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Human Rights in Armenia

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COUNCIL OF EUROPE

In January 2001 Armenia was admitted to the Council of Europe. Prior to the accession the Parliamentary Assembly of the Council (PACE) made a number of recommendations for legislative and other reforms to be undertaken in the republic in order to strengthen democratic processes and the respect for human rights. These recommendations, which the Government pledged commitment to, included the ratification of seven international treaties and the adoption of nine domestic laws within a period of one to three years¹.

The Referendum on Adoption of the new Constitution is planned for Fall 2003.

Here is the list of conventions and protocols, which Armenia has ratified:

- ✓ Statute of the Council of Europe (Entry into force on : 25/01/01)
- ✓ General Agreement on Privileges and Immunities of the Council of Europe (Entry into force on : 25/06/01)
- ✓ Convention for the Protection of Human Rights and Fundamental Freedoms (Entry into force on : 26/04/02)
- ✓ Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (Entry into force on : 26/04/02)
- ✓ Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (Entry into force on : 25/06/01)
- ✓ Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol (Entry into force on : 26/04/02)

- ✓ Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Entry into force on : 01/07/02)
- ✓ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Entry into force on : 01/10/02)
- ✓ European Charter for Regional or Minority Languages (Entry into force on : 01/05/02)
- ✓ Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Entry into force on : 01/10/02)
- ✓ Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Entry into force on : 01/10/02)
- ✓ Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby (Entry into force on : 26/04/02)
- ✓ Framework Convention for the Protection of National Minorities (Entry into force on : 01/11/98)
- ✓ Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (Entry into force on : 19/07/02)²

DEATH PENALTY

One of Armenia's obligations to the Council of Europe is Ratification of the 6-th protocol of the European Human Rights Convention. But ratification is held up by strong domestic opposition to any clemency for the five perpetrators of the October 1999 massacre in the parliament.³

On June 20, 2002 the Parliament of Armenia gave the first reading to the new Criminal Code. The law stipulates for life imprisonment as the extreme penalty. But the law has no retroactive force for grave crimes in the military time, acts of terrorism, rape of juveniles, and murder under aggravations, committed before passing the new Criminal Code and coming under the extreme penalty death penalty.

Over 40 condemned in Armenia are sentenced to death penalty.

RIGHT TO FAIR JUSTICE; INDEPENDENCE OF JUDGES

According to the Constitution of the Republic of Armenia, the judges are appointed by the Council of Justice which is headed by the President of Armenia. Minister of Justice and the Prosecutor General are deputies of the President in the Council. The Council also decides on professional qualities and takes measures against judges on their promotion or administrative punishment.

Georgian citizen Poghos Poghossian was found dead in the toilet of the "Aragast" café in Yerevan on 25 September of 2001, 10 minutes after President Robert Kocharian had left

the club. Poghos Poghossian had approached the President as he was leaving and had verbally abused him, at which point some of the presidential bodyguards began to beat him. Poghos Poghossian was then taken to the toilet for a “conversation” by a member of the security team.⁴

During court sitting, Andranik Poghossian, brother of the Georgian citizen Poghos Poghossian murdered in the Yerevan “Aragast” cafe, stated that he is threatened. According to him, last Friday someone rang him up and began to threaten, mentioning the name of the architect Stepan Nalbandian, a close friend of Poghossian, who is a witness in the case. Andranik Poghossian pointed out that the stranger probably attends the court sittings. “During the telephone conversation that man was saying only what one present there could know,” A. Poghossian said.⁵

Agamal Harutyunyan, bodyguard of the Armenian president, has been given a two-year suspended sentence with a year of probation. The first instance court found him guilty of manslaughter. The court found that on the night between 24 and 25 September, after a row in Aragast cafe, where the president and prominent guests were also present, Arutunyan demonstrated criminal negligence and pushed Georgian citizen Poghos Pogosyan, who died of cranocerebral trauma.⁶

On July 26, 2002 the Court of Appeals of Criminal and Military Cases (headed by Judge A. Poghosyan) sentenced Sargys Patatyan for fifteen-year imprisonment. The court found Patatyan guilty killing M.Minasyan-Birg on June 23, 1998. According to the court, Patatyan, together with H.Hovhannisyan and witness Hunan Sahakyan took the victim to the backyard of House 1 on the Muratsan Str, Yerevan city, and killed him there. The body of M.Minasyan-Birg has not been found yet. Zaruhi Danielyan, the attorney of Patatyan says that the court hearings could not prove that there was a fact of killing of M. Minasyan-Birg, as well as Patatyan’s involvement in this.⁷

FREEDOM OF EXPRESSION AND MEDIA

AI+ was an independent television station deprived of its license to broadcast on April 2, 2002. *AI+* has existed as a news agency in Armenia since 1991 but started television broadcasting in 1996. It reached an estimated audience of 900,000 in Yerevan and the surrounding area and via the *Hamaspyur* regional network, 2 million throughout the Republic of Armenia.

