom the victim's father saw at the base in the custody of some soldiers on the day his son's body was found, and to compare them with the dog hair found on his son's body. The aggrieved party has doubts that the dog mutilated the victim's body, since the examination of the body implied that the dog had done the mutilation while in human custody. Otherwise, the dog should have mutilated the hands and shoulders of the deceased – these would have been the first parts to be mutilated, because the victim was found face-down on the ground with his arms spread above his head.

In its September 13, 2011 decision, investigator Hakobjanyan refused to grant the motion of the aggrieved party based on the fact that no one kept a dog in the military base, that the unit had no dogs assigned to it, and that the commander's dog was a domesticated and did not come out of the house without human supervision. According to the investigator, that dog was never kept in the base area. The investigator made these observations in the presence of the victim's father and those soldiers who were supervising the dog on the day that the victim's father saw them with the dog. These soldiers said that the dog belonged to the commander of the unit, who was on



vacation and had entrusted the dog to them. The soldiers also said that they did not recognize the victim's father, and that they had never spoken to him.



Lesbian, Gay, Bisexual, Transgender (LGBT) ⁴²

⁴² This section of the report was prepared by NGO “Public Information and the Public Organization for the Need for Information in Armenia.”



LGBT human rights violation can be witnessed in various spheres of social life. LGBT people prove that there is discrimination against them in educational institutions, and there are cases when the teacher had started to amuse himself with their orientation, such as “womanish” (for homosexual males) and “Manish” (for lesbian women acting as males) and that they were thus left out of universities because of their sexual orientation. Scientific articles published in this regard are not encouraging, since the professor’s stance is that such behavior is degenerative and those who write about such subjects are themselves perverts. Homosexual students are not allowed to do research on the theme of homosexuality, because the lecturer opines that since the researcher is homosexual, he or she cannot be objective about the research subject.

Finding work has thus become a very painful issue for LGBT people, since companies and other workplaces are refusing to hire people who do not conceal their sexual orientation (gay, lesbian, etc.) Transgender people do not have the opportunity to express their gender identity. Most often, LGBT people do not go to health institutions, even in necessary cases, because they are not convinced that their sexual identity will be kept confidential. In some cases these people apply to Public Civil Organizations, are sent to medical doctors who are trustworthy, and the organization has positive experience in working with them. Otherwise the risk is high that a person will be discriminated against and he/she will receive degrading treatment.

Because of existing unwritten laws in the army, which instill discrimination against LGBT people, the whole army thus becomes a questionable place for such people. In fact,



the media's approach toward LGBT people is biased and is based on strong stereotyping, prejudice, and has no scientific or modern approach. The government shows no political will to protect LGBT peoples' rights, and, very often, governmental structures themselves act in the role of the offenders.

Civil society's attitude towards LGBT people is also inconsistent. Regardless of the fact that civil society organizations can work on LGBT human rights and, in that capacity, take action to change the government's and civil society's opinion regarding these people, these organizations also do not give any real support.

Although there have been no radical changes in the above-mentioned aspects, in this report we draw attention to several spheres of social life and present the most frequently registered issues and problems for LGBT people in the Republic of Armenia in 2011.

Public attitude

“Public Information and the Need for Knowledge” (PINK Armenia) NGO has conducted a survey titled “Public attitudes toward LGBT persons in Yerevan, Gyumri and Vanadzor in 2011.” According to the results of this survey, only 6.3% of respondents consider LGBT persons as a vulnerable group in Armenia. 18.6% of respondents consider deviations in sexual orientation as “non-traditional” and a disease, while 72.1% of the respondents have a negative attitude towards this social group. The majority of respondents consider LGBT orientation as anathema to [Armenian] national identity. Therefore, 52.7% of respondents believe that being an LGBT



person is not appropriate for the nation, while 66.9% believe that being an LGBT person should be condemned by the public. Respondents who have an intolerant attitude and position toward LGBT persons remain free of contact with them. 55.3% responded that if they knew that an acquaintance or a friend or relative was an LGBT person, they would cease contact with him/her. 87.6% of respondents expressed that they would not use services and equipment that were previously used to service LGBT people. It can therefore be concluded from the survey results that 49.6% of respondents are not tolerant toward LGBT people, while in the opinion of 74.5% of respondents, the state really does nothing regarding LGBT persons in its policy. Therefore, 71.5% believe that the state must fill that gap by fighting against them. It is noteworthy in this context that most respondents do not consider the police as a law-enforcement agent, but rather a body that fights against human rights.

