



SIDE EVENT AT THE OSCE ODIHR HDIM 2016

ARMENIA: RIGHT TO PROTEST AND STATE REPRISALS, 2015-2016

Tuesday, 20 September, 2016
13:00-14:45, Meeting Room 2

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Violations of human rights in Armenia carry systematic character. The reason is very clear: there is no division of powers in Armenia. All bodies of judicial system, *de jure*, are deprived of basic autonomy. Head of the Police, Director of National Security Service, Chairman of Investigative Committee, Head of the Special Investigation Service and their deputies are appointed and dismissed by the RA President. And, although, the RA General Prosecutor, as the President's candidate, is appointed by the RA National Assembly, his deputies are also appointed by the President. In addition, if we take into consideration that judges of all instances, according to the list submitted by the Judicial Council, are appointed by the President within his discretion, we will have the entire picture of the situation. Under these circumstances a situation is unfolded in Armenia, where a person is protected not by law, but by his/her official position and financial means, largely coinciding, as the majority of MPs and ministers are big businessmen. This situation has originated an atmosphere of impunity or selective justice.

Armenia's well-known officials or their sons and relatives periodically appear in miscellaneous criminal scandals, and, as a rule, aren't punished or their punishment bears just a formal character. Again, the reason is merging of authorities and business, as well as encroachments on direct democracy—elections, which are regularly forged. Authority in Armenia isn't purely a political power, but a possession and business as well. Keeping that at any price or becoming its part also implies maintenance by illegal means. Rules of the game dictate this.

However, in everyday life Armenia's citizens show indifference towards human right violations in everyday life, if they don't refer personally to them or don't take a massive character, as a rule, matching with presidential elections and post-electoral period. In that period Armenia turns into a police state, where no rights or laws function, election frauds are accompanied with violence, freedom of peaceful assemblies, unions and speech are restricted, resulting in existence of political prisoners and even 10 victims in 2008, while people responsible for that haven't been revealed and punished yet.

In Armenia over the past two years massive violations of human rights were registered during the Electric Yerevan civil movement in 2015 and peaceful demonstrators and journalists were subjected to violence during the activities of “Sasna Tsrer” group this year.

Like during the previous political crisis, in the period of July 17 to August 5 the country was not ruled by the law, but by the police instructions. The detailed description is given in our report, my colleagues will reflect on individual cases, and I will try to give the overall estimation of the incident.

In the period of time from 17 July to 5 August 2016, numerous reports about gross violations of human rights were received. The reports dealt primarily with instances of the police’s cruel and inhuman treatment of assembly participants, use of excessive force and special means, unlawful detentions, violations of the right to freedom of peaceful assembly and to freedom of speech, violence against reporters, various persecutions of and terror against active citizens and their family members and other similar incidents. Numerous citizens were forcibly taken to and held in police departments and in police troops units for hours. In many cases individuals that had nothing to do with rallies were forcibly taken to police departments from Khorentasi Street in Yerevan or were forcibly removed from that area. Bodily injuries of various degrees of severity were inflicted on persons of various age groups, including minors, through the use of brute force and explosive devices.

Summing up the July incidents, we may state the following human rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms were violated: the rights to dignity of human person, to respect for person’s physical and mental integrity, to be free from torture, inhuman and degrading treatment and from discrimination, to liberty of person and to respect for private and family life and for personal honor and good name, to inviolability of home, to property and to freedom to act and freedom of movement, to freedom of expression and assembly as well as the right to legal assistance and to a fair trial. Violated were the 3 rights for the detained persons that the ‘European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment’ attaches particular importance to, namely, the right of the detained person to have the fact of his detention notified to a third party of his choice, the right of access to a lawyer, and the right to be examined by a doctor of his own choice.