



# CYCLE OF REPRESSION: HUMAN RIGHTS VIOLATIONS IN ARMENIA

*Human Rights Watch Briefing Paper*

*May 4, 2004*

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## Summary

At the end of March 2004, Armenia's political opposition united in mass peaceful protests to force a "referendum of confidence" in President Robert Kocharian and to call for his resignation. In response, the Armenian government embarked on a campaign to break the popular support for the political opposition with mass arrests, violent dispersal of demonstrations, raids on political party headquarters, repression of journalists, and restrictions on travel to prevent people from participating in demonstrations. Hundreds of people were detained, many for up to fifteen days; some were tortured or ill-treated in custody. Excessive police force, particularly at an opposition rally on April 12, caused dozens of injuries among demonstrators. Some of the worst injuries were caused by stun grenades, which inflicted deep wounds in many protesters. At the same rally, police beat journalists and confiscated their cameras.

The origin of the opposition's demands was the government's failure to date to redress the deeply flawed 2003 presidential election, which Kocharian, the incumbent, won. Disturbingly, the government is now repeating, with increasing violence, a pattern of repression that surrounded last year's election. At that time, the international community warned the Armenian government that its intimidation of the opposition through the use of arrests and administrative detentions must stop.<sup>1</sup> However, in March and April 2004, the Armenian government not only began a fresh campaign of detentions, but added to the intimidation with security force violence.

This briefing paper outlines the events of March and April 2004 and details human rights violations committed by Armenian authorities during this time. It is based on interviews done by a Human Rights Watch researcher in Yerevan from April 14-18, 2004. Human Rights Watch calls on the Armenian authorities to cease intimidating the political opposition, to stop using excessive force against demonstrators and torture and ill treatment in custody, and to hold accountable those responsible for these abuses. We call on the international community to assist the government of Armenia in urgently addressing this situation and to ensure that further acts of repression are not repeated.

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<sup>1</sup> Administrative detention is customarily understood to mean detentions ordered by a non-judicial body. However, in Armenia administrative detentions are regulated by the Code of Administrative Offenses (from here on referred to as the "Administrative Code,") and are determined by courts, which can impose fines or imprison people for up to fifteen days for petty offences. The same due process guarantees afforded criminal defendants under Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR) also apply in these cases. Armenia has ratified the ICCPR and it entered into force on June 23, 1993 and the ECHR that entered into force on April 26, 2002. Although the Armenian practice in most respects conforms to judicially determined detention, for the sake of simplicity and clarity we shall continue to refer to it as administrative detention in this document. The Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe called on the government to stop the use of arrests and administrative detentions. See, "Republic of Armenia, Presidential Election 19 February and 5 March 2003," Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights, Warsaw, April 28, 2003, page 24, and "Honouring of obligations and commitments by Armenia," Document 10027, January 12, 2004, Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Parliamentary Assembly of the Council of Europe, paragraph 33, 35, and 106.

## Background: 2003 Presidential Election<sup>2</sup>

The antecedents to the events of the past month are to be found in the 2003 presidential election. In the lead-up to the first round of voting, which took place on February 19, 2003, more than 250 opposition activists, supporters, and election observers were temporarily detained, many of them taken to court and summarily sentenced to up to fifteen days administrative detention for petty offences.<sup>3</sup> At the time Human Rights Watch said the detentions were “an obvious attempt to intimidate and disable the opposition before the run-off,” which was held on March 5, 2003.

The election itself did not meet international standards and was marred by “serious irregularities, including widespread ballot box stuffing.”<sup>4</sup> Although the government set up a working group to study the election violations, it issued a report in March 2003, “essentially dismissing all the facts and conclusions registered by the EOM [Election Observation Mission].”<sup>5</sup>

The Organization for Security and Cooperation in Europe [OSCE] attributed the election’s failure to meet international standards to “a lack of sufficient political determination by the authorities to ensure a fair and honest process.”<sup>6</sup> It concluded that “[r]estoring confidence in the election process will require prompt and vigorous action by the authorities, including a clear assumption of responsibility and holding accountable those who violated the law, particularly those in official positions who did so.”

Stepan Demirchian, the opposition candidate, filed suit with the Constitutional Court, challenging the election results.<sup>7</sup> On April 16, 2003 the court ruled that the election result should stand, but that the use of administrative detention in the context of the election harmed Demirchian’s campaign and violated Armenia’s obligations under international law.<sup>8</sup> The court recommended that the government hold a referendum of

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<sup>2</sup> For full details on abuses surrounding the 2003 presidential election, see “An Imitation of Law: The Use of Administrative Detention in the 2003 Armenian Presidential Election,” Human Rights Watch Briefing Paper, May 23, 2003.

<sup>3</sup> Since the mid-1990s, Armenian authorities have used arrest and administrative detentions as a tool of repression, locking up protesters and activists at times of political tension. With regard to the 2003 detentions, the court hearings were routinely cursory, closed to the public, with no defense counsel, and no opportunity for defendants to present evidence or call witnesses. International bodies condemned the authorities’ use of administrative detention, calling it “simply disgraceful,” and demanded the practice stop and the repeal of the relevant provisions of the Administrative Code. See, “Republic of Armenia, Presidential Election 19 February and 5 March 2003,” page 24, and “Honouring of obligations and commitments by Armenia,” paragraph 33, 35, and 106.

<sup>4</sup> “Republic of Armenia, Presidential Election 19 February and 5 March 2003,” page 1.

<sup>5</sup> *Ibid.*, page 24.

<sup>6</sup> *Ibid.*, page 2.

<sup>7</sup> The first round of voting on February 19, 2003 was contested by eleven candidates, including the incumbent, Robert Kocharian. Kocharian garnered just less than 50 per cent of the votes cast, and, pursuant to Armenian election law, a runoff between Kocharian and Stepan Demirchian, the next most popular candidate, was held on March 5.

<sup>8</sup> “Decision of the Constitutional Court of the Republic of Armenia on the case of the dispute on the results of the elections for the Republic of Armenia president held on March 5, 2003,” No. 412, Yerevan, April 16, 2003 (unofficial translation made available to Human Rights Watch).

confidence in President Robert Kocharian within a year.<sup>9</sup> The government rejected the proposal, arguing that it was not within the court's authority to recommend such action. The opposition, on the other hand, demanded that the government hold the referendum, or that the president resign from his post.<sup>10</sup>

The government failed to take the action recommended by the OSCE and the Constitutional Court.<sup>11</sup> As the one-year deadline approached in April 2004, the opposition grew more vocal in its demands, threatening mass protests if the government did not hold a referendum or take other action. The government, however, remained steadfast, refusing to respond to opposition demands. By the end of March 2004, the opposition stepped up its campaign to challenge the legitimacy of the president, and began to hold rallies and demonstrations around the country to express its demands.

### **Prelude to April 12-13**

At the end of March 2004, two of the main opposition groups, the Artarutian (Justice) Alliance, which consists of nine parties—including the Republic Party, the People's Party, and the National Unity Party—joined forces and announced its campaign of action.<sup>12</sup> Following this move, the opposition intensified its efforts, making further announcements and mobilizing in Armenia's provinces. The authorities responded by restricting freedom of movement, carrying out detentions, and threatening criminal charges against opposition campaign organizers.

