

September 10, 2013

United Nations High Commissioner on Human Rights

Ms. Navi Pillay, civilsociety@ohchr.org

Special Rapporteur on the rights to freedom
of peaceful assembly and of association

Mr. Maina Kiai, freeassembly@ohchr.org

Special Rapporteur on torture and other cruel,
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Mr. Juan Mendez, sr-torture@ohchr.org

Special Rapporteur on violence against women,
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Ms. Rashida Manjoo, vaw@ohchr.org

Special Rapporteur on the situation of human rights defenders

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Working Group on Arbitrary Detention

Mr. El Hadji Malick Sow,

Chair-Rapporteur, wgad@ohchr.org

RE: Urgent appeal of Armenian NGOs and citizens

Dear High Commissioner, Special Rapporteurs and Chair-Rapporteur,

A number of concerned NGOs and citizens in Armenia would like to appeal to you and bring to your attention the increasingly degrading situation in the field of human rights that is leading to physical injuries and risks to human life. State authorities do not take necessary actions to stop the violence, and the lack of adequate response and condemnation along with continuous impunity provide an evidence of their support for the brutalities by criminals and police.

Since July 2013, there have been multiple peaceful actions taking place by the Armenian citizens throughout the streets of Yerevan in reaction to unlawful and controversial decisions and acts taken by various authorities. These decisions and acts included the unjustified and sudden increase of public transportation fees by the mayor of Yerevan, the construction of a multi-story building with the permission of the Yerevan municipality that blocks the sunlight of residents of the surrounding houses, the destruction of a historical-cultural monument by a tycoon - member of parliament, and the unexpected and non-transparent decision of the president of Armenia to join the Eurasian Customs Union.

Citizens were expressing their opinion on the unlawful and controversial decisions and acts of the authorities by exercising their rights to freedom of expression and peaceful assembly through leaflets, public discussions, marches, sit-ins, performances, protest demonstrations, closing streets, and so forth. They were forced to take the mentioned actions as they were deprived of any other opportunity to enter into a constructive dialogue with the authorities prior to their decision-making or to change their decisions.

The authorities are obligated to promote the rights to freedom of expression and assembly and to ensure security and the unobstructed exercise of the mentioned rights in line with the Armenian Constitution, national laws and international commitments in the field of human rights. Instead, during these actions, the Armenian police act as defenders of unlawful decisions of the authorities, and create unjustified obstacles for protestors by manifesting mostly unlawful and often brutal performance.

In many instances police have prevented the movement of the participants of assemblies with no legal justification. They have seized their posters, megaphones, and other accessories of actions, as well as personal property. They have arrested dozens of activists without just cause and detained them in police stations for several hours, often exceeding the legal allowable time. The police have primarily “caught” them after the actions were completed and even kidnapped sit-in participants while they were asleep in the open air. They have even entered private houses without warrants and intimidated family members of activists. None of the detained citizens were informed about their status, their rights and the grounds of detention. Police representatives have used unjustified and excessive force and have physically assaulted many citizens in the process of obstructing assemblies or detaining people.¹

There have been a number of criminal and administrative proceedings initiated to punish demonstrators, mainly on the ground of showing resistance towards the unlawful orders by police. On the contrary, no police officer has been brought to justice for their unlawful acts. Activist Argishti Kiviryan was severely beaten by a policeman in the police car on its way to the police station, but the criminal case was opened against the activist rather than the attacker.²

Certain police officers have demonstrated explicit sexual acts and/or harassing words when dealing with women. Several of the harassed women have overcome the shame and agreed to give written descriptions of the sexual assaults employed by the police officers. Tatevik Mailyan stated that the Deputy Head of the Police Department of Arabkir District, Colonel Arayik Petrosyan has threatened her using obscene language charged with sexually harassing expressions. In her written statement, Shoghik Melkonyan was reticent to explicitly describe what actually happened when the police officer came as close to her body so as to fully touch it. She also confessed that when forced into the police car, the same person, the Deputy Head, Arayik Petrosyan whispered into her ear sexually charged expressions threatening her with certain actions three times.³ The act of the policeman kissing a woman was widely discussed in social networks and brought to the attention of the authorities. Surprisingly, it was not

