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## 2010 Human Rights Report: Armenia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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Armenia is a constitutional republic with a population of approximately 3.2 million. The constitution provides for an elected president and a unicameral legislature (the National Assembly). The country has a multiparty political system. In 2008 Serzh Sargsian of the Republican Party of Armenia (RPA) was sworn in as president, after a significantly flawed presidential election. The RPA continued to dominate the three-party ruling coalition in the National Assembly, as well as the government's cabinet. Security forces reported to civilian authorities.

Citizens' right to change their government through peaceful elections was restricted due to repeated, significant flaws in the conduct of elections, including a by-election for a parliamentary seat in January. Some members of the security forces continued to commit human rights abuses with impunity while under the direction of civilian leadership. During the year suspicious deaths occurred in the military under noncombat conditions, while hazing and other mistreatment of conscripts by officers and fellow soldiers, and a lack of accountability for such actions, continued. Police reportedly beat citizens during arrest and interrogation. Overcrowding contributed to a significant worsening of prison conditions.. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain arbitrarily individuals due to their opposition political affiliations or political activities. Courts remained subject to political pressure from the executive branch, and judges operated in a judicial culture that expected courts to find the accused guilty in almost every case. During the year the authorities released four individuals who had been convicted in connection with the 2008 presidential election and postelection unrest in trials flawed by due process violations and apparent political motivations. Two other individuals convicted in connection with these events were released from prison after serving their full sentences, while a handful of other individuals remained incarcerated. The media, in particular television, continued to lack diversity of opinion and objective reporting; incidents of violence, intimidation, and self-censorship against and in the press continued. Authorities continued to deny requests by opposition parties and other groups to gather or hold rallies at requested venues arbitrarily, sometimes providing alternative venues, and sometimes preventing persons from attending rallies. Authorities and laws restricted religious freedom. Corruption remained a problem, with authorities taking limited measures to curb it. Domestic violence was common, but largely went unreported to authorities. Trafficking was a problem, but authorities took efforts to combat it.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, four police officers stood trial for allegedly beating and inducing the suicide of a suspect in their custody, and suspicious deaths of military personnel occurred under noncombat conditions.

On April 13, Vahan Khalafian, a 24-year-old robbery suspect, died under suspicious circumstances while in police custody in the city of Charentsavan. Initially National Police Chief Alik Sargsian issued several statements that Khalafian was mentally unstable and had committed suicide. Sargsian also denied the possibility that Khalafian might have been physically mistreated by police; however, an investigation by the Special Investigative Service (SIS) revealed that Khalafian apparently was tortured by a senior police officer attempting to extract a robbery confession, and Sargsian issued a public apology. Authorities continued to maintain, however, that Khalafian committed suicide by grabbing a kitchen knife from a drawer and stabbing himself to death. On June 25, the SIS announced that its investigation had concluded that the behavior of police officers led Khalafian to commit suicide. On April 27, Ashot Harutyunian, head of the criminal intelligence division of the Charentsavan police, was arrested and formally charged with actions that exceeded his official authority and had grave consequences. Moris Hayrapetian, Garik Davtian, and Gagik Ghazarian, Harutyunian's subordinates, were charged with abuse of official authority. Khalafian's family, their lawyer, and human rights activists following the case challenged the official version of death, asserting that the autopsy revealed other bruises and injuries in addition to Khalafian's two stab wounds. Khalafian's family also questioned the role of Charentsavan police chief Norik Heboyan--who was dismissed from his position on May 28--and Deputy Chief Samvel Tonoyan--who retained his position--in Khalafian's death, calling into question the conduct of the investigation. The trial of the four defendants began on July 6. Harutyunian denied the charges against him. He also denied that Khalafian had committed suicide and said that he was being framed by the SIS and his subordinate Moris Hayrapetian, who was charged with lesser crimes, in order to cover up Khalafian's killing by police. On November 29, a judge in the first instance court of Kotayk found Harutyunian guilty and sentenced him to eight years in prison. Hayrapetian was given a two-year suspended sentence and the two other suspects, Garik Davtyan and Gagik Ghazarian, were acquitted. Khalafian's family denounced the verdict as unfair and maintained that their relative had been killed by police while at the police station and that the investigation failed to reveal Khalafian's murderer and the complete circumstances of his death. The human rights defender (ombudsman) also challenged the official version of suicide in a November 29 interview with Radio Liberty.

In a July 28 statement, the Ministry of Defense announced that Lieutenant Artak Nazarian, a platoon commander stationed in the Tavush region, reportedly killed himself on July 27. The Office of the Military Prosecutor subsequently began a criminal case against a captain and three servicemen for beating and humiliating Nazarian. According to official information, Nazarian killed himself after becoming unable to bear abuse by fellow servicemen. Captain Hakob Manukian was arrested on charges of abuse of official authority with grave consequences, while Mkhitar Mkhitarian, Adibek Hovhannisian, and Harutik Kirakosian were arrested and charged with using violence towards a commander. In interviews given after the death, Nazarian's relatives accused the military of a cover up, claiming that Nazarian was either forced to commit suicide or killed by fellow servicemen, possibly even earlier than the date of death specified in the military report. Nazarian's cousin, who was present at the autopsy, told reporters that the forensic medics had found numerous injuries on his relative's face, hands, shoulders, and feet which were allegedly inflicted hours before Nazarian's death. According to official information, a suicide note was found inside Nazarian's clothes. In subsequent interviews, the family alleged numerous violations in the conduct of the investigation and evidence tampering aimed at covering up Nazarian's death. The investigative body denied the Nazarian family's requests to disregard as evidence the suicide note (which was

discovered by Captain Manukian and transferred to the investigative body with significant delay on August 9); to be given copies of the notebook pages to conduct an alternative forensic examination of the handwriting; and to have access to the protocols and relevant documents on examination of the crime scene and Nazarian's clothes. The investigation of the case remained underway at end of the year.

In response to public outcry concerning noncombat-related military shooting deaths, the Ministry of Defense on August 8 issued a statement announcing disciplinary measures it had taken during an unscheduled August 6 session of the Defense Ministry collegium. Eight officers who were commanders and deputy commanders of military units were dismissed from their posts; seven of them were also discharged from the military services. In addition 14 officers were issued strict reprimands, six were issued regular reprimands, and 10 received warnings for failing to comply with the terms of service. Ten commanders of subunits and chiefs of services were also released from their positions and demoted; one officer was reduced in rank.

On September 8, according to media reports, Artur Hakobian, an enlisted 27-year-old junior sergeant serving in a military unit in the Vayots Dzor region, shot himself to death. A criminal case was opened into the death on charges of "inducing" suicide; no update was available on the status of the investigation at year's end.

In apparent response to the reports of abuse occurring in the military, the Ministry of Defense on December 13 launched a 24-hour, anonymous hotline that citizens could call to register concerns related to military service.

The military prosecutor reported that during the year 54 military servicemen died under noncombat conditions, an increase from 44 in 2009. According to official statistics 11 were killed by enemy fire; of the remaining cases, 13 were murders; eight deaths were due to illnesses; six deaths were caused by car accidents; five deaths by accidents; four deaths were due to mishandling of weapons; three were suicides; three were induced suicides; and one was due to physical violence.

On May 4, the court of first instance sentenced Andok Galstian to 10 years of imprisonment for the September 2009 death of Aram Mkrtchian, an 18-year-old conscript who died in a hospital after being beaten by Galstian, his battalion commander at a military post in the Vayots Dzor region. Major Mamikon Vardanian, the second defendant in this case and deputy commander of the military unit who had been charged with insulting a soldier, was given a six month suspended sentence.

No developments were reported in the investigation into the deaths of eight civilians and two police officers killed during clashes between security forces, looters, and protesters disputing the 2008 presidential elections. In August 2009 authorities opened criminal proceedings against four police officers accused of improperly using tear gas against demonstrators in the postelection events. The four officers allegedly fired tear gas grenades at demonstrators from dangerously close distances, resulting in the deaths of three civilians and the injury of three others. For the second consecutive year, the criminal proceedings were still in the investigation stage, and no police officer had been prosecuted. Law enforcement bodies were reportedly still unable to match the ballistics evidence to specific firearms. According to new official information, however, forensic tests reportedly determined that the tear gas canisters had ricocheted from other surfaces and had not been fired directly at the victims.

On March 19, the European Committee for the Prevention of Torture (CPT) released a report on its 2008 visit to the country just weeks after the events took place. The report stated that the type of injury experienced by two of the victims suggested impact from a weapon such as a "rubber bullet" or possibly from a tear gas canister fired at close range directly at the head. During the year the families of nine of the 10 victims unsuccessfully filed four separate lawsuits against the SIS and the Prosecutor General's Office for inaction and failure to investigate, reveal, and punish those responsible for the deaths. The first instance court and the Court of Appeals rejected the lawsuits, and the highest appellate court, the Court of Cassation, refused to accept the cases for review.

On January 13, the court of first instance of the Gegharkunik region acquitted the soldiers Rustam Asatrian and Karen Tovmasian of criminal negligence in the death by electrocution of serviceman Tigran Ohanjanian in 2007. However, the court subsequently sent the case to the military prosecutor's office for additional investigation. Ohanjanian's family has long insisted that Ohanjanian did not die from accidental electrocution but was killed. Both the Court of Appeals (on March 30) and the Court of Cassation (on June 7) upheld the trial court decision. Additional investigation into the case was ongoing at the end of the year.

According to human rights observers, in the majority of reported incidents of hazing and death in the military services, the relevant bodies usually presented a sanitized version of events and follow-up investigations focused on reinforcing it. Observers also claimed that the armed forces in most cases declined to punish those behind hazing incidents and suspicious deaths.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Land mines placed along the border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the year government sources reported that 12 military personnel were injured by landmine explosions and one civilian was killed.

According to official information, during the year shootings along the line of contact in the Nagorno-Karabakh conflict resulted in casualties on the Armenian side, including the death of 11 and the wounding of 34 military personnel.

No developments were reported in the February 2009 killing of Colonel Gevorg Mherian, deputy chief of the national police, who was shot outside the entrance to his home in central Yerevan. As of year's end, the killer had not been identified, and the investigation continued. On February 10, Police Chief Alik Sargsian announced the creation of a special investigation force tasked with solving high-profile killings committed since 2000, including the death of Colonel Mherian.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the law prohibits such practices, members of the security forces regularly employed them. Witnesses continued to report that police beat citizens during arrest and interrogation. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment continued to go unreported due to fear of retaliation. Human rights groups continued to report that many individuals transferred to prisons from police detention facilities alleged torture, abuse, or intimidation while in police custody and that the main purpose of the torture and physical abuse was to extort confessions. According to domestic observers, most instances of abuse of arrested persons by law enforcement personnel continued to occur in police stations, particularly in the offices of police officers, rather than at police detention facilities, which were accessible to monitors.

On February 10, the ombudsman sent a letter to the prosecutor general informing him that, during a February 5 visit to the detention facility of the Yerevan Police Department, his staff discovered multiple records of persons who were brought to the facility with numerous bruises, abrasions, and other injuries. The ombudsman provided details on 10 such cases and inquired about measures, if any, the Prosecutor General's Office was taking to investigate. At year's end, the authorities had yet to reply to the requests in the ombudsman's letter.

The NGO Helsinki Citizens Assembly-Vanadzor (HCAV) reported that, in the first nine months of the year, it received seven complaints from citizens who alleged police torture either against them or their relatives that was aimed at obtaining information about certain crimes or at extracting self-incriminating testimony. According to HCAV, in most of these cases,

the police failed to act on HCAV's reports with a criminal or internal investigation or the police responded by saying that the internal queries revealed no violations.

On May 17, various media announced that Gagik Ghazarian died in a hospital from injuries incurred when he jumped from the window of the Kentron and Nork-Marash Courthouse, reportedly in an escape attempt. A spokesperson for the Cassation Court stated that the incident occurred after the judge had ruled that Ghazarian be held as a suspect in a drug-trafficking case. HCAV alleged that Ghazarian jumped to his death in response to police torture he experienced prior to the session. It based its claim on a letter it received on May 27 from an individual identified as K.M., who described being beaten along with Ghazarian by police after they apprehended him on May 13. According to K.M., the beatings were part of an attempt to extort confessions from the two that they were carrying drugs. Although no bodily injuries were registered upon their transfer from the police station to a detention facility at Nubarashen penitentiary, K.M. said he had blood in his urine for three days after the police beatings, while Ghazarian sustained a broken rib. According to official information, a criminal case was launched to investigate the escape attempt by Ghazarian, which also reportedly investigated the alleged cruel treatment in custody. The case was subsequently dropped due to Ghazarian's death, and, according to official information, the alleged cruel treatment in custody was not confirmed.

Unlike the previous year, the Civil Society Monitoring Board (CSMB) did not report any new incidents of alleged torture and mistreatment of detainees by the Rapid Response Division of the Justice Ministry's Penitentiary Department. However, authorities did not respond to the CSMB's September 2009 allegations that inmates were tortured. According to the Helsinki Committee NGO, most instances of abuse in prisons went unreported due to the opaque nature of life behind bars, but anecdotal accounts suggest that it is a systemic problem.

