OSCE Human Dimension Implementation Meeting

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Participant organisation
Europe in Law Association NGO
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WORKING SESSION 12

Rule of law I

Statement on the Situation on the Right to Prohibition on Torture and the National Torture Prevention Mechanism in Armenia

Europe in Law Association, NGO

The National Torture Prevention Mechanism is not effective in Armenia.

The Government is unwilling to take effective action to prevent cases of torture and inhuman and degrading treatment, or to provide effective remedies to the victims of torture. The law enforcement bodies, including the General Prosecutor's Office and the investigative bodies, as well as the Human Rights Defender (HRD) are ineffective, slow and extremely unhelpful, especially in the so-called 'politically sensitive' cases.

The best manifestations of the above statement are the cases of Vartgez Gaspari, Arthur Sargsyan, the *Sasna Tsrer* group (28.06. 2017) and Gevorg Safaryan.

Vartgez Gaspari was arrested on 19.02.2016. He alleges torture and inhuman and degrading treatment when committed by his cellmates while in detention. A criminal case was instituted only on 5.03.2016 A number of necessary investigative actions were not taken. After 6 months (on 5.09.2016) the criminal case was discontinued on the pretext that the fact of torture was not proved. So far there has been no reaction from the Armenian HRD.

Arthur Sargsyan's defence lawyers wrote to the HRD on the sudden deterioration of his health condition and failure by the detention facilities to take action to release him at the beginning of December 2016. However, when A. Sargsyan was released on 30 December 2016, the HRD decided not to take his lawyers' application any further. A.Sargsyan was detained for the 2nd time in February 2017 and went on a hunger strike from 9 February to 6 March 2017. Despite the fact that a number of MPs gave assurances to the Armenian Government that A. Sargsyan would not evade the investigation and requested his release since February 2017, the Government persisted in its inaction. A. Sargsyan's defence lawyers again applied to the HRD who again demonstrated inaction in this case. He was released and died a few days after. The HRD remained persistent in his inaction even after the Investigation refused to grant the lawyers' motion on involving international experts in the domestic forensic expert commission, and refused to provide samples from A.Sargsyans body to his lawyers to allow them have conducted an alternative forensic medical examination.

4 members of the *Sasna Tsrer* group were beaten in the court building by police officers on 28 June 2017. The administration of the penitentiary *Yerevan Kentron* did not allow the defendants' lawyers to take photos of the sustained injures. Despite the fact that the HRD staff was allowed, the HRD's office refused to provide the lawyers with the photos. No effective action has been taken on this case by either the law enforcement or the HRD.

While in detention since January 2016, Gevorg Safaryan was placed in a punishment cell for 10 days in the summer of 2017 for a reason not prescribed by law. When this period expired his placement in the punishment cell was renewed for another 10 days. There was no effective remedy to resort to. His lawyers' complaints were not considered by any official, nor did the HDM take any helpful action in this regard.

Recommendation

1. The HDM in Armenia does not act as an independent and effective national torture prevention mechanism and neither is he perceived as such. It is important that the position of the HDM in Armenia is held by somebody who is both independent and perceived as such by the broader public.

2. The law enforcement authorities have to carry out an independent and effective examination of the above and similar cases of torture, which will be the best prevention of torture in the future.