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Armenia

IHF Focus:

Elections; freedom of expression and the media; ill-treatment by law enforcement officials and in the army; religious tolerance; conscientious objection; protection of refugees and immigrants; the death penalty; homosexuals.

As of early 1999, the Council of Europe was reviewing Armenia's application for membership. However, recent findings by various NGOs showed that the Armenian government's human rights record fell seriously short of the Council of Europe standards. According to the US IHF affiliate Human Rights Watch/Europe and Central Asia Division, in 1998, there was a widespread pattern of violations, combined with a climate of impunity for the perpetrators, which was indicative of the government's lack of commitment to the rule of law.

In October, the UN Human Rights Committee reviewed Armenia's initial, but long delayed, report on the steps it had taken to implement the International Covenant on Civil and Political Rights, to which Armenia acceded in 1993. The Committee commended Armenia for its current progress in bringing its legislation in line with its international obligations and welcomed a proposal to establish the office of Ombudsman. However, the Committee expressed concern about allegations of torture and ill-treatment by law enforcement officials, poor conditions in prisons and discrimination against women in employment and their under-representation in the conduct of public affairs. The Committee also noted that the independence of the judiciary was not fully guaranteed and that several provisions were not compatible with the ICCPR.[1]

In January 1999 a scandal involving the former regime emerged when Prosecutor-General Aghvan Hovsepien told the parliament that former Minister of Interior Vano Siradeghian should be arrested and put on trial for ordering the murder of two police officers in 1994. The officers were allegedly shot dead after failing to assassinate an Armenian-born Russian businessman, who was at odds with the former authorities. Siradeghian was further accused of obstructing the investigation into two men's disappearance and misleading their relatives,[2] and standing behind the killings of Ashtarak Governor Hovhaness Sukiassian and Armenia's Railroad chief Hambartsum Ghandilian.[3] The parliament, dominated by supporters of former President Ter-Petrossian, initially refused to lift his parliamentary immunity.

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Elections [4]

- On 6 April the Central Electoral Commission released the final results of the 30 March presidential runoff, according to which Prime Minister and Acting President Robert Kocharian received 59.49 percent of the vote and former Armenian Communist Party First Secretary Karen Demirchian, 40.51 percent. Voter turnout was 68.14 percent.[5] A comprehensive Election Law reform effort was under way, but the extraordinary presidential election was called before an amended electoral code could be adopted.

In its final assessment released on 10 April, the OSCE observer mission in Yerevan concluded that there were serious flaws in the election process and that the presidential poll did not meet OSCE standards to which Armenia had committed itself in the Copenhagen Document in 1990. While conceding that the poll was an improvement over the seriously flawed elections of 1995 and 1996, the OSCE listed irregularities such as ballot-stuffing, discrepancies in the vote count, and the presence of unauthorized persons at polling stations. One incident of illegal campaigning was the distribution of kerosene outside Kocharian's headquarters. The OSCE also reported that one mobile polling station crossed the frontier into neighboring Azerbaijan in order to enable Armenian troops there to vote. Moreover, the OSCE regretted that domestic observers were not allowed to monitor the elections.[6] This was the third consecutive national election in as many years marred by serious irregularities.

- The head of the observer mission of the OSCE stated that there were significant violations in 13 and 16 percent of the 800 polling stations visited by OSCE observers in the first and second rounds, respectively. Incidences of voter intimidation were observed throughout the country, and during the first round observers reported the presence of unauthorized persons in one out of four precincts throughout the country.

- OSCE observers and defeated candidates complained that the most frequently reported irregularity was the stuffing of hundreds of ballot papers marked for victorious candidate Kocharian into ballot boxes by groups of 20-30 men, who were often armed and who intimidated and beat official opposition representatives of opposition candidates. Buying votes at prices varying from US\$ 5 to \$20 per ballot was commonplace. Intimidation was particularly widespread in rural areas, which may have contributed to Kocharian's eight- percentage point lead over Karen Demirchian in the first round. [7]

The OSCE Election Observer Mission report provided detailed documentation of widespread violations at the precinct and community level that were not prosecuted. For instance, the Yerevan Regional Election Commission only addressed 7 complaints out of the 103 related discrepancies and none of the 70 related to general irregularities after the first round, something that raised doubts about the professional commitment of the Commission members to seriously address the complaints.