The majority of respondents did not have enough knowledge about sexual orientation and gender identity and LGBT persons. Their knowledge is stereotypical and beyond the scope of scientific explanation. 31% of the respondents stated that they received most of their information about LGBT individuals through TV entertainment programs, while 22.6% of them stated that they received their information about the subject through news information systems and broadcasts. People very often humiliate LGBT people. They are often subjected to harassment in almost all spheres of public life, especially when their appearance coincides with the existing stereotypes of LGBT persons in society and the prejudices associated to them. Public reaction to them may range from offensive names to physical violence, which can be displayed as a one-time action or can have a permanent significance among neighbors, relatives, and the rest of the social



environment. In many such cases, the victims of violence or abuse do not apply to law-enforcement agencies, because they know that the same attitudes will persist there. Such testimony can be found in cases when beneficiaries apply to the government to receive legal services to protect their rights.

Church

Unlike previous years, this year [2011] the church reflected on the principal issues related to LGBT people in our society through the media. Discussions were centered on considering homosexuality as a kind of mania and delusion. During the discussions, the clergy mentioned homosexuality as a vice, equal to other vices such as drunkenness, drug or cigarette abuse. The principal goal of these discussions was to explain to the public that homosexuality was a psychological problem, and that people choose such “mania”. Thus, homosexuality was represented as a sinful act chosen by a person who has tendencies toward people of the same sex as him/her who also possess such sinful “mania”. In addition to discussing various issues in these interviews, priests had made statements during interviews with the press and media representatives, where they presented LGBT people as a threat to the country, noting that the issue was a direct consequence of imported “European values and traditions”.

The Church's approach toward homosexuals is that they have invaded Armenia through “Western forces” in order to obliterate Armenian traditions and values. Even though the media's main focus is not homosexuality and issues related to it, representatives of the church are using this opportunity to raise the topic of LGBT people and to present homosexuals to society as a source of a number of social problems. In general, we can say that the Church tends to represent



LGBT people as an artificially created group in Armenia, whose main purpose is to corrupt existing values, to weaken the unity of society and lead to corruption and amorality. The Church's position on this issue is that this is a sin and that all LGBT people are sinful and live anti-Christian lives. Parallels are drawn between LGBT people and “Sodom and Gomorrah”; homosexuality is presented as a sodomizing sin.

Religious minorities are also considered a danger to the Armenian people and the Armenian Apostolic Church, and their alleged main purpose is to disrupt the role of the Armenian Apostolic Church. In this context, the clergy are using the opportunity to draw parallels between LGBT people and the other religious minorities, and are presenting both as a threat to the national security of Armenia, and that both groups have infiltrated the country for that purpose. The church is an important authority for the majority of Armenian society. Thus, such statements by the clergy will encourage hostility towards LGBT people and they are preparing a strong and firm to battle against this social group by invoking the church’s reputation as an argument.

Media

Media representatives have great interest in the LGBT community. Unfortunately, in many cases biased coverage of LGBT issues, based on prejudice and stereotypes, do not have any



scientific basis and are formulated in a scandalous fashion. Issues pertaining to the LGBT community are treated by all kinds of mass media outlets. Most often, the topic is discussed in digital media.

In general, the mass media are offensive to the LGBT community since they cover issues in a negative fashion, which implies that there are strong stereotypes and prejudices toward the LGBT community. The information provided is not based on facts, has no evidence, and can very often be the result of rumors and gossip. In addition, spreading subjective information regarding LGBT people's sexual orientation and gender identity through the distribution of articles, broadcasts, and television is degrading the LGBT community's image even further, and aims to spread aggression against the LGBT community. The media presents LGBT community issues as a phenomenon, which is against traditions, values and cannot have a place in Armenian society. Moreover, it is often considered a national security risk.

In cases where child sodomy and sexual violence are involved, journalists try to connect them with homosexuality and accuse LGBT community members in the process. The media at large is labeling LGBT community members as child sodomizers and sexual abusers.

