

STATEMENT

- In the Republic of Armenia the right of peaceful assembly is guaranteed both by the RoA Constitution and by the European Convention of Human Rights. The conducting of assemblies is regulated by the RoA *Law on conducting meetings, assemblies, rallies and demonstrations*, which was adopted on April 28, 2004 and was subsequently subjected to a number of amendments. After the tragic events of March 1, 2008 in the aftermath of the 19 February 2008 presidential elections (on the 1 March morning the law-enforcement agencies used force to disperse the participants of the rally held in the Liberty Square; after that on the same day the demonstrators clashed with the law-enforcement agencies near the monument to Miasnikian, as a result of which ten persons died, numerous people were injured and vehicles were put on fire). On the same day a state of emergency was introduced in Yerevan for 20 days by the RoA President's order, during which all rallies were forbidden. At that time, on March 17, 2008, the RoA National Assembly amended the RoA *Law on conducting meetings, assemblies, rallies and demonstrations* in such a way as to virtually call the staging of rallies into question. On June 11, 2008, following the demands of the OSCE Resolution 1609 the National Assembly again amended the Law, essentially removing the most recent amendments and restoring its former state. However, paragraph 2 of Clause 3 of Part 4 of Article 9 of the Law remained in force, as per which a public event can be banned if the RoA police or the National Security Service submit an official substantiated conclusion.

- Public events initiated by oppositional political forces and civil society organizations were for the most part banned on the grounds that another event has been scheduled to take place at the same time in that venue or because the official conclusion submitted by the police would say that mass disturbances, acts of hooliganism and clashes with the police will be incited. Marches in downtown Yerevan were for the most part banned.

- According to the findings of the monitoring conducted by Helsinki Committee of Armenia, in 33 out of 88 rallies staged from October 1, 2008 through March 31, 2009 (the HCA observed the rallies that the competent body acknowledged the notification of which, banned rallies as well as spontaneously held rallies and rallies whose organizers did not lodge notification with the competent body) law-enforcement agencies interfered one way or another. This interference was manifested through obstructing marches, dispersing participants, not allowing participants to assemble in a certain place, etc. During 6 rallies the use of force by law-enforcement agencies against the participants was also observed. The actions included fistfights, rude shoves, detentions, etc. When mass rallies are staged in Yerevan the right of

free movement is restricted. Yerevan-bound public transportation from the regions is for the most part non-existent on those days.

- **Recommendations.** Paragraph 2 of Clause 3 of Part 4 of Article 9 of the RoA *Law on conducting meetings, assemblies, rallies and demonstrations* should be made null and void. Staging of rallies and marches in downtown Yerevan should not be banned. The right of free movement on the days of mass rallies should not be restricted and the operation Yerevan-bound public transportation from the regions should not be obstructed. Workshops should be organized for policemen and their awareness should be raised about the principles for staging rallies and about the rules of commensurate application of security measures.

HELSINKI COMMITTEE OF ARMENIA