Freedom of Expression and the Media

Freedom of Expression

On 9 February, one week after the resignation of President Ter-Petrosian, the Armenian Justice Ministry re-legalized the Dashnak Party (HHD), which had been unable to act legally in Armenia since it was suspended by President Ter-Petrosian in December 1994. This was followed by the release of the political prisoners convicted in the so-called Dro and Hovanesian trials, including leading HHD members Hrant Markarian[8] and Vahan Hovanesian.[9] Many of the defendants in these trials, which took place during the former regime, had alleged that they were beaten or otherwise ill-treated in order to force confessions, that relatives had been subject to similar treatment as a way of exerting pressure, and that statements extracted under duress were not excluded as evidence in court, as well as other procedural violations.[10]

Freedom of the Media and Access to Information

There was a high degree of freedom of the media in Armenia, but journalists did face some obstacles in their work. One issue was the severe information restrictions placed on employees in many government agencies.[11] Ministry press offices have earned a reputation for consistently withholding rather than providing information, although the media law of 1991 stipulates that government officials cannot hide any non-classified data from the public, however, without employing any mechanisms to ensure compliance. Other problems were staff shortages and lack of funds, and with an aggregate circulation of roughly 30 000 copies per issue (in a country of 3,5 million), the seven main dailies did not provide "mass communication." [12]

According to Human Rights Watch, the government failed to prosecute past incidents of retaliation against journalists by government officials. This, in addition to a lack of transparency in formulation of policy affecting the media stifled freedom of the press and contributed to a climate of self-censorship, and consequently a negative effect on freedom of the media in Armenia. [13]

Although there was no direct censorship of the media, there was a range of subjects on which the authorities did not welcome reporting. These subjects included the routine conscription of Armenian citizens and refugees into the Armenian army with subsequent forced service in Nagorno Karabakh and the surrounding areas, and corruption and human rights violations by both Republic of Armenia security forces and security forces answerable to the Nagorno Karabakh authorities. [14]

Ownership of the only newspaper printing press in the country, the Periodika, and the largest distribution service that owned major newspaper street sales outlets in Yerevan, the Haymamul, remained in government hands. Regarding broadcast media, the Ministry of Communication hindered the activities of independent television stations through its failure to develop transparent licensing regulations, and by widespread reports that the personnel of the ministry frequently solicited bribes from independent television station personnel during the licensing process and during inspections.[15]

The parliamentary opposition was pushing through an initiative that would allow each faction to have regular air time on the state television. [16]

- In May, Parliamentary Speaker Khosrov Harutiunian sacked the editor-in-chief of a parliament daily, the Russian-language Respublika Armeniya. After a one-week strike, the paper staff backed down to accept a

new chief appointed by Harutiunian. In October, Harutiunian dismissed the editor-in-chief of the state-funded daily newspaper Hayastani Hanrapetutyun, Liza Jagharian for the newspaper's "regular distortion of the National Assembly's work" and "consistent efforts to damage its political standing." The journalists of the newspaper claimed that the speaker has no authority to change editors without consulting with the newspaper, and that "it is the parliament that discredits itself, we only write the truth." The Armenian parliament was legally considered to be a founder of the two newspapers, but the staff of the Hayastani Hanrapetutyun decided after the incident to pull out of parliament control. [17]

- On 23 September police detained staff of Hrazdan Television Company, an independent television station located in Kotayk province, as they were filming footage of newly installed traffic lights for a news broadcast. Police officials reportedly told the staff of the television company that only with the written consent of the Ministry of Internal Affairs and National Security did journalists have the right to broadcast information regarding police activities in Hrazdan. The journalists were detained for five hours, during which time the Kotayk province police chief Armen Yeritzian allegedly threatened the director of the television station in an effort to discourage him from broadcasting information regarding the incident.[18]

Torture and Ill-treatment by Law Enforcement Officials and in the Army [19]

Ill-treatment by Law Enforcement Officials

There were several reports of physical abuse in pretrial detention facilities under the authority of the Ministry of Internal Affairs and National Security, and failure to prosecute those responsible for it.