¹ See the obstruction of the performance of activists in front of Yerevan Municipality on <http://www.azatutyun.am/media/video/25085195.html>, the action to stop construction of a multi-story building on <http://www.youtube.com/watch?v=57XiXRqGli4#t=15>, action to protest the president's statement to join the Customs Agreement on https://www.youtube.com/watch?feature=player_embedded&v=ff8rmmBYGgl,

² See https://www.youtube.com/watch?feature=player_embedded&v=svIU8_v18tw#t=89, <http://news.am/eng/news/168909.html>

³ See <http://www.youtube.com/watch?v=9s7HLGvFPXY>

condemned, but rather supported by some of public officials, exposing the cynicism and lack of respect for justice, equality, and the dignity and protection of women. For example, the Deputy Head of the Police denied allegations and stated that the officer was fixing his straps, while in reality he was explicitly kissing the neck of the girl. Shushan Petrosyan, one of the ruling party representatives in the parliament commented that kissing is better than beating.⁴

In addition to the unlawful acts of police against peaceful citizens, there have emerged criminal groups in Yerevan that have been attacking and beating civic activists at nights, as the latter leave the scenes of their civic activities. Strangely, the police have demonstrated complete inaction towards detecting and punishing these crimes in a timely manner that signal possible relation of criminal groups with the authorities. There has been no progress in the investigation of the case where a dozen criminals beat Mihran Margaryan and Babken DerGrigorian, whereas some of them pronounced warnings not go against their fathers (the sit-in in front of Yerevan Municipality is demanding the removal from office of the officials responsible for decision-making on the increase of public transportation fee, who have personal business interests as well as demonstrated rudeness and violence towards the citizens that challenged the mentioned decision).⁵ No actions have been taken to detect the beating of the activist Arman Aleksanyan by a gang of over fifteen people armed with wooden batons.⁶ And, most recently, activists Haykak Arshamyan and Suren Saghatelyan were ambushed and severely beaten by half a dozen unknown persons on September 5 2013.⁷ At this time no criminal case has been opened to detect or investigate this attack.

Several of the mentioned acts have been videotaped by traffic cameras located in the streets of Yerevan, therefore it is entirely possible to immediately detect the identities of members of criminal groups. However, the police have shown no diligence or urgency in making decisions and/or taking actions in pursuit of the assailants.

Reactions from the police have been questionable in some other cases too. Their actions were rather “soft” in respect with the violence of participants of counter-actions in support of deformation of the Indoor market, a historical-cultural monument that is being transformed into a supermarket by a well-known oligarch - MP.⁸ As the non-violent peaceful sitting strike participants at the Mayor’s office were assaulted and threatened by the son of one of the municipality officials in charge of the increase of transportation fees, the police merely watched until the demonstrators demanded to protect their rights.⁹ Moreover, when activist Arman Aleksanyan informed the investigator that he had noticed one of his attackers among protest action participants, the police investigator merely suggested that he might be mistaken.¹⁰

Such reactions of the police increase the suspicion and concern that these attacks against non-violent activists are organized and/or supported by the authorities and/or the police in order to

⁴See <http://www.aysor.am/en/news/2013/08/29/shushan-petrosyan/>

⁵See <http://www.lragir.am/index/eng/0/country/view/30727>

⁶See https://www.youtube.com/watch?v=rx0sChlhj2s&feature=player_embedded#t=91,
<http://news.am/eng/news/169818.html>

⁷See <http://www.azatutyun.am/media/video/25097817.html>,
<http://www.armenialiberty.org/content/article/25097182.html>, <http://en.aravot.am/2013/09/06/161491>

⁸See <https://www.youtube.com/watch?v=X41s8l12jzA>

⁹See <http://www.lragir.am/index/eng/0/right/view/30786>

¹⁰See

<http://www.epress.am/2013/09/07/%D5%A1%D5%AF%D5%BF%D5%AB%D5%BE%D5%AB%D5%BD%D5%BF%D5%A8-%D5%B3%D5%A1%D5%B6%D5%A1%D5%B9%D5%A5%D5%AC-%D5%A7-%D5%AB%D6%80%D5%A5%D5%B6-%D5%AE%D5%A5%D5%AE%D5%B8%D5%B2%D5%B6%D5%A5%D6%80%D5%AB%D5%B6-%D6%84.html>

restrict the citizens' rights to free and lawful expression and free and lawful assembly. Naturally, there is a belief that even if taking action, the police will initiate phony investigations predetermined not to uncover criminals who stand with the oligarchic regime of the present government of Armenia.

