

## **Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment 59 Session (07 Nov 2016 - 07 Dec 2016)**

Caucasus Center of Human Rights Monitoring (CCHRM)  
Human rights monitoring group of national minorities «MRMG»  
Public Association for Human Right Protection

Caucasus Center of Human Rights Monitoring (CCHRM) is a non-governmental organization established in Georgia. Objectives of the organization: to facilitate the development of a tolerant civil society and the advancement of knowledge in the field of human rights and fundamental freedoms, to protect the rights and freedoms at the Caucasus. The activity of CCHRM is based on the organization of events with experts in the field of human rights.

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## REPORT

### **On the situation around the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Armenia.**

#### **2012**

1. The most significant human rights problems during the year were limitations on the right of citizens to change their government, corruption and lack of transparency in government, and the limited independence of the judiciary.

Other abuses reported during the year included suspicious deaths in the military under noncombat conditions, continued hazing and other mistreatment of conscripts by officers and fellow soldiers, and a lack of accountability for such actions. Police allegedly continued to employ torture to obtain confessions and reportedly beat citizens during arrest and interrogation. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily. Trials were often prolonged, and courts failed to enforce laws providing for fair trials. Laws against government intrusion on the right to privacy and unlawful searches were inadequately enforced.

The pre-election period was marked by diverse media coverage; however, the media continued to lack diversity of political opinion and objective reporting outside the campaign period. Members of religious minorities suffered from societal discrimination. Domestic violence remained a problem but largely went unreported to authorities. Human trafficking was a problem, which authorities made efforts to combat. Persons with disabilities experienced discrimination in almost all areas of life.

2. Although the government took some steps to punish officials in the security forces and elsewhere who committed abuses, some members of the security forces continued to commit human rights abuses with impunity while under the direction of civilian leadership. The government issued a report in December 2011 on its investigation into the deaths of eight civilians and two police officers following the 2008 presidential election but, as of year's end, had not held anyone accountable<sup>1</sup>.

#### **Arbitrary or Unlawful Deprivation of Life**

3. There were no reports that the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. The government reported that during the year 18 servicemen died under noncombat conditions, an increase from 2011.

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<sup>1</sup> <http://www.state.gov/j/drl/rls/hrrpt/2012/eur/204258.htm>

For example, on March 2, media reported the death of soldier Tigran Varyan. Military authorities initiated an investigation into whether this was an induced suicide. An expert from the nongovernmental organization (NGO) Helsinki Association attended the forensic examination of the body and concluded that Varyan had been beaten and then shot. According to official information, Varyan's superior, Lieutenant Hovhannes Hakobyan, and some of Varyan's fellow service members periodically abused him over a three-month period. Military police arrested Hakobyan and charged him with abuse of power. Police also arrested Sergeant Erik Sargsyan and Sergeant Gevorg Manoukyan.

4. On June 29, security guards and personnel of a restaurant owned by Republican Party member of parliament Ruben Hayrapetyan attacked and beat Vahe Avetyan, a military doctor, and four others. Avetyan died as a result of the injuries. Lawyers representing Avetyan's family alleged investigators deliberately conducted a cursory and incomplete investigation and brought unusually lenient charges against the perpetrators. Hayrapetyan resigned from the National Assembly effective September 28. According to the victims, at least 10-15 people beat them after a dispute with a waiter on June 17. Six defendants faced trial, on charges of infliction of medium and grave injuries and battery. These charges jointly carry a maximum of 15 years' imprisonment. At year's end, the trial was ongoing.

### **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

5. While the law prohibits such practices, reports indicated that members of the security forces continued to employ them regularly. Witnesses reported that police beat citizens during arrest and interrogation. Human rights NGOs made similar allegations but noted most cases of police mistreatment were unreported due to fear of retaliation. Most abuses reportedly took place in police stations, which were not subject to public monitoring, rather than prisons and police detention facilities, which were. According to NGOs, many individuals transferred to prisons from police facilities alleged that police tortured, abused, and intimidated them while they were in police custody, mainly to extort confessions.

6. The annual report of the human rights defender (the ombudsman's office) for 2011, released in July, also stated that police investigative bodies continued to subject individuals to cruel, inhuman, and humiliating treatment, including psychological pressure, electrical shock, and severe beatings in order to obtain confessions.

7. In July the UN Human Rights Committee expressed concern about the absence of a genuinely independent complaints' mechanism to investigate alleged torture or other mistreatment in detention facilities, as well as about the low number of prosecutions of such cases. In one such case, on July 27, the NGO Helsinki Committee reported that police beat Arman Davtyan with rubber batons and pieces of flooring and subjected him to involuntary electroshock treatment while holding him in a police station in the Mashtots District of Yerevan in order to extract self-incriminating testimony. Davtyan's injuries included broken fingers. The Special Investigative Service declined to investigate the

alleged abuse. At the end of the year, Davtyan remained in custody awaiting trial for theft.

8. Within the armed forces, substandard living conditions, corruption, and lack of accountability of commanders continued to contribute to mistreatment and noncombat injuries. Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed that corrupt officials controlled military units, and human rights monitors and the ombudsman reported the government continued to conscript soldiers with serious health conditions that should have disqualified them from service.

### **Prison and Detention Center Conditions**

9. Overcrowding, inadequate sanitary conditions and medical care, and corruption remained problems in prisons, and conditions in some cases were harsh and life threatening.

10. According to official data, the number of deaths in prisons during the year was 28, compared with 32 in 2011, with the cause of death in most cases listed as illness, with some suicides. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing health care to inmates contributed to the death rate. Prisons were connected to local potable water supply networks but experienced occasional disruptions in service.

11. In October the Council of Europe's Committee for the Prevention of Torture (CPT) released a report describing its December 2011 follow-up visit to Kentron and Nubarashen prisons. The CPT, which had visited the institutions in 2010, found that conditions remained substandard in many respects, including access to recreation, sanitation, and the size of some cells. The CPT also found the bulk of its recommendations resulting from its 2010 visit with respect to life-sentenced prisoners remained unimplemented and that the confinement conditions of life-sentenced prisoners in Kentron Prison could be considered as amounting to inhuman treatment.

There were no reports of efforts to improve prison recordkeeping.

12. The Civil Society Monitoring Board for penitentiaries, consisting of NGO representatives, continued reporting to the Ministry of Justice on the deteriorating health of certain convicts whom they claimed remained in prison although they were qualified for early release on medical grounds. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act and did not have established procedures for their activities.

13. Human rights organizations and the ombudsman continued to raise concerns convicts and detainees did not always have reasonable access to visitors, since even their minimal visitation entitlement was not always met because of overcrowded conditions and lack of suitable space. Prisoners were permitted religious observance.

14. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhumane conditions, although

the prevalence of such censorship was unknown. By law censorship of the communications of pretrial detainees requires a court order. According to human rights organizations, prison administrators censored the letters of detainees in numerous cases without judicial oversight. According to the Helsinki Association and the Helsinki Citizens' Assembly-Vanadzor, authorities did not investigate credible allegations of inhumane conditions.

15. The police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent incidents of abuse. Impunity was a problem; there was no dedicated independent mechanism for investigating police abuse. In July the UN Human Rights Committee noted its concern about the lack of accountability of law enforcement officers in cases of excessive use of force and the lack of an independent mechanism for investigating police abuse.

16. NGOs reported that judges routinely ignored defendants' claims that their testimony was coerced through physical abuse. An exception was a ruling on April 28 by a trial court excluding evidence that, according to defendant Felix Grigoryan, was obtained through torture. Grigoryan claimed police beat him, burnt his leg with a hot iron, and hit his feet with clubs to obtain a confession. He also claimed police threatened to torture his father and brother. The trial court ruled a police investigation into the torture allegations was ineffective, excluded the evidence obtained, and found the defendant not guilty. However, the appellate court reversed the trial court's decision of inadmissibility and ordered a new trial.