- In March police officers of the Massis district police station and Yerevan

Investigative Isolator No. 1

reportedly severely beat Hamlet Heloyan following his arrest in an effort to coerce him into signing a confession regarding his participation in a series of thefts.

There were also allegations of routine beating of children detained for petty crimes at the Yerevan Main City Police Department, involving the head of the Yerevan Main City Police Department's unit for children, Nelly Durian. There were also highly credible allegations that children detained in other facilities in the Yerevan metropolitan area, including in Nor Nork and Erebuni police stations, were beaten by the police.

The Procurator's Office showed an insufficient commitment to impartially investigate and prosecute cases of physical abuse, which contributed to the climate of impunity for police abuse in Armenia. The deputy procurator general, whose responsibilities include oversight of the police, failed to provide information regarding the prosecution of abusive police officials, even after several requests. This lack of transparency contributed to the widespread lack of public confidence in the procuracy and the police in Armenia, as well as fostering a climate in which witnesses and victims feared retaliation and retribution.

According to information obtained by Human Rights Watch, very few complaints against the police were prosecuted, and in such cases they were charged under articles of the criminal code that were vague and not appropriate to the seriousness of the crimes, such as abuse of office.

- In June a Yerevan court sentenced four policemen from the third or fourth precincts in Gumri to eight years of imprisonment for the 12 August 1997 death in the custody of Galust Dilanian. Police were convicted on charges of abuse of office and assisting in suicide, even though photographic evidence showed extensive evidence of severe beatings on the victim's body. On 8 October a Vanadzor court freed one of the police officers, Rafik Gaboyan, by amnesty.

- On 6 February Mikael Danielian, chairman of the Helsinki Association of Armenia, submitted a request to be allowed access into pretrial and post-conviction facilities to monitor conditions. As of

March 1999, the ministry had not responded to his request.

III-Treatment in the Army

Physical abuse, beatings and torture of conscripts led to numerous deaths. However, according to Human Rights Watch, there was a persistent pattern by military procuracy investigators of declaring many such peacetime deaths as suicides or accidental deaths despite significant evidence, both forensic and photographic, that the deaths were murders. Senior defense ministry personnel were highly reluctant to hold senior unit officers accountable for such deaths; in some cases junior officers were prosecuted, but the convicted officers were frequently released by amnesty shortly after sentencing.

Armenian NGOs estimated that approximately 200 conscripts died in 1998, as in 1996 and 1997. Some of these deaths can be attributed to ongoing hostilities in Nagorno-Karabakh. However, the numerous deaths throughout the past three years in units away from the conflict zone indicated a pattern of persistent human rights violations for which authorities were unwilling to hold officers accountable.

There were also accusations of arbitrary detention of family members to force young men to report for conscription.[20]

The Ministry of Defense's policy of declaring statistics on peacetime deaths a military secret and of instructing journalists not to identify units where deaths had occurred in published reports[21] contributed to a climate of impunity for officers responsible for abuse in their units.

Conscripts interviewed by Human Rights Watch stated that physical abuse, beating and hazing of new conscripts in the Armenian army was systematic and widespread by officers and by older conscripts.

- A 20-year-old conscript who recently completed military service in Martakert military unit 49971 inside

Nagorno Karabakh, said that such abuse could be caused by minor offenses such as being late for meals, failure to salute an officer and talking during sleeping hours. He described witnessing an officer beating a fellow conscript so severely for failing to salute an officer that his arm was broken.

In addition, several conscripts stated that officers routinely ignored severe beatings of new conscripts by older soldiers, and that new inductees were frequently pressured and physically abused by older conscripts and officers to compel them to perform humiliating tasks and to extort money and personal belongings from them. In many cases, conscripts and family members expressed fear that complaints about abuses would merely lead to further abuse.