On June 23, the Public Monitoring Group of Police Detention Facilities (PMG) released its annual report covering 2009. It noted that 172 of the 967 persons arrested by police and subsequently transferred from police stations to police detention facilities in the capital of Yerevan showed bruises and bodily injuries upon their arrival at the detention facilities. The sources of the injuries were not listed and no one was held responsible for them.

According to the ombudsman's annual report for 2009, released in March, citizen complaints about illegal actions by the police, including allegations of torture, continued to grow in comparison with previous years. The complaints mostly concerned citizens who claimed they had been summoned to police stations, detained there illegally, and subjected to inhuman treatment, including torture and beating. Complainants also alleged that police officers sought to extort confessions through violence, threats, and unlawful pretrial detention. According to the ombudsman's report, it was virtually impossible to restore the rights of citizens who had suffered police mistreatment or torture. The ombudsman asserted that police routinely responded to the ombudsman's inquiries about allegations of abuse with uninformative, formulaic replies; he added that such an atmosphere of impunity contributed to the increase in such abuse.

On March 5, the Paris-based International Federation for Human Rights (FIDH) together with a domestic NGO, the Civil Society Institute, issued a joint statement noting Sasha Davtian's release from prison and calling for an investigation of allegations that he and his two daughters were tortured by police personnel. The statement also called for a reinvestigation of charges that Davtian tortured his daughters, for which he was convicted. Davtian was released on February 26 after the Court of Appeals reduced his prison sentence from four to three years, making him eligible for release under a 2009 general amnesty. In 2008 Davtian reported the abduction and rape of his then underage daughter to the police. In February 2009 police dismissed their investigation, claiming they could not locate the alleged perpetrator. Following complaints by Davtian, a different police investigator reopened the case in May 2009. According to a journalist reporting on the case, Davtian was subsequently summoned to the police station of Yerevan's Kentron District and severely beaten by approximately 10 officers over several days as they tried to force him to confess to torturing his two daughters and raping one of them. According to the same report, Davtian identified some of his assailants--police officers

Eric Poghosian, Artur Poghosian, and Artur Hovhannisian and police investigator Ruben Vardanian. According to the joint statement, the presidents of these organizations visited Davtian in prison on February 5, documented his testimony about his mistreatment, and certified that he had lost eight teeth as a result of his beatings. According to an October 2009 media report, police also abused Davtian's two daughters--one of whom was the rape victim--in an attempt to force them to testify against their father. The younger daughter was reportedly taken to the police station of Yerevan's Kentron District where Eric Poghosian, Ruben Vardanian, and other officers repeatedly beat her, deprived her of food and water, and did not allow her to use the restroom during the three days they held her. She testified against her father in the initial proceedings but later recanted her testimony in court. The other daughter testified that she was also detained by the police for two days, not allowed to sit down, and repeatedly struck and humiliated. In December 2009 a trial court judge threw out the initial testimony of the daughters against their father as well as other police evidence on the grounds that the testimony had been obtained in an unlawful manner; she subsequently also cleared Davtian of the rape charge. At the same time, she sentenced Davtian to four years on the torture charges, since he had admitted beating his daughters. According to the journalist covering the case, police were believed to have harassed the family to hide the identity of the true rapist, allegedly a son of a high-ranking police officer. The investigation into the rape was suspended in February 2009, after no perpetrator was found. According to official information, neither the alleged abuse of the Davtian family by police officers nor any violation of the criminal procedural legislation was substantiated during the trial.

In December 2009 the criminal case against Shirak Shahnazarian, the former police chief of Gyumri, was dropped. He was charged in 2009 with abuse of power "accompanied by the use of violence" for allegedly beating and illegally detaining a citizen who had come to him with a complaint in custody in July.

In response to a 2009 request made by the ombudsman that the authorities investigate reports that police mistreated five persons while they were held in the police station of Yerevan's Arabkir District in April 2009, the authorities replied that two of the five individuals had attacked police officers while at the station and allegations of abuse by police officers were not substantiated. According to the ombudsman, the alleged abuses had included illegal deprivation of liberty, denial of food and sleep, beating, withholding medical aid, and degrading treatment.

In a March 19 report on the visit of its representatives to detention facilities two weeks after the 2008 postelection unrest in Yerevan, the CPT stated that it interviewed approximately 70 persons being detained on charges related to the unrest. Almost all claimed they had been physically mistreated by law enforcement officers at the time of their apprehension although they offered no resistance. The mistreatment allegedly included pushing, truncheon blows, kicks and punches to the body and head, and being dragged into police vehicles. In some cases mistreatment continued during transportation to police facilities and at these police facilities after arrival. Examination of some detainees by a medical professional in the delegation found physical marks or conditions consistent with the allegations. Medical documentation at penitentiary establishments also contained descriptions by prison doctors of various injuries observed in the initial examination of a number of persons who had been admitted in the two weeks preceding the delegation's visit. Detainees charged that some of the law enforcement officials involved wore masks and showed no form of identification. Some of those interviewed maintained that the mistreatment they experienced was intended to obtain self-incriminating confessions or damaging information about others.

There was no progress during the year in the police investigation into allegations that law enforcement personnel tortured and intimidated numerous witnesses who were called to testify against opposition figures arrested in connection with the disputed 2008 presidential elections and ensuing violence.

On February 7, the Court of Appeals upheld the December 2009 decision of a lower court rejecting the appeal of the family of Levon Gulian against the SIS's termination in April 2009 of their investigation into Gulian's death due to lack of evidence that a crime had occurred. On August 27, however, the Court of Cassation invalidated the Court of Appeals

decision and returned the case to the SIS for further investigation. The SIS claimed that Gulian, an alleged witness to a homicide, had fallen to his death from a second-story police station window in 2007 while trying to escape. Gulian's family and human rights activists maintained the investigation was not conducted in a credible and transparent manner and claimed that Gulian had died as a result of police abuse.

On June 15, the European Court of Human Rights (ECHR) ruled that authorities had subjected penitentiary inmate Ashot Harutyunian to torture or inhuman or degrading treatment or punishment by failing to provide him with appropriate medical assistance and by placing him in a metal cage during appeal proceedings. The ECHR also ruled that Harutyunian's right to a fair trial and presumption of innocence had been violated. Harutyunian was serving a seven-year sentence for defrauding a business partner; he suffered from several serious illnesses. In his appeal to the ECHR, he claimed that prison authorities ignored his requests for medical assistance and a special diet. Harutyunian suffered a first heart attack in 2004 but was not allowed urgent surgery recommended by doctors in a Yerevan prison hospital; he subsequently died from a second heart attack in Kosh Prison in January 2009. The media reported Harutyunian's lawyer as claiming that the Office of the Prosecutor General ensured that Harutyunian was returned to prison after an early release in 2007 because of the office's reputed close ties with the businessman Harutyunian was convicted of defrauding.

Within the armed forces, the impunity and lack of accountability of commanders, rampant corruption, and substandard living conditions continued to contribute to mistreatment and noncombat injuries. Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights NGOs that the abuse continued. Soldiers' families claimed that corrupt officials controlled military units, while human rights monitors and the ombudsman reported that soldiers with serious disqualifying health conditions were conscripted into military service. According to official information, during the year 176 military personnel were convicted of hazing and related violations and 12 more cases were under trial at year's end.

On September 18, the opposition *Hraparak* newspaper published the anonymous account of a young man who had recently finished his military service and which detailed abuses by his battalion commander officer, Vardan Martirosian, at a military unit in the Ararat region. According to the account, Martirosian brutally beat and punished soldiers for minor misconduct or no reason at all. The young man also alleged that an induced suicide of a soldier in their unit had never been officially reported, and nobody was punished in connection with the death. On October 14, Radio Liberty reported that the investigation service of the Ministry of Defense had arrested Vardan Martirosian on charges of abuse of power after it had discovered that Martirosian had forced conscripts to take out and hand over to him loans from a local bank in the amount of 500,000 drams (approximately \$1,400). Further reports revealed that Artur Karapetian, another officer from that unit, had also been arrested for extorting money from soldiers. According to official information, the investigation revealed, that in following Martirosian's orders, Major Arsen Nersisian, the head of the headquarters of the military unit, had collected 610,000 drams (approximately \$1,500) from various servicemen in the period from June 2009 to August. Nersisian had also collected 170,000 drams (approximately \$425) from soldiers and had purchased a laptop from the deputy commander of the unit, Artur Karepetian, and presented it to Martirosian. A criminal case was launched against the three on charges of abuse of authority. On December 29, the criminal case against Martirosian and Karapetian was dropped due to "actual repentance," and the investigation into Nersisian was still ongoing at year's end.

According to 2009 research conducted by the domestic Soldier's Mothers NGO, the most numerous violations of soldiers' rights, approximately 46 percent, occurred during the process of medical examination. These violations included incomplete medical examinations prior to induction into service and induction into service of recruits with disqualifying medical conditions. The ombudsman in his 2009 annual report cited one instance in which these practices led to the death of a soldier. The ombudsman's report noted that families of recruits who complained to the Office of the Ombudsman about the actions of the military commissariats were reluctant to put their complaints in writing from fear that their sons would be assigned to faraway units in retaliation. The Office of the Ombudsman found servicemen in poor health at almost

all military units it visited. The ombudsman's report also noted that conscripts with various degrees of psychological illness were given assignments to guard border areas. These individuals included conscripts who had medical restrictions, such as prohibitions on carrying weapons, as well as persons with histories of self-injury. The report cited unit commanders as observing that some conscripts with severe psychological problems were a significant threat to others.

On November 5, media outlets reported the arrest of Lieutenant Colonel Armen Bareghamian, deputy commander of a military unit, for brutally beating soldier Eric Grigorian on October 28. Grigorian was hospitalized with a broken nose, brain concussion, and other injuries following an almost hour-long beating by Bareghamian, who was angered by the fact that Grigorian missed the morning assembly. By year's end, the investigation on charges of abuse of authority remained underway, while Bareghamian remained under detention. Prior to this incident, Bareghamian was under investigation for beating another soldier, Bagrat Yeghishian, in the same unit on June 17, while continuing to hold his position as deputy commander. The criminal case into Yeghishian's beating was launched on August 19. On November 9, Bareghamian was convicted and sentenced to two-and-one-half years in prison for abusing Yeghishian.

On September 11, amateur video footage appeared on YouTube depicting an unidentifiable man in a rural, outdoor setting slapping and otherwise mistreating two young men in army uniforms. The man was sitting on the ground enjoying a meal, while the two young men took turns kneeling in front of him and having their ears pulled and their necks and heads slapped and shaken. The video, which was immediately removed from YouTube, caused a public outcry. Although initially condemning the creation and dissemination of such footage, the Defense Ministry announced on September 17 that the film was authentic and that the depicted events involving Armenian military personnel occurred in July. The ministry identified the abuser as Major Sasun Galstian, who was reportedly intoxicated, and the victims as Sergeant Garik Harutyunian and conscript Bakur Yeghikian. Authorities initiated a criminal case, and Major Galstian was arrested on charges of abuse of authority. On December 9, Galstian was convicted and sentenced to three years in prison.

In mid-July the investigative *Hetq* weekly reported on the trial of 11 conscripts who had repeatedly beaten and humiliated fellow conscript Abraham Kupalian over a period of approximately six months starting in September 2009. A second victim, Armen Borisov, was also mistreated when he tried to protect Kupalian. According to *Hetq*, Kupalian could recall 12 instances of battery and abuse by the conscripts Yura Sarjian, Davit Manukian, Andranik Terterian, Aghasi Tonoyan, Gevorg Davtian, Levon Galstian, Davit Ghazarian, Davit Ghukasian, Artur Tarloyan, Ara Manukian, and Aram Vagharshakian. Kupalian complained to his commander, Grigori Avetisian, who took no action. According to the article, at least two other officers, Gevorg Yeritsian and Ara Melkonian, knew about the beatings but also took no action. Four of the 11 abusers were sentenced to three years in prison, while the others received conditional sentences. However, neither the commander of the unit nor the two other officers were held accountable. Grigor Avetisian was initially charged with inaction; however the charges against him were later dropped.

#### Prison and Detention Center Conditions

Prison conditions worsened significantly during the year, in large part due to overcrowding. The number of registered deaths in prisons increased, from 15 in 2009 to 37 during the year, with most attributed to illnesses and some to suicides. In a preliminary statement issued at the end of a September 6 to 15 observation mission, the Working Group on Arbitrary Detention of the UN Human Rights Council (UNHRC) noted that some prisons exhibited overcrowding, poor sanitation, minimal medical care, and a lack of sufficient ventilation. The working group observed that overcrowding appeared to facilitate corruption in prison, including prisoners bribing guards to move them to less populated cells. However, the working group also noted some improvements. Authorities generally permitted visits by independent human rights observers.