In a series of interviews with the LGBT community members, the journalist /reporters conducting these interviews did not preserve the secrecy of the identity of those persons.

Moreover, they did not comply with the preliminary arrangement/agreement of altering the voice and the facial features of the persons in question. These journalists/reporters were not punished in any of the cases mentioned above, even though the interviewed persons were afraid from publicizing their identities.



Compared to other journalists, TV reporters are the most homophobic. All broadcasts involving LGBD members disseminate hatred toward the homosexual community and encourage acts of violence against members of that community.

Police

Rights violations by the police against homosexuals and transvestites mainly take place in the Central Park in Yerevan [Aysi], where homosexual and transvestite community members often congregate. The police are entrusted with guarding the park. However, police officers do not bother to take any action to stop violence against homosexuals and transvestites in the park. Homosexuals and transvestites who visit the park have stated that the police have already blacklisted their cell phone numbers, so that when they call for help in case of abuse or violence, the police do not even bother to respond.

There have been cases when the police have harassed homosexuals and transvestites who were at the park. The police often provoke them to induce a violent response.

Case

A policeman in civil clothing parked his police car near the park and started cursing and shouting at a transvestite and asked him what he was doing there, using insulting and degrading words. The police officer came out of his car and started beating the transvestite. He then returned to his car and drove away. The victim went to the police station to complain, but the policemen at the station refused to accept his complaint. Even though the victim was supplied



with legal representation by an NGO, he stopped the case because he was afraid of future police retaliation against him.

The police in the park follow homosexuals and transvestites, and when they see them with a male, they threaten the male saying that if he did not pay them a bribe they would call his friends, visit his neighbors, and everyone would know that he was in the park with a homosexual or a transvestite. Given the fact that the victims of such scams know that their rights are being violated, they are afraid of presenting complaints because of the lack of personal security guarantees. In addition, there were also cases when a complaint is filed against a policeman by a transvestite, and the police officer had offered him money to rescind the complaint. Even though the victim did not take the money, he nevertheless did recall his complaint due to the lack of personal security guarantees.

Aside from the above-mentioned cases, there are also cases when homosexuals and transvestites were taken to the police station without any legal justification. They were kept there for several hours, and freed after actions accompanied with verbal and physical violence and humiliation. There is no information on whether the police actions were approved by senior officials or whether they did it on their own initiative. NGOs register such cases of human rights violations and try to prevent them through apologies, since it is not possible to bring such cases into legal action due to the lack of formal applications by the victims.

In December 2011, police brought in 10 transvestites for compulsory inspection regarding Sexually Transmitted Infections through skin and venereal diseases. After checking all of them, 3 were released, while others were arrested and kept in police custody until morning. The police



told the people arrested that they were following orders of higher officials, which was to apprehend homosexuals and transvestites and not let them to go to the park. Even though the victims did not file complaints, the NGO sent a motion to the Human Rights Defender's Office and the General Prosecutor's Office. Both institutions' answer was that they had directed the case to the Republic of Armenia Police. This case is still in progress.

This case served as the basis for a media report that the new Mayor of Yerevan, Taron Margaryan, had decided to “clean” the park and to return it back to “normal” citizens. Despite the fact that no such official announcement had been made by the mayor, no further explanation was given by the Yerevan city municipality either confirming or rejecting the mayor's real position on this issue. The municipality is refusing to give journalists any statement in this regard. Aside from this, the RA Police Chief, Vova Gasbaryan, has given an interview where, to a question posed by the journalists regarding what he thought of doing with homosexuals and transvestites congregating in the park, the Chief replied that he had not yet taken the matter into consideration but that he would do so. He also told the reporters that he supported their [the journalists'] fight against these people [homosexuals and transvestites].

The difficulty of defending the rights of the LGBT community stems from the fact that the victims are afraid to present complaints and of the possibility of public disclosure of their cases.



Thus, apologies remain the main strategy to defend the LGBD community members' rights. There is a need for mass media to raise awareness regarding this issue. There is a necessity for institutional changes in various areas of public life regarding the defense of LGBT rights and in the implementation of these changes. There are initiatives and efforts being made by civil society organizations that have the support of local and international organizations. Multi-sectored support implementation work for LGBT rights issues are being brought to the attention of the Government.