A major concern is selective justice, whereas the law enforcement bodies are rather swift in initiating criminal or administrative proceedings against civic and oppositional political activists, while using all possible means to stop proceedings and to close cases related to high-ranking officials and their relatives involved in criminal offense. The most recent example was the case against the son and bodyguard of the former Governor of Syunik marz (province) engaged in a murder and the case was closed as the investigation body qualified their actions as necessary self-defense.¹¹

Additionally, there are instances when the police themselves are engaged in the criminal acts against activists. Dmitri Harutyunyan and his family were attacked, intimidated and held hostage in their house for an entire night by an unknown group, who refused to provide appropriate documents and continued their unlawful and violent actions inside the house. The police were notified of these actions but arrived late and only after pleas from the ombudsman's office. In the morning the attackers presented their identification documents as representatives of the Armenian police.¹² Such cases leave no hope that the police or other authorities will take actions to punish their own agents.

Participants of peaceful assemblies in Armenia may not be protected by the Ombudsman as this office is largely disregarded by law enforcement institutions. For example, on different occasions police ignored the opinion of the Ombudsman to allow for a tent to be erected on public grounds to protect protestors from the heat and precipitation. Hence, for over one month participants of the sit-in in front of Yerevan Municipality have been forced to stay in the open air, exposed to sunlight and rain, which resulted in one of the participants suffering from sunstroke and being hospitalized for a few days.¹³

As for human rights organizations, those too are a target by unknown groups likely supported by the authorities. For example, after a demonstration against the above-described illegal actions of the police, a video-material was disseminated via social networks pointing to the "grant-eating" activities by one of the organizers of the mentioned action - the Helsinki Citizens Assembly Vanadzor Office.¹⁴ Similarly, the Women's Resource Center was criticized and threatened by a member of parliament and some organizations for their support of gender equality and explicit threats to life.¹⁵

The situations described are quite worrisome and serve to escalate the tension within society every day. Armenian authorities are not in compliance with national and international human rights norms¹⁶ and are not showing any genuine intention to improve their performance, in spite of the vast assistance they receive from international organizations to reform the sector.

¹¹ See <http://www.lragir.am/index/eng/0/right/view/30838>

¹² See statement of Dmitri Harutyunyan's wife on <http://www.lragir.am/index/arm/0/country/view/87613>

¹³ See <http://www.lragir.am/index/eng/0/country/view/30630>

¹⁴ See <http://www.youtube.com/watch?v=Jv3wuzK2CCA>

¹⁵ See <http://eastbook.eu/en/2013/09/material-en/news-en/hate-movement-against-womens-rights-groups-in-armenia/>

¹⁶ Some alerts in this regard were issued by Amnesty International <http://www.amnesty.org/en/region/armenia>

Most of the tactics used by the police to silence civil society are not new and have been used widely and with different intensity by the authorities since 2008 - to intimidate protesters of the fraudulent presidential elections of February 2008 as well as later to threaten oppositional activists and civic groups. However, within the context of a general regression of the human rights situation in the country and proliferation of immune criminal groups, anxiety for the security of people is increasing among society.

Today it is dangerous to be an active citizen in Armenia and to publicly express an opinion. If the current gangster style rule does not change, it will result in unprecedented consequences and serious threats to the health and life of Armenian citizens.

Therefore, we call for your action in the hopes to stop the violence and protect human lives in our country. Given Armenia's special status and the standing invitation for Special Rapporteurs, we request that you visit Yerevan in order to become better acquainted with the situation, and use your leverage to stop the unlawful acts by the Armenian authorities.

NGOs

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32. Maro Matosyan, Women's Support Center NGO, mmatosian@tufenkian.com
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35. Isabella Sargsyan, Youth for Democracy NGO, isargsyan@epfound.am

Civic initiatives

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37. Grigor Ghazaryan, "Our City" Public Civic Initiative, grigor.ghazaryan@gmail.com
38. Anna Shahnazaryan, "Save Teghut" Civic Initiative, annashahnazaryan@gmail.com
39. Gayane Melkomyan, "This City Belongs to Us" Civic Initiative, gayaneh.melkomian@gmail.com

Activists

40. Ruzanna Grigoryan, ruz_grig@yahoo.com
41. Zara Hovhannisyanyan, The Young Women's Peace Award in the Caucasus second prize, zarouhihovents@yahoo.com
42. Nvard Manasyan, nvard.margot@gmail.com
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