On July 26, the CSMB noted that in the previous 12 months, the number of inmates in confinement increased by 20 percent. The CSMB reported that, according to official data as of July 1, 4,850 persons were being held in penitentiary

institutions designated to hold a maximum of 4,396 inmates. The CSMB stated that in Nubarashen, the country's largest penitentiary, 16 to 20 inmates were kept in cells designed to hold only eight persons, with convicts taking turns sleeping. According to the CSMB, the overcrowding and consequent bad ventilation caused health and psychological problems and produced tensions and conflict among inmates. The CSMB noted that conditions could be interpreted under the European Convention of Human Rights as constituting cruel, inhuman, or degrading treatment, and, in certain cases, torture.

According to the CSMB, overcrowding was attributable in part to the courts' extensive use of pretrial detention and the limited application of alternative punishments and conditional release on parole. The board noted that, according to 2009 data, only 14 percent of inmates who qualified for early release on parole were actually released. During the year human rights activists and attorneys continued to voice concerns over the activities of the Commissions on Early Release and Release on Parole, particularly the absence of strict criteria for the commissions' decision-making process, the lack of an appeal mechanism, and the fact that most members of the commissions were representatives of law enforcement structures who were prone to hold a bias against individuals with criminal records.

During the year the CSMB filed several urgent reports to the Ministry of Justice regarding the deteriorating health condition of some convicts; although these convicts theoretically qualified for early release on account of their health problems, they remained in prison. According to the CSMB, the interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act, which resulted in undue delays in their deliberations.

According to official information, the average number of persons held in penitentiaries during the year was 4,807 persons. This included an average yearly number of 456 pretrial detainees and 416 detainees whose cases were in progress and who were in custody awaiting court verdicts. Pretrial detainees were confined separately from inmates. The total capacity of all penitentiary institutions was 4,395 persons.

By the end of the year, there were 204 women (143 convicts and 61 detainees) and 34 juveniles (22 convicts and 12 detainees) who were kept in the Abovian penitentiary for women and juveniles. One of the juvenile detainees was a woman. Women and male juveniles were kept in separate zones. There were no facilities for female juvenile convicts, mainly because juvenile girls were rarely convicted; however, if convicted they were held with adult women. Inmates were housed in large dormitories--with women housed separately from juvenile boys--and, according to domestic observers, this arrangement generated conditions that were worse than those observed at penitentiaries where inmates were confined in separate cells.

In its 2009 report, the PMG described the use of police detention cells as actual holding centers for pretrial detainees as a significant problem. In the regions outside of Yerevan, pretrial detainees outnumbered arrestees in police cells by more than two to one--2,276 of the former compared with 915 of the latter. By law pretrial detainees may not be held in police cells for more than three days, since the cells were not equipped to offer detainees the same conditions as pretrial detention cells at penitentiaries. However, the PMG reported that in the regions there were instances of pretrial detainees spending as long as 27 days in police cells. While the PMG monitored police detention facilities, they did not have access to police station premises.

Convicts and detainees did not always have reasonable access to visitors. Both have the right to short-term visits, and convicts are also entitled to long-term (conjugal) visits. A person under pretrial detention is granted at least two visits per month (each lasting up to three hours) with close relatives, representatives of the mass media, or other persons--unless the body conducting pretrial proceedings has prohibited such visits. Most convicts are entitled to at least one short-term visit per month (lasting up to four hours) with close relatives or other persons and to long-term visits (up to three days) with close relatives once per every two months. These minimum entitlements were not always met, however, mainly for technical reasons. Due to overcrowding, individuals confined in the Nubarashen penitentiary could not exercise their right

to visits or were forced to accept much shorter visits than provided by law. Persons convicted of especially grave crimes and those serving life sentences are entitled to fewer visits--three short-term and one long-term visit per year. According to domestic observers, these additional limitations on access constituted excessive punishment beyond what was ordered by the courts.

According to domestic observers, authorities did not investigate credible allegations of inhumane conditions and did not document the results of such investigations in a publicly accessible manner. In addition authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities requesting investigation of credible allegations of inhumane conditions. By law the communications of pretrial detainees may only be censored by a court order. However, according to domestic observers, there were numerous cases when the letters of convicted persons were read and censored by prison administrations.

According to domestic observers, the government did not efficiently investigate and monitor conditions in prison and detention facilities. The Oversight Department of the Ministry of Justice was in charge of monitoring the implementation of the legal requirements for the penitentiaries, but according to domestic observers, it did not have sufficient staff and resources to carry out this function effectively.

During the year there were no cases launched against prison administration or other officials for violence toward inmates.

On July 20, the ombudsman sent a letter to the Ministry of Justice conveying his concern about suicides and deadly accidents in the Nubarashen prison during the May to July period. He asked the ministry to explain these events and describe the measures it was taking to address them. In its response, the Ministry of Justice reported that it had discovered a number of violations committed by prison administration and medical personnel in civilian medical institutions and, while they had not contributed to the deaths, they nevertheless rendered those in confinement more vulnerable. The Ministry of Justice said it was taking measures to correct the situation.

Domestic prison monitors believed that the increase in deaths was correlated with worsening prison conditions. According to official information during the year, 37 deaths were registered in the penitentiaries--an increase from 15 cases in 2009. Most of the deaths were due to illnesses, one was due to an accident, and four were suicides.

Corruption among prison officials was also a problem in which both prisoners and administration participated (see section 4). In 2009 the NGO Helsinki Committee reported the account of a former prisoner at Nubarashen penitentiary who claimed that the prison was ruled by a clandestine organized criminal system, with rampant corruption affecting the prisoners and involving the administration; he described secrecy, blackmail, gambling, torture, psychological pressure, intimidation, and inducing inmates to commit suicide as prevalent practices. The account alleged that bribes had to be paid for legally prescribed privileges, such as visits, walks, telephone calls, and receipt of packages.

The government generally permitted domestic NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in prisons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities generally permitted CSMB personnel to visit prisons without advance notice.

In 2008 the National Assembly delegated to the ombudsman responsibility for the country's implementation of the Optional Protocol to the United Nations Convention against Torture (OPCAT). Overseen by the Office of the Ombudsman, a group of four representatives of various NGOs and three experts appointed by the ombudsman began implementing OPCAT during the year and visited various detention facilities and police stations beginning in the summer months.

The Law on the Human Rights Defender does not specify whether the ombudsman can serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate inhumane

overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense. The law does allow the ombudsman, after receiving a complaint of a human right violation from any person, to propose corrective action by the state to eliminate the committed violation, including initiating legal action to invalidate any legal acts of the state that violate human rights and fundamental freedoms.

At the conclusion of its September observation mission, the UNHRC working group found some positive developments, including efforts to improve physical conditions in the prisons and detention centers it visited, and noted that 33 out of 40 police detention centers had been refurbished. The statement also stressed the apparent good rapport between prisoners, detainees, and prison guards and reported it did not receive any allegations of abuse of power or mistreatment by prison guards from any inmate.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. While statutory law provides for adequate judicial review, judges are often reluctant, however, to challenge the requests of prosecutors in detaining persons or the conduct of police in arresting suspects. Statutory law does not require that a wanted person for whom a warrant has been issued be promptly brought before a judge for the review of his detention after apprehension. However, case law from the Cassation Court requires such prompt judicial review. In practice authorities on occasion arrested and detained criminal suspects without reasonable suspicion. Authorities continued to detain arbitrarily individuals who held political affiliations or engaged in activities perceived to be in opposition to the government.

#### Role of the Police and Security Apparatus

The national police are responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control; the heads of both organizations are appointed by the president. The police and the NSS continued to lack sufficient training, resources, and established procedures to implement reforms successfully or to prevent incidents of abuse. Law enforcement bodies did little to investigate allegations of abuse within their ranks. As a result, impunity remained a chronic, serious problem, particularly among police personnel.

There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. According to official information, during the year the police conducted 24 internal investigations into citizens' complaints of police misconduct and brutality against detained or arrested persons, witnesses, or citizens. Eighteen of the cases were considered unsubstantiated by proof; two were in progress; and four cases resulted in disciplinary actions towards four police officers, including removal from service in one case.

During the year the SIS conducted four investigations into instances of abuse by representatives of law enforcement bodies. Two of these cases involving eight defendants were sent to the courts, one was dropped due to the absence of a crime, and one was suspended since the perpetrator could not be found.

By law detainees may file complaints before trial to address abuses allegedly committed by law enforcement personnel during criminal investigations; however, detainees must obtain permission from the police or prosecutor's office to undergo the forensic medical examination that is required to substantiate a report of physical abuse. Human rights NGOs continued to report that authorities rarely granted such permission or granted it at a later date when physical signs of abuse were no longer visible.

On March 31, the government approved the 2010-11 Police Reform Program. The program was developed with the support of the Organization for Security and Cooperation in Europe (OSCE) and recommended structural, organizational,

and educational reforms in the police. Authorities continued to develop community policing initiatives in cooperation with the OSCE, through which two police outreach stations were opened in Yerevan's Arabkir District in 2009.

On May 14, the two opposition members of a fact-finding group the government created and subsequently disbanded after the 2008 postelection disturbances, released a report on the involvement of the armed forces in those events. The report asserted that armed forces units were ordered into Yerevan prior to the declaration of the state of emergency on March 1 and argued that this was a violation of the constitution. As evidence the authors cited a legal analysis of the constitution, the numerous contradictions between the statements of various officials, available photographic and video material, and a 2008 top secret directive that was leaked to the press in December 2009. The directive, issued by then minister of defense Mikael Harutyunian, placed the armed forces on high alert, ordered the formation and arming of special groups of officers, and created a special command structure with broad control over military units stationed in and around Yerevan under the leadership of then commander of the Yerevan garrison and deputy minister of defense, Yuri Khachaturov. On May 4, Armen Sargsian, a former senior defense ministry official, was sentenced to two years in prison for leaking the document; his subordinate, Lyusia Aivazian, received a one-year suspended sentence on the same charges. Following the release of the secret directive and the report by the former members of the fact-finding group of experts, the political opposition claimed that the actions of the authorities represented a coup d'état.

#### Arrest Procedures and Treatment While in Detention

Within three hours of taking a person into custody, the investigative body must either formally arrest or release the individual. Within 72 hours after taking a person into custody, the investigative body must either release the arrested person or bring charges against the individual and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants. At times police summoned individuals and held them in excess of three hours, without a formal arrest, on the pretext that they were material witnesses to a crime (and not suspects). Domestic observers contended police avoided labeling summoned persons as suspects to avoid the legal requirement to grant them the rights of suspects.

According to the PMG's 2009 report, the registries of police detention facilities noted 257 occasions when the right to meet with an attorney had been exercised by the 4,158 persons held in such facilities during 2009. This figure included instances when the same person met with his attorney several times.

In its statement of preliminary observations issued in September, the UNHRC Working Group on Arbitrary Detention noted the excessive powers of police, the NSS, and Border Guards facilitated the arrest and detention of numerous individuals without an arrest warrant. Arrests were often not a consequence of an ongoing police investigation; instead, persons were detained to be investigated.

The law provides for a bail system; however, in practice most courts denied requests for bail, ordering instead either continued detention or release of defendants on their own recognizance pending trial. In the latter case, defendants were sometimes required to surrender their passports and to sign statements promising not to leave the country or, in some cases, the city limits. Attorneys and court observers complained that while the law requires reasoned decisions be made on detention, and that detention be viewed as the measure of last resort, in practice detention decisions were often approved automatically by courts, with little consideration given to whether less restrictive alternatives might suffice to assure the orderly administration of justice. The overuse of detention applied also to juvenile offenders. There is no separate system for dealing with juvenile offenders and, in the view of some observers, the lack of demarcation between the adult and juvenile systems fails to recognize the unique nature of juvenile justice fully.

On March 8, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) issued the final report on its trial monitoring project in the country from April 2008 to July 2009, which contained findings from ODIHR's monitoring of the

criminal trials resulting from the postelection unrest in 2008. According to the report, judicial review of arrest and detention did not always meet either international standards or national legal requirements, and decisions to keep persons who were accused in custody pending trial were not reasoned properly and did not adequately address the facts in individual cases. The ODIHR report stated that alternatives to custody were seldom explored, and defense motions requesting them were frequently not addressed. Police arrests were often improperly and inaccurately documented, which created doubts about the legality of arrests and detention in police custody. The report noted the law treated detention hearings as closed hearings. The justification given by judicial authorities for holding closed hearings was to protect information obtained during a criminal investigation; however, this procedure prevented the media and public from monitoring the appropriateness of detention decisions and shielded courts from any scrutiny of those decisions.

The law requires police to inform detainees of their rights to remain silent, to make a telephone call, and to be represented by an attorney from the moment of arrest. Public defenders must be provided in the case of indigent detainees; however, in practice police often questioned and pressured detainees to confess to crimes prior to indictment and in the absence of legal counsel. The practice of detaining individuals as "material witnesses" before designating them as suspects resulted in the questioning of individuals without the benefit of a defense attorney. Police sometimes restricted detainees' access to family members and attorneys.