Religious Freedom of Conscience



Religious freedom is protected by the Constitution, other laws and concepts are defined, but some laws and customary traditions put some restrictions on the religious freedom of members of minority religious groups.

In general, the government does not apply existing legal restrictions on religious freedom. For the period involved in this report, the government has not initiated any changes affecting respect towards freedom of religion. It was mentioned that religious freedom was protected by the Constitution. However, other laws and customary traditions do imply restrictions on members of religious minorities and their religious freedoms. The law does not make it a requirement for social organizations (NGOs) and religious groups to obtain an official registration. However, though it is not mandatory, only registered organizations have legal status. Unregistered organizations cannot publish more than 1000 copies of newspapers or magazines, rent meeting places, broadcast on television or radio stations, or officially sponsor visas for visitors, although members may do so as an individual. To satisfy the official registration requirement, religious organizations should “be free from materialism and demonstrate a purely spiritual nature,” have at least 200 adult members and officially adhere to teachings and be organized through “any historically recognized scripture”. Registration requirements do not apply to the religious orientation of national minorities and their religious organizations. The registration of religious organizations is accomplished through entry in the State Registries. The Department of Religious Affairs and National Minorities oversees religious affairs and performs a consultative role in the process of submitting an application to be



registered by the government. There have been no announcements regarding refusals to register any religious groups. The RA Constitution recognizes “the exclusive mission of the Armenian Church as a national church in the spiritual life of the Armenian people, in the development of its national culture and national identity.” The separation of Church and State is accomplished through the constitutional law regarding “Constitution and Freedom of Conscience and Religious Organization”. However, the state grants the Armenian Church official status as the national church. The law grants certain privileges to the Armenian Church that are not granted to other religious groups. By law, the state recognizes the church's canon law in performing legal marriages. However, there are not, as yet, legal mechanisms or provisions in the law to enact such procedures. The Armenian Church is also allowed to have permanent representatives in hospitals, orphanages, boarding schools, military units and all places of detention, while other religious organizations can ensure such presence only if required. The law forbids “proselytizing”, but does not define the term.

In the laws “Regarding Education” it is stated that education is secular in public schools. However, this norm is being violated as per current conditions. Only the History of the Armenian Apostolic Church is taught in public schools. The law states that education in public schools according to today's norms is violated. School children do not receive any information about other religions. Students who adhere to other religions receive discriminatory treatment from teachers, who oblige students not to get in contact with students who profess other religions. The religious rituals of registered religious organizations are regulated within the confines of the law. By law, there is no prohibition regarding religious rituals, but in reality problems do arise.



It should be noted that the majority of violations in connection to freedom of conscience and religion in the RA are concentrated against “Jehovah's Witnesses”. According to the existing law, after being registered, all religious organizations are entitled to equal rights. However, as it became clear through an interview with Tigran Harutyunyan, the attorney of the “Jehovah's Witnesses” religious organization, there have been violations of law against this religious group, in that they have not endowed with equal rights before the law. Up to today the organization has presented petitions and motions to the Administrative Court of the RA against the State Revenue Committee, which places exorbitant and arbitrary import tariffs on imported scripture and books. At present, there are 37 cases in the court of appeals regarding this issue, while some of the cases have been transferred to the European Court of Human Rights, but there is still no information about the proceedings regarding acceptance or rejection of the cases presented.

Numerous cases of torture have been reported in different regions of Armenia where law-enforcement agencies have not responded properly.

On May 15, 2011, at around 09:00 AM, a dispute took place between a priest and a Jehovah's witness follower in the South-West district of Holy Trinity Churchyard in Yerevan. According to the case materials, “Priest Yessayi Artak Artenyan, upon noticing that 2 members of the sect of Jehovah's Witnesses, Andranik Makvetsyan and Samvel Grigoryan, were preaching in the churchyard, approached them and asked them to leave. The 2 refused to leave and they started arguing and quarrelling with the priest, who tried to photograph them with his cell phone in the act of preaching to others. Andranik Makvetsyan snatched the priest's cell phone