On March 28, approximately one thousand opposition supporters rallied in Giumri, Armenia's second largest city. Pro-government supporters appeared at the rally and threw eggs at opposition leaders. Scuffles broke out and police arrested up to fifteen opposition demonstrators, but did not arrest any of the pro-government supporters. Police charged four of the activists with hooliganism under article 258 of the criminal code and a court remanded them in custody for two months pre-trial detention. The others were released without charge.<sup>13</sup>

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<sup>9</sup> According to the Council of Europe, the Constitutional Court later reversed its position, stating in October 2003 that the idea of the referendum "had lost much of its cogency." "Honouring of obligations and commitments by Armenia," paragraph 53.

<sup>10</sup> Ibid, and numerous press reports, including "Armenia Braces for Political Upheaval," Emil Danielyan, Eurasianet, April 1, 2004 [online], [http://eurasianet.net/departments/insight/articles/eav040104a\\_pr.shtml](http://eurasianet.net/departments/insight/articles/eav040104a_pr.shtml) (retrieved April 27, 2004).

<sup>11</sup> Although the government did admit that there were occurrences of fraud during the elections, they disputed the scale of fraud and rejected many of OSCE's findings. The Procurator General told the Council of Europe in August 2003 that some criminal cases had been opened in relation to election fraud, but that most could not go ahead because the allegations were too broad, or no culprit was named. Also in August 2003, the government made assurances to the Council of Europe that they would revise the Electoral Code to guard against further fraud in the future. "Honouring of obligations and commitments by Armenia," paragraphs 49-65.

<sup>12</sup> "Armenia Braces for Political Upheaval," Emil Danielyan, Eurasianet, April 1, 2004 [online], [http://eurasianet.net/departments/insight/articles/eav040104a\\_pr.shtml](http://eurasianet.net/departments/insight/articles/eav040104a_pr.shtml) (retrieved April 27, 2004).

<sup>13</sup> Human Rights Watch interview with Tigran Ter-Esayan, president of the International Union of Advocates, Yerevan, April 17, 2004. "Opposition activists arrested after rally in Armenia's Gyumri," Arminfo, Yerevan, in Russian, March 29, 2004, translated by BBC Monitoring Caucasus. "Armenian Opposition Rally Marred by Violence, Arrests," Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/0006.shtml> (retrieved April 26, 2004); and "More Armenian Opposition Activists Arrested," Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/0008.shtml> (retrieved April 27, 2004).

On March 30, the procurator general, or attorney general, opened a criminal case against the Justice Alliance and its supporters under articles 301 (public calls for seizure of power by force) and 318(2) (publicly insulting representatives of government) of the criminal code. The procurator general stated that the charges were related to the recent protests initiated by the Justice Alliance.<sup>14</sup> As a result of opening the criminal case, the authorities began to summon opposition leaders for questioning as witnesses.<sup>15</sup>

On April 5, Artashes Geghamian, the leader of the National Unity Party, addressed a rally in Yerevan, organized by the party, that drew an estimated 3,000 participants. As he was speaking, about two dozen men pelted him with eggs. Some fighting broke out between the rally participants and these men. When journalists present tried to film the clashes, the men attacked the journalists and smashed their cameras.<sup>16</sup> Several hundred police stood by observing the events, but took no action.<sup>17</sup> The Yerevan police chief reportedly defended the police inaction, stating that the police properly followed their orders to take action only in “extreme cases.”<sup>18</sup> Police later confirmed that following the rally they detained forty-eight opposition supporters.<sup>19</sup>

From April 5, the number of rallies in Yerevan steadily increased, as did the number of opposition supporters detained or otherwise intimidated. The Republic Party estimated that from the end of March until April 12, police had detained, searched, or harassed more than 300 of its supporters.<sup>20</sup>

Meanwhile, according to the Justice Alliance, on March 22, three unknown assailants attacked and beat Victor Dallakian, an opposition member of parliament and secretary of the Justice Alliance, in the street near his house. On April 3, unknown men beat Aramais Barsegian, a former member of parliament and head of the Artashat district branch of the People’s Party of Armenia, near his house. The timing of the attacks on

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<sup>14</sup> Human Rights Watch interview with Tigran Ter-Esayan, president of the International Union of Advocates, Yerevan, April 17, 2004.

<sup>15</sup> On April 8, Albert Bazeyan, a member of parliament from the Justice Alliance was summoned to appear that day at the Procurator General’s Office. Viktor Dallakian, the secretary of the Alliance, and as well as Stepan Demirchian, the chairman of the People’s Party, also each received a summons. “Some Leaders of the Armenian Opposition Receive Call-Up Papers from the General Office of Public Prosecutor,” April 8, 2004, ARKA News Agency. On April 16, Stepan Demirchian and Arashes Geghamian, the head of the National Unity Party, again received summonses to appear at the Procurator’s General’s office. Human Rights Watch interview with Stepan Demirchian, Yerevan, April 16, 2004 and Human Rights Watch interview with an official from the National Unity Party, Yerevan, April 16, 2004.

<sup>16</sup> See section below, Freedom of the Expression.

<sup>17</sup> Human Rights Watch interview with Zhanna Alexanian, journalist with Armenia Now, Yerevan, April 14, 2004. Numerous press reports, including “Armenia: Journalists attacked at an opposition rally,” April 6, 2004, Committee to Protect Journalists, and “OSCE Condemns Attack on Journalists during Yerevan Protest,” April 9, 2004, Agence France Press. Under international law Armenia is obliged to actively protect the rights of its citizens to freedom of expression and peaceful assembly (articles 19 and 21, ICCPR, and articles 10 and 11, ECHR), including against attacks by third parties.

<sup>18</sup> “Armenian Police Official Justifies Police Inaction During Attack on Journalists,” Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/00021.shtml> (retrieved April 28, 2004).

<sup>19</sup> “Extent of Opposition Arrests in Armenia Widens as More Details Emerge,” Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/00020.shtml> (retrieved April 28, 2004).