Between May 28 and 31, police, under the command of Deputy Chief of Yerevan Police Robert Melkonian, arbitrarily detained dozens of persons--mainly youth activists, representatives of the political opposition, and some journalists--who sought to enter the centrally located Freedom Square after police ordered them not to do so--in several instances resorting to force to deter them (see section 2.b.).

Lengthy pretrial or preventive detention remained a chronic problem. Although the law requires a well-reasoned decision to justify grounds for an extension of pretrial custody, judges routinely prolonged custody on seemingly unclear grounds. In practice authorities generally respected the provision of the law stipulating that pretrial detention could not extend beyond 12 months. However, the law does not set any limits for detention of defendants once their cases are sent to court.

According to official information, during the year the average prison population consisted of 4,807 inmates of which pretrial detainees totaled 456 persons and 416 were detainees whose trials were in progress.

In a statement containing its preliminary observations on its September 6 to 15 visit, the UNHRC working group noted the ratio in prisons between persons in pretrial detention and those convicted seemed proportional and adequate, with approximately a quarter of detainees on remand.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, courts remained subject to political pressure from the executive branch as well as the self-imposed expectation that judges would find the accused guilty in almost every case. Although judicial corruption continued to exist, courtroom observers believe it occurred less frequently than in the past. This was due to several reported factors--judicial salaries were raised significantly; many corruption cases were brought against mid to low-level government personnel (including police officers and prosecutors); and the mindset of judges has become more cautious due to a greater possibility of disciplinary action and other penalties than in previous years.

Trials usually met many of the procedural standards for fairness; however, they were often unfair in substance, because many judges felt compelled to work with prosecutors to achieve convictions. Judges were reluctant to challenge police experts or hold the prosecution accountable for meeting an appropriately high standard of guilt, thereby hampering the defendant's ability to mount a credible defense.

Since 2008 the ECHR has found 13 violations of citizens' right to a fair trial as provided under the European Convention on Human Rights. In one case decided during the year, the ECHR declared the right of access to a court was violated when the Court of Cassation rejected an applicant's appeal as not timely without due regard to the fact that the applicant was unable to submit the appeal for reasons beyond his control. The judgment went into effect on October 4, following the government's unsuccessful appeal of the decision to the Great Chamber of the ECHR.

#### Trial Procedures

The law requires most trials be public but permits exceptions, including when a secret trial is deemed to be in the interest of "morals," national security, or for the "protection of the private lives of the participants." Juries are not used. A single judge issues verdicts in first instance courts (except for cases on crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants generally have the right, and are generally required, to be present at their trials. They have the right to counsel of their own choosing, and the government is required to provide them with defense counsel--a public defender--upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Reportedly, defendants would at times refuse their public defenders because of the perception that public defenders colluded with prosecutors.

By law defendants may confront witnesses, present evidence, and examine the government's case in advance of the trial; however, in practice defendants and their attorneys had very little ability to challenge government witnesses, particularly police officers. Under the law, police officers are prohibited from testifying at trial in their official capacities unless they are testifying as a witness or victim in a case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no ability to challenge the findings of these official reports, which were generally considered by courts to be unimpeachable. Judges controlled the "witness list," which designated the witnesses deemed to have evidence relevant to a criminal case, and defense attorneys complained that at times they were not allowed to call or obtain the attendance at trial of witnesses whom they believed to have evidence helpful to their client's defense.

Defendants, prosecutors, and the injured party have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was frequently violated.

Courts at all levels failed to give proper consideration to claims by defendants or witnesses that they had undergone torture during the investigation of their cases. Defense lawyers have the right to present evidence of torture to overturn improperly obtained confessions; however, judges often did not respond to such evidence, gave it little credence, or rejected it outright and issued guilty verdicts in cases where witnesses had alleged torture. A reported exception was the December 2009 decision of a trial court judge in the Aragatsotn region, who recognized as unacceptable the testimony obtained from the daughters of Sasha Davtian on the grounds that those testimonies had been obtained in an unlawful manner, under duress. In spite of this decision, no subsequent investigation or prosecution of those who committed the rape was conducted, nor was there an investigation into the violence allegedly inflicted on the family by police officers (see section 1. c.). Judges also failed to exclude evidence resulting from illegal arrests.

The OSCE/ODIHR trial monitoring report released on March 8 observed that the right not to be compelled to testify and the obligation to exclude unlawfully obtained evidence were not always respected in practice. Defense motions to exclude such evidence were largely ignored or denied. In some cases judges relied on pretrial statements of defendants which conflicted with their testimonies during the trial, despite allegations the pretrial statements were made under duress and intimidation. Similarly, judges relied on witness statements despite allegations they were obtained under duress. Research on this subject by the UN Development Program, in collaboration with the ombudsman, concluded that even in the

presence of objective indications that a party to the trial had been subjected to torture, the courts did not raise the issue, and, in rare instances, evidence was admitted even when it was officially recognized that it had been obtained as a result of an act of torture.

Domestic observers maintained that judges were somewhat more sensitive to the rights of the defense than in years past; however, the courts tended to favor the prosecution in all but a few proceedings. They cited as evidence the courts' continued denials of defense motions and improper editing of the records of court proceedings.

It was very common for witnesses in criminal cases to disavow in court statements they had previously given to police. This may be done in part because witnesses fear retribution from the defendant, in part because their initial statements were made under police pressure, but mostly it is done because it is the custom and practice to recant such statements so as to accuse a person in a public forum. As such recantations are common in criminal cases, the courts routinely relied on a witness's initial statement to find an accused person guilty.

Expert opinions proffered by the prosecution were often not effectively challenged. This circumstance was sometimes due to reluctance of the courts to grant motions of defense attorneys requesting additional forensic expertise. The OSCE/ODIHR report noted that defense lawyers regularly motioned the courts to summon witnesses, order forensic expertise, and introduce other additional evidence. Courts were generally reluctant to grant such motions and often refused to do so without providing a rationale as required by law. Defense lawyers claimed that such attitudes prevented them from defending their clients, especially if the clients were perceived to be opponents of the government.

On January 14, the Constitutional Court ruled unconstitutional the "contempt of court" provision of the criminal code, since it envisaged criminal liability only towards witnesses, victims, and defense attorneys, but not prosecutors. The ruling was based on the application of the ombudsman in response to a request from the Chamber of Advocates (defense bar), after two criminal cases were launched against four defense attorneys for disrespectful actions towards the court. The defense attorneys had walked out of a trial of Khachatour Sukiasian, a prominent opposition supporter, member of parliament, and businessman whom they were defending, to illustrate that the trial could go on without them, as they complained that trials for criminal cases were a formality, with verdicts decided by judges before the trials started. These and other defense attorneys claimed this put them in a difficult situation in which they were present at the trial but unable to defend their clients. The four attorneys were acquitted following the Constitutional Court ruling.

Two court decisions during the year appeared to shift the balance slightly in the direction of defendants. On March 26, the Cassation Court ruled that a statement given to investigators by an individual classified by police--the investigative body in the country--as a "witness" could not be used against that person in a criminal case because in reality that person was a suspect whom the police had classified as a witness and who had been denied the right to an attorney. The court's decision followed a ruling by the ECHR that the actual status of a person was determinative of that person's rights, and that the artificial determination made by a police officer would not determine a person's true status and rights.

On April 2, the Constitutional Court found unconstitutional a 2007 provision in the criminal procedural code which allowed trial judges to suspend a trial and apply to the Prosecutor General's Office for revision of the indictment protocol to include new or aggravated charges. The Constitutional Court ruled this provision was in violation of the main principles of fair trial and the presumption of innocence. This decision, viewed by many observers as significant, reaffirmed the judiciary must be independent from the prosecution and that these entities cannot coordinate efforts to secure a conviction.

As in the past, the vast majority of criminal cases sent to trial resulted in convictions. Observers reported this was because many judges felt it was their job to work with the prosecutors and return guilty verdicts. Furthermore, many judges feared they would face retribution should they return an acquittal on a sensitive case that was important to authorities. Notwithstanding that many weak cases resulted in convictions, the high conviction rate could also be attributed to police

investigators weeding out weak cases and not sending them to court. According to court statistics, the courts rendered only 31 acquittals (both partial and full acquittals in reference to 39 persons) out of a total of 3,307 verdicts announced during the year, an acquittal rate of approximately 0.9 percent. However, in comparison with 2009, the number of acquittals increased.

In December 2009 the ombudsman issued a public report in which he noted that violations of the right to a fair trial distorted the role of the courts as an impartial arbiter, keeping public confidence in the administration of justice very low.

#### Political Prisoners and Detainees

During the year authorities released four individuals who had been convicted in connection with the 2008 presidential election and postelection unrest. Two other individuals convicted in connection with these events were released from prison after serving their full sentences, while a handful of other individuals remained incarcerated. Most were supporters or members of the political opposition that disputed the outcome of the 2008 presidential election or participated in postelection demonstrations. The arrests and trials of most or all of the incarcerated individuals appeared politically influenced to varying degrees. Some were charged under broadly defined criminal charges of "usurpation of state authority" or "organizing mass disorder," while others were prosecuted under weapons possession laws or for resisting arrest. As a result of subsequent amendments to the criminal code, the "usurpation of state authority" charges were dropped, but the other charges remained. Authorities continued to deny the presence of political prisoners in the country.

On January 29 and July 29, Mkrtych Sapeyan and his brother Zhora Sapeyan were released after serving their terms of two and two-and-a-half years, respectively. They were convicted, in a trial many observers considered lacking due process and politically motivated, of beating a government supporter who heckled opposition presidential candidate Levon Ter-Petrossian in the town of Talin during a 2008 campaign rally.

Oppositionists Ashot Manukian, Mushegh Saghatelian, Gabriel Gabrielian, and Felix Gevorgian, who had been imprisoned following the 2008 events, were granted early release on October 29, November 24, December 6, and December 9, respectively, after serving half of their sentences that many considered politically motivated.

On February 10, authorities returned Sasun Mikaelian to a prison hospital after he underwent a second heart surgery in a private clinic. Mikaelian was a supporter of 2008 opposition presidential candidate Ter-Petrossian and a former member of parliament who was sentenced to eight years' imprisonment for illegal weapons possession and organizing mass disorder following the 2008 events in a trial many considered politically motivated. Arevik Stepanian, a physician at the clinic, claimed that Mikaelian, who in addition to heart trouble suffered from war-time injuries, needed physical exercise, a special diet, and constant monitoring by a cardiologist. The Ministry of Justice claimed that Mikaelian could receive the necessary treatment at the prison hospital, a claim his family members strongly disputed. Throughout the year there were reports that Mikaelian's health was deteriorating and, on more than one occasion, he was taken to a civilian hospital for urgent care. The opposition Armenian National Congress (ANC) claimed that Mikaelian was eligible for, and should be granted, early release on health grounds in accordance with the criminal procedural code. However, he remained in a prison hospital at year's end.

On January 19, Nikol Pashinian, a prominent opposition figure and editor of the opposition *Haykakan Zhamanak* daily, was convicted of organizing "mass disorder" in connection with the March 2008 events and sentenced to seven years' imprisonment in a trial many observers considered to be politically motivated. At the same time, Pashinian was acquitted of assaulting a police officer during a separate preelection opposition demonstration in 2007. The Court of Appeals upheld the verdict on March 9 but ruled he was eligible for the June 2009 amnesty, and his sentence was reduced by half.

On February 12, Saribek Sukiasian was detained by police and held for 72 hours for allegedly keeping the businessman Gor Davtian hostage in his office to renegotiate the terms of ownership of one of the companies owned by his brother, Khachatur Sukiasian. Khachatur Sukiasian's family and companies continued to be government targets, apparently in retaliation for his support of Ter-Petrosian's 2008 presidential candidacy. Charges against Saribek Sukiasian were dropped on June 14 due to lack of evidence. According to official information, on October 19, the SIS dropped the criminal case against Sukiasian as his participation in the alleged crime was not proven.

#### Regional Human Rights Court Decisions

Once they have exhausted domestic legal remedies, citizens may apply to the ECHR for the redress of grievances involving an alleged infringement of rights under the European Convention on Human Rights. During the year the ECHR announced it handed down five judgments against the state and that dozens of applications remained pending before the court at year's end. In 2009 the ECHR issued judgments in nine cases involving the country, eight of which found at least one violation of the convention by the state.

The government was generally responsive in providing specific monetary compensation when ordered to do so by ECHR. However, it was substantially less responsive in readjudicating the cases that resulted in the violations of the European Convention of Human Rights--and the ECHR's subsequent decisions--and in making legislative or administrative corrective changes to prevent similar violations. For example, on August 13, the Court of Cassation again refused Meltex Limited, the parent company of broadcaster A1Plus, a broadcast license, despite an ECHR ruling that the government violated the freedom of expression provisions of the convention by failing to provide a written explanation for denying it a license in 2002. However, the government paid 30,000 euros (\$42,900) to Meltex Limited as ordered by the ECHR.