and the latter tried to get it back from him. Andranik hit the priest on the arm with his fist. after this, he threatened the priest by saying: 'You will see what will happen to you!' and also threatened to use physical violence on the priest. He gave the priest's cell phone back and left." The quote is from the official report regarding the incident. A criminal case was instituted under Article 118 of the Criminal Code (beating), the first part of Article 322 (vigilantism) and the first part of Article 137 (threat of murder and/or grievous harm and destruction of property). However, the defense prosecutor changed the magnitude of the accusation on October 21, and added one more article, 143 of the Criminal Code, Part 1. Andranik Makvetsyan was charged with violating this last article. Makvetsyan was found guilty by the court, which considered it a self-evident, proven fact that the defendant, Makvetsyan, had used the phrases "you will see what will happen to you", and "I am going to gnaw on your throat". The court did not consider the threat to the priest's physical health as evidence in the case. In his testimony in front of the judge, Makvetsyan's stated that he did not take the cell phone from the priest, and that he did not threaten the priest, and that he did not make such statements, and that, on the contrary, it was the priest that humiliated both of them. On November 28 the court found Makvetsyan guilty per Part 1 of Article 143 of the RA Criminal Code, which was explained as an infringement of the equality of citizens in front of the law. He was sentenced to a 6-month prison sentence on January 16. The Court of Appeals upheld the decision of the court of first instance.

June 18, 2011, an incident took place in the village of Lernarot. 2 young men approached [Jehovah's Witnesses] Vardan Ghazaryan, his wife, Gohar Ghazaryan, and married couple H. Harutyunyan and Siranush Shakhbazyan. The men, in an ironic tone, said that they wanted to attend the meeting [Jehovah's Witnesses gathering] and, since they did not have a car, they needed help in being transported to the meeting place. At the same time, Marine Mgerchyan phoned her co-religionists [Ghazaryans and co.] and told them that the Village Elder



had used sexual obscenities against her and another of her co-religionists and threatened them. V. Ghazaryan, G. Ghazaryan, H. Harutyunyan and Siranush Shakhbazyan immediately left to help their friends ,but a man stopped their car. The man was the Village Elder, Edik Sahakyan. He pushed, hit the arms and legs of, and threatened Vardan, Harutyun and the driver. 2 cars stopped then nearby, and the driver of one of them joined the Village Elder in his acts. There had been other people nearby. Then other villagers gathered, who told the Village Elder to let the people go. The Jehovah's Witnesses were thus able to leave. Later, when they picked up their friends, M. Mkrtchyan and L. Shakhbatyan, on the road, they too told them that the Village Elder had approached them and rudely asked them to leave the village.

Avshar Village Elder Surik Grigoryan threatened Mozart Aghajanyan and Arsen Hakobyan. He told them that they had no right to preach in the village, and that they had to get permission to do so, in which case he would decide to permit or not to permit the Jehovah's witnesses to preach. Later he added that if the Jehovah's Witnesses entered the village one more time, then the result would be bad. The Village Elder has on numerous occasions harassed them, and he has even threatened to use violence.

On October 9, 2011, in the Village of Ghazanchi, about 10 children followed the teachings of Laura Vardanyan and her coreligionists .No one bothered them at first. Sometime later, however, they [the villagers] began to taunt them with stones. Then the priest came forth and the school's religion teacher, secretary, students, and some male and female villagers joined him. The priest said that the Jehovah's Witnesses could only preach after getting his permission to do so, and that the village had no sectarian religious group. Then the Village Elder joined the priest's group and said that the village was governed through his rules. He ordered the Jehovah's Witnesses to leave the village. The priest also tore up the sect's periodical leaflets.



In a report, the “Jehovah's Witnesses” organization stated that it is impossible for it to hire large halls for the organization’s annual meetings and retreats. After negotiating and paying the rental fees, the owners are cutting off the electric current to the rented hall and/or asking the organization to leave the premises.

The law regarding “Alternative Service,” which was accepted into law in 2003 in the RA, was entered into force on July 1, 2004. According to the law alternative service types include: alternative military service, which is a service of a different kind and does not include combat duty, or the use, carrying, keeping, and maintenance of weapons, as is the case with normal military service in the RA. Alternative military service has duration of between 36 and 42 months, while mandatory service in the RA army is for duration of 24 months. In the case of opting for alternative military service, conscripts are given a special military card, which states that they are soldiers. They are checked every week and have to get a special permit in order to take leave. Article 14 of the law on Alternative Military Service states, that the alternative service is monitored and the implementation of recruitment within the defense sphere is authorized by the state administration body that has been invested with such authority by the Government of the Republic of Armenia.