<sup>20</sup> Human Rights Watch interview with Artak Zayanalian, head of administration for the headquarters of the Republic Party, Yerevan, April 15, 2004.

both, together with the lack of any other reasonable explanation for them, led the Justice Alliance to believe they were politically motivated.<sup>21</sup>

On March 30 at 9:00 a.m., four unknown men assaulted Mikael Danielian, a human rights defender, near his house in Yerevan, as he was returning home from walking his dog. They punched him repeatedly to the head, and kicked him after he fell to the ground. Danielian was taken to hospital, where he remained until April 2. Danielian believed that the attack was an act of retribution for his human rights work and that he was targeted at this time in order to stop him from monitoring the growing protests of the political opposition in Armenia and the associated government abuses.<sup>22</sup> Although this is the first reported attack on a human rights defender, journalists publishing material critical of the government have been the victims of such attacks.<sup>23</sup>

### ***Restrictions on Travel to Yerevan***

*Police stop our activists who are trying to come from the regions in their cars, arrest them, scare them, and don't allow them to come to Yerevan.*<sup>24</sup>

From the end of March until mid-April 2004, police restricted the movement of opposition supporters trying to travel to Yerevan to attend rallies by setting up road blocks, stopping cars, questioning the passengers, and denying permission to travel further to those they believed were opposition supporters.<sup>25</sup> These actions breached the right to freedom of movement, protected under international law.<sup>26</sup>

On the morning of April 5, between 10:30 a.m. and 12:00 noon, police stopped nine members of the National Unity Party in three cars at a check point as they were leaving Vanadzor, Armenia's third largest city, on the main road to Yerevan. They were intending to participate in a rally at 3:00 p.m. in Yerevan. Police held the nine men at the Vanadzor police station, reportedly telling them, "we have saved you from being beaten in Yerevan." Police took three of the men to the local court, which sentenced them to

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<sup>21</sup> Letter to Mr. Walter Schwimmer, Secretary General of the Council of Europe, from Shavarsh Kocharyan, Justice Alliance, dated April 8, 2004, on file with Human Rights Watch. "Armenian Opposition Parties Forge Efforts as Armenian Opposition Supporters Assaulted and Arrested," Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/00016.shtml> (retrieved April 27, 2004).

<sup>22</sup> Human Rights Watch telephone interview with Mikael Danielian, Moscow, April 3, 2004. Human Rights Watch interview with Mikael Danielian, Yerevan, April 15, 2004. Human Rights Watch letter to President Robert Kocharian, April 6, 2004.

<sup>23</sup> For example, see United States Department of State Country Reports on Human Rights Practices, 2003.

<sup>24</sup> Human Rights Watch interview with Ruzanna Hachatarian, press secretary of the People's Party, Yerevan, April 16, 2004.

<sup>25</sup> Some people from the regions were reportedly so determined to attend the rallies from April 9 to 12 that they walked for two days to get to Yerevan. Human Rights Watch interview with participants of the April 12 rally, Yerevan, April 17, 2004. On April 14, a police official admitted to human rights activists in a public meeting in Yerevan that the authorities were restricting travel to Yerevan because of the opposition rallies. Human Rights Watch interview with Zhanna Alexanian, journalist for ArmeniaNow, Yerevan, April 14, 2004.

<sup>26</sup> Article 12, ICCPR. Restrictions to this right can be imposed only if they are provided by law, are necessary to protect the national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR. In this case the restrictions on travel were also leading to a breach of the right to peaceful assembly.

five days of administrative detention for not following police orders. The rest were released at 8:00 p.m. on the same day.<sup>27</sup>

In early April, the police presence in Vanadzor increased significantly and members of the National Police force were brought into the city to help the local police to monitor the roadblocks. Police told a local human rights defender that the increased police presence was a result of an order on the “tense situation.”<sup>28</sup> On April 9, police sent a minivan to the outskirts of Vanadzor and detained people in it who were traveling to Yerevan whom they suspected were intending to participate in opposition rallies.<sup>29</sup>

### **The April 12-13 Events**

In March and April 2004, opposition parties notified in writing the relevant mayors’ offices in Yerevan and other parts of the country several days in advance of their planned rallies. They typically received replies that the demonstrations could not go ahead because of the “detriment to the city’s economic well being,” or because they should be “blocking traffic.”<sup>30</sup> On April 7, the Justice Alliance informed the Yerevan City Mayor’s Office of its intention to hold a rally on April 9 in the city’s Freedom Square. The mayor’s office responded in writing, stating that the rally could not go ahead because it would “not be expedient,” and disrupt “the city’s normal life.”<sup>31</sup> On April 9, between 10,000 and 15,000 opposition supporters gathered in Yerevan’s Freedom Square for the rally. According to media sources, police detained approximately one hundred people during and after this rally.<sup>32</sup>

From April 9 to 13, the opposition held continuous rallies in Freedom Square, despite the authorities’ announcements that the demonstrations were banned. Police threatened to intervene if the protesters tried to march through the city.<sup>33</sup> Other authorities continually warned the opposition against holding unauthorized rallies, stating that it would be dealt with as a criminal offence.<sup>34</sup>

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<sup>27</sup> Human Rights Watch interview with Arthur Sakunts, Helsinki Citizens’ Assembly Vanadzor Office, Yerevan, April 16, 2004. Written statement of the Helsinki Citizen’s Assembly, dated April 6, 2004. Sakunts attended at the police station after the opposition members’ detention, and he spoke with them after their release.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid. Sakunts himself monitored the police presence in the city, and observed the police minivan for detaining suspected rally participants. By April 16, the police presence on the road to Yerevan had reduced and travel appeared to be unrestricted.

<sup>30</sup> E-mail communication from Arayik Ghazaryan, lawyer in Yerevan, to Human Rights Watch, April 21, 2004.

<sup>31</sup> Ibid, and “Armenian Officials Withhold Permission for Opposition Rally,” Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/0022.shtml> (retrieved April 27, 2004).

<sup>32</sup> “Some 100 Armenian opposition activists detained after rally,” April 10, *Azg* newspaper, Yerevan, in Armenian, translated by BBC Monitoring Caucasus.

<sup>33</sup> “Opposition Launches ‘Permanent’ Protests in Yerevan,” Emil Danielyan, Eurasianet, April 9, 2004 [online], [http://eurasianet.net/departments/rights/articles/pp040904\\_pr.shtml](http://eurasianet.net/departments/rights/articles/pp040904_pr.shtml) (retrieved April 28, 2004).

<sup>34</sup> For example, on March 30, the president’s press secretary stated that holding unauthorized rallies was a criminal offence and would be dealt with as such. “Armenian Presidential Spokesman Warns Against Unconstitutional Action,” Eurasianet, April 5, 2004 [online], <http://www.eurasianet.org/resource/armenia/hypermail/news/0010.shtml> (retrieved April 28, 2004); and “Armenia: Opposition Considers Next Move as Government Threatens Clampdown on Rallies,” Prague, Radio Free Europe/Radio Liberty, April 14, 2004.