Known for its objective but hard-hitting coverage of the political and social situation in Armenia, *AI+* is considered one of the most independent news services in the country. Loss of its right to broadcast in a tender for the frequency has fuelled speculation that its closure is an attempt by President Robert Kocharian to control media coverage in the run-up to the 2003 Presidential Elections.⁸

A statement issued by the Embassy of the United States in Armenia remarked that “the decision on April 2 to award TV frequency 37, to date held by *AI+* television, to the *Sharm* group raises serious questions about the future of free and independent media in

Armenia.” The head of the expert group of the Committee of Ministers of Council of Europe Pietro Erkole Ago told the journalists: “The stopping of the broadcast of the programs of the TV company *AI+* to a certain extent limits the opportunity of Armenia's opposition to bring its word to the hearer.”⁹

The management of *AI+* television station intends to apply to the European Court on Human Rights, where with the situation in sphere of freedom of expression.¹⁰

Armenia's telephone monopolist - the *ArmenTel* company in August 2002 has demanded that the subscribers of Internet-providers, the *ArmComputer* and *Soft Note*, companies disconnect their Internet cables, which, according to *ArmenTel* are illegal. However, providers are confident that their operations are legal, whereas *ArmenTel*'s actions could be qualified as criminal.¹¹ A distorted public and political opinion that *ArmenTel* have monopoly rights for all types of services in the telecommunication sphere created by this company has reached its climax, and now, it has become very difficult to convince anybody of the opposite in Armenia, Director of *ArmComputer* company Vahram Mkhitarian told journalists. He said in conformity with the license #60 issued by the Ministry of Transport and Communication to *ArmenTel* for providing services in the sphere of communication, only telephone communication is the exclusive right of *ArmenTel*. All the types of communication, including Internet, are not monopoly. However, at present, Mkhitarian believes that *ArmenTel*'s efforts to create its image of a monopolist company in the sphere of telecommunication was a success, and even many high ranking officials excuse illegal activities of *ArmenTel*, considering them protection of natural monopoly interests. At present the Economic Court of Armenia received 25 claims against *ArmenTel* from different companies. In the whole 600 licenses for provision of services in the sphere of telecommunication are issued in Armenia.¹²

The biggest Internet provider in Armenia, *Arminco* company, said it was going to sue the only telephone operator *ArmenTel*, a subsidiary of Greek OTE, to demand financial, technical and moral damages it sustained following a willful closure of the *Arminco* office, located in the *ArmenTel* premises. The closure affected thousands of the company's customers, who were cut from Internet connection August 9. *Arminco* said it had rented the premises and under the rent contract it had to vacate it 31.¹³

The *Constitution Right Union* party and the *Iravunk* newspaper are going to sue the *ArmenTel* telecom company for disconnecting their phones and faxes for nearly 40 days and the Internet for almost 20 days. They claim that they have paid all the fees and now are going to demand the discontinuation of the illegal activities of the company and a compensation for the damage caused to them by the disconnection. Because of it, the newspaper has failed to issue its copy in the United States. *Iravunk* is convinced that *ArmenTel* is retaliating as both the newspaper and the party have been actively opposing the company's monopoly. “It is a political persecution and an attempt at restricting the freedom of speech and press,” the newspaper says.¹⁴

On August 24 2002, at the editorial office of *Abovian* TV company (city of Abovian, Kotayk region), the founder of the TV company Artashes Mehrabian and the Executive Director Azniv Chizmechian were beaten by a group of strangers. The assaulters motivated the violence by "unauthorized" shooting of a trade stall owned by one of them. Then they took the tape with the material shot and a video camera away from the studio. In an hour the camera was returned without the tape.

The next day the investigator who visited the editorial office offered Azniv Chizmechian to go to the interior affairs department of Abovian. According to Ms. Chizmechian, at the Department the city Mayor Karo Israelian, accompanied by one of the offenders, poured threats to the address of the Director of the TV company and her sons. The representatives of the Interior Department started correcting the statement filed by her and made every effort to protract the forensic examination to be made. On the same day Ms. Chizmechian sent a complaint to the RA Minister of Interior Affairs Haik Harutiunian, and later left the city in fear for the life of her children and her own.

On September 5 a group of strong young men intruded into the editorial office of *Abovian* TV company and demanded the staff to tell them where the founder of the TV company Artashes Mehrabian was. To avoid a new conflict the editorial staff had to stop their work, lock the doors of the office and leave.