#### Arrest Procedures and Treatment While in Detention

17. Authorities on occasion detained and arrested criminal suspects without arrest warrants and without reasonable suspicion. By law an investigative body must either formally arrest or release an individual within three hours of taking him or her into custody. Within 72 hours the investigative body must release the arrested person or bring charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants. Police routinely summoned individuals and held them longer than three hours without formally arresting them under the pretext that they were material witnesses rather than suspects. Domestic observers contended police avoided labeling summoned persons as suspects to avoid the legal requirement to grant them the rights of suspects.

18. The law requires police to inform detainees of their right to remain silent, to make a telephone call, and to representation by an attorney from the moment of arrest. Detainees must be provided with public defenders if they are indigent. In practice police often questioned and pressured detainees to confess to crimes prior to indictment and in the absence of legal counsel. The practice of detaining individuals as "material witnesses" before designating them as suspects allowed authorities to subject them to questioning without the benefit of a defense attorney.

19. In July the UN Human Rights Committee criticized the frequent use of pretrial detention and stated that detainees were not fully informed of their rights and were

frequently deprived of timely access to a lawyer and a medical doctor. The committee noted detainees were not promptly brought before a judge.

20.Arbitrary Arrest: The UN Human Rights Council's (UNHRC) Working Group on Arbitrary Detention noted in a report issued in 2011 that police, National Security Service personnel, and border guards often detained or arrested individuals without an arrest warrant. Arrests were often not a consequence of a police investigation; rather, people were held to initiate an investigation, often made in the hope that the suspect would confess, thus making further investigation unnecessary.

21.Pretrial Detention: Lengthy pretrial or preventive detention remained a chronic problem. According to official information, during the year approximately 8 percent of the prison population consisted of pretrial detainees, and an additional 9.5 percent were detainees whose trials were in progress.

22.Although the law requires that decisions about detention be reasonable and that detention be used as a measure of last resort, attorneys and court observers complained that detention was often approved routinely by courts with little consideration given to whether less restrictive alternatives might suffice to assure the orderly administration of justice. The overuse of detention applied also to juvenile offenders. There is no separate system of justice for juvenile offenders.

## **2013**

23.Other abuses reported during the year included suspicious deaths in the military under noncombat conditions, continued hazing and other mistreatment of conscripts by officers and fellow soldiers, and lack of accountability for such actions. Police allegedly continued to employ torture to obtain confessions and reportedly beat citizens during arrest and interrogation. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily. Trials were often lengthy, and courts failed to enforce laws providing for fair trials. Authorities did not adequately enforce laws against government intrusion on the right to privacy and unlawful searches. Outside of the pre-election period, media coverage during the year lacked diversity of political opinion. While the government released all imprisoned Jehovah's Witnesses, government restrictions affected some minority religious groups, although most registered religious groups reported no significant legal impediments to their activities. Members of religious minorities suffered from societal discrimination. Domestic violence remained a problem but largely went unreported to authorities. Human trafficking was a problem, but authorities made efforts to combat it. Persons with disabilities experienced discrimination in almost all areas of life. Military and prison authorities subjected lesbian, gay, bisexual, and transgender (LGBT) persons to abuse and discrimination; societal discrimination also was a problem. The government limited workers' rights and weakly enforced labor laws.

### **Arbitrary or Unlawful Deprivation of Life**

24. There were no reports that the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. The government reported 10 cases involving fatalities during the first nine months of the year under noncombat conditions. The military prosecutor investigates deaths in the military.

25. On July 31, the Ministry of Defense reported the death from gunshot wounds of conscript Manuchar Manucharyan. The investigation department of the ministry launched a criminal case on charges of inducing to suicide, despite reports that Manucharyan suffered three gunshot wounds to the head. An expert from the Helsinki Association, Ruben Martirosyan, alleged that the investigation department forced Manucharyan's childhood friend to testify that Manucharyan was in love with her, but she rejected him, providing a motive for suicide. Furthermore, according to Martirosyan, investigators discovered no fingerprints on the weapon they found next to Manucharyan's body. Manucharyan's family denied an earlier claim by the investigation department that Manucharyan belonged to a religious minority. As of November, an investigation was in process<sup>2</sup>.

26. Human rights observers continued to assert that authorities presented sanitized versions of reported incidents of hazing and death in the military and then focused their follow-up investigations on reinforcing the initial versions. According to observers, the armed forces in most cases declined to punish those responsible. According to the NGO Helsinki Association, investigators, prosecutors, and courts at all levels worked as a system to cover up and conceal the real perpetrators of deaths in the military services. Courts reportedly upheld, and prosecutors defended, indictments based on investigations during which investigators illegally detained and forced suspects and witnesses, through physical and psychological abuse, to provide false testimony. Investigators reportedly destroyed or replaced physical evidence and fingerprints.

27. Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven other Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by Russia, France, and the United States.

### **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

28. While the law prohibits such practices, reports indicated that members of the security forces continued to employ them regularly. Witnesses reported that police beat citizens while arresting and interrogating them. Human rights NGOs made similar allegations but noted most cases of police mistreatment were unreported due to fear of retaliation. Most abuses reportedly took place in police stations, because they were not subject to public monitoring, rather than prisons and police detention facilities, which were. According to NGOs many individuals that authorities transferred to prisons from police facilities alleged that police tortured, abused, and intimidated them while they were in police custody, mainly to extort confessions.

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<sup>2</sup> <http://www.state.gov/j/drl/rls/hrrpt/2013/eur/220251.htm>

29. According to a 2012 EU report, "Implementation of the European Neighborhood Policy in Armenia," released on March 20, the law that criminalizes torture does not conform to the definition of torture in the UN Convention against Torture. For example, the law does not include crimes committed by public officials, but only by individuals acting in a private capacity. Accordingly, the country's courts have never convicted a public official on torture charges.

30. On March 13, the United Nations Children's Fund (UNICEF) presented findings of a study by a number of domestic and international bodies on the mistreatment and torture of juveniles in the juvenile justice system, from their initial apprehension through the completion of sentences. Interviews with 86 juveniles revealed that the most common forms of mistreatment were beating and physical pressure exerted by the police to extract confessions. Eight of the children attested that they had personally experienced violence, and 51 percent of those surveyed heard of the mistreatment of other children, including beating, sexual violence, cursing, intimidation, and threats. According to the report, the children were reluctant to report mistreatment because they feared retaliation and did not trust the system. Most victims considered the risks involved in making a complaint--exposing themselves to punishment and retaliation--far outweighed the possibility that the perpetrator would be punished.

31. On May 3, the Helsinki Committee of Armenia presented findings on the treatment of detained persons in police departments, based on discussions and questionnaires with pretrial detainees held in Nubarashen penitentiary. Those who completed questionnaires said that they had undergone either psychological pressure or physical abuse while at various police departments in Yerevan and the regions. None of the persons surveyed reported the abuse at the time of their transfer from police custody to a penitentiary, because police officers were present at the medical examinations that took place at the time of the transfer. Police reportedly forced many detainees to refuse the services of lawyers. According to human rights observers, police often inflicted blows in a manner not to leave traces. Conversations with judges and law enforcement officials within the same study revealed that investigators viewed confessions obtained through violence as the most effective way of solving crimes.

The annual report of the human rights defender (the ombudsman's office) for 2012, released in March, also stated that police investigative bodies continued to subject individuals to cruel, inhuman, and humiliating treatment in order to obtain confessions.

32. In August the Public Monitoring Group of Police Detention Facilities (PMG), a coalition of NGOs that inspects police detention cells with permission of the authorities, released its annual report covering 2012. According to PMG findings, every third person kept in such cells experienced inhuman or degrading treatment. The report noted that authorities did not always properly carry out medical examinations of persons transferred to police detention cells and arrested persons did not always receive proper medical care. Authorities conducted medical and physical examinations in a degrading manner in the presence of outside persons, and sometimes an accountant, cleaner, or administrative worker conducted the examinations.

