

OSCE Human Dimension Implementation Meeting

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Participant organisation

Europe in Law Association NGO
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Yerevan, Armenia

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Directed to OSCE/ODIHR

WORKING SESSION 2

Fundamental freedoms I

The Situation of Freedom of Peaceful Assembly and Association in Armenia

The statement is based on findings of the Armenian NGO Europe in Law Association since 2013.

Since 2013 more than 3000 people have been arrested during different protest acts. These protest acts were *inter alia* staged against:

- Illegal construction activity;
- Increase of the public transport fee;
- Different political decisions related both to foreign and domestic affairs;
- Increase of the price of electricity.
- Against joining the Customs Union
- Against Constitutional changes
- Protest acts on Khorenatsi street

In some of these cases the police arrested nearly all the participants of the protest acts.

In 2016, around 1000 people, including journalists were arrested in the course of a protest on Khorenatsi Street. Many of them got injuries of various degrees of severity due to application of special means by the police. The criminal case instituted on the facts of this case has not yielded any results.

At the same time, some other protest acts, which were organized by either governmental NGOs or supported by the Government, were allowed and proceeded without any obstacle.

Arrested activists are normally kept in police stations for several hours in some cases up to 12 hours and subsequently fined for alleged commission of administrative violations.

During 2013-2014 Europe in Law Association NGO was able to organize protection of civil society representatives involved in near 236 cases.

This is a systemic problem involving violations not only by the police, but also by different branches of power, including the judiciary.

The judiciary has also committed systemic violations of the right to freedom of assembly of the people of Armenia. These violations have in many cases been accompanied by violations of other fundamental human rights, including the right to freedom of expression, the right to liberty and security of a person, the right to freedom of movement, the right not to be discriminated against and the right to fair trial.

Other violations of fundamental rights took place by the courts – fair trial. Different cases with the same facts were solved by courts differently.

Since June 2015 the Government changed its tactics and instead of instituting administrative cases following the Electric Yerevan protests, the law enforcement authorities instituted a single criminal case with the participants of the protests being taken to police stations as witnesses.

Although the administrative court occasionally protected the right to freedom of assembly in the past. The other problem concerning the protection of the right to freedom of assembly at present is that courts deny admission of cases against illegal police action.

RECOMMENDATION

All the cases of violation of the right to freedom of assembly have to be effectively investigated by the police, victims must have a right to access to court and the court must act as independent and impartial tribunal in these cases.