These bans by municipal authorities on public demonstrations contravene Armenia's constitution and international obligations. Although there is no legal basis for declaring all opposition rallies unauthorized,<sup>35</sup> the police and courts have shown themselves willing in the past to accept these decisions of local municipal authorities.<sup>36</sup>

### **Excessive Force**

In spite of the warnings of government authorities, on April 12, an estimated 15,000 people marched from Freedom Square along Marshal Baghramian Avenue towards the presidential residence. Hundreds of riot police and security forces stopped them near the parliament and the protesters did not attempt to break through the barrier, but continued the protest at that place in the street.<sup>37</sup>

On the night of 12-13 April, the protesters on Marshal Baghramian Avenue set up camp for the night next to the barbed wire barrier and hundreds of security forces. According to protesters and observers interviewed by Human Rights Watch, the demonstration was completely peaceful, with protesters playing music, dancing, and sleeping.<sup>38</sup> The opposition leaders at the demonstration made several demands to meet with the president, the speaker of parliament, and the chief of police; the authorities did not respond.<sup>39</sup>

Shortly after midnight an estimated 3,000 protesters remained in the street when the street lights went out. Then at about 2:00 a.m., protesters heard an announcement, telling them to leave the road. Police vehicles with water cannons then drove up and began spraying large volumes of high-pressure water on the crowds. According to one observer:

We saw a woman over seventy years old under the jet of water. I went to help her. I stood in front of her to stop the force of the water... I stood with my side [to the water], facing the parliament and saw police in uniforms throwing [stun grenades] from the parliament grounds. One blew up about twenty centimeters from me. My friend had both eardrums broken. The gas made my eyes water. I could see the police beating women with batons.<sup>40</sup>

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<sup>35</sup> Article 26 and 44 of the Constitution of the Republic of Armenia state respectively: "Citizens are entitled to hold peaceful and unarmed meetings, rallies, demonstrations, and processions," and "The fundamental human and civil rights and freedoms established under Articles 23-27 of the Constitution may only be restricted by law, if necessary for the protection of state and public security, public order, public health and morality, and the rights freedoms, honor and reputation of others." Article 21 of the ICCPR and Article 11 of the ECHR also protect the right to peaceful assembly.

<sup>36</sup> For a fuller explanation of the legal issues surrounding public assembly in Armenia see "An Imitation of Law." The authorities have drafted a law on public assembly, but parliament has not yet passed it.

<sup>37</sup> "Panic and Mass Arrests As Opposition Protest Suppressed," April 13 [online], <http://www.armenialiberty.org> (retrieved April 28, 2004).

<sup>38</sup> Police claimed that the protesters were violent and threw stones at the security forces.

<sup>39</sup> Human Rights Watch interview with Aram Sargisian, a member of parliament and of the Republic Party, Yerevan, April 15.

<sup>40</sup> Human Rights Watch interview with Styopa Safarian, observer at the rally, Yerevan, April 16, 2004.

After about ten minutes of spraying the crowds with high pressure water, police and other security forces, some in black clothing and others in camouflage uniforms, began throwing into the crowd stun grenades, which are small explosives that make a deafening noise.<sup>41</sup> Other police beat the protesters with batons and shocked them with electric prods.

Speaking about the stun grenades, a woman told Human Rights Watch: “They were very frightening. I became deaf, and couldn’t hear anything. I couldn’t see either from the smoke everywhere.”<sup>42</sup>

After this initial security force attack, the protesters responded by throwing plastic water bottles and sticks from their placards; they subsequently began to run away. The security forces, however, had by this stage surrounded the protesters and continued to attack them and then chase them down the street to where other security force personnel were waiting.<sup>43</sup> Protesters, observers and journalists were badly injured and beaten. There were no reports of injury among the security forces.

Three days after the protest, Vazgen Ghazarian, a twenty-two-year-old protester, told Human Rights Watch he still could not walk from the injuries he sustained at the protest that night. Twice a stun grenade thrown by security forces had detonated not far from him. He had nine significant wounds to his legs and groin, some more than a centimeter deep. Doctors removed three small pieces of plastic and one piece of metal from his legs. One of his eardrums was broken.<sup>44</sup>

Styopa Safarian, a rights activist attending the rally as an observer,<sup>45</sup> was also injured after several explosives went off next to him. “I lost consciousness for two or three minutes. When I came to, I saw police violently beating and using electric shocks on the other protesters.”<sup>46</sup>

Safarian suffered from severe pain to the groin, and his ear, face and legs were bleeding. He went to the hospital and had his groin area stitched up. He had open wounds of several centimeters in diameter on his legs, and his eardrum was broken. There were fourteen other people similarly injured at the protest in hospital with him.<sup>47</sup>

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<sup>41</sup> While Human Rights Watch could not determine which model stun grenade was used by Armenian police, stun grenades are plastic, non-lethal devices that produce a deafening noise, aimed at disorienting. They do not produce shrapnel, but their plastic shell fragments upon explosion, which can cause injury. Also known as flash-bang grenades, stun grenades are considered for use against enemy personnel, for example in operations to rescue hostages or to capture criminal suspects.

<sup>42</sup> Human Rights Watch interview with Grizelda Ghazarian, rally participant, Yerevan, April 15, 2004.

<sup>43</sup> Human Rights Watch interviews with numerous rally participants, observers and journalists present, 14-17 April, 2004.

<sup>44</sup> Human Rights Watch interview with Vazgen Ghazarian, Yerevan, April 15, 2004.

<sup>45</sup> Safarian works for the Armenian Center for National and International Studies as an analyst.

<sup>46</sup> Human Rights Watch interview with Styopa Safarian, Yerevan, April 16, 2004.

<sup>47</sup> Safarian spent the night in the Nor-Nork Massif Hospital. Human Rights Watch interview with Styopa Safarian, Yerevan, April 16, 2004.

Shavarsh Kocharian, an opposition member of parliament, told Human Rights Watch how masked security force personnel detained and beat him at the rally:

Then unexpectedly police and special units with batons and electroshock batons came from the entrance of the parliament. One man in a mask grabbed me and took me to the parliament grounds. They were beating lots of people there. I told him I was a member of parliament. He beat me on the shoulders and face with his baton. He put me in a prisoner transport van where I waited for two hours... They put a man with terrible head injuries in with me. They gave him a towel [to soak up the blood], and he waited with me for two hours.<sup>48</sup>

At about 4:30 a.m., police took Kocharian and his companion to the Nor-Nork District Police Precinct and only after this did police seek medical care for the man with the head injuries. There were others at the police station, also detained from the protest, with bloody head and ear injuries.

Police held Kocharian at the police station until 7:30 a.m. and then took him to the Counter Terrorism Department. An investigator came and told him that he was to be questioned as a witness in relation to an offence of calling for the overthrow of the government.<sup>49</sup> After questioning, Kocharian was told by the investigator that he was now being held as a defendant in the case. Kocharian demanded a lawyer, but was not provided with one. Police searched and fingerprinted him and then placed him in a cell. At about 8:00 p.m. the investigator came to Kocharian and said the charges had been dropped, and he was released.<sup>50</sup>

In putting down the rally, Armenian security forces did not abide by the long-established international norms reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>51</sup> The Basic Principles provide that “law enforcement officials, in carrying out their duty, shall as far as possible apply non-violent means before resorting to the use of force. ... Whenever the lawful use of force ... is unavoidable, law enforcement officials shall ... exercise restraint in such use and act in proportion to the seriousness of the offense.”<sup>52</sup> The legitimate objective should be achieved with minimal damage and injury, and preservation of human life respected.<sup>53</sup>

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<sup>48</sup> Human Rights Watch interview with Shavarsh Kocharian, Yerevan, April 16, 2004.

<sup>49</sup> Most likely this was in relation to the case opened against the Justice Alliance on March 30, 2004. See above section, Prelude to April 12-13.