33. On March 14, the country's police chief appointed Ashot Karapetyan as the new police chief of Yerevan. Shortly after the appointment, Grisha Virabyan, who successfully argued in the European Court of Human Rights (ECHR) that Yerevan police tortured him in 2004, announced that one of his torturers, identified during the ECHR proceedings as A.K., was Karapetyan, who at the time was deputy head of the Ararat regional division of the police. Authorities defended the appointment; as of year's end, no one faced charges for Virabyan's mistreatment. Human rights observers and media criticized the Karapetyan appointment, noting that it reinforced widely held beliefs concerning the lack of accountability for human rights abuses by police.

34. Karapetyan's name appeared in another case of alleged police abuse. On September 13, media reported that a court of appeals ordered law enforcement bodies to investigate allegations that police tortured Harutyun Sargsyan, a suspect in the April 2012 high-profile killing of Karen Yesayan, the fiance of the daughter of the former mayor of Gyumri. According to Sargsyan's father, Gyumri police, under the leadership of regional police chief Karen Babakekhyan, tortured his son to extort a confession, and the mistreatment continued after his transfer to the Yerevan police detention facility. Sargsyan's father asserted that police beat Sargsyan so badly that his feet did not fit his shoes due to swelling, and he suffered multiple other injuries including a fractured bone above his ear. Although authorities did not record the alleged injuries in the detention facility, Sargsyan repeated these claims of abuse in court. One of the alleged abusers in Yerevan reportedly identified himself to his victim as the head of the General Department of Criminal Investigation, a position held at the time by Ashot Karapetyan. As of November Sargsyan's trial for murder continued.

35. In July 2012 the UN Human Rights Committee expressed concern about the absence of a genuinely independent mechanism to investigate allegations of torture or other mistreatment in detention facilities as well as about the low number of prosecutions of such cases.

36. Within the armed forces, substandard living conditions, corruption, and lack of accountability of commanders continued to contribute to mistreatment and noncombat injuries. Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed that corrupt officials controlled military units, and human rights monitors and the ombudsman reported the government continued to conscript soldiers with serious health conditions that should have disqualified them from service.

### **Prison and Detention Center Conditions**

37. Overcrowding, inadequate sanitary conditions and medical care, and corruption remained problems in prisons, and conditions in some cases were harsh and life threatening.

38. Physical Conditions: The average prison population during the first nine months of the year was 4,742. The capacity of all penal institutions was 4,395 persons.

39. During the first nine months of the year, the Abovian penitentiary for women and juveniles held an average of 203 women and 24 juveniles (of which one was female). There were no separate facilities for female juvenile convicts, mainly because there rarely were juvenile convicts. When there were such convicts, authorities held them together with adult women. Inmates at the Abovian penitentiary lived in large dormitories, with women housed separately from juvenile boys. According to domestic observers, the group arrangement for women generated conditions that were worse than those at penitentiaries where inmates had separate cells.

40. According to the PMG's 2012 report, overcrowding in police detention cells and the use of these cells as holding centers for pretrial detainees remained a problem. Outside of Yerevan pretrial detainees outnumbered arrestees in such cells by more than two to one--2,055 of the former compared to 816 of the latter. While the report covered police detention cells, police stations were not included because authorities did not permit the PMG to monitor them.

41. According to official data, the number of deaths in prisons during the first nine months of the year was 14, with the cause of death listed as illness in 11 cases, suicide in two cases, and one due to injuries resulting from a fall. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing health care to inmates contributed to the death rate. Prisons had connections to local potable water supplies but experienced occasional service disruptions.

42. In December the Helsinki Committee of Armenia published research on prison conditions based on interviews with 33 former male convicts who served their sentences in various penitentiaries. According to the report, rampant corruption affected every aspect of prison life. The penitentiary system, while formally operating under the Ministry of Justice, remained outside the ministry's control, with the president directly appointing the chief of the penitentiary system. The report concluded that authorities at all levels lacked the political will to improve the system significantly.

43. Prison administrators and guards were underpaid and reportedly used a clandestine system to extract bribes from prisoners for basic services and privileges. For example, convicts paid bribes to obtain a better cell, take showers, visit other cells, avoid cell inspections, obtain medicine and narcotics, have a television set, keep a mobile phone, or be transferred to the prison hospital. According to various accounts, a transfer to the prison hospital, which had somewhat better conditions, required a bribe of \$500 to \$1,000. Former convicts faced harassment following their release, with police pressuring and subjecting them to violence following every theft in their areas.

44. The Helsinki Committee's research also discussed the harsh living conditions in penitentiaries. In some cases cells with 10 or 12 beds held 23 or 24 convicts, and some prisoners slept on floors or in chairs. Of the 33 former prisoners interviewed, 20 developed health complications during their incarceration. Prison food was inedible, and inmates ate food brought by relatives. Inmates bought or received hygiene products from outside the prison. Medical services were poor, and prisoners received medical attention only when in grave condition.

45. On March 18, Arthur Ayvazyan, a convict serving a term at Nubarashen Penitentiary, attempted to commit suicide by cutting his veins after abuse by penitentiary staff. After the incident prison staff refused to let medical personnel into his cell to provide assistance, and one of his cellmates had to cut his own veins to ensure medical personnel got to Ayvazyan. The prosecutor's office rejected a motion by Ayvazyan's lawyer to open a criminal case for inducing suicide.

46. In October 2012 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report describing its 2011 follow-up visit to Kentron and Nubarashen prisons. The CPT found authorities had failed to implement most of the recommendations concerning prisoners serving life sentences that it made following its 2010 visit.

### **Role of the Police and Security Apparatus**

47. The national police force is responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The president appoints the heads of both organizations, and they report directly to him.

48. Police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent abuse. Impunity was a problem; there was no dedicated independent mechanism for investigating police abuse. In July 2012 the UN Human Rights Committee noted its concern about the lack of accountability of law enforcement officers in cases of excessive use of force and the lack of an independent mechanism for investigating police abuse.

49. Citizens may sue police, but this avenue is limited. Prior to trial defendants have the legal right to file complaints alleging that law enforcement personnel abused them in the course of an investigation but must obtain permission from police or the prosecutor's office in order to undergo the forensic medical examination necessary to substantiate an accusation of physical abuse legally. Human rights organizations continued to report that authorities rarely granted such permission or delayed it until physical signs of abuse were no longer visible. NGOs reported that judges routinely ignored defendants' claims that authorities coerced their testimony through physical abuse.

50. Civil society activists attempting to hold a festival of Azerbaijani films in Armenia were subjected to violent attacks and forced to cancel the event on two occasions<sup>3</sup>. On 12 April, dozens of protesters blocked the venue of the film festival, scheduled in Armenia's second city, Gumri. They physically assaulted Giorgi Vanyan, the organizer and chairman of the local Caucasus Centre for Peace-Making Initiatives, and forced him to publicly announce that the festival was cancelled. Festival organizers reported that the local authorities had harassed and used psychological pressure to dissuade them from holding the event.

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<sup>3</sup> Amnesty International Annual Report: Armenia 2013

51. On 16 April, another attempt to hold the film festival in the city of Vanadzor at the Helsinki Citizens Assembly (HCA) office also prompted public protests and violence. Approximately 200 people – including students, political party members and veterans from the Nagorno-Karabakh war – gathered in front of the HCA office. They forced their way into the premises, vandalizing office equipment, throwing eggs and rocks and injuring one member of staff. Police officers present throughout failed to intervene to ensure the safety of the staff members or to stop the violence. Despite the HCA's requests, additional police did not arrive until after the incident. After an investigation, one woman was fined for throwing a stone at the building, but no thorough or impartial investigation took place. The authorities failed to condemn the violence.