According to Article 18 of the same law, those serving within the framework of Alternative Military Service are subject to the rules and bylaws of the RA army. Article 21 of the same law also stipulates that those who desert alternative military service are looked at through the same procedures as those servicemen who desert from the regular army.

In 2004, the Parliament Assembly of the European Council’s (PACE) resolution 1361 (Article 2268) and 1405 (Article 11.469) resolutions, the Government of the Republic of Armenia was invited to investigate the unacceptable conditions in the Alternative Military Service Law of the RA, especially since the duration of alternative service was extended



To over 42 months. On July 9, 2004, the RA Government accepted law ¹ 940 - N regarding “Alternative Service Locations and Alternative Service Servicemen’s Uniforms”. According to the new law, 49 people could be called to alternative work (within the ministries of Health, Labor and Social Affairs, Elderly Peoples’ Homes, psychiatric hospitals, and prisons) and 300 others could be called for alternative military service in Syunik, Gegharkunik and Tavush military units (all these provinces are on the eastern borders of RA).

Armenia's authorities still refuse to consider that the “alternative service” law does not meet international standards. The Council of Europe has repeatedly criticized the law, noting that it is imperfect. Currently, 56 Jehovah's Witnesses are in prison under the control of military personnel for refusing to serve under the alternative military service system. Almost all of these Jehovah's Witnesses have been imprisoned for two to three years on the basis that they refused to perform military service because of their religious convictions. They have been sentenced in accordance to Article 327, Section 1 of the RA Criminal Code, which punishes those who refuse to serve in the regular or the alternative military service. In January 2006, based on an amendment made to the Criminal Code, evasion from alternative labor service is now characterized as a criminal act.

Since the summer of 2008, those who were imprisoned in order to avoid regular military service and alternative military service were issued military cards on the orders of Defense Minister Seyran Ohanyan. Before this, people who were sentenced to prison terms could not register in their place of residence, and without it they could not get an identity card or passport. As a result, they could not get a government job, could not leave the country, and could not get married.



Prisoners of conscience
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At present, 56 Jehovah's Witnesses have been charged in accordance with the RA Criminal Code, on the grounds that they refused to complete military service because of their religious convictions. All 56 of them were convicted and imprisoned. No initial detention has been applied against them as a precautionary measure and no one has received a probationary sentence. Their names, dates of judgments, articles (in accordance with the Criminal Code) and the location of their imprisonment are listed below.

56 convicted Jehovah's Witnesses are convicted and imprisoned:

NAME DATE SENTENCE PRISON

1. Mardoyan Arkadi	August 28, 2009	§ 327 I, 30 months	Artik
2. Soghomonyan Vanik	August 31, 2009	§ 327 I, 30 months	Artik
3. Safaryan Grigori	September 4, 2009	§ 327 I, 30 months	Erebuni
4. Arshakyan Lyudvik	September 7, 2009	§ 327 I, 30 months	Kosh
5. Manukyan Rafayel	September 17, 2009	§ 327 I, 30 months	Artik
6. Aghajanyan Karapet	September 22, 2009	§ 327 I, 30 months	Kosh
7. Kroyan Artak	September 30, 2009	§ 327 I, 30 months	Kosh
8. Khanumyan Spartak	December 28, 2009	§ 327 I, 30 months	Artik
9. Vardanyan Levon	January 18, 2010	§ 327 I, 30 months	Erebuni
10. Kasemyan Hovhannes	February 2, 2010	§ 327 I, 24 months	Artik
11. Pirapyan Taron	March 2, 2010	§ 327 I, 30 months	Kosh
12. Torosyan Artur	March 9, 2010	§ 327 I, 30 months	Erebuni
13. Sargsyan Karapet	March 18, 2010	§ 327 I, 24 months	Artik
14. Prutyanyan Samvel	March 23, 2010	§ 327 I, 30 months	Erebuni
15. Khachikyan Ashot	March 29, 2010	§ 327 I, 24 months	Kosh