<sup>50</sup> Human Rights Watch interview with Shavarsh Kocharian, Yerevan, April 16, 2004. As a member of parliament, Kocharian had immunity from prosecution. Authorities had earlier in the month threatened to take the immunity away from opposition members of parliament involved in the protest action.

<sup>51</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

<sup>52</sup> Basic Principles on the Use of Force and Firearms, principles 4 and 5.

<sup>53</sup> *Ibid*, principle 5.

## ***Raids of Party Headquarters***

That same night, April 12-13, immediately after the attack began on the protesters in Marshal Baghramian Avenue, security forces stormed the Yerevan headquarters of the Republic Party, the National Unity Party, and the People's Party, arrested those present, and closed two of the headquarters for several days.

According to party members present that night, shortly after 2:00 a.m. security forces in camouflage uniforms came to the headquarters of the Republic Party. Although they showed no search warrant or other documentation, they insisted on coming into the office, against the protests of the party members. They detained several dozen men present and then left. A couple of men and a group of more than ten women remained, and began ringing the press and others to tell them what had happened. The security forces then returned and banged violently on the door. Those inside refused to open it. Security force personnel smashed a window and entered the premises. They were very aggressive, swearing at the party members. They detained everyone and put them into a prisoner transport van. It was very overcrowded, and police refused to respond when the occupants called for help in panic from lack of air. Police did not explain to the detainees the reason for their arrest.

“Then they took us... to an unknown place. There were people in uniforms, but it wasn't clear to us who they were. It was some sort of an official building, and they put us in a cell... Only later we learnt that we were in the Erebuni Detention Center for administrative detentions.”<sup>54</sup>

The cell was cold, with metal beds and the authorities refused to give the detainees mattresses or blankets. The authorities held the party members for between thirty-six and forty-eight hours, never explaining to them their legal status. Investigators questioned one of the detainees, Artak Zayanalian, about the protest, stating that he was being questioned as a witness.<sup>55</sup>

After detaining everyone from the Republic Party headquarters, police occupied the premises for more than two days. Party officials were able to get back into the building only on April 15. Doors, windows, furniture, and equipment were broken, documents and other things were lying all over the floors, and computers, documents, videocassettes, and other equipment had been confiscated.<sup>56</sup>

The same night security forces raided the headquarters of the National Unity Party. No one was at the office at the time of the break-in, however, from the damage to the door, it was clear that the authorities had forced the door with crowbars or similar tools. They had forced all the internal doors open, as well as the doors to safes and cupboards, and

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<sup>54</sup> Human Rights Watch interview with Artak Zayanalian, Yerevan, April 15, 2004.

<sup>55</sup> The investigator did not explain in relation to which case he was being questioned. Human Rights Watch interview with Artak Zayanalian, Yerevan, April 15, 2004.

<sup>56</sup> Human Rights Watch's researcher attended the office when party members reoccupied the building, Yerevan, April 15, 2004.

had confiscated documents, including the list of party members, video equipment, and computers. The authorities then closed the office with an official seal from the Procurator General's Office.<sup>57</sup>

On October 14, party officials demanded that the Procurator General's Office remove the seal. After several hours, local government representatives came and took away the seal and the party officials were able to re-enter the premises. They reported that documents and other things were scattered everywhere. They later received a document from the authorities, listing the things confiscated.<sup>58</sup>

Between twenty-five and thirty armed police also stormed the headquarters of the People's Party on the night of April 12-13. They entered the building shouting, and holding automatic weapons. They began detaining male party members. A group of women and other party members blockaded themselves in a room in fear. The police broke down the door with the butts of their guns.

Vardan Mkrtchian, a member of parliament, detained in the raid, told Human Rights Watch: "The police were shouting and swearing. They hit the women and young people. They beat my wife who was here to find out why the police had arrested me [earlier in the day]."<sup>59</sup>

They detained more than twelve people, including Vardan Mkrtchian, and his son. The rough treatment continued at the police station after arrest. Police confiscated documents and videocassettes. They held the party members from between several hours to three days, taking some to court for administrative punishments.<sup>60</sup>

Police also detained Ruzanna Hachatarian, press secretary of the People's Party, from the party headquarters that night. They took her to a police station where they questioned her as a witness to the criminal case opened against the Justice Alliance and its supporters.<sup>61</sup>

Hachatarian told Human Rights Watch: "The investigator had a printed list of questions... They asked me 'Why did the Alliance try to overthrow the government with violence?'... and 'How did you use military measures to overthrow the government?'... He questioned me for about two hours."<sup>62</sup>

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<sup>57</sup> Human Rights Watch interview with officials of the National Unity Party, Yerevan, April 16, 2004. Human Rights Watch's researcher attended the office on April 16, and witnessed the damage to the doors, safes, and cupboards.

<sup>58</sup> Ibid. Party officials claimed that list of things confiscated, provided by the authorities was not complete.

<sup>59</sup> Human Rights Watch interview with Vardan Mkrtchian, Yerevan, April 15. Mkrtchian was also detained at 1:00 p.m. on April 12 at the Shaumian police station. He had gone there voluntarily to complain about the detentions of other opposition members of parliament on the same day for urging their electorates to attend the rally planned for that evening. Police detained him for twelve hours.

<sup>60</sup> Ibid.

<sup>61</sup> See above section, Prelude to April 12-13.

<sup>62</sup> Human Rights Watch interview with Ruzanna Hachatarian, Yerevan, April 16, 2004.

After questioning her, they informed her that she was no longer a witness, but was now being charged as a defendant in the case. She demanded a lawyer, who then attended the police station, and she refused to answer any more questions. After approximately thirty-six hours in custody, she was taken to the Procurator General's Office where officials gave her a document stating that the charges had been withdrawn, and she was released.<sup>63</sup>

## Detentions: Due Process Violations and Torture

It is difficult to estimate the total number of opposition supporters detained since the beginning of April 2004. By April 17, the Justice Alliance had documented the detentions of 327 opposition supporters, and the Republic Party estimated that about 300 of its members had been either detained, harassed, or searched.<sup>64</sup>

As of this writing, at least eight opposition supporters are in pre-trial custody on criminal charges. These include the four people detained in Giumri on March 28 who are charged with criminal hooliganism and four detained in April in the case against the Justice Alliance.<sup>65</sup> The latter four are members of the Republic Party: Vargarash Harutunian, on charges of attempting to overthrow the government, public calls for seizure of power by force, and publicly insulting representatives of government;<sup>66</sup> Zhora Sapean, a district party leader, on charges of publicly insulting representatives of government, for allegedly accusing the president and minister of defense of corruption when speaking at a public rally;<sup>67</sup> and two others on similar charges.<sup>68</sup>

The others were detained and held for from several hours to fifteen days. Many were held and then released with no documentation or registration of the arrest ever having occurred. Others were taken to court, and given penalties of up to fifteen days in custody for petty offences under the Administrative Code.<sup>69</sup>

The trials were cursory, flouting all international protections for a fair trial, and repeating a pattern of abuses with administrative detentions documented during the 2003

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<sup>63</sup> Ibid. Human Rights Watch interviewed several people who were detained and informed that they were being questioned as a witness and then after the questioning, told that they were now being held as defendants. This procedure breaches international due process standards, circumventing a defendant's rights, for example to a lawyer, by claiming the person is a witness.