### **Torture and other ill-treatment**

52. On 3 October, the European Committee for the Prevention of Torture published a report following their visit to Armenia in December 2011. It stated that “virtually none of the recommendations made after previous visits as regards the detention of lifers have been implemented”. The report also noted that the poor conditions at Kentron Prison in Yerevan made it unsuitable for lengthy periods of detention. The Committee found that the detention conditions of life-sentenced prisoners held at Kentron amounted to inhuman treatment.

## **2014**

### **Arbitrary or Unlawful Deprivation of Life**

53. There were no reports the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. For example, on May 10, the media reported the death of a 19-year-old conscript, Nerses Karapetyan, from a gunshot wound to his head. A forensic examination of Karapetyan's body ruled out the possibility of suicide. According to Karapetyan's family, the commander of his army company, Captain Garegin Asryan, harassed and threatened Karapetyan shortly before his death. Asryan reportedly demanded that Karapetyan, who served as a driver, pay for 21 gallons of gasoline missing from their unit, and Karapetyan refused. According to the family, unit leaders sold gasoline for personal profit and made conscripts pay to cover the loss. Media reported the Ministry of Defense charged Asryan with harassing and humiliating Karapetyan as well as breaching combat-duty rules and forging documents. Authorities charged another person from the same unit, Sergeant Edgar Manukyan, with breaching combat-duty rules and forging documents. According to the Ministry of Defense, these charges were unrelated to the killing. An investigation continued into the circumstances of the death, with Asryan and Manukyan remaining free pending the outcome of the investigation. As of November 17, the investigation was continuing.

54. Human rights observers continued to assert that authorities presented sanitized versions of reported incidents of hazing and death in the military and then focused their follow-up investigations on reinforcing the initial versions. According to observers the armed forces in most cases declined to punish those responsible. According to the nongovernmental organization (NGO) Helsinki Association, investigators, prosecutors, and courts at all levels worked as a system to conceal the real perpetrators of deaths in the military services. Courts reportedly upheld, and prosecutors defended, indictments based on investigations during which investigators illegally detained and forced suspects and witnesses, through physical and psychological abuse, to provide false testimony. Investigators reportedly destroyed or replaced physical evidence and fingerprints.

55. On March 24, a trial court sentenced each of the six defendants charged in the 2012 death of military doctor Vahe Avetyan to 12 years in prison. The defendants, who were security guards and personnel of a restaurant owned by a former RPA member of the National Assembly, Ruben Hayrapetyan, attacked and beat Avetyan and four others. Lawyers representing Avetyan's family alleged authorities deliberately conducted a cursory and incomplete investigation and failed to identify all of the participants of the attack. On June 23, the court of appeals upheld the verdict.

56. Authorities did not hold anyone accountable for the deaths of eight civilians and two police officers in the aftermath of the 2008 presidential election. On March 10, the RPA majority in the National Assembly voted against the establishment of an ad hoc parliamentary commission to look into the legality of the actions of police, Prosecutor's Office, and the Special Investigative Service (SIS) in investigating the 2008 postelection unrest.

### **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

57. While the law prohibits such practices, there were reports that members of the security forces continued to engage in such abuses regularly. The criminal code prohibits the use of violence by government officials. For example, it bans forced confessions and the abuse of official authority. The definition of torture in the criminal code, however, does not include acts by government officials. The courts have never convicted a public official on torture charges.

58. Abuse by police during arrest, detention, and interrogation remained a significant problem. According to human rights NGOs, victims did not report most cases of police mistreatment due to fear of retaliation. Most abuses reportedly took place in police stations, which were not subject to public monitoring, rather than in prisons and police detention facilities, which were subject to monitoring. According to NGOs many individuals whom authorities transferred to prisons from police facilities alleged police tortured, abused, and intimidated them while they were in police custody, mainly to extort confessions.

59. The NGO Helsinki Association for Human Rights continued to provide legal support to Karen Kungurtsev, who was in detention and under investigation for the October 2013

killing of 15-year-old David Hovakimyan in Vanadzor. According to media reports, police beat and threatened Kungurtsev in the Lori regional police station in an unsuccessful attempt to make him confess. Kungurtsev's lawyers claimed authorities failed to carry out an adequate investigation of the allegations of police abuse. According to official information, the police internal inquiry did not corroborate that abuse occurred, and officials claimed Kungurtsev caused the existing physical injuries on his arm by scratching himself.

60. Authorities made no progress in addressing the March 2013 findings presented in a UN Children's Fund (UNICEF) study on the mistreatment and torture of juveniles in the juvenile justice system. The study described mistreatment that extended from their initial apprehension through the completion of their sentences. Interviews with 86 juveniles revealed that the most common forms of mistreatment were beating and other physical pressure exerted by police to extort confessions. According to the report, juvenile victims were reluctant to report mistreatment because they did not trust the system and feared retaliation.

61. There also was no progress in addressing mistreatment of detained persons at police stations. A May 2013 survey by the Helsinki Committee of Armenia revealed a pattern of psychological pressure and physical abuse by police in both the capital, Yerevan, and the regions. Police reportedly forced many detainees to refuse the services of lawyers. The surveyors' conversations with judges and law enforcement officials revealed that investigators viewed confessions obtained through violence as the most effective way of solving crimes.

62. In June the Public Observer's Group of Police Detention Facilities (POG), a coalition of NGOs that inspected police detention cells with permission of the authorities, released its annual report covering 2013. According to POG findings, police continued to subject persons they detained and arrested to inhuman and degrading treatment, punishment, and abuse. The report noted that, based on registries, almost 33 percent of persons admitted to police detention facilities in Yerevan had physical injuries. In the regions outside Yerevan, the proportion was 12 percent. According to the POG, the lower figure was due to underreporting rather than better treatment. While police usually claimed arrestees received their injuries before authorities took them into custody, the POG dismissed such claims, noting the similar nature of injuries. The POG also concluded that police used arrest itself as a form of punishment, since, according to its data for 2013, police released 40.4 percent of those arrested in Yerevan and 38.7 percent in the regions without charging them with a crime.

63. In 2012 the UN Human Rights Committee expressed concern about the absence of a genuinely independent mechanism to investigate allegations of torture or other mistreatment in detention facilities as well as about the low number of prosecutions of such cases.

65. Substandard living conditions, corruption, and commanders' lack of accountability continued to contribute to mistreatment and noncombat injuries.

66. Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed corrupt officials controlled military units, and human rights monitors and the ombudsman reported the government continued to conscript soldiers with serious health conditions that should have disqualified them from service. The Ministry of Defense made efforts to improve discipline in the armed forces, such as utilizing the country's civilian legal system to enforce military laws and regulations and giving human rights training to officers and commanders.

### **Prison and Detention Center Conditions**

67. Overcrowding, inadequate sanitary conditions and medical care, and corruption remained problems in prisons, and conditions in some cases were harsh and life threatening.

68. Physical Conditions: The average prison population during the first nine months of the year was 3,933. The capacity of all penal institutions was 4,395. On November 17, the Abovian penitentiary for women and juveniles held 168 women and 14 juveniles (none of them girls). There were no separate facilities for female juvenile convicts, mainly because female juvenile convicts were rare. When there were such convicts, authorities held them together with adult women. Inmates at the Abovian penitentiary lived in large dormitories, with women housed separately from juvenile boys. According to domestic observers, the group arrangement for women generated worse conditions than those at penitentiaries where inmates had separate cells.

69. According to the POG's 2013 report, overcrowding in police detention cells and the use of these cells as holding centers for pretrial detainees remained problems. Outside of Yerevan pretrial detainees outnumbered arrestees in such cells by more than two to one, 1,693 of the former compared to 719 of the latter. While the report covered police detention cells, police stations were not included because authorities did not permit the POG to monitor police stations.