16. Martirosyan Davit	March 29, 2010	§ 327 I, 24 months	Kosh
17. Nahapetyan Arayik	April 9, 2010	§ 327 I, 24 months	Erebuni
18. Arakelyan Zorayr	April 14, 2010	§ 327 I, 30 months	Artik
19. Seyranyan Narek	April 22, 2010	§ 327 I, 24 months	Kosh
20. Tumanyan Levon	May 6, 2010	§ 327 I, 30 months	Erebuni
21. Khalatov Rafayel	May 19, 2010	§ 327 I, 24 months	Erebuni
22. Chinaryan Narek	May 21, 2010	§ 327 I, 24 months	Kosh
23. Pohgosyan Narek	May 24, 2010	§ 327 I, 30 months	Kosh
24. Tonoyan Suren	June 9, 2010	§ 327 I, 24 months	Erebuni
25. Khlghatyan David	July 19, 2010	§327 I, 24 months	Erebuni
26. Bagiryan Andranik	August 2, 2010	§ 327 I, 30 months	Erebuni
27. Ohanjanyan Eduard	August 2, 2010	§ 327 I, 24 months	Erebuni
28. Avagyan Levon	August 3, 2010	§ 327 I, 30 months	Erebuni
29. Davtyan Alik	August 4, 2010	§ 327 I, 30 months	Erebuni
30. Aghekyan Sevak	August 5, 2010	§ 327 I, 30 months	Erebuni
31. Khechoyan Manuk	August 9, 2010	§ 327 I, 30 months	Erebuni
32. Minasyan Derenik	August 11, 2010	§ 327 I, 24 months	Kosh
33. Avetisyan Vahe	August 13, 2010	§ 327 I, 24 months	Kosh
34. Yengibaryan Hakop	August 24, 2010	§ 327 I, 27 months	Erebuni

¹ **It is defined by Article 327 that:** "avoiding military service or alternative military service, training, or military training, in the absence of permission for not participating in those activities as by the legislation of the Republic of Armenia, is punishable with detention for two months, or with imprisonment for a term of three years" (modified on December 16, 2005)



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35. Mnatsakanyan Harutyun	August 25, 2010	§ 327 I, 36 months	Erebuni
36. Mesropyan Gor	August 27, 2010	§ 327 I, 18 months	Erebuni
37. Arshakyan Artashes	September 6, 2010	§ 327 I, 30 months	Kosh
38. Andonyan Vardan	September 11, 2010	§ 327 I, 30 months	Erebuni
39. Alikhanyan Vahagn	September 24, 2010	§ 327 I, 30 months	Artik
40. Khachatryan Anri	September 29, 2010	§ 327 I, 24 months	Erebuni
41. Poghosyan Nikolay	October 21, 2010	§ 327 I, 30 months	Erebuni
42. Musheghyan Aharon	November 12, 2010	§ 327 I, 36 months	Kosh
43. Muradyan Davit	December 30, 2010	§ 327 I, 18 months	Kosh
44. Voskanyan Ashot	February 2, 2011	§ 327 I, 36 months	Erebuni
45. Sargsyan Samvel	February 3, 2011	§ 327 I, 30 months	Kosh
46. KiraKosian Harutyun	March 9, 2011	§ 327 I, 30 months	Erebuni
47. Nersisyan Arman	March 14, 2011	§ 327 I, 24 months	Kosh
48. Geghamyan Andranik	March 15, 2011	§ 327 I, 24 months	Kosh
49. Sargsyan Hayk	April 8, 2011	§ 327 I, 30 months	Erebuni
50. Gasparyan Hovik	April 11, 2011	§ 327 I, 30 months	Kosh
51. Sardaryan Hovhannes	July 1, 2011	§ 327 I, 24 months	Erebuni
52. Adyan Artur	July 7, 2011	§ 327 I, 30 months	Nubarashen
53. Markaryan Vahagn	July 7, 2011	§ 327 I, 30 months	Nubarashen
54. Avetisyan Garegin	July 19, 2011	§ 327 I, 30 months	Nubarashen
55. Khachatryan Harutyun	July 25, 2011	§ 327 I, 30 months	Vanadzor
56. Sargsyan Eduard	August 6, 2011	§ 327 I, 24 months	Erebuni

No initial detention has been applied as a preventive measure against any of the above.

No provisional sentence has been applied to any of the above.