In 2007 the ECHR had stated that during the trial of the criminal case Misha Harutiunian versus Armenia, Harutiunian's right to a fair trial was violated when evidence that had been obtained by torture was used as proof of guilt in the case. In its April 2009 decision, the Court of Cassation reversed previous judgments against Harutiunian and sent the case to the court of general jurisdiction of the Syunik Region for a new trial. On March 22, Harutiunian was again convicted and sentenced to 10 years in prison, exactly the same amount of time which he had already served. The defense appealed the judgment in the Review Criminal Court, and the case was pending at year's end. Harutiunian's defense attorneys raised issues as to whether the ECHR decision was properly enforced. The ECHR judgment had legally obliged the country to stop the violation and eliminate its consequences to restore Harutiunian to the state existing before the judgment to the highest possible extent. The defense challenged the action of the government, alleging that by reconvicting Harutiunian, who had already served his entire sentence, the government had failed to follow the principle of restitution. The defense further alleged the evidence used in the second trial was insufficient to support the second conviction.

#### Civil Judicial Procedures and Remedies

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had access to the Office of the Ombudsman as well as to the Constitutional Court in order to challenge the constitutionality of legislation.

There was no progress during the year in the cases of many Yerevan residents whose property was razed on eminent domain grounds, despite the Constitutional Court's ruling in 2006 that the 2002 government decision authorizing such demolitions violated the constitution. In June 2009 the ECHR delivered a verdict in the Minasian and Semerjian versus

Armenia case, ruling the state had violated the property rights of both citizens when expropriating their property. By the end of the year, ECHR had not made an accompanying decision on the amount of the compensation to be provided.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications. However, the government violated these rights in practice.

By law judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence of criminal activity; however, during the year judges arbitrarily granted permission, and searches without warrants reportedly occurred. According to a February 23 statement issued by the defense attorneys of Saribek Sukiasian, the police on February 13 conducted an illegal search in the office of "SIL Concern" CJSC belonging to the Sukiasian family. According to the defense attorneys, although the court warrant was issued for a different address, the investigator allegedly wrote over the other address to carry out the search. The statement also noted police had illegally confiscated a computer in the office that contained important material in reference to Saribek Sukiasian's case that should have been protected by attorney-client privilege.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government did not always respect these rights in practice. There continued to be incidents of violence and intimidation of the press and press self-censorship throughout the year. The media, especially television, continued to lack diversity of opinion and objective reporting. Domestic and international observers expressed concern substantive changes to media legislation enacted during the year, in connection with the country's planned switchover to digitalized broadcasting, could reduce media pluralism and citizens' access to diverse information and opinions.

Individuals could generally criticize the government publicly and privately without fear of retaliation; however, media outlets, particularly broadcasters, feared reprisal for reporting that was critical of the government. These reprisals included the threat of losing a broadcast license or of a selective tax investigation, as well as loss of revenue when advertisers learned an outlet was in disfavor with the government. This fear of retribution led to a high degree of self-censorship.

Most newspapers were privately owned, with the exception of government-sponsored *Hayastani Hanrapetutian* and its Russian-language version, *Respublika Armenii*. The print media generally expressed a wide variety of views without restriction but remained influenced by economic or political interest groups or individuals.

Greater plurality of opinion existed in online publications, although the readership of online media remained limited, especially outside Yerevan.

Newspaper circulation remained very limited, as was the audience for the country's 20 radio stations, of which three were public and two were broadcast from abroad. According to official information, 82 television stations operated during the year, of which three were public and four were broadcast from abroad. All but the three public television stations were privately owned, and half of all of the television stations operating in the country were small broadcasters based in outlying regions. Only the state-owned Public Television (H1) had nationwide coverage, although several other stations were able to broadcast beyond their home regions. Most stations were owned by progovernment politicians or well-connected businessmen, factors that continued to prompt journalists working for them to practice self-censorship. Major broadcast media outlets generally expressed progovernment views and avoided editorial comment or reporting critical of the government.

During the year there were reports of physical attacks against journalists in connection with their journalistic activity. Many of the perpetrators remained unidentified. Representatives of law enforcement agencies also occasionally harassed journalists during the year. There were no new developments in the investigation of attacks against journalists recorded in previous years.

The government's relationship with journalists, particularly those who were independent of, or regarded as hostile to, the authorities was not constructive. There were no reports authorities took any special measures during the year to protect threatened or vulnerable journalists or to punish those who sought to intimidate them.

On February 24, Gagik Margarian, a police officer seconded to the SIS, reportedly attacked photojournalist Gagik Shamshian as Shamshian was about to enter the Prosecutor General's Office to cover a press conference. When Shamshian refused to stop taking pictures of Margarian as Margarian was entering the office, Margarian reportedly swore at Shamshian and struck him in the head with a briefcase. During the press conference, the prosecutor general encouraged the photojournalist to file a complaint and to share with law enforcement bodies the footage he had taken. On February 25, an investigation of possible battery and obstruction of a journalist's work was launched against Margarian, and in a press release issued the same day, the Prosecutor General's Office condemned "all manifestations of violence, regardless of towards whom it is directed," and posted on its Web site the video footage of the incident caught by its security cameras. The video footage depicted a scuffle between Shamshian and Margarian, where the two mostly pushed each other, but also showed Margarian striking Shamshian's head with a briefcase. According to the February 25 medical report issued by the hospital he visited after the scuffle, Shamshian suffered damage to his ear membrane as a result of the blow; however, according to the subsequent March 1 medical forensic examination that formed part of the investigation, the injury could not have been sustained as a result of the scuffle. On April 9, the case against Margarian was dropped for "lack of a criminal action," since according to official information, most witnesses attested that Shamshian provoked the attack.

Investigative journalism was often viewed negatively, especially by those who were the subjects of scrutiny. Physical attacks on investigative journalists, or other attempts to discourage whistle-blowing by journalists, continued to occur. On April 2, the *Azg* daily reported its reporter was attacked by a construction worker when the reporter tried to photograph a construction site in downtown Yerevan. The worker allegedly struck the reporter on the head and shoulders and tried to grab the camera and the bag from him. Nearby students helped the reporter escape the attacker. Reportedly the worker threatened the journalist, saying that "your hours are numbered." The reporter chose not to press charges and remained unidentified.

On May 31, during a small opposition gathering, police detained Susanna Poghosian and Lilit Tadevosian, reporters for the opposition newspapers *Haykakan Zhamanak* and *Hayk*, respectively, as they were performing their journalistic duties. Poghosian and Tadevosian were released later the same day.

On the same day, Ani Gevorgian, another reporter from the opposition *Haykakan Zhamanak* daily, was arrested as she was filming a confrontation between police and opposition supporters near Freedom Square. She was charged with assaulting a police officer. On June 3, she was released by a court on condition she not depart the country. On November 29, the criminal case against Gevorgian was dropped.

On September 7, members of Prime Minister Sargsian's entourage accompanying him to the opening of a cultural center in the Shirak Region reportedly impeded the journalistic activities of the independent GALA television and broke a microphone belonging to the company. In a statement released on September 7, GALA described the incident as obstruction of journalistic activity. The statement also noted that, after the incident, an employee of the prime minister's press service offered a verbal apology to GALA's journalist. However, on the same day, an assistant to the prime minister

denied GALA's allegations, claimed that one of Sargsian's bodyguards had accidentally broken the microphone's tripod, and stated other journalists present could prove it was an accident. The assistant also announced that GALA would be compensated for the damages to the company's equipment, but no such compensation was provided by year's end.

At year's end, there were no indications police investigated allegations of police abuse in connection with the reported April 2009 attack on journalist David Jalalian. Jalalian was reportedly attacked by police officers before Yerevan's May 2009 municipal election while he was covering an opposition gathering in downtown Yerevan. The initial reports of the attack, accompanied with photos of Jalalian's injuries, were followed by a report that Jalalian testified to the police that he was not beaten but instead pushed by police officers and fell on his back. Media reports alleged that Jalalian recanted after two police officers visited him at his home and threatened him.

An NSS investigation of an apparent attempt in April 2009 to kill Argishti Kivirian, an attorney and the editor of two independent online media outlets, continued at year's end. Three assailants attacked Kivirian with wooden batons and tried to shoot him in the entryway of his apartment building as he returned home from work in the early morning. Kivirian was hospitalized in grave condition with severe injuries and cuts on his head and body and was placed in intensive care. In July 2009 the NSS arrested two suspects, Gurgen Kilikian and Vladik Merabian, and charged them with attempted murder but released them on March 8 pending further investigation.

There were no developments in the investigation of the May 2009 attack on Nver Mnatsakanian, a news anchor and talk show host for the private Shant TV television station. Mnatsakanian was attacked and beaten by unknown assailants on his way home from work and suffered injuries to his head, foot, and hand, requiring treatment in a hospital. The case was suspended in September 2009, since the perpetrators were not found.

There were no developments in the investigation of any of the attacks on journalists during the May 2009 Yerevan municipal elections. On election day, violence and abuse directed at journalists often occurred in the presence of police and election officials, who did not intervene either to prevent or stop it.

There was no progress during the year in resolving numerous cases of intimidation and violence against journalists and damage to their property during the 2008 presidential election. Likewise, no progress was made in the numerous cases of widespread harassment and intimidation of reporters during the 2008 postelection protests. There were no suspects identified or prosecutions initiated in connection with these incidents, except in one case of a voting precinct chairperson who was fined for restricting the rights of a journalist and election observers at a polling place.

Police reportedly continued their search for two of the three persons who violently attacked investigative journalist Edik Baghdasarian, known for exposing corruption, in 2008. In June 2009 one individual, Karen Harutyunian, was sentenced to five years in prison for his role in the attack. Police failed to apprehend the two other alleged perpetrators and suspended their investigation in October 2009.

There was no progress in the investigation of the 2008 attacks against Gyumri-based Asparez Journalists Club .

During the year the GALA television station based in Gyumri continued to face legal disputes and government pressure that led most advertisers to withdraw their commercials. On April 6, the State Revenue Committee (SRC) terminated the customs clearance of equipment GALA was seeking to import, claiming the broadcaster owed 822,200 drams (approximately \$2,100) in fines imposed for its failure to pay back taxes in 2007-08. GALA insisted it had no outstanding tax obligations, but its equipment was cleared by customs only after the SRC seized the 822,200 (\$2,100) drams from the company. In May GALA's executive director, Karine Harutyunian, stated that advertisers were cancelling their commercials under government pressure. Only the French-owned mobile telephone operator Orange continued to place its commercials with the television station. The station's difficulties began in late 2007 when GALA broadcast a speech by

former president Levon Ter-Petrossian before he announced his candidacy for the 2008 presidential election. Following the broadcast, authorities launched an aggressive tax audit and in 2008 charged GALA 26 million drams (\$85,000) in back taxes, fines, and late fees.

On December 16, the National Commission on TV and Radio (NCTR) turned down the 13th bid for a frequency by the independent A1Plus television news outlet, which was forced off the air in 2002. According to the NCTR's chairman, Grigor Amalian, A1Plus lost its latest bid for a television broadcasting license to another television company because it presented false letters of financial support in its application for a new license. According to the attorneys of A1Plus, NCTR committed procedural violations in its conduct of the competition for the new license; they maintained the NCTR should have returned the application, requested clarifications, or completely removed A1Plus from the competition if it had concerns about the application's contents. A1Plus representatives also maintained that even without the funds that were pledged in the letters in question, the media outlet still had sufficient financial resources to carry out its proposed business plan. On December 20, A1Plus announced it had appealed to the administrative court to compel the NCTR to provide it with a copy of the application package of its competitor and winner of the tender, Armnews TV. NCTR had refused to provide the documents to A1Plus immediately after the competition, claiming it needed the documents for work, and that the documents would be provided only after January 20, 2011. A1Plus stated that it would file other appeals with the court on different aspects of the December 16 NCTR competition; however, by year's end no such appeals had been lodged.

In 2008, in response to an appeal from A1Plus, the ECHR ruled that the NCTR's refusal to provide a written explanation for its repeated refusals to grant a license violated the freedom of expression provisions of the European Convention on Human Rights. The ECHR awarded, and the government paid, 30,000 euros (approximately \$42,900) to A1Plus' parent company, Meltex Limited. However, the Cassation Court declined a subsequent application by A1plus that it revise its earlier decisions to comply with the ECHR decision, on grounds that the ECHR decision had not explicitly required it to do so. Meltex then appealed to the Constitutional Court, which ruled on February 12 that a provision of the civil procedure code the Cassation Court had relied upon in its decisions was unconstitutional. The Constitutional Court also noted the Cassation Court should have complied with an earlier ruling on this subject in an unrelated matter. However, on August 13, the Cassation Court again rebuffed a subsequent application by Meltex and reaffirmed its earlier decision to uphold the NCTR's decision to deny A1 Plus an operating license.

On May 18, the National Assembly adopted changes to the civil, criminal, and criminal procedural codes decriminalizing the offenses of "libel" and "insult." The changes were enacted in response to calls by international organizations for greater protection for freedom of expression. Dunja Mijatovic, the OSCE representative on freedom of the media, stated the country "made a significant step forward to support freedom of expression." Domestic media watchdog groups nevertheless asserted the ceiling for pecuniary damages was high in the domestic context; they cautioned that, although the authorities cited decriminalization as justification for the amendments, the offence of "false denunciation," whose definition is very similar to that of "libel" and "insult," still remained a criminal offense and could be used against journalists. At the same time, a statute remained in the criminal code criminalizing slander of judges, prosecutors, and other representatives of law enforcement bodies. As of year's end, there were no reported cases of the new statutes being used.