- In September two soldiers and five officers were sentenced up to 10 years' imprisonment by a Yerevan court in the case of Private Mkrtych Ohanian, who in February shot dead six fellow soldiers and then killed himself. The prosecution described how Private Ohanian had opened fire as a result of systematic abuse and violence at the hands of the men he had killed, and that commanding officers were aware of what was going on, but took no action.[22]

- Another family told Human Rights Watch that they had received a letter in November 1997, requesting that they send money to their son, a conscript serving in military unit 34153 in Askeran, Nagorno Karabakh. In a separate note accompanying the letter, the draftee indicated that he had been compelled to make the request and that the family should not send the money. This conscript's death in the unit was ruled a suicide on 3 January, despite evidence on his body of severe beating. [23]

Human Rights Watch was aware of five other deaths ruled as suicides or accidental deaths in this unit.

- One of them was the death on 7 April 1998 of Vahagan Alaveridian, aged 18. His family reported that after Armenian military officials called them to Hojaly military hospital in Nagorno Karabakh, they identified the body of their son covered with extensive bruises on the chest, stomach and back, and they alleged that officers and other members of the military unit were responsible for beating him

to death.[24]

According to Prosecutor General Aghvan Hovsepian, there was also a problem with poor performance of district military enlistment offices. For instance, regional and district medical commissions had found fit and drafted 36 handicapped and five mentally retarded individuals. [25]

Religious Tolerance

In September 1997, the National Assembly adopted an amendment to Armenia's law on freedom of conscience and religious organizations. It prohibited financing for religions with spiritual centers outside the country, which broadly impacts most religions, and increased the number of members required for registration of a religious association from 50 to 200. The 1991 law also precludes proselytizing by religions other than the Armenian Orthodox Church, a prohibition that is incompatible with article 18 of the ICCPR.

Since April, President Kocharian took some distance from the religious policy carried out by his predecessor. During a visit to the United States, he declared that a democratic country may not restrict the free practice of religion and disturb the life of religious communities. Consequently, he put an end to the ban on Mormons, Hare Khrishna and Jehovah's Witnesses. Forty-four religious denominations and humanitarian organizations were since registered, but Jehovah's Witnesses were in May and July denied registration.[26] Following the refusal in May, the organization appealed to the presidential commission on human rights to issue a statement in support of the organization's registration. Rather than issue such a statement, on 8 July, the presidential commission issued an opinion that a court of law should deal with the matter. Following this decision, a smear campaign against Jehovah's Witnesses began in Armenia's official newspapers, including statements by government officials and of the Armenian Orthodox Church.[27]

Conscientious Objection

Armenia did not recognize the right of citizens to substitute military service with alternative civil service. Nor did it respect the resolution of the UN Commission on Human Rights of 10 March 1993 (1993/84), which recognized conscientious objection to military service as a legal exercise of the rights to freedom of thought,

conscience and religion, as set forth by article 18 of the Universal Declaration on Human Rights.

Draftees who had declared themselves conscientious objectors on religious grounds claimed that they and their family members were routinely subject to harassment and even physical abuse by the police, district and regional conscription commission officials and other Ministry of Defense personnel.[28] Although one conscientious objector, Artashes Alekskanyan, was released, at least six young men remained imprisoned in 1998.[29]

- In the case of Andranik Koseian, born 1974, Armenia violated the legal principles non bis in idem and article 14.7 of the ICCPR by sentencing him twice on the same charges. Koseian, a Jehovah's Witness, refused military service on the basis of conscientious and religious objection. In March 1997 he was sentenced but released after the amnesty in May 1997. On 29 October 1998 he was sentenced again to two years imprisonment on the same charges. He had been forcibly conscripted into a military unit in Zod and was said to have been subjected to severe beatings when he refused to perform military service. Koseian's health was poor, and the medical report presented at the trial stated that he needed a heart operation.
[30]