<sup>64</sup> There may be some overlap between the Republic Party estimate and the list of Justice Alliance detainees. Human Rights Watch interview with People's Party members collecting the data for the Justice Alliance lists, Yerevan, April 17, 2004. Human Rights Watch has a copy of the complete list documented by the Justice Alliance in Armenian, and parts of the list in English on file. Human Rights Watch interview with Artak Zayanalian, head of administration for the headquarters of the Republic Party, Yerevan, April 15, 2004.

<sup>65</sup> See above section, The Prelude to April 12-13.

<sup>66</sup> Article 300, 301, and 318 of the Criminal Code. Harutunian was detained on April 13 at the headquarters of the Republic Party. *Haikakan Zhamanak* [The Armenian Times] April 17, 2004.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid and Human Rights Watch interview with Tigran Ter-Esayan, President of the International Union of Advocates, Yerevan, April 17, 2004.

<sup>69</sup> Human Rights Watch interviews with Tigran Ter-Esayan, President of the International Union of Advocates, Yerevan, April 17, 2004, with Avetik Ashkhanyan, Armenian Helsinki Committee, Yerevan, April 16, 2004, and with numerous representatives of opposition parties, Yerevan, April 14-17, 2004.

presidential elections. Defendants in administrative cases were denied access to lawyers, not able to present evidence, and routinely convicted on the basis of several minutes of police evidence. Practical barriers to appeal make it virtually impossible to take the cases to higher courts.<sup>70</sup>

In the case of the April 5 detention of three people who were attempting to travel from Vanadzor to Yerevan to attend a rally, a judge refused to allow them to present evidence in their defense. Police had taken the three—Aram Revasian, Artur Shahnazarian, and Rezh Makumian—all members of the National Unity Party, to the local court where they were tried under the Administrative Code for not following police orders. Revasian requested that others who were traveling in the car with him be called as witnesses in the case. The judge refused his request and sentenced all three to five days' administrative detention on the basis of evidence of one police officer.<sup>71</sup>

On April 14, the seven people detained at the Republic Party headquarters on the night of April 12-13 were tried at the Erebuni District Court in Yerevan for breaching public order under the Administrative Code. The police read out the charge sheet, the judge asked no questions, and fined the defendants each 500 drams (approximately U.S. \$1). The defendants had been held in custody for up to thirty-six hours prior to the court hearing, and officials refused to return their passports until they paid the fines.<sup>72</sup>

On April 12, police from the Malatia Sebastia police station detained Karen Shahumian, a member of the People's Party, while he was in a car with loud speakers, announcing details of the opposition rally to be held later in the day. At the local court, he was sentenced to five days of administrative detention. His relatives, concerned for his health since he suffered from heart problems, requested the assistance of a lawyer to appeal the case. The lawyer, however, could get no documentation about the case, and could not meet with Shahumian. The lawyer was not even able to find out the charges under which Shahumian had been sentenced. It was therefore impossible for the lawyer to appeal the case.<sup>73</sup>

Talking about the obstacles faced by lawyers in administrative cases, Tigran Ter-Esayan told Human Rights Watch: "We try to help, but there are no documents. We can't appeal without documents. The police deny that [a defendant] is in their custody, say that he doesn't need a lawyer. They say that the trial has already happened. We ask for documents and they say 'tomorrow,' 'the day after tomorrow,' and the time has gone."<sup>74</sup>

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<sup>70</sup> For example, courts regularly refuse to issue written decisions in administrative cases and without this, appeal courts will not consider the case. Authorities also refuse to allow lawyers to meet with their clients while they are in administrative detention, making it impossible for the lawyers to construct an adequate defense.

<sup>71</sup> Human Rights Watch interview with Arthur Sakunts, Helsinki Citizens' Assembly Vanadzor Office, Yerevan, April 16, 2004.

<sup>72</sup> Human Rights Watch interview with Oride Harustanian, one of the defendants in the case, Yerevan, April 17, 2004. Legally, a defendant has a period of time to pay a fine. Therefore, the authorities were acting beyond their powers by holding the passport until they received payment.

<sup>73</sup> Human Rights Watch interview with Tigran Ter-Esayan, Yerevan, April 17, 2004.

<sup>74</sup> *Ibid.*

## ***Torture and ill-treatment in police custody***

Human Rights Watch documented several cases of torture and ill-treatment in police custody during the government crackdown against the opposition in April 2004. Opposition party officials claim that during this period police regularly beat their supporters in police custody: “There were lots of cases of people being beaten at the police stations after detention, especially those who came from the regions.”<sup>75</sup> Armenia is obligated under international law to prevent acts of torture.<sup>76</sup>

On the night of April 12-13, Oride Harustanian was detained with a group of women, including her nineteen-year-old daughter, at the Republic Party headquarters. Police took them to the Erebuni police station in Yerevan where the police shouted and swore at them. They were placed in a room. Harustanian told Human Rights Watch, “Then the head of the Erebuni police came in. He came up to me and said ‘So you want to take power,’ and slapped me three times very hard on the face.”<sup>77</sup> He then went to each person in turn and assaulted them, kicking and kneeling them, and punching one woman in the head. Several of the group had serious bruising to the legs after the attack. Police did not provide food to the group on the day of April 13. Members of the group were held for up to thirty-six hours, and were then released, some receiving administrative fines, others receiving no explanation as to the reason for having been detained.<sup>78</sup>

Police also detained a young woman on the night of April 12-13.<sup>79</sup> She was taken to a local police station in Yerevan with a group of opposition party activists. Police separated her from the group and put her in a room in the police station. There were four or five uniformed police in the room. She told Human Rights Watch:

Then someone came in, a high level police officer. All the other police stood up for him when he came in. I also stood up and he began to beat me, kicking my body, hitting my face and swearing terribly. I was so scared that I wet myself. He beat me for about ten or fifteen minutes... I cried the whole time. I couldn't speak... Then I heard loud voices in the corridor, shouting and swearing... It was the head of the [police station]. He came in and said ‘Ah, it was you who was at the protest.’ I said ‘no, it wasn't me.’ He began to beat me with his fists and knees to my stomach. I fell and he kicked me on my back. He said, ‘now all our men will come in and rape you.’ He said worse things... He went on

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<sup>75</sup> Human Rights Watch interview with Ruzanna Hachatarian, Press Secretary of the People's Party, Yerevan, April 16, 2004

<sup>76</sup> Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, ratified by Armenia and entered into force on October 13, 1993. European Convention on the Prevention of Torture, ratified by Armenia and entered into force on October 1, 2002.

<sup>77</sup> Human Rights Watch interview with Oride Harustanian, Yerevan, April 17, 2004.

<sup>78</sup> *Ibid.*

<sup>79</sup> She asked to remain anonymous for fear of retribution.

four about twenty minutes. I don't remember everything. I remember coming to lying on the table. Then he left. I was on the floor.<sup>80</sup>

She was released from custody after eighteen hours in detention. She received no explanation for her arrest. According to the young woman and a relative who cared for her after her release, she had bruising all over her body, and was suffering from severe stomach pains.