The transition from analog to digital broadcasting prompted additional amendments to the Law on Television and Radio, which, in spite of its stated purpose, were widely perceived as a way of further tightening government control of broadcast media and limiting the voices of independent media in advance of the next national election cycle in 2012-13. On May 10, the government published draft amendments to the law that it claimed were necessary to establish the legal framework for the transition. With little time for deliberation, the National Assembly, in its last session prior to the summer recess, enacted the amendments on June 10, and President Sargsian signed them a week later. The drafters of the amendments had offered assurances the recommendations of domestic media associations and international organizations would be considered when the National Assembly revised the drafts, but the final version ignored most of them. These amendments

followed the 2008 enactment, also done hurriedly and with little input from the parties most concerned, of controversial amendments to the same law that established a two-year moratorium on the issuance of broadcast licenses, also justified on the basis of the impending switchover to digital broadcasting.

While the June amendments failed to address key issues related to digitalization, such as the regulation of mobile and Internet broadcasting, digital transmitters, and network operators, they contained provisions many asserted were not technically necessary for digitalization, and, as domestic observers indicated, would significantly limit media freedom and pluralism. The June amendments would reduce the number of television channels eligible to broadcast in Yerevan from 22 to 18 and allow only one local channel to broadcast by digital signal from each of the country's 10 administrative regions to replace the multiple local television companies already broadcasting via analog signals. Regional television companies would be allowed to continue broadcasting analog signals until 2015.

The seemingly arbitrary number of digital broadcasting licenses perplexed domestic observers in light of the potential afforded by digital technology to expand vastly the number of television channels. The government claimed the reduction was required by the peculiarity of the frequency landscape; however, in spite of significant pressure from domestic media associations and international organizations, the government did not publicize the technical audit of available frequencies on which it claimed the planned reduction was based, making verification of the limitations impossible. Representatives from the NCTR, including its chairman, Grigor Amalian, had promised to release the audit initially in September, and later by October, but had not done so by year's end. Furthermore, in response to an inquiry by the domestic NGO Committee to Protect Freedom of Expression, the Ministry of Economy on December 2 stated that the foreign company which had been commissioned to conduct the technical audit had presented its final report on August 26--a date well after the Law on TV and Radio had been amended in June. The Ministry of Economy also stated that the government had rejected and returned the audit for revision on October 27. The amendments also imposed thematic directions for each of the future digital channels--such as youth-oriented and scientific-educational programming, entertainment, music, local and international news programming, and rebroadcasting of foreign TV channels--thereby restricting what each TV company could broadcast.

On June 15, OSCE media freedom representative, Dunja Mijatovic, whose office provided legal expertise and recommendations throughout the amendment process, announced the final version of the law passed by parliament failed to promote broadcast pluralism in the digital era. Although Mijatovic's office acknowledged that some of the OSCE's recommendations were acted upon, it noted others of crucial importance for a smooth transition from analog to digital broadcasting were not taken into account.

On July 20, as the 2008 moratorium on the issuance of new licenses expired, the NCTR issued a tender for applications for 18 broadcast licenses for nationwide, Yerevan-based, and regional broadcasting. On July 27, it issued a second tender for applications for seven more broadcast licenses, reportedly for TV broadcasters in the country's regions, notwithstanding that the June amendments specified that only 18 requests for broadcast licenses would be tendered. In October the NCTR announced that 20 media companies had applied for the 18 broadcast licenses it had tendered in July, with two of the licenses each being bid on by two competitors. On December 16, the NCTR selected the winners for the 18 licenses. A1Plus lost its bid to the Yerevan-based Armnews TV, widely perceived as a progovernment company. The Yerevan-based ALM TV, which unlike A1Plus had an existing broadcasting license and was in operation at year's end, lost its bid to Yerevan-based Yerevan TV.

On December 23, the NCTR announced the winners of the seven bids for regional-based broadcasting in the country's regions. Only two of the seven bids involved more than one competitor. GALA TV in the Shirak Region lost its bid in one of these competitive tenders to a television station widely perceived as progovernmental also operating there.

Prompted by the controversy sparked by the June amendments to the Law on Television and Radio, the Presidency announced on September 28 its recommendation to the ombudsman that he lead a working group to review the legislation and its effect on the digitalization process. The ombudsman accepted the offer and, on October 12, the group, consisting of representatives of various NGOs and state bodies, held its first meeting. At year's end, the working group had yet to issue any recommendations for amending the legislation passed in June, and it remained unclear when it would do so.

On September 16, the National Assembly passed amendments that significantly increased the fees charged to broadcasters--both annual fees for broadcasting and one-time fees for participating in a tender for a broadcast license. According to some observers, while the amount of the new fees was understandable considering the very low fees broadcasters had previously paid, their rapid escalation could nevertheless pose an insurmountable burden for smaller companies, especially those operating in the country's regions.

#### Internet Freedom

During the year there were no government restrictions on access to the Internet or reports of suspected government monitoring of e-mail or Internet chat conversations. During the year there were no reported cases of the government deliberately blocking independent or pro-opposition Web sites, as it had done during the 2008 state of emergency.

Internet cafes were widely available in the cities, although Internet service provider connections were often extremely slow, thus limiting their effectiveness. Some Internet cafes also operated outside urban areas. According to International Telecommunication Union statistics for 2010, approximately 7 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

On April 16, the Ministry of Education and Science prohibited the premiere showing of the film *Election* by Tigran Paskevichian at the National Center of Aesthetic Education. The film depicted the developments prior to and following the disputed 2008 presidential election. In explaining the decision, a ministry official, Arman Aivazian, referred to a provision of a governmental decree that prohibited religious and political organizations from conducting activities in not-for-profit institutions. Paskevichian denied the applicability of this statute to the movie showing and insisted his freedom of speech had been infringed. The film was eventually broadcast on GALA Television and was shown in small halls belonging to opposition parties.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, authorities restricted this right in practice, particularly the assembly of individuals perceived to be political opponents. Authorities continued arbitrarily to deny requests by opposition parties and other groups to gather or hold rallies in originally requested venues of Yerevan. Some groups reported lack of access to closed venues as well.

Domestic observers perceived the current Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations and its implementation as unfairly restricting individuals' right to assemble, with the implementation of the law giving authorities unfettered discretion to grant or deny permission to conduct meetings and rallies. According to the law, organizers must notify authorities about all planned gatherings with the exception of not mass public events (fewer than 100 persons) and spontaneously formed events. Observers complained, however, that these procedures were heavily regulated and contained loopholes that permitted abuse by the authorities. For example, although the law states that an authorized body is required to consider the notification of a mass public event (over 100 persons) within 72 hours of receiving it, and the organizers must be immediately informed about a decision, the law appears to prohibit any assembly if a decision is never

made by the authorized body. Furthermore, observers noted the criteria under which rallies may be denied are highly subjective, as any "justified official opinion" of the police or the National Security Service may be used to justify such a denial to permit assembly or to terminate an assembly that already began.

On May 25, in a report on freedom of assembly over the period 2008-09, the ombudsman concluded that the country's practices regarding peaceful assembly did not correspond with applicable international standards. The report stated that, although legislation on freedom of assembly was largely brought into line with international standards in 2004, it still contained ambiguous provisions that resulted in inconsistent application of the law, particularly when reviewing notifications, which led to legal uncertainty as to when applications could be denied. The report concluded the conduct of authorities in many cases supported the claim they did not adequately appreciate the importance of freedom of assembly or its utility in helping a country resolve its national problems.

During the year authorities prevented, dispersed, or otherwise interfered with gatherings by organizations it associated with opposition to its policies. On at least eight occasions during the year, authorities dispersed opposition ANC and other groups seeking to hold small scale demonstrations in Freedom Square or rejected permit applications by them to do so. Freedom Square reopened in May after two years of closure for construction of an underground parking lot. The square is particularly symbolic, as it has served as the country's historic venue for demonstrations against sitting governments. The square was the site of 10 days of peaceful protests following the disputed 2008 presidential elections until security forces used force to dislodge the protesters.

In the course of heading off one of these demonstrations, police told the demonstration leader his group could rally anywhere in Yerevan but Freedom Square. On at least two occasions, authorities cited other events that purportedly had been scheduled at the same time; however, observers noted that no notice of these events had been published. In several instances, police efforts to prevent the demonstrations resulted in violence, injuries, and the detention of some demonstrators.

On May 31, a skirmish between ANC supporters and police occurred when police stopped approximately 50 ANC supporters from entering Freedom Square. Police forcibly detained approximately 20 demonstrators and three journalists working for opposition newspapers. One of the detained journalists accused the police of beating and pushing individuals at the scene, regardless of whether they were ANC supporters or ordinary citizens. All but three of those detained were released within a few hours. The exceptions were journalist Ani Gevorgian and two youth activists, Sargis Gevorgian and Davit Kiramijian. In a written statement defending their actions, police stated that Sargis Gevorgian and Kiramijian struck a police sergeant and tore off his epaulettes; they provided no reason for Ani Gevorgian's arrest. The lawyer for the three claimed that all three were subjected to violence and suffered injuries. Ani Gevorgian and Sargis Gevorgian were released after 72 hours but were charged with violence towards a representative of authority. Davit Kiramijian, charged with hooliganism, was held without bail pending police investigation; however, he was released on July 2 following a court order. The combined trial for Davit Kiramijian and Sargis Gevorgian began on July 14 and, on December 28, both were convicted and given suspended two-year prison sentences. The investigation of the separate case against Ani Gevorgian, charged with using violence against two police officers, was dropped on November 29.

According to official information on the investigation of criminal cases launched in connection with the incidents occurring in and around Freedom Square from May 26 to June 1, police actions were deemed legitimate. The investigation found that ANC supporters had held mass gatherings in Freedom Square without permission from the municipality, disturbed the peace of citizens and various organizations, and insulted and attacked police officers, resulting in injury to several officers. The ANC denied these claims, asserting all the attempted gatherings were peaceful, small in size, and thus not requiring advance authorization.

In addition to preventing demonstrations in Freedom Square, police interfered with a number of other efforts by opposition groups to assemble peacefully during the year.

On February 19, ANC youth attempted to march in the center of Yerevan to mark the second anniversary of the disputed 2008 presidential elections. Police pushed them out of the street and cordoned off their rally area. Six youths were detained and released several hours later.

On March 1, the ANC held a rally in front of the Institute of Ancient Manuscripts. Police did not disperse the rally but reportedly tried to limit access to roads leading into Yerevan and denied buses entry into the capital. There were also reports police summoned ANC supporters outside of Yerevan and tried to persuade them not to participate in the rally. There were similar efforts by police to prevent persons from the regions from travelling to Yerevan to participate in other demonstrations.

On March 27, the ANC attempted to hold a town hall meeting in Gyumri in a privately owned sports center. The landlord accepted the rental payment, but after the meeting was announced in the press, NSS officers reportedly visited the landlord and compelled him to cancel the agreement. A second attempt by the ANC to hold the meeting in a movie theater was unsuccessful after the NSS reportedly pressured the theater owner to cancel that rental agreement.

The municipality of Yerevan rejected the application of the "We Are against Foreign Schools" initiative to organize a concert on June 19 in Aznavour Square in front of the Moscow Cinema.

On July 28, according to media reports, police used force to prevent a group of environmental activists from blocking the entrance to the Russia-based VTB Bank in downtown Yerevan. The activists were protesting mining, principally financed by the bank, in the country's Teghut forest. Armen Dovlatian, chairman of the Greens Union, was reportedly injured, while environmental activist Mariam Sukhudian was reportedly struck.

On September 29, the Armenian Revolutionary Federation (Dashnaktsutyun) political party, was able to hold a small rally in the town of Ashtarak despite the refusal of local authorities to sanction the rally and a subsequent decision of an administrative court on September 28 upholding the refusal.

On November 9, a videotaped skirmish occurred between police and a small number of ANC youth picketers who were protesting outside a Yerevan hotel at the start of an EU-organized human rights seminar. The skirmish broke out when police attempted to move the picketers forcibly behind a cordon they erected after the youth had already begun their peaceful picket. The police briefly detained youth activists Areg Gevorgian, Sargis Ghazarian, Sargis Gevorgian, and Vahagn Gevorgian, claiming that they disobeyed lawful demands, insulted and attacked a police official, and launched a criminal case of violence against representatives of authorities. The activists claimed police punched and kicked them at the police station. According to official information, the criminal case was dropped on December 28 with the investigation showing the youth had no intention of violating public order. Authorities did not investigate or question the legality of the police actions in breaking up the peaceful picket.

#### Freedom of Association

The constitution provides for freedom of association, and the government generally respected it in practice; however, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

#### c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, there were some restrictions in practice. The authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year there were numerous credible reports authorities prevented citizens residing outside Yerevan from travelling to attend opposition rallies in the capital.

To leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased within one day of application for approximately 1,000 drams (approximately \$3) for each year of validity.

The law does not prohibit forced exile, but there were no reports the government used it.

#### Internally Displaced Persons (IDPs)

During the country's war with Azerbaijan over Nagorno-Karabakh, authorities evacuated approximately 65,000 households from the border region, but most IDPs later returned to their homes or settled elsewhere. Of the remaining IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory. Other IDPs chose not to return due to socioeconomic hardship or fear of land mines. A 2005 mapping study conducted by the Norwegian Refugee Council, together with the Migration Agency under the Ministry of Territorial Administration, found that 8,399 IDPs resided in the country. There were no further studies to estimate current numbers of IDPs.

During a visit to the country in September, the UN representative on the human rights of IDPs, Walter Kaelin, cited a lack of adequate housing and limited economic opportunities as remaining obstacles faced by some of the country's IDPs.

#### Protection of Refugees

The laws provide for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

The law on refugees and asylum adopted in 2009 incorporated the basic principles of refugee protection established by the 1951 Convention relating to the Status of Refugees, bringing most aspects of the admission and treatment of asylum seekers and refugees into conformity with international standards, ensuring respect for the right to asylum, and addressing national security concerns. Since its adoption, the government, in consultation with the UNHCR, has issued nine by-laws setting up procedural standards for the implementation of the law.

In practice authorities provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Authorities also provided temporary protection during the year. According to the Migration Service, 50 persons applied for asylum during the year. During the year the government granted asylum and refugee status to 14 persons.

There was an established procedure for granting asylum that included amnesty for the illegal entry of an asylum seeker and access to the territory for individuals seeking asylum. Asylum seekers experienced prolonged delays at the airport's

international zone while waiting for their asylum application to be registered. Asylum seekers who were serving sentences for illegal entry were generally not released immediately following the registration of their asylum applications and were required to serve the remainder of their sentences.

The UNHCR reported at least one case of extradition of a person who contacted the UN expressing a clear wish to claim asylum. The UNHCR had immediately passed the information to the relevant state authorities; however, the person was extradited despite the efforts of the State Migration Service and the UNHCR to prevent it. In its September statement, the UN Human Rights Council's Working Group on Arbitrary Detention noted its concerns that asylum seekers not be turned away at the border or after detention without an opportunity to claim asylum in accordance with internationally accepted procedures.

Due to a lack of institutional capacity, the authorities often struggled to integrate asylum seekers into society once they were granted permanent residency status. Temporary housing for refugees and asylum seekers was often inadequate in supply and in poor condition. Refugees faced the same social and economic hardships that confronted the general population.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the law provides citizens with the right to change their government peacefully, that right was restricted in practice due to repeated, significant flaws in the conduct of elections.

#### Elections and Political Participation

On January 10, three candidates competed in a by-election to fill the seat formerly held by a government opponent, Khachatur Sukiasian, who in September 2009 relinquished his seat in protest against the parliament's stripping of his parliamentary immunity as well as the immunity of three other members who supported the presidential campaign of opposition leader Levon Ter-Petrossian in the 2008 presidential elections. One of the candidates for the seat included prominent jailed oppositionist Nikol Pashinian, who remained incarcerated at year's end on charges related to the 2008 postelection unrest.

In December 2009 four youth activists were accosted and beaten by more than 20 assailants in downtown Yerevan while distributing election-related materials on behalf of Pashinian's campaign in the by-election. The police launched a criminal case and charged Vahan Nadarian and David Simonian, reportedly progovernment loyalists, with provoking the incident. Opposition officials alleged that supporters of the ruling RPA carried out the attack, but Simonian denied the allegations. Charges against Nadarian were later dropped due to lack of evidence, while Simonian was charged with infliction of willful slight damage to health and battery and, on April 2, was convicted and fined 150,000 drams (\$345).

The by-election was marred by numerous reports of irregularities, including intimidation of voters; verbal and physical threats directed at journalists, observers, and candidate proxies; ballot stuffing; and the unregulated presence in polling places of nonvoting individuals sympathetic to the progovernment National Unity Party candidate. In some instances, these individuals, rather than electoral commission members, appeared to be managing the electoral process.

On election day, Petros Makeyan, a campaign manager for Nikol Pashinian, and two companions were hospitalized after being beaten outside a polling station. Authorities launched a criminal case, but the case was subsequently dropped.

According to HCAV, a domestic organization that observed the election, the chairperson of polling station number 10/19, after receiving complaints about election violations, forcibly evicted those who had complained and closed the polling station for over an hour. During the station's closure, the voters' lists disappeared temporarily until the chairperson returned them, removing them from his jacket. During the day, some voters arriving at the polling station discovered that

somebody had already voted under their names. The election commission refused to discuss the numerous complaints lodged with it over its administration of the voting. The results at this and one other polling station were later invalidated.

In its findings, HCAV said it observed open voting in 10 polling stations; directed voting and campaigning in 18 stations; and intimidation, threats, and restriction of rights of proxies, observers, and reporters in eight polling stations. Voting in the by-election was conducted in 34 polling stations in Yerevan's Kentron District.

The by-election produced a very low turnout with numerous observers attributing this circumstance to growing public apathy about politics and distrust of the flawed electoral processes. An estimated 23 percent of approximately 56,000 eligible voters cast their ballots. In 2007 voter turnout in the same parliamentary district was 53 percent.

Women's participation in political and public life, especially in decision-making bodies, remained low. There were 11 women in the 131-seat National Assembly, two in the cabinet, and no female governors. Only five of the incoming 52 Yerevan City Council members were women, and no women headed any of Yerevan's 12 administrative districts. The ombudsman's annual report, released in March, pointed out the inadequate participation of women in the country's political life. The election code stipulates that at least every 10th person on each party list submitted for parliamentary elections should be a woman, and at least 15 percent of the individuals submitted in parties' final lists should be women. Although many observers considered the quota insufficient, the final seat allocation for women was often lower than that mandated in the electoral code. For example, only two of the 63 members of parliament representing the ruling RPA were women.

#### Section 4 Official Corruption and Government Transparency

Corruption remained a problem, with authorities taking limited preventive or punitive measures against it. While the law provides criminal penalties for official corruption, the government did not implement the law effectively or evenly, and officials frequently engaged in corrupt practices with impunity. Although two high level officials were arrested in February for taking bribes and the minister of agriculture received a public reprimand in March for misuse of government funds, no concrete actions were taken to address the systemic corruption in government.

The World Bank's Worldwide Governance Indicators also reflected that corruption continued to be a serious problem. Civic groups working to address corruption stated authorities continued to ignore media reports implicating government officials in corrupt practices.

Beginning in January 2009, all public officials and their family members, as well as citizens with annual incomes exceeding eight million drams (approximately \$21,000), were subject to financial disclosure laws, according to which they had to file their asset declarations no later than April 15; however, it was unclear to what extent officials and individuals with high incomes complied. According to domestic observers, tax authorities lacked the capacity and resources to verify the reliability of asset declarations.

Government programs to curb chronic corruption continued to produce few tangible results. The activities of the governmental Anticorruption Strategy Monitoring Commission and Anticorruption Council continued to be viewed with skepticism. In 2009 the government approved a 2009-12 anticorruption strategy following two years of development and six months of wide-ranging discussions in Yerevan and the regions and the posting of the strategy on the government's Web site; however, the government failed to fund implementation of the strategy and devoted no money for anticorruption efforts.

On January 22, President Sargsian told the Control Chamber (an official auditing body that monitors government budgetary activity) it must work more closely with law enforcement authorities and press harder for the prosecution of state officials suspected of embezzling public funds and engaging in corrupt practices. Sargsian acknowledged the lack of prosecutions of government officials on corruption charges undermined public trust. Ishkhan Zakarian, head of the Control

Chamber, reported the chamber had inspected all ministries and government agencies in 2009 and reported 21 cases of embezzlement to state prosecutors.

On February 18, the Prosecutor General's Office accused Tigran Grigorian, head of the Ministry of Nature Protection's State Ecological Inspectorate office, and his deputy, Arsen Petrosian, of accepting five million drams (approximately \$13,000) in bribes from a mining company to reduce the company's fines for violations of environmental safety rules. On August 6, the court sentenced Grigorian to seven years in prison, and Petrosian to 10 years' imprisonment, on charges of accepting a bribe.

On March 4, during a cabinet meeting, Prime Minister Sargsian publicly reprimanded the agriculture minister for misuse of government funds. The Control Chamber discovered the Agriculture Ministry had purchased cattle medication for farmers from a private supplier at grossly inflated prices. Sargsian asked the state body overseeing the civil service to dismiss the two senior Ministry of Agriculture officials in charge of procurement.

On March 26, newspapers reported allegations that Hovhannes Hovsepian, head of the Control Service under the Presidency, arranged for relatives to be appointed to government positions. One sister was appointed as head of a state medical college while another sister was appointed head of a maternity hospital. Hovsepian also allegedly arranged for his brother-in-law to be appointed deputy head of a department of the real estate registration agency.

On December 27, a criminal case was launched against Alvaro Antonian, the head of the Seismic Protection Service, for allegedly misappropriating three million drams (\$8,000) in a French government-sponsored assistance program to establish a network of seismic stations in the country.

On May 5, the Office of the Prosecutor filed a criminal case against Areg Hayrapetian, head of the legal and inspection department of the Ministry of Culture, for abuse of office. Hayrapetian allegedly arranged for the ministry to pay 19,600,000 drams (\$53,000) to a private insurance company which he owned for services that were never provided.

While the constitution prohibits individuals with active business interests from holding public office, the authorities continued to ignore the prohibition in practice and ignored violations. Prominent businessmen continued to occupy seats in parliament, while various government officials reportedly continued to use their offices to promote their private business interests.

On February 9, newspapers published a photograph of a large manor alleged to be the home of Minister of Nature Protection Aram Harutyunian. One article alleged that the minister owned three gas stations, a hotel-restaurant complex, and an asphalt factory. On March 4, another newspaper reported that member of parliament Hrant Grigorian allegedly declared an annual income of 190,000,000 drams (\$512,000) in addition to his government salary of 311,000 drams (\$840) per month. The newspaper said it had discovered that Grigorian owned a private transportation company, a gas station, a hotel complex, a restaurant, and a store.

Corruption remained a significant problem in the police and security forces. In spite of efforts further to reduce bribe taking by traffic police, citizens continued to report being solicited to pay bribes, although less frequently than in previous years. Citizens also reported police officers solicited bribes to drop criminal cases or reduce penalties. Corruption in prisons continued to be a problem, exacerbated by low salaries and poor and sometimes dangerous working conditions for prison employees. In certain facilities, prisoners bribed officials to obtain single occupancy cells and additional comforts. There were unverified reports prison officials charged unofficial fees to family members and friends seeking to deliver meals to inmates.

There were widespread reports about corruption in the Medical-Social Expertise Commission (MSEC) under the Ministry of Labor and Social Affairs, the body that determines a person's disability status (see section 6).

During the year the Control Chamber published similar findings on gross violations and financial abuse in numerous state bodies; as in previous years, however, these cases were rarely prosecuted.

According to official statistics, various law-enforcement bodies launched 420 corruption-related cases during year. During the year the courts convicted 159 persons, including 79 officials. The majority of officials investigated or convicted were section heads or other low-level officials.

While the law provides for public access to government information, in practice many government bodies and officials were reluctant to provide such access. As of year's end, the government had not adopted the regulations on the collection and provision of information that were required by, and supplementary to, the 2003 Freedom of Information Law. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts than obtaining it directly from government agencies.

In 2008 the Freedom of Information Center published the results of a survey on journalists' access to information, which reported difficulty accessing official information remained a serious problem. The survey claimed the main obstacle to obtaining official information was the mentality of officials who viewed information at their disposal as their private property. Other obstacles included the absence of formal procedures for storing and providing information as well as the low level of awareness among journalists of their rights.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, freely investigating and publishing their findings on human rights cases.

During the year independent domestic human rights organizations and domestic affiliates of international organizations operated in the country. Authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, and local matters. Authorities were usually unresponsive, however, to NGO allegations of mistreatment and abuse committed by law enforcement bodies. Authorities' general response in such instances was that they had investigated the allegations but could not corroborate them.

On August 5, without any prior consultations with interested parties, the government adopted a highly controversial decree establishing an oversight body under the Ministry of Justice to watch over the "legality" of activities of nonprofit organizations. The stated objectives of the new body were to provide for the compliance of nonprofit organizations with domestic legislation, to reveal cases of their violating the law, and to increase the transparency of their finances. The decree gives broad authorities to the new oversight body, which, among other powers, will be able to inspect NGOs and demand they be suspended or closed without providing a mechanism for appeal. NGOs criticized the decree as unconstitutional and the oversight body as a means for establishing complete governmental control over civil society organizations. According to NGOs, the creation of the oversight body followed failed attempts by the government in 2009 to push similarly restrictive legislation through the National Assembly.