Karen Voskanian, also a Jehovah's Witness, was in September sentenced to three years' imprisonment by the Moscow District Court in the city of Gyumri, for evading military service under article 257 of the military section of the criminal code. In March, Karen Voskanian had been taken to Mashtots District Military and Registration Enlistment Office (DMREO), where he was reportedly beaten after he stated his inability to perform compulsory military service on religious grounds. He was then forcibly conscripted into a military unit in Gyumri and charged when he refused to take the oath of military allegiance. [31]

Protection of Refugees and Immigrants

Policies were being carried out to integrate Armenian refugees from Azerbaijan into

local communities in Armenia, and more refugees were willing to acquire Armenian citizenship. Since the introduction of new Armenian passports in 1995, about 2,500 refugees have acquired Armenian citizenship, 700 of them the first six months of 1998. According to Social Welfare Minister Hayrapetian, there were 246,000 refugees in Armenia, with the majority of them residing in rural areas. About 14,000 refugee families had no permanent residence. [32]

Armenia still retained the Soviet-type propiska system, which limited the freedom of movement.

Death Penalty

In 1998, Armenian authorities made an official decision to abolish the death penalty, which was intended to come into force from 1 January 1999.[33] However, at the time of writing, the new criminal code was apparently still awaiting final parliamentary approval. No executions have taken place since 1991.[34]

Homosexuals

Under the current Criminal Code, first part of article 116, "sodomy," defined as "sexual relations of a man with another man" was punishable by up to five years imprisonment. Allegedly the new draft criminal code will abolish criminalization of homosexual acts between consenting male adults.[35]

FOOTNOTES:

1. Concluding Observations of the Human Rights Committee: Armenia, 19 November 1998, UN Human Rights Committee.
2. RFE/RL Newswire , 29 January 1999; Interfax Daily News Bulletin, 28 January 1999; RFE/RL 30 January 1999.
3. Azbarez on-line, 1 February 1999.
4. Unless otherwise noted, based on information from ODIHR/OSCE Final Report: Republic of Armenia: Presidential Elections, March 16 and 30, 1998.
5. RFE/RL Newswire, 7 April 1998.
6. On March 2 the Parliament voted against the accreditation of domestic non-partisan observers.
7. RFE/RL Newswire, 23 March 1998.

8. See IHF Annual Report 1998.
9. RFE/RL Newslines, 9 February 1998; Concerns in Europe January-June 1998, Amnesty International, September 1998.
10. Concerns in Europe January-June 1998, Amnesty International, September 1998.
11. See case of Hrazdan Television Company below.
12. Article by Emil Danielyan, Transitions, December 1998.
13. Letter from Human Rights Watch to Council of Europe Special Rapporteurs/Armenia, 21 January 1999.
14. Ibid.
15. Ibid.
16. RFE/RL Armenian Service, 14 October 1999.
17. Ibid.
18. Letter from Human Rights Watch to Council of Europe Special Rapporteurs/Armenia, 21 January 1999.
19. Unless otherwise noted, based on the Letter from Human Rights Watch to Council of Europe Special Rapporteurs/Armenia, 21 January 1999; Human Rights Watch World Report 1999, Europe and Central Asia Division.
20. Amnesty International, EUR 01/01/99, March 1999.
21. See also Freedom of Media.
22. Amnesty International EUR 01/01/99.
23. Ibid.
24. Ibid.
25. Noyan Tapan, Asbarez online, 26 October 1998.
26. Human Rights Without Frontiers, 20 January 1999.
27. Letter from Human Rights Watch to Council of Europe Special Rapporteurs/Armenia, 21 January 1999.
28. Ibid.
29. Concerns in Europe January-June 1998, Amnesty International, September 1998; update to information in EUR 01/02/98.
30. Human Rights Without Frontiers, 4 December 1998; Amnesty International update to information in EUR 01/02/98.
31. Amnesty International update to information in EUR 01/02/98.
32. MINELRES, Noyan Tapan, 20 April 1998.
33. Statement by the Armenian delegation at the 1998 OSCE Implementation Meeting on Human Dimension Issues in Warsaw.
34. Capital Punishment in the OSCE Region, OSCE/ODIHR, October 1998.
35. Amnesty International EUR 01/01/99, March 1999.