70. According to official data, there were 29 deaths in prisons during the first nine months of the year, with the cause of death listed as illness and suicide in 26 and three cases, respectively. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing health care to inmates contributed to the death rate. Human rights observers also noted there was no proper investigation of these deaths.

71. Prisons had connections to local potable water supplies but experienced occasional service disruptions. According to the Prison Monitoring Group's (PMG) 2011-12 report released in February, 40 percent of prisoners surveyed stated there was no running water in the cell for washing hands, and half of those said there was no opportunity to wash their hands at all.

72. There was no government response to the Helsinki Committee of Armenia's 2013 findings on prison conditions. The report, based on interviews with former convicts, described corruption as rampant and affecting every aspect of prison life. It concluded

that authorities at all levels lacked the political will to improve the system significantly. According to the report, in 2013 some cells with 10 to 12 beds held up to 24 persons, with some prisoners sleeping on the floor or in chairs. Of the 33 former prisoners interviewed, 20 developed health complications during their incarceration. The former inmates claimed prison food was inedible, and inmates generally relied on food provided by relatives. Inmates also had to buy products for personal hygiene or obtain them from outside the prison. Medical services were poor, and prisoners received medical attention only when in grave condition.

73. The prison system, while formally under the Ministry of Justice, remained outside the ministry's control; the president appointed the chief of the penitentiary system directly.

74. According to the PMG's February report, physical violence and degrading treatment were common in penitentiaries. According to the Helsinki Committee, solitary confinement and beating with batons were the most common forms of punishment. Prisoners lacked effective mechanisms to report problems with their confinement. Prisons lacked accommodations for inmates with disabilities.

75. Administration: No information was available concerning the adequacy of recordkeeping. There were no reports indicating authorities employed alternative sentencing for nonviolent offenders, although they allowed early release, release on parole, and occasionally amnesty. Human rights activists and attorneys continued to voice concern over the performance of the commissions on early release and release on parole. The absence of an appeal mechanism, the lack of criteria for decision making, and the overrepresentation of law enforcement representatives on the commissions also remained obstacles to due process. According to the Helsinki Committee report, former inmates attested that prisoners needed to pay substantial bribes to secure early release.

76. The PMG reported that the number of petitions to the early release commissions increased every year, while the number of approvals declined. According to the PMG, the commissions granted an average of only 5 to 6 percent of the petitions addressed to it. The PMG member from the Helsinki Citizens Assembly Vanadzor (HCAV), Arayik Zalyan, stated that early release commissions met applicants for only one or two minutes and relied on statements by prison administration officials, which were formulaic and similar to each other. Zalyan reported the commissions rejected applications from persons incarcerated for certain crimes without the formal hearing in a clear manifestation of discrimination. In the view of the Helsinki Committee, prison administrations and early release commissions were interested in retaining large inmate populations, despite overcrowded conditions, to receive more money from the state budget and to continue to extort bribes from convicts.

77. The PMG continued to report to the Ministry of Justice about convicts whose deteriorating health, in the PMG's view, qualified them for early release on medical grounds, but who remained in prison. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act and did not have established procedures.

78. Human rights organizations and the human rights defender's office continued to raise concerns that convicts and detainees did not always have reasonable access to visitors, since overcrowded conditions and lack of suitable space deprived them of even their minimal visitation entitlement. Prisoners could engage in religious observance.

Prisons did not have ombudsmen. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhuman conditions, although the prevalence of such censorship was unknown. By law censorship of the communications of pretrial detainees requires a court order. According to human rights organizations, prison administrators censored the letters of detainees in numerous cases without judicial oversight, and authorities did not investigate credible allegations of inhuman conditions. According to the Helsinki Committee of Armenia's report on prison conditions, prisoners could send uncensored letters if they paid a bribe.

79. Independent Monitoring: The government generally permitted domestic and international human rights groups, including the Council of Europe's Committee for the Prevention of Torture, to monitor prison and detention center conditions, and they did so regularly. They could speak to prisoners privately. The government permitted the International Committee of the Red Cross to visit both prisons and pretrial detention centers.

80. Improvements: On November 29, the government opened the first wing (of the planned three wings) of a new prison in Armavir. Built to meet international standards, the opened wing had a capacity of 400 inmates.

### **Report on the taking of hostages, Azerbaijani and Russian citizens Dilqam Ahmadov, Sahbaz Quliyev and Hasan Hasanov.**

81. This report is intended to draw attention to the ongoing violence along the Azerbaijani-Armenian border, as well as on the territory of Azerbaijan occupied by the Armenian armed forces. According to UN resolutions No. 822 (1993) of 30 April 1993, No. 853 (1993) of 29 July 1993, and No. 884 (1993) of 12 November 1993, Armenia is recognized as one of the parties to the conflict. According to the above resolutions, the UN has recognized Armenia as the illegally occupying side and, on this basis, as responsible for the situation in Nagorny Karabakh and in other adjacent and occupied areas of the Azerbaijani Republic. Proceeding from the above, the Armenian authorities are responsible for the violent actions of the Armenian armed forces against civilians and local residents along the Azerbaijani-Armenian frontier, and in the territories of the Republic of Azerbaijan occupied by the Armenian armed forces.

82. Owing to the ongoing violations, large numbers of civilians who are citizens of Azerbaijan, are being killed, wounded or maimed. At the present time, the systematic raids on civilian population centres and attacks on civilians by Armenian snipers are causing violations of fundamental human rights such as the right to life and the right to live in freedom and safety. This situation casts doubt on the arguments of the Armenian authorities relating to Armenia meeting its international obligations regarding

fundamental human rights, including the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

83. On 14 July 2014, Azerbaijani citizen Dilqam Ahmadov and Russian citizen Sahbaz Guliyev were illegally arrested by the Armenian armed forces on the generally-recognized territory of the Azerbaijan Republic in Kalbajar District, while Azerbaijani citizen Hasan Hasanov was killed. These people do not directly participate in hostilities against Armenia, are not members of the armed forces of the Azerbaijan Republic and are civilians. However, these persons were arrested. The purpose of their visit to the occupied Kalbajar District was to visit their native village and the graves of the detainees' relatives buried in the occupied territories of the Azerbaijan Republic.

We should note regrettably that representatives of the Armenian armed forces in fact deprived Dilqam Ahmadov and Russian citizen Sahbaz Guliyev of human treatment while detaining them. These persons were subjected to violent treatment in public on a video camera. Traces of torture were registered later.

84. The negotiating party Armenia recognizes the completeness of obligations from the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person".

In fact, these civilians are held hostage by the Armenian occupying authorities on the generally-recognized territory of the Azerbaijan Republic.

Preliminary studies and viewing of the moment of detention give us grounds to say that we are talking about an assault on their human dignity and that there is insulting and degrading treatment.

85. All this is not just a flagrant violation of international law, but simply an inhuman attitude to the norms of human rights protection.

Today we are witnessing that, due to the illegal arrest, which was accompanied by gross violations of human rights, these individuals are in fact deprived of an effective means of legal protection.

86. The Armenian authorities did nothing to ensure the right to legal protection of the abovementioned persons who require such protection. The Armenian authorities are not investigating the murder of a citizen of the Azerbaijan Republic on the generally-recognized territory of Azerbaijan.

87. The committee to protect the rights of Azerbaijanis - Dilqam Ahmadov, Sahbaz Guliyev and Hasan Hasanov, who have been taken hostage, has appealed to the International Committee of the Red Cross (ICRC), the co-chairs of the OSCE Minsk Group and other international organizations. But so far, no changes in this situation have followed.

88. Today we are witnessing a human tragedy when a person was arrested and subjected to inhuman treatment for visiting his home and the graves of his relatives.

It is important to note that a visit to his home and especially to the grave of his mother in Kalbajar district of the Azerbaijan Republic does not violate the legislation of Armenia and that of the Azerbaijan Republic, as these individuals travelled within the generally-recognized territory of the Azerbaijan Republic.