## Freedom of the Press

In breach of Armenia's international obligations to protect freedom of expression,<sup>81</sup> the April 2004 crackdown on the opposition brought with it repression of journalists and media outlets attempting to report on the events. Journalists were brutally attacked, and their equipment confiscated and smashed. In some cases this was done by police, and in others, apparently by civilians, with the government failing to take action against those responsible despite clear evidence as to the identity of attackers. In addition, media outlets were restricted from broadcasting during this period.

On April 5, men in civilian clothes attacked journalists at an opposition rally in Yerevan. Initially the men attempted to disrupt the rally by throwing eggs at the National Unity Party leader, Artashes Geghamian, who was addressing the crowd. Scuffles broke out, and when journalists attempted to film events, the men began to attack them.

According to The Committee to Protect Journalists, "[T]he assailants smashed the video cameras of three Armenian television stations— Kentron, Hay TV and Public Television— and the still cameras of two opposition dailies—*Aravot* and *Haykakan Jhamanak*."<sup>82</sup>

The attackers reportedly forced one journalist from the private television station Shant to hand over his videocassette with footage of the rally.<sup>83</sup> Hundreds of police present at the rally observed the attacks, but took no action. Police officials later defended the police inaction.<sup>84</sup> Local and international press organizations, as well as the OSCE, condemned the attack, and called for the perpetrators to be punished. Although there was reportedly evidence available as to the identity of some of the attackers, at the time of writing the authorities had not made public any action taken in relation to the attacks.<sup>85</sup>

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<sup>80</sup> Human Rights Watch interview, Yerevan, April 17, 2004.

<sup>81</sup> Article 19, ICCPR, and Article 10, ECHR.

<sup>82</sup> "Armenia: Journalists attacked at an opposition rally," Committee to Protect Journalists (CPJ) News Alert, April 6, 2004, CPJ.

<sup>83</sup> *Ibid.*

<sup>84</sup> See above section, The Prelude to April 12-13.

<sup>85</sup> Human Rights Watch interviews with Zhanna Alexanian, journalist with ArmeniaNow, Yerevan, April 14, 2004 and Haik Gevorgian, journalist with *Haikakan Zhamanak*, Yerevan, April 17, 2004. "Armenian press body condemns attacks on reporters covering opposition rally," Mediamax News Agency, Yerevan, April 6, 2004, from BBC Monitoring Caucasus. "OSCE condemns attack on journalists during Yerevan protest," Agence France Press, April 9, 2004.

On the night of April 12-13, security forces brutally attacked journalists reporting on the opposition rally and the storming of opposition headquarters. Media rights groups reported that four journalists were seriously beaten that night.<sup>86</sup> Human Rights Watch documented the attacks on three of these journalists.<sup>87</sup>

Levon Grigorian, a cameraman for the Russian television channel ORT, attended the rally on Marshal Baghramian Avenue on the evening of April 12 in order to report on the rally. According to Grigorian, the rally was peaceful and quiet. Then at around 2:00 a.m., security force vehicles with water cannons moved in. He told Human Rights Watch:

I began filming when they started spraying the water on people. People began throwing things, empty plastic bottles, sticks from flags. The police threw grenades at people and began to beat them. I filmed. Then people began to run. I also went with them, filming. I filmed it all. Then four people surrounded me and tried to take my camera. They couldn't take it and they fought with me. They dragged me along the street. Then a special forces officer in an army like uniform electrocuted me with his equipment, and put gas in my face. My eyes watered. I couldn't see. The electric shock paralyzed me. I fell down. They took my camera and telephone. They electrocuted me several times. Then about fifteen special forces officers beat me with batons. They dragged me under a tree, paralyzed, and left me there.<sup>88</sup>

According to Grigorian, his clothes were covered in blood and torn. He suffered a broken nose, swollen arm and hand, and bruising to his whole body.<sup>89</sup>

On the evening of April 14, the authorities returned Grigorian's broken camera, but did not return the videocassette with the recording of the rally events.<sup>90</sup>

The night of April 12-13, Haik Gevorkian, from the opposition daily newspaper *Haikakan Zhamanak*, went to photograph the opposition rally. When the security force attack began, he photographed the water cannon vehicles and police coming from the parliament grounds and attacking the protesters. Concerned for the safety of his camera and photographs, he went some twenty or thirty meters down the road, and found an empty courtyard, where he stood behind a fence and continued to photograph the events. He told Human Rights Watch:

Suddenly I saw a group of thirteen or fourteen police, headed by [a very high ranking police officer]. They were all in uniforms with batons and

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<sup>86</sup> "Armenia: Journalists beaten at an opposition rally," CPJ News Alert, April 13, 2004, CPJ.

<sup>87</sup> Avetis Babajanian was the fourth journalist attacked that night.

<sup>88</sup> Human Rights Watch interview with Levon Grigorian, Yerevan, April 15, 2004.

<sup>89</sup> Ibid. The Human Rights Watch researcher saw injuries to Grigorian, including a cut to the nose, swollen arm, and hand, and bruising to his arms.

<sup>90</sup> Ibid.

helmets. They came straight for me, no one else was there. [The high ranking officer] knows me well. He's known me since 1998 through my work as a journalist. I wasn't worried. I knew that he knew who I was, that I wasn't a protester, but a journalist. He came up to me and took my camera. [I started to speak], but didn't have time. All the police began to beat me with batons.... They shouted and swore. I said, 'I'm a journalist.' They said, 'we know.' I just tried to protect my head. Then they dragged me, beating me, to the parliament entrance. Someone grabbed me by the back of the neck and while the others beat me.<sup>91</sup>

Police continued to beat Gevorkian, who was lying on the ground at the entrance to the parliament while he repeatedly shouted out that he was a journalist. They put him in a police van. He no longer had his bag with his dictaphone or press card. Gevorkian's colleague, Avetis Babajanian, from the same newspaper, was also in the van, and said that police had beaten him as well. Although Gevorkian had suffered head injuries and was covered in blood, police did nothing to help him. Only some hours later, after taking the journalists to the police station, did Gevorkian receive medical attention. He was released on the morning of April 13. He had bruising all over his body and a swollen back. Several days after the attack, he was still having difficulty walking.

Gevorkian demanded that the police return his camera and dictaphone and requested that the Procurator General's Office open a criminal case against the police officers involved in the attack on him. By April 17, the authorities had not returned his equipment or taken any other action in relation to the attack.<sup>92</sup>

Mher Ghalechian, a journalist with the opposition weekly newspaper *Chorrord Ishkhanatium* (Fourth Power), was working in his office on the night of April 12-13, when he received a telephone call saying that police were arresting opposition activists at the Republic Party headquarters. He took his camera and dictaphone and went to the headquarters, where he started to photograph police detaining opposition members. Five police in camouflage uniforms attacked him and beat him all over his body with batons. He told them that he was from the press. They arrested him and put him in a prisoner transport van for six, but which held twenty-four other people. Police took his camera, dictaphone, and money. They took him to a detention center and put him in a cell with no mattresses or blankets, with no explanation as to the reason for his arrest or his legal status. They refused to grant him access to a lawyer or to make a telephone call. He was released after sixteen hours, receiving no documentation or explanation for his arrest. Police refused return his camera, dictaphone, or money.<sup>93</sup>

On April 5, the Russian television channel NTV had its broadcasting suspended in Armenia. The official reason given for the suspension was because of technical problem.

