



## STATEMENT

### ON ARMENIA STATE OF EMERGENCY

5 March 2008

**ARTICLE 19 is deeply concerned with the state of emergency declared in Armenia for the period 1 – 20 March 2008 and its grave consequences for freedom of expression of the mass media, political parties, non-governmental organisations and citizens of Armenia.**

The declaration of the “state of emergency” by outgoing President Kocahryan was preceded by violent clashes between authorities and demonstrators following the presidential elections of 19 February. On 21 February 2008, large-scale peaceful demonstrations concerning the manner in which the presidential election had been conducted began in the capital, Yerevan. On 1 March the Armenian security forces dispersed the demonstrators using truncheons, tear gas and electric stun guns. Following these events the security forces then declared their intention to search for weapons while pointing out the “illegal nature” of such assemblies.<sup>1</sup> The former President and opposition candidate, Levon Ter-Petrosyan, was placed under virtual house arrest on 1 March 2008.<sup>2</sup> On the same day, President Robert Kocahryan declared a state of emergency to last until 20 March, which was later approved by the National Assembly.<sup>3</sup> This was immediately followed by a second violent attack on the demonstrators which reportedly resulted in the deaths of 8 people and injuries to another 131.<sup>4</sup>

Under the terms of the state of emergency, “publications of mass media concerning state and internal political issues” are limited to “official information of state bodies” only. It also imposes a total ban on “leaflets and implementation of political propaganda by other means without the permission of corresponding state bodies”, and prohibits “holding meetings, public rallies, demonstrations, marches, and other mass events” and “strikes and measures to stop or otherwise suspend the activities of organizations”.<sup>5</sup>

ARTICLE 19 draws attention to Armenia’s ongoing international legal obligations in the current situation. The state has ratified both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights and Fundamental Freedoms (ECHR), which guarantee the fundamental human rights to freedom of expression and freedom of assembly. Under Article 4 of the ICCPR, in a “state of public emergency which threatens the life of the nation”, a state “may take measures derogating from their obligations under the Covenant to the extent strictly required by the exigencies of the situation”.<sup>6</sup> To invoke Article 4, therefore, two fundamental conditions must be met: the situation must *genuinely amount to a public emergency which threatens the life of the nation*, and the State party must have *officially*

<sup>1</sup> <http://www.armradio.am/news/?part=soc&id=12053>

<sup>2</sup> <http://www.canada.com/topics/news/story.html?id=bcdc0ebb-da6a-4e3c-8168-fa013cb791d7>

<sup>3</sup> <http://www.rferl.org/featuresarticle/2008/03/cb1a547c-35ce-49c2-b19e-0e9bb1ef7f35.html>

<sup>4</sup> <http://www.armradio.am/news/?part=off&id=12060>

<sup>5</sup> <http://www.rferl.org/featuresarticle/2008/03/cb1a547c-35ce-49c2-b19e-0e9bb1ef7f35.html>

<sup>6</sup> [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

*proclaimed a state of emergency.*<sup>7</sup> While the second of these conditions has been met, it is important to emphasise that states must also provide “careful justification for not only their decision to proclaim a state of emergency, but also for any specific measures based on such a proclamation”.<sup>8</sup> Any restrictions on freedom of expression (Article 19 ICCPR) of the media and on the right to peaceful protest (Article 22 ICCPR) are unlawful unless they are in accordance with these rules and interpretive principles.

ARTICLE 19 is also concerned about the reported arrests of a number of members of the opposition, including Members of Parliament. It appears that some individuals have also been denied access to legal assistance, an essential element of the right to a fair trial (Article 14 ICCPR). MPs from the Heritage Parliamentary Group have consistently and unlawfully<sup>9</sup> been refused any response to their enquiries about the condition of the detainees leading them to believe that the detainees may have been treated contrary to international and European human rights law.<sup>10</sup>

Finally, ARTICLE 19 notes that international and regional intergovernmental actors – including the UN Secretary General,<sup>11</sup> the Council of Europe Secretary General<sup>12</sup> and the Presidency of the European Union,<sup>13</sup> have expressed alarm at the human rights situation in Armenia.

ARTICLE 19 calls upon the Armenian government to:

- Ensure that freedom of expression is effectively realized by all in Armenia, including media, non-governmental, political parties as well as ordinary citizens;
- Guarantee that any restrictions of such rights are strictly proportionate to the exigencies of the situation and are in compliance with the constitutional and international obligations of the Republic of Armenia;
- Initiate prompt and effective investigation on all incidents of attacks on and intimidation of media representatives during the elections and ensure that all those responsible are prosecuted;
- Ensure that media representatives are not attacked or deprived of their belongings while carrying out their professional responsibilities;
- Ensure that the people of Armenia have access to the media, including the internet;
- Ensure that all detainees enjoy the right to a fair trial (Article 6 ECHR, Article 14 ICCPR) and are not subjected to torture or other cruel or inhuman and degrading treatment or punishment (Article 3 ECHR and Article 7 ICCPR), which are non-derogable rights.

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<sup>7</sup> [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/71eba4be3974b4f7c1256ae200517361?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/71eba4be3974b4f7c1256ae200517361?Opendocument)

<sup>8</sup> [http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm)

<sup>9</sup> Article 5(h) of the Rules of Procedure of the National Assembly <http://www.parliament.am/legislation.php?lang=eng>

<sup>10</sup> <http://www.heritage.am/pr/040308.htm>

<sup>11</sup> <http://www.un.org/apps/news/story.asp?NewsID=25823&Cr=armenia&Cr1=>

<sup>12</sup> <http://www.coe.int/>

<sup>13</sup> [http://www.eu2008.si/en/News\\_and\\_Documents/CFSP\\_Statements/March/0403MZZ\\_Armenia.html](http://www.eu2008.si/en/News_and_Documents/CFSP_Statements/March/0403MZZ_Armenia.html)