89. The Armenian authorities in fact keep in fear all those civilians who would like to visit their homes just because of their national origin.

The Republic of Armenia has a number of obligations and is a party to a number of fundamental international norms and UN conventions, in which they have an obligation to base their policy on the principles of liberty, democracy, respect for human rights and fundamental freedoms, as well as on the principle of the rule of law, but this is far from reality.

90. Despite of the protests of the international organizations and the lack of evidence of guilt on December 29, 2014 the so-called court in Nagorno-Karabakh sentenced Asgarov to life imprisonment and Guliyev to 22 years in prison.

91. Torture and mistreatment are among the most abhorrent violations of human rights and human dignity. Dilqam Ahmadov and Sahbaz Quliyev, a citizen of Russia, are subjected to torture and cruel, inhuman and degrading treatment, although international law does not allow exceptions. Armenia is obliged to comply with the unconditional prohibition of all forms of torture and mistreatment.

92. Based on the above and the monitoring of the circumstances of detention, the fact that those arrested are held in custody in extremely difficult conditions, daily torture and abuse and the lack of adequate legal protection, we must state gross violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the high negotiating party Armenia, which makes untenable the state report of the Armenian official side on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Arbitrary Arrest or Detention**

93. The law prohibits arbitrary arrest and detention. Although authorities generally complied with the legal requirement that judges review detentions, judges were often reluctant to challenge prosecutors' requests to detain individuals or to review police conduct during arrests.

94. The national police force is responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The president appoints the heads of both organizations, and they report directly to him.

95. Impunity was a problem, and there was no independent mechanism dedicated to investigating police abuse. In 2012 the UN Human Rights Committee expressed concern about the lack of accountability of law enforcement officers in cases of excessive use of force and the lack of an independent mechanism for investigating police abuse.

96. Citizens may sue police, but this avenue was limited. Prior to trial defendants have the legal right to file complaints alleging that law enforcement personnel abused them in the course of an investigation, but they must obtain permission from police or the prosecutor's office to undergo the forensic medical examination necessary to substantiate an accusation of physical abuse legally. Human rights organizations continued to report that authorities rarely granted such permission or delayed it until physical signs of abuse were no longer visible. NGOs reported judges routinely ignored defendants' claims that authorities coerced their testimony through physical abuse.

97. Corruption, selective application of the law, and impunity for powerful officials and those related to them were problems. In multiple instances law enforcement bodies refused to prosecute high-profile cases involving individuals linked to the government or were very lenient towards the perpetrators. On June 1, according to media reports, Sedrak Osipyan, nephew of Yerevan Deputy Police Chief Valeriy Osipyan, stabbed Vanush Alexanyan following a street dispute. Alexanyan underwent surgery and lost his spleen. Human rights defenders claimed Colonel Osipyan covered up his nephew's crime, allowing him to flee and avoid arrest. Smbul Hovhannisyan, the mother of a witness in the case, told Radio Liberty that Valeriy Osipyan tried to persuade her own son to take the blame for the stabbing in order to clear his nephew. On June 3, Sedrak Osipyan was placed on the wanted list, but according to a July 29 Radio Liberty report, police posted his photograph on their website's wanted page only after Radio Liberty pointed out that the photograph was missing. Police claimed the delay was due to technical problems. The SIS originally refused to investigate media reports that Valeri Osipyan abused his power, but on June 27, it announced it had opened an investigation, only to drop it on October 16 on the grounds that Osipyan's actions did not constitute a crime.

98. There was no progress in conducting a credible investigation into the role of Surik Khachatryan, the former governor of Syunik--or of his family and staff--in the June 2013 shooting that killed Avetik Budaghyan and seriously injured his brother, military commander Artak Budaghyan, and Khachatryan's bodyguard. In May investigators charged Artak Budaghyan with threatening to kill, inflict heavy damage on another's health, or destroy property. According to Budaghyan's lawyer, the investigators managed their inquiry with the goal of clearing the Khachatryan family of any responsibility in the events and portraying their actions as self-defense. On September 25, the government reappointed Surik Khachatryan as governor of Syunik.

Police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent abuse.

**2015**

### **Arbitrary or Unlawful Deprivation of Life**

99. There were no reports that the government or its agents committed arbitrary or unlawful killings, although noncombat deaths in the military continued to be a problem.

In one such instance, on January 29, the Ministry of Defense reported the death of Haykaz Barseghyan, a cadet at the Vazgen Sargsyan Military Academy, who was found hanged at the sports grounds of the academy. An autopsy revealed numerous injuries on his body. On January 30, authorities arrested four academy cadets—Vache Sahakyan, Movses Azaryan, Gnel Tevosyan, and Norik Sahakyan--on charges of murder by a group. According to media reports, following an argument, the suspects beat the victim and hanged him to present his death as a suicide. Six other cadets were reportedly present during the incident but had been afraid to interfere. On May 6, National Assembly member Naira Zohrabyan stated there were many witnesses in this case who had been intimidated and were afraid to speak up. The trial of the four began on October 22.

100. On January 31, following an urgent meeting on the incident called by Minister of Defense Seyran Ohanyan, authorities fired the academy's head, a number of deputy heads, and numerous other officials. On February 13, authorities arrested Artyom Avetisyan, a captain at the academy, and charged him with failing to act in the case. On October 1, press reports indicated authorities had opened a case against one of the dismissed deputy heads, Zarmik Markosyan, the father of suspect Gnel Tevosyan, for creating a privileged position for his son.

101. Human rights observers continued to assert that authorities presented sanitized versions of reported incidents of bullying and death in the military and then focused their follow-up investigations on reinforcing the initial versions. According to one nongovernmental organization (NGO), the Helsinki Association, investigators, prosecutors, and courts at all levels worked as a system to conceal the real perpetrators of deaths in the military services. According to the Helsinki Association and other experts, courts upheld, and prosecutors defended, indictments based on investigations in which investigators and military police illegally detained suspects and witnesses and subjected them to physical and psychological abuse to force them to give false testimony. Investigators reportedly destroyed or replaced physical evidence and fingerprints. In a March 10 report on a wide range of human rights concerns, the commissioner for human rights of the Council of Europe, Nils Muiznieks, stated he was "struck by the high level of distrust of the families of the victims and civil society in relation to such investigations." According to Muiznieks's report, a common complaint was that officials did not allow victims access to materials on their cases and did not give proper consideration to their testimony.

102. Authorities did not hold anyone accountable, including those with command responsibility, for the deaths of eight civilians and two police officers in disturbances in the aftermath of the 2008 presidential election. They stated that investigations continued but provided no new information on their progress.

## **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

103. The law prohibits such practices. Nevertheless, there were reports that members of the security forces continued regularly to engage in mistreatment of persons in their custody. On June 9, the National Assembly adopted a new definition of torture in the criminal code to make clear that certain actions of government officials may be prosecuted as torture. The UN Human Rights Committee, during its March 2014 session and in follow-up communications, concluded the country had not yet established an independent system for receiving and processing complaints regarding torture or mistreatment in all detention facilities.

104. Police abuse of suspects during their arrest, detention, and interrogation remained a significant problem. According to human rights NGOs, most victims did not report abuses due to fear of retaliation. Mistreatment reportedly occurred most often in police stations, which, unlike prisons and police detention facilities, were not subject to public monitoring. In his March 10 report, the Council of Europe's human rights commissioner expressed concern about "persisting reports of torture and mistreatment by the police and other law enforcement agencies--often with the purpose of obtaining confessions--and the related problem of impunity."