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<sup>91</sup> Human Rights Watch interview with Haik Gevorkian, Yerevan, April 17, 2004.

<sup>92</sup> Ibid.

<sup>93</sup> Human Rights Watch interview with Mher Ghalechian. Ghalechian was also the victim of a serious attack in April 2003.

NTV had been broadcasting footage of the opposition protests in Yerevan. By mid-April NTV was still off the air.<sup>94</sup>

## International Response

International bodies responded to the April events in Armenia with statements of concern and calls for a political dialogue between the opposition and government.

The Council of Europe issued two statements of concern. Its Secretary General warned of an anti-democratic decline in Armenia and called on the government to guarantee “all human rights which are protected under the European Convention on Human Rights.”<sup>95</sup> The United States government made a statement, calling on “all sides to respect the role of peaceful assembly and to take all steps to prevent violence.”<sup>96</sup>

The OSCE made several statements of concern, but blamed both the opposition and government for the situation. In an interview with Radio Free Europe/Radio Liberty on April 13, OSCE Ambassador Vladimir Pryakhin stated, “[w]e don't share the opinion that the demonstration was purely peaceful because all sorts of provocative statements were being made and stones were being thrown [at police forces]. But that's not the point. We are against any kind of violence, and we conveyed our concerns in this regard personally to [President Kocharian].”<sup>97</sup>

## Recommendations

### To the Armenian Government:

- Investigate the use of excessive force by the police and other security forces on the night of April 12-13, 2004. Bring to account all security officials who used excessive force.
- Cease the use of explosives and electric shock equipment for the control of non-violent public demonstrations.

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<sup>94</sup> Human Rights Watch interview with Zhanna Alexanian, journalist with ArmeniaNow, Yerevan, April 14, 2003. “Digest Censorship is Applied Towards Russian Media in Armenia,” ARKA News Agency, April 13, 2004. “TV Censorship,” *Iravunk* newspaper, April 13, 2004. According to these news reports, the Russian *Nezavisimaya Gazeta* was also taken from circulation and a series of news and comment programs on various Armenian television stations were not broadcast in early April 2004.

<sup>95</sup> “Secretary General warns of anti-democratic decline in Armenia and appeals for dialogue,” April 14, 2004, Press Release, Council of Europe Spokes person and Press Division, Council of Europe. “Peter Schieder asks Armenian parliamentary speaker for information on recent events,” Council of Europe, April 14, 2004 [online], [http://assembly.coe.int/EMB\\_NewsView.asp?ID=223](http://assembly.coe.int/EMB_NewsView.asp?ID=223) (retrieved April 28, 2004).

<sup>96</sup> “Political Unrest in Armenia,” U.S. Department of State Press Release, Press Statement by Richard Boucher, Spokesman, Washington, DC, April 13, 2004.

<sup>97</sup> “Armenia: Opposition Considers Next Move As Government Threatens Clampdown On Rallies,” Prague, Radio Free Europe/Radio Liberty, April 14, 2004. The OSCE issued two statements of concern about the violence against journalists, on April 8, and violence at the April 12-13 opposition rally, on April 14.

- Provide training to all members of the security forces on international and domestic human rights standards and hold accountable all members of the security forces who deviate from these standards.
- Investigate all allegations of torture and ill-treatment in police custody and prosecute those found responsible for such acts.
- Comply with Council of Europe's calls to repeal the use of administrative detention and cease using arrest as a means of pressuring the opposition.
- Investigate the attacks on journalists and prosecute those responsible.
- Enact legislation guaranteeing the right to peaceful assembly and establishing a procedure to ensure that this right is respected. Request the Council of Europe to review the draft legislation before it is enacted.
- Cease the practice of restricting travel of opposition supporters in order to limit their right to freedom of assembly.
- Repeal criminal defamation provisions in the Criminal Code and drop all current charges against opposition members for criminal defamation. Ensure the trials against opposition members currently in pre-trial detention comply with international fair trial procedures.
- Comply with the OSCE recommendations made in their final report on the 2003 presidential election, in particular to bring to account those responsible for election fraud and other violations.

To the International Community:

**To the OSCE, Council of Europe, European Union, European and United States Governments:**

- Strongly condemn and demand an end to the abuses committed in Armenia described in this briefing paper, and promptly condemn any new abuses that occur;
- Call for all officials implicated in abuses to be brought to justice;
- Continue to press the Armenian government to implement the **OSCE** recommendations in the final report on the 2003 presidential elections.
- The **European Union** and the **United States** should closely monitor any funding provided to the Armenian government, particularly security-related funding, to ensure that it does not go towards security agencies implicated in abuses.
- The **European Union** should make better use of the periodic reviews of the Partnership and Cooperation Agreement (PCA) with Armenia to urge the Armenian

government to bring its laws and practices into compliance with international standards, with particular attention to the violations documented in this briefing paper.

To the **Council of Europe**:

- The Council of Europe **Parliamentary Assembly (PACE) Monitoring Committee** should send an ad-hoc mission to Armenia to investigate the recent abuses and present its findings to the Assembly's plenary session in June, formulating specific recommendations for steps the authorities need to take to address the ongoing crisis and setting a specific deadline for meeting them.
- The Council of Europe **Committee of Ministers** should put the ongoing crisis in Armenia on the agenda of its upcoming ministerial meeting and call on the Armenian government take urgent measures to adhere with its obligations stemming from its membership with the Council of Europe.
- The Council of Europe **Secretary-General** should appoint independent experts to investigate the serious ongoing abuses taking place and call on the Armenian government to take urgent measures to address them.
- The Council of Europe **Committee for the Prevention of Torture (CPT)** should continue to monitor closely torture in Armenia and should consider ad-hoc visits to Armenia with a particular focus on the places of detention where those arrested in connection with the recent protests have been held.

To the **European Bank on Reconstruction and Development (EBRD)**:

- Take into account the findings contained in this briefing paper when assessing Armenia's compliance with Article 1 of the Agreement Establishing the Bank, and make clear to the Armenian authorities that the nature and level of engagement will be contingent on measurable progress in human rights. In so doing, the EBRD should set specific benchmarks for such progress.

To the **World Bank**:

- The abuses documented in this briefing paper undermine the World Bank's goal of eradicating poverty in Armenia. The 2003 Republic of Armenia Poverty Reduction Strategy highlighted the need to "protect the economic, social, and legal guarantees of human rights and liberties," and identified governance and public participation in the political process as key elements in eliminating poverty. In its engagement with the Armenian government, the World Bank should reinforce OSCE and Council of Europe recommendations for reform that would serve the broader goal of empowering the poor.