The press secretary of the RA General Prosecutor's Office Gurgen Hambarian informed the journalists that following the request to the General Prosecutor filed by Artashes Mehrabian and Azniv Chizmechian on September 2, the Prosecutor's Office of Avan and Nor Nork communities of Yerevan is put in charge of the investigation on the case.¹⁵

ELECTIONS

In the first half of 2002, two bi-elections for the Parliamentary seats and several local government elections were held. All passed with numerous violations.¹⁶ Constitutional Court stated the elections for Shirak province self-government bodies in polling station N67 were invalid, because of a number of irregularities. So, Hakob Matilyan wasn't confirmed as a winner, as another challenger for the seat, member of "Democratic Fatherland" party Vardan Makeyan appealed to the court.¹⁷

Armenia is approaching local government elections in October 2002, Presidential and Parliamentary elections in 2003. In September 2002, the Parliament adopted amendments to the Electoral Code. The Central Electoral Commission, in accordance to the new law was dissolved and the new one, with nine members instead of then thirteen, formed. Also, instead of 11 regional commissions, it will be 56 permanent territorial electoral commissions. The three members of all commissions are appointed by the President of Armenia, and six members by the parties and unions represented in the Parliament. The only representative of the Opposition in CEC will be *Right and Unity* political bloc.¹⁸

TORTURE

Gevork Hakopyan, Member of Parliament, was brought to the Yerevan Municipal Department of Internal Affairs and beaten by the Head of the Department Ashot Giziryan. According to Chairman of the Parliamentary Commission on State and Legal Issues Viktor Dallakyan, the beating followed a phone quarrel between Giziryan and Hakopyan. At 2 am 10.07.2002 Giziryan, accompanied by two policemen, entered the room where Hakopyan was sitting. The law enforcers held Hakopyan's both arms, while Giziryan was fisting him all over and even used a chair. Hakopyan complained to Prime Minister Andranik Margaryan who promised him to take appropriate measures.¹⁹ No criminal case was filed. Two months later Ashot Giziryan, who has beaten the MP, was promoted to the position of the Head of the Department Fighting against Organized Crime within the Ministry of the National Security.

REFUGEES

Even though the first wave of Armenian refugees from Azerbaijan started arriving in 1988, immediately after the Armenian pogroms in Sumgait city, Azerbaijan, many of those who decided to settle down in Armenia 14 years ago, still face a series of different problems.

Gagik Yeghanyan, head of a government-affiliated body dealing with refugees and migration problems, said in an interview with the daily Azg that according to the latest estimates, made in 1997, the overall number of Armenian refugees from Azerbaijan was 311,000. According to him, this figure does not correspond to reality. In the past five years their number has dropped significantly, especially in view of the fact that migration among refugees is three times higher than among the indigenous people. Today some 12,000 refugee families still live in temporary dwellings and no apartments are built for them with state funds.

The process of refugees' integration into society, drafted and conducted by the government, has slowed down: public polls show that the refugees' living standards are 2-4 times lower. For integration these standards should become equal with those of local people. Some 45,000 refugees have already been granted Armenian citizenship. The recent law on refugees states that with the adoption of Armenian citizenship they do not lose their privileges for getting an apartment and do not lose the right to compensation for damages they suffered in Azerbaijan. This law has fuelled many of them to apply for citizenship. The law also gives them the right to privatize housing space in hostels they have been living in.²⁰

ALTERNATIVE MILITARY SERVICE

According to Vahan Hovhannisyan, Chairman of the Armenian National Assembly's Permanent Commission on Defense, National Security and Internal Affairs, the adoption of the law on alternative military service is being delayed because this question is directly

connected with Armenia's national security. "As long as the Karabakh problem remains unresolved, it is unacceptable to take rapid steps for introducing in Armenia alternative military service," Vahan Hovhannisyanyan told reporters. The National Assembly is currently looking into two versions of the draft law on alternative military service: one prepared by Deputies of the Parliament and the other by the Ministry of Defense. It is envisaged that the period of military service be extended for those who are unwilling to carry weapons on religious grounds.²¹

As of May 4, 2002, 23 persons were imprisoned for avoiding military service, all Yehova's Witnesses.²²

1 Report 2002 (Events of 2001) – Armenia, International Helsinki Federation for Human Rights

2 COE Treaty Office on <http://conventions.coe.int>

3 (RFE/RL Armenia Report - 09/04/2002)

4 (Amnesty International Annual Report 2002 – Armenia)

5 News agency "Arminfo" 02.01.2002

6 News agency "Arminfo" 21.02.2002

7 Hetq on_line newspaper, www.hetq.am, Association of Investigative Journalists

8 (Mesrop Movsesyan, Director of A1 plus. From interview 3 April 2002)

9 News agency "Arminfo" 16.05.2002

10 Center for Journalism in Extreme Situations 27.08.2002

11 WIRELESS WEEK 21.08.2002

12 News agency "Arminfo" 21.08.2002

13 ARMENPRESS 12.08.2002

14 News agency "Arminfo" 04.09.2002

15 Yerevan Press Club Newspaper September 2002

16 "OBSERVER" Human Rights in Armenia #2, Armenian Helsinki Committee

17 A1plus 29-06 -2002

18 A1plus 01-08-2002

19 News agency "Arminfo" 11.07.2002

20 AZG Armenian Daily 21.06.2002

21 News agency "Arminfo" 22.08.2002

22 Collaboration for Democracy NGO, May 2002