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Armenia after the Election
Commission on Security and Cooperation in Europe
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Thank you, Chairman Hastings and the other members of the Commission, for allowing me to submit this written statement. Human Rights Watch welcomes the opportunity to submit our main findings and recommendations for this hearing on Armenia. The Commission's hearing has come at a very important moment in Armenia's recent history.

Last month's events not only threw the country into political crisis, they constituted a serious human rights crisis. The way the Armenian government responds to this crisis will test the integrity of its democratic institutions and its commitment to international human rights standards. This is also an opportunity for the United States to constructively engage to resolve one of the worst human rights crises in the country.

Human Rights Watch has a long record of work on Armenia. We closely followed developments in the aftermath of the election. After the March 1 events Human Rights Watch staff spent three weeks in Armenia, documenting the serious human rights crisis that has emerged.

We have conducted more than 80 interviews in Armenia with victims, government officials, witnesses, representatives of international organizations and local nongovernmental organizations, journalists, defense attorneys, and the like in the period March 10-April 1, 2008. We are pleased to share our main findings and recommendations with the Commission.

Key Findings:

- **Use of excessive force.** Armenian police used excessive force and violence to disperse peaceful demonstrators at the Freedom Square in the early hours of March 1. Without prior warning police in riot gear descended upon the demonstrators, beating them with truncheons and iron bars. Some were fleeing when police attacked them. Human Rights Watch interviewed at least two separate witnesses who described how police cut the ropes that held the tents together and as the tents fell on the people, they continued assaulting the trapped occupants with truncheons. An opposition photo journalist who

tried to film the raid was attacked by six policemen and badly beaten. Human Rights Watch also documented that some police exercised restraint during the morning operation, leaving an exit for demonstrators to flee.

- **Unlawful resort to lethal force.** Later that day, some demonstrators and security forces clashed violently, which resulted in at least eight deaths, including one security official, and hundreds of injuries. Although in some cases documented by Human Rights Watch, police use of force may well have been legitimate, there were numerous instances when it was clearly excessive. The government has refused to investigate whether the resort to and use of lethal force was lawful, arguing that no policemen were armed (a wealth of video and photographic evidence show they in fact were armed). **This steadfast refusal is deeply troubling and in clear violation of international standards on the use of lethal force.**
- **Mass arrests starting March 1.** On March 1 police started rounding up and arresting opposition supporters and participants in the demonstrations and violence, mostly charging them with organizing an unsanctioned rally, usurping power and resisting police. Detainees who were beaten when they were arrested were overwhelmingly charged with resisting arrest. Human Rights Watch documented physical abuse and ill-treatment of detainees during apprehension as well as while being transported to the police department. In some cases abuses continued in custody.
- **Due process rights violations.** Human Rights Watch conducted extensive research into the arrests that followed March 1 and documented a number of serious due process violations in the course of these arrests.
 - More than 100 people have been arrested since the events of March 1. The General Prosecutor's Office told Human Rights Watch that as of March 31, **102 civilians had been charged** with crimes related to the March 1 events and remanded in custody for two months awaiting trial.
 - In a few cases detainees were **held incommunicado for days**; relatives were not notified about the place of detention or about the fact of detention at all; protocols of detention were falsified to give the appearance that the 72-hour limit on pre-charge detention had been observed;
 - For extended periods, including up to 10-12 days, **some detainees had no access to counsel and numerous barriers were created to obstruct access to counsel**, including requirements to obtain an investigator's signature to visit the client in a pre-trial detention facility and intimidating the detainees into signing a document voluntarily refusing counsel. In one case documented by Human Rights Watch, the lawyer hired by the family of a person accused of committing a crime on March 1 still did not have access to his client as of April 1, one month after his initial detention.

- In several cases **investigators created barriers to prevent forensic medical examinations** of detainees who bore visible signs of ill-treatment. In the best case, a lawyer's request would be granted a few days later and executed only 10-12 days after the arrest; in other cases, the investigator would simply fail to respond to a request for a forensic examination.
- **Broader crackdown on opposition supporters and press.** Human Rights Watch has also documented a broader crackdown on opposition supporters, including repeated, harassing interrogations, hours-long detentions and intimidation and harassment to force them to stop participating in opposition events.
- **Restrictions on freedom of assembly.** Just before lifting the state of emergency on March 21, 2008, the Armenian National Assembly passed amendments to the law on public assembly that severely restrict public gatherings, a move criticized by the Venice Commission of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). Human Rights Watch considers the amendments incompatible with Armenia's obligations to respect freedom of assembly under the European Convention on Human Rights (ECHR). The government denied numerous opposition requests to hold public rallies, and Human Rights Watch documented the brief detention of at least 90 people who participated in peaceful "public walks" organized by political opposition supporters.

The United States Government should set clear benchmarks for Armenia's qualification for assistance under the Millennium Challenge Account. These benchmarks should include the following:

- **Investigate alleged excessive use of force** by police on the morning of March 1, 2008 and later during the day. Ensure that such investigation is in accordance with international standards by accepting international expertise and assistance. This will ensure independence and help to restore public trust;
- **Stop arbitrary detentions and provide full due process rights** to all detainees from the moment of their apprehension. **Investigate all allegations of ill-treatment** during arrests and in police custody, and **release those who have been arbitrarily detained** for alleged participation in unlawful demonstrations;
- **Lift extensive restrictions on freedom of assembly** by repealing the amendments to the public assembly law; bring the amended law into line with regional and international human rights law; and follow recommendations provided by the Council of Europe's Venice Commission and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe; and

- **Stop harassment of the press and opposition supporters**, including detentions, repeated interrogations, dismissals, and usage of tax audits as a political tool for pressure.

Thank you very much for considering our information and recommendations. I remain at your disposal should the Commission request anything further on this issue.

For additional Human Rights Watch reporting on the 2008 post-election human rights crisis in Armenia, please see:

- “Armenia: Violence at Polling Stations Mars Elections,” February 21 news release: <http://hrw.org/english/docs/2008/02/21/armeni18128.htm>
- “Armenia: Police Beat Peaceful Protesters in Yerevan,” March 2 news release: <http://hrw.org/english/docs/2008/03/02/armeni18189.htm>
- “Armenia: Civilians Die as Police Suppress Demonstrations and Riots,” March 2 news release: <http://www.hrw.org/english/docs/2008/03/02/armeni18190.htm>
- “Armenia: Lift Ban on Peaceful Protest,” March 27 news release: <http://hrw.org/english/docs/2008/03/27/armeni18366.htm>
- “Armenia: Sargsian Should Restore Rights,” April 8 news release: <http://www.hrw.org/english/docs/2008/04/08/armeni18474.htm>