105. On January 27, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its 2013 visit to the country. According to this report, the CPT's delegation received a significant number of allegations from detained persons who said police officers had subjected them to physical or psychological mistreatment or excessive force. The alleged physical mistreatment consisted mainly of punches, kicks, and beating with batons and occurred at the time of apprehension or during subsequent questioning (in particular by operational police officers). Detainees also told the CPT that officers used threats of physical violence against them and of repercussions for family members. The CPT report stated that in several cases the alleged mistreatment was so severe (e.g., extensive beatings, electric shocks, simulated asphyxiation with a gas mask, and blows to the soles of the feet) as to be considered torture. In a number of cases, findings from the CPT's medical examination of the detainees or documents in their medical files were consistent with their allegations.

106. In June the Public Observer's Group of Police Detention Facilities (POG), a coalition of NGOs that inspected police detention cells with permission of the authorities, released its annual report covering 2014. It found that police continued to subject persons they detained and arrested to abuse. Citing police registries, the report stated that 39.4 percent of persons brought by police to detention centers in Yerevan in the first eight months of 2014 had physical injuries. While police usually claimed arrestees received their injuries before their arrest or while resisting arrest, the POG dismissed such claims. The POG also noted an increase in the number of injuries after inmates were transported outside police facilities to the crime scene or to participate in other off-site investigative actions.

107. On April 17, the Special Investigation Service (SIS) dropped its investigation of charges that police mistreatment of Vanadzor resident Ani Boshyan led her to attempt suicide in late 2014. According to the NGO Helsinki Citizens' Assembly, Vanadzor Office (HCAV), which provided legal support to Boshyan, her suicide attempt took place a few days after police took her to the Taron police station in Vanadzor city in November 2014 on charges of distributing pornography. According to Boshyan, police kept her for more than 10 hours, subjecting her to threats, psychological pressure, and degrading and humiliating treatment. They allegedly forced her to strip and photographed her. They held her father in the police station as hostage to make her confess to putting pornographic images of another woman on a social media internet site, treatment that allegedly led to the suicide attempt. The SIS dropped the case due to "an absence of crime." Investigators accepted police statements that no abuse had occurred and Boshyan's and her father's actions at the police station were voluntary. According to Boshyan, police had also solicited a bribe of \$5,000 to drop the charges against her. The HCAV appealed the SIS decision to the court, but trial court judge Artur Mkrtchyan rejected the appeal. As of December Boshyan's trial on charges of distributing pornography was in progress.

108. Police used arrest itself as a form of punishment, according to the POG. According to official information, during the first 10 months of the year, police released almost one-half of those arrested without charging them. According to the POG, in some regions the proportion of arrestees released without charge exceeded 90 percent.

109. In the military services, substandard living conditions, corruption, and commanders' lack of accountability continued to contribute to mistreatment and injury of soldiers by their peers or superiors in rank, although there were no reliable statistics on the extent of abuse. According to human rights organizations, a subculture based on "a criminal value system" undermined military discipline and resulted in a concept of "manly behavior" that overrode statutory rules. According to the Ministry of Defense, this subculture led soldiers to underreport criminal behavior and abuse. While the military leadership recognized the problem and attempted measures to overcome it, in the view of some observers, commanders in certain military units regarded it, as well as violence towards conscripts in general, as an effective way of keeping discipline.

110. Soldiers' families claimed corrupt officials controlled many military units, and human rights monitors and the Office of the Human Rights Defender (ombudsman) reported the government continued to conscript soldiers with serious health conditions that should have disqualified them.

111. Military police, who are not subject to any outside monitoring, subjected soldiers in their custody to physical and other abuse, according to the annual report of the domestic NGO, the Helsinki Committee. The report, published in January, relied on interviews with 38 former military personnel whom military police had initially taken into custody but who were later transferred to various civilian penitentiaries. Many of those willing to talk (i.e., persons who were not awaiting trial and not afraid to criticize the military police) reported that their mistreatment included beating, kicking, punching, hitting with rubber truncheons, and humiliation. According to the Helsinki Committee, military police kept

many individuals in custody for as long as four days before transferring them to police detention facilities.

112. Ministry of Defense efforts to improve discipline included use of the civilian legal system rather than administrative discipline to enforce military regulations, training officers in human rights, and providing boys with social-psychological and legal preparation for military service. In November the Ministry of Defense announced the creation of the Center for Human Rights and Building Integrity, whose mandate includes protecting human rights, strengthening integrity, promoting ethics, implementing anticorruption policy, and making management changes, as well coordinating with international organizations.

### **Prison and Detention Center Conditions**

113. Poor sanitation, inadequate medical care, corruption, and overcrowding in some facilities remained problems, and conditions in some cases were harsh and life threatening. Prisons generally lacked accommodations for inmates with disabilities.

114. Physical Conditions: In its December 2014 report, the Prison Monitoring Group (PMG) described the continuing problem of overcrowding as one of the most serious facing some prisons, including the largest, Nubarashen penitentiary.

115. According to official data, 24 prisoners died during the first 10 months of the year, 23 from natural causes and one from accidental electrocution. According to human rights organizations, overcrowding, the poor condition of the buildings, and negligence in providing health care to inmates contributed to the death rate. Human rights observers also noted there was no proper investigation of these deaths.

116. According to the report of NGO Protection of Rights without Borders on conditions at the Abovyan penitentiary, the facility did not meet the gender-specific needs of female inmates, such as appropriate medical care, sanitation, nutrition, and psychological services. Inmates relied on personal resources to obtain television sets, refrigerators, and furniture, as well as to renovate and heat their spaces, resulting in unequal conditions. Almost all inmates relied on food, medicine, and sanitary and hygiene products from outside the prison since the quality of the prison food was low, medicine included only standard analgesics, and sanitary and hygiene products were unusable. Other problems included insufficient restrooms and showers, limited access to running water, insufficient heating in winter, poor ventilation, no access to medical services, no facilities for physical exercise, and limited job opportunities. The report found no evidence of violence or degrading treatment of inmates, although it described some prison conditions as constituting inhumane treatment.

117. Most other prisons had similar problems with food, sanitary conditions, ventilation, and medical care, according to observers. The PMG noted prison medical personnel lacked independence and had to obtain approval of administrators to transfer an inmate to a hospital, record a physical injury in a prisoner's file, or perform similar actions.

118. In its December 2014 report, the PMG described continuing problems related to treatment of prisoners, relations between inmates, and widespread corruption. Physical violence and degrading treatment were common, with solitary confinement and beating with batons being the most common forms of punishment. When such incidents became known, prisoners usually tried to shield abusers or deny the incident occurred. According to the PMG report, homosexual males, those found to have associated with homosexual males, and inmates convicted for crimes such as rape were segregated from other inmates and forced to perform the most humiliating jobs and to provide sexual services.

119. Administration: No information was available on the adequacy of overall recordkeeping by prison authorities, although the PMG's 2014 report noted that since inmates usually did not report abuse, it could not be adequately recorded. There were no reports indicating authorities employed alternative sentencing for nonviolent offenders, although they allowed early release, release on parole, and occasionally, amnesty. The early release program continued to be a subject of concern. Human rights activists and attorneys were critical of the performance of the commissions that determined early release and release on parole. The lack of criteria for release, the absence of an appeal mechanism, and the overrepresentation of law enforcement representatives on commissions remained obstacles to due process.

120. The PMG reported an increase in the number of convicts seeking early release, while approvals declined. In the view of the Helsinki Committee, prison administrations and early release commissions were interested in retaining large inmate populations, despite overcrowded conditions, to obtain more money from the state budget and to have a larger pool of convicts from whom to extort bribes. Early release was more accessible to convicts with personal connections to the government. For example, according to media reports in December 2014, the son of the country's ambassador to Georgia, sentenced to four and one-half years in prison for drug trafficking, obtained release after serving approximately one year and two months.

121. The PMG continued to report to the Ministry of Justice about convicts whose deteriorating health should have, in its view, qualified them for early release. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act and did not have established procedures.

122. Human rights organizations and the ombudsman's office continued to report that convicts and detainees did not always have reasonable access to visitors due to the lack of suitable space for visitations.

123. Prisons did not have ombudsmen, and prisoners lacked effective mechanisms to report problems with their confinement. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhuman conditions. According to the PMG, prisoners' written complaints and appeals to various government bodies were put into their mailing envelopes by the prison staff, a practice that gave prisoners no assurance of the confidentiality of their complaints.

124. Citizens may sue police, but this avenue was limited. Prior to trial defendants have the legal right to file complaints alleging abuse by law enforcement personnel in the course of an investigation, but they must obtain permission from police or the prosecutor's office to undergo the forensic medical examination necessary to legally substantiate an accusation of physical abuse. Human rights organizations continued to report authorities rarely granted such permission or delayed it until physical signs of abuse were no longer visible.

125. NGOs reported judges routinely ignored defendants' claims their testimony was coerced through physical abuse. In his March 10 report, the Council of Europe's human rights commissioner expressed serious concern about the reliance by courts on evidence defendants claimed was obtained under duress, especially when such evidence was the basis for a conviction. In an April 6 presentation to the National Assembly, Prosecutor General Gevorg Kostanyan described the defendants' "obviously made-up" allegations of duress as a reason for trial delays. The prosecutor general suggested investigators should warn defendants about criminal responsibility for falsely reporting a crime.

126. On March 31, the ECHR found violations of the right to fair trial and prohibition of torture in the case of *Nalbandyan v. Armenia* and ordered the state to pay a total 62,100 euros (\$68,300) to the applicants. The applicants, husband and wife Bagrat and Narine Nalbandyan and their daughter Arevik, made allegations of torture and mistreatment against the Vardenis Police Department, which suspected the Nalbandyans of killing one of Arevik Nalbandyan's classmates in 2004. Bagrat Nalbandyan alleged police arrested and beat him to make him confess to killing the victim. His wife alleged that when she refused to testify against her husband, police beat her with batons on the soles of her feet and threatened to rape their minor daughter, who was also in custody. As a result Narine Nalbandyan confessed to the killing and her husband confessed to assisting her. The presiding judge at the trial disregarded the two defendants' allegations that they confessed under duress and sentenced the Nalbandyans to nine and 14 years in prison, respectively. During the trial the judge allowed the proceedings to degrade to an atmosphere of constant disorder, including threats, verbal abuse, and physical attacks against the defendants, their lawyers, and family members. The ECHR noted this conduct also continued in the court of appeals and ruled both the presiding judge and the court of appeals had infringed upon the defendants' right to a fair trial. On February 7, the president appointed the presiding judge, Davit Balayan, to be chief judge of one of the Yerevan trial courts. As of the end of year, Narine Nalbandyan continued serving her sentence. In December the Court of Cassation accepted for additional review the main case under which the family was convicted.

127. Human rights NGOs continued to highlight violations of the human rights of persons serving sentences of life imprisonment. According to these groups, those serving life sentences lacked the opportunity to have their sentences meaningfully reviewed by courts when changes in criminal law occurred that could possibly have replaced life sentences with less severe punishment. According to human rights groups, one of the greatest obstacles to justice for those serving life sentences was the destruction of case files and evidence by court orders. This action deprived convicts of the opportunity to

have their cases reviewed based on forensic analysis conducted using new technologies, such as DNA testing.

128. On March 31, the SIS dropped its investigation of allegations that police physically abused and otherwise mistreated Alexander Tsverianov to elicit his confession to charges of home theft in 2014. The HCAV, which provided legal support to Tsverianov, appealed the SIS decision in court, but trial court judge Artur Mkrtchyan rejected the appeal. The investigation had been ordered by a court when it acquitted Tsverianov of the theft charges because Erebuni police had coerced his confession.

129. Police broke up peaceful protests using excessive force on a number of occasions throughout the year. On 7 March, hundreds gathered outside the Ministry of Finance to protest against a controversial pension reform proposal. Police dispersed the peaceful protesters using excessive force. Three persons were arrested, fined and released the next day; two were allegedly ill-treated while in detention. On 23 June, police violently dispersed around 50 demonstrators in Yerevan protesting against electricity price increases, arresting 27. Later the same day, police officers physically assaulted three journalists waiting for the release of protesters outside the Kentron police station<sup>4</sup>.

### **Torture and other ill-treatment**

130. Local human rights defenders continued to raise concern over high numbers of reported beatings and ill-treatment in police custody. Authorities still had to effectively investigate the allegations of ill-treatment in custody of the opposition leader Shatn Harutyunyan. Shatn Harutyunyan and 13 other activists were arrested following clashes with the police on 5 November 2013, when they were attempting to march to the presidential building. Allegations of ill-treatment by two activists detained during protests on 7 March also remained without effective investigation.

131. Largely peaceful protests were repeatedly disrupted, including with the use of excessive force by police, which led to yet more and larger protests. Protest organizers faced arrest and criminal prosecution on questionable charges. An anti-government protester was reported attacked and beaten. Torture and other ill-treatment, and impunity enjoyed by the perpetrators, remained a concern. New provisions for alternative civilian service, introduced into law in 2013, were made available for conscientious objectors<sup>5</sup>.

132. Torture and other ill-treatment in police custody and in prisons, as well as impunity for the perpetrators, remained a concern. Local human rights groups highlighted the practice by which law enforcement officials suspected of using torture were often removed temporarily from their positions and later re-appointed to the same, or higher, position in a different police department.

133. The Commissioner urges the Armenian authorities to amend the definition of torture in the Criminal Code in compliance with international standards with a view to ensuring

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<sup>4</sup> Amnesty International Report 2014/15

<sup>5</sup> The Amnesty International Report 2015/16 documents the state of human rights in 160 countries and territories during 2015.

proper qualification and punishments of acts of torture<sup>6</sup>. The persisting reports of torture and ill-treatment by the police and other law-enforcement agencies - often with the purpose of obtaining confessions – and the related problem of impunity are of major concern to the Commissioner. While acknowledging the efforts undertaken to increase the independence of investigative bodies responsible for investigating abuses involving officials, the Commissioner urges the Armenian authorities to further enhance the independence of the Special Investigation Service and to increase its capacity, with a view to removing its reliance on police officers in the collection of evidence in potential cases of ill-treatment. The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its April 2013 visit to Armenia contains a number of specific recommendations to ensure accountability, inter alia by improving the existing procedures for the reporting of injuries and the processing of potential cases of ill-treatment by prosecutors.

134. The Commissioner urges the Armenian authorities to enhance in law and in practice the safeguards against torture and ill-treatment. He stresses the importance of developing criminal investigative techniques with a view to increasing the use of physical evidence and reducing the reliance on confessions and information obtained through questioning. The reported reliance by courts on evidence allegedly obtained under duress, in particular when this constitutes the basis for a conviction, is another matter of serious concern. The Commissioner welcomes the adoption of legal provisions allowing the possibility to claim compensation for non-pecuniary damage in cases of miscarriage of justice and illegal actions of law-enforcement bodies. As regards the investigation into the ten deaths that occurred during the March 2008 events, the Commissioner noted with concern that it has still not yielded results.

135. The Commissioner commends the Armenian authorities for effectively addressing the long-standing issue of the right to conscientious objection. However, he regrets to note that acts of non-combat violence, sometimes resulting in deaths, have continued to occur in the Armenian army. He calls upon the Armenian authorities to intensify their efforts to tackle this problem, in particular through effective investigations of allegations of human rights abuse. In this context, attention must be paid to fostering the trust of the victims' families and the public. The Commissioner urges the Armenian authorities to implement the measures foreseen in the National Human Rights Action Plan aimed at improving the human rights situation in the army.

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<sup>6</sup> Report by Nils Muižnieks commissioner for human rights of the Council of Europe following his visit to Armenia, from 5 to 9 October 2014