On March 11, the prosecutor's office announced that charges against Mariam Sukhudian, a young environmental activist, had been dropped. In August 2009 police charged Sukhudian with falsely reporting a crime after she publicly reported instances of sexual and other abuse at a state-run boarding school for children with special needs in 2008. The charges were downgraded to slander in October 2009. The defendant and domestic human rights monitors criticized the charges as retaliation for Sukhudian's bringing the abuses to light.

On February 5, the court acquitted Arshaluis Hakobian of the domestic Helsinki Association NGO, who was on trial for assaulting police officers, after the prosecution withdrew all charges for lack of evidence. Police arrested Hakobian in June 2009, claiming he had assaulted police officers while they were summoning him to appear at SIS in connection with an official complaint of electoral fraud that Hakobian filed after the May 2009 municipal elections. According to Hakobian, police officers beat him on the way to and at the police station and denied him access to a lawyer during the initial hours of his detention. CSMB members visited Hakobian in prison and reported numerous injuries on his legs, hands, back, and head.

There were no developments in the investigation of the assaults against youth activists Arsen Kharatian and Narek Hovakimian in 2008.

There was a human rights defender (ombudsman) with a mandate to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments and their officials. During the year the ombudsman issued both regular and unscheduled reports on human rights problems. The law requires the ombudsman to present an annual report to the National Assembly during the first quarter of every year, but parliament did not schedule its hearing on the ombudsman's 2009 annual report until November 15. The government has generally been unresponsive to the ombudsman's reports; it never answered the questions raised in the ombudsman's 2008 report on that year's postelection violence, choosing to criticize the report instead. During the year the Ombudsman's Office received 4,089 complaints from 5,221 citizens; it resolved 123 of these complaints with 562 persons reportedly receiving redress for their grievances.

In September 2009 the ad hoc parliamentary commission set up to investigate the postelection disturbances of 2008 reported that it was unable to shed more light on the 10 deaths that occurred and urged law enforcement authorities to do more to identify and prosecute those responsible. In June 2009 President Sargsian disbanded the bipartisan fact-finding group of experts he established to assist the commission in its inquiry. According to domestic observers, the disbanding of the fact-finding group was connected to the leaking of sensitive reports that assigned culpability to authorities for some of the 10 deaths.

In December 2009 the PACE Monitoring Committee criticized the commission's self-censorship for not sufficiently challenging the official version of events. It also deplored the report's one-sided description of events and lack of discussion of the postelection arrest and prosecution of a large number of opposition supporters.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions in practice.

#### Women

Rape is a criminal offense and carries a maximum penalty of 15 years' imprisonment. There are no explicit laws criminalizing marital rape. According to police information cited by the Prosecutor General's Office, nine cases of rape and attempted rape were registered in the country during the year. In connection with these cases, nine individuals were prosecuted, seven were convicted, and two cases were still under investigation. According to official information, none of these reported cases constituted marital rape. Crimes such as rape continued to be underreported due to the social stigma attached to them.

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was believed to be widespread, a belief supported by a study released by the UN Population Fund (UNFPA) in July. That study, conducted during 2008 and 2009 with the cooperation of the National

Statistical Service, indicated that partners had subjected 61 percent of women to controlling behavior, 25 percent to psychological violence or abuse, 8.9 percent to physical violence, and 3.3 percent to sexual violence. Perpetrators other than husbands and other intimate partners subjected 2.3 percent of women to physical violence and 0.1 percent to forced sex. The survey revealed that 7.4 percent of women gave up or refused a job because their partner did not want them to work; 8.7 percent said their partners had taken their earnings or savings against their will; and 60.9 percent of women who had a partner during their lifetime were unemployed. The survey also showed that violence against women had an adverse effect on women's health and their social, mental, physical, and economic well-being.

Local experts indicated the survey findings did not reflect the full scope of domestic violence, since the household survey was not anonymous.

On October 4, the Armavir Development Center, a domestic NGO, presented the results of an anonymous survey it had conducted among 300 women in the Armavir Region in November and December 2009. According to the findings, 68 percent of women interviewed admitted being subjected to psychological abuse (42 percent of these women indicated the abuse occurred either often or sometimes); and 38 percent of women interviewed admitted being subjected to physical abuse (21 percent indicating often or sometimes). According to the findings, 76 percent of those who were subjected to physical violence did not ask for help, but those who did applied to family or neighbors. The survey revealed a connection between the level of education and location (for example, rural versus urban), with more educated, urban-dwelling women considering psychological abuse or physical violence inflicted by spouses to be unacceptable.

In another anonymous 2007 survey commissioned by the domestic Women's Rights Center NGO, 66 percent of respondents acknowledged that family members had subjected them to psychological abuse, and 39 percent considered themselves victims of either moderate or severe physical abuse.

According to domestic observers, most cases of domestic violence continued to go unreported because victims were afraid of physical harm, were apprehensive that police would return them to their husbands, or were ashamed to disclose their family problems.

On October 1, police launched an investigation into the death of 20-year-old Zaruhi Petrosian, a resident of the town of Masis, who was hospitalized late on September 30 with a brain hematoma, a broken finger, and bruises on her body. The police subsequently arrested Yanis Sargisov, Petrosian's common law husband, on charges of willful heavy damage to health leading to death by negligence. The criminal investigation was later transferred to the investigation department of the Ministry of Defense in light of Sargisov's service in the armed forces. According to Hasmik Petrosian, Zaruhi Petrosian's sister, Zaruhi had long been physically abused by her husband and mother-in-law. Officials stated the investigation could not corroborate abuse by the mother-in-law. At year's end, the investigation of Sargisov continued while he remained in custody. Petrosian's child remained in an orphanage while the mother-in-law and Petrosian's sister both claimed custody of the child.

In March the domestic Women's Resource Center Armenia (WRCA) NGO launched a public awareness campaign to advertise its Sexual Assault Crisis Center and help hotline. The Yerevan municipality eventually rejected the organization's application to advertise the center on large commercial billboards, on the grounds that the billboard graphics would place unnecessary psychological stress on teenagers and women. The municipality then took steps to remove all WRCA's advertising. The WRCA asserted that, by limiting the billboards to providing only the help hotline number, the municipality reduced the effect of its advocacy against sexual assault of women.

There were two NGO-operated shelters, in Yerevan and Gyumri, offering victims of domestic violence refuge and other assistance, including psychological and legal counseling. The NGO running the Yerevan shelter also operated a hotline. Both shelter operations depended upon private donors; the government did not provide them funding.

Referring to data analyzed by the Police Information Center, the Prosecutor General's Office reported 392 cases of domestic violence were registered in the country during the year, which included not only spousal abuse but also violence perpetrated by any family member. These included 229 cases of battery; 104 cases of infliction of willful light damage to health; 25 cases of threats to murder, to inflict heavy damage to one's health, or to destroy property; 22 cases of infliction of willful medium damage to health; six cases of infliction of heavy damage to health, two of which led to the death of the victim; one case of torture; and five murders or attempted murders.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. While there was no public data on the extent of the problem, observers believed sexual harassment directed against women in the workplace to be widespread.

According to law, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. However, in practice especially in more traditional families, such decisions were often made by the male spouse and his parents. Access to and information about contraception was low, especially in rural areas. Skilled attendance during childbirth was more accessible in large towns and other population centers. Women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men. According to data compiled by international organizations, in 2008 there were approximately 29 maternal deaths per 100,000 live births. The publication *Maternal Mortality in 2005: Estimates developed by WHO, UNICEF, UNFPA and the World Bank* estimated the lifetime risk of maternal death, the probability that a woman will die of pregnancy-related causes, to be one in 980.

There were reports that women, especially those in rural or remote areas, faced insufficient access to adequate general and reproductive health-care services. Observers noted various efforts made to improve reproductive health care had not been effective.

International and local observers recommended during the year that the government continue to take measures to improve women's access to health care in general, and to reproductive health-care services in particular. During the year observers called on authorities to increase efforts to improve the availability of sexual and reproductive health services (including family planning), to mobilize resources for that purpose, and to monitor actual access to those services by women. Further recommendations were made that the government widely promote family planning and reproductive health education for girls and boys, with special attention to prevention of pregnancies of underage girls, sexually transmitted diseases, and HIV/AIDS.

Men and women enjoy equal legal status; however, gender and age discrimination were continuing problems in the public and private sectors. Women generally did not enjoy the same professional opportunities or wages as men and often were relegated to more menial or low-paying jobs. Women remained underrepresented in leadership positions in all branches of government--national, regional, and local.

#### Children

Citizenship is derived from one's parents. Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability. However, during the year international donors continued to work with authorities to address the situation.

Severe disparities remained in preschool, primary, and secondary education based on gender, geographic region, and income. Despite generally equitable access, substantial inequities existed in the quality of education between affluent and poorer households and between urban and rural areas. More affluent households and households from urban areas had

greater access to better education, training, and complementary school programs than did poor and rural households. The number of dropouts after basic education remained substantial, especially among impoverished students.

Free basic health care was equally available to boys and girls through the age of 18 but often was of poor quality, and officials often required overt or concealed payment for services.

In April and May, the domestic branch of the international NGO Save the Children conducted an assessment of child abuse in the regions of Tavush, Lori, and Gegharkunik. According to the assessment, children in those regions were subjected to abuse from numerous sources. The most common forms of abuse included domestic physical and psychological abuse and neglect, particularly the failure to provide adequate food, clothing, and shelter. Children reported that outside the home they had also been subjected to physical and psychological abuse in institutions, schools, and occasionally on the streets. According to the assessment, parents also exploited their children economically by forcing them to work. The assessment revealed children were unaware of their rights and responsibilities, and this lack of awareness appeared to make violence against children socially acceptable.

The law prohibits sexual exploitation of children through antitrafficking statutes. These envisage punishment for trafficking of children from seven to 15 years imprisonment, depending on aggravating circumstances (see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip)).

Statutory rape, defined in the law as sexual acts with a person less than 16 years of age, is punishable with a fine and imprisonment up to two years. Since the punishment for statutory rape is not categorized as grave, sexual solicitations and similar actions directed at minors and failure to report statutory rape are not criminalized. According to domestic observers, the criminal code does not provide the necessary legal framework for adequately assessing and prosecuting sexual crimes involving children.

Child pornography is punishable by imprisonment for up to six years.

There were some reports of abuse of children in institutions. On November 30, a court sentenced Smbat Urumian to nine years' imprisonment for trafficking children. Urumian, a former deputy director of a special school for children who exhibit socially dangerous behavior, was found guilty of forcing three of the students of the special school into beggary. The court meanwhile cleared Urumian of the child molestation charges he also faced.

On January 11, the Prosecutor General's Office began a criminal investigation of allegations of sexual and physical abuse of female students by a teacher at Special School No. 11 for children with special needs. This action reversed the office's August 2009 determination the allegations were unsubstantiated. A group of youth activists who served as volunteers at the school raised the initial alarm of abuse in 2008. On May 24, the trial court convicted former teacher Levon Avakian, who admitted his guilt, to two years in prison. On May 31, the Ministry of Education and Science dismissed the principal, MeruzhanYengibarian, citing lack of trust in his capacity to head the school. The youth activists considered the teacher's punishment to be too lenient and called for further investigation into the role played by the principal and other teachers, who were reportedly aware of but did not prevent the abuse. On August 4, following an appeal by the victims, the court of appeals increased Avakian's sentence to three years.

On March 12, following the developments related to Special School No. 11 and in response to significant pressure from civil society and the international community, the Ministry of Education and Science established a public group for monitoring special schools and residential facilities, whose composition included approximately 18 NGOs.

A 2009 study by the domestic NGO Armenian Helsinki Committee monitored 12 special education schools and four boarding institutions. Many children indicated that, among other forms of punishment, they had been slapped or beaten, shut in a classroom, or prevented from going home. Some teachers admitted resorting to violence for discipline. The study

also noted that most institutions lacked proper central heating, and that sanitary and hygiene conditions were substandard. In a study of 12 general education schools in the Syunik Region during the same period, the NGO found that physical or psychological violence, including beating, slapping, pulling ears, and other degrading treatment were used regularly as punishment. Treatment of students at schools was unequal and depended on teachers' relations with students, whether students pursued private classes with a teacher, and whether students had influential parents. The results of studies in 2007 and 2008 by the same organization were substantively the same.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

The size of the country's Jewish population was estimated at between 500 and 1,000 persons. There were no reports of anti-Se

On October 19, the Hebrew side of the Joint Tragedies Memorial, erected in downtown Yerevan in 2006, was vandalized. Brown paint was poured over the memorial and "Death to the Jew" was stenciled on the memorial along with a swastika. Representatives of the Jewish community denied the presence of anti-Semitic sentiments in the country and labeled the incident "hooliganism," possibly caused by foreigners. The Jewish community praised the immediate reaction by the presidential administration, which called into action local authorities and law enforcement. The city administration removed the signs of vandalism by the next morning, and police launched an investigation. On October 21, the president's press secretary and the Armenian Church made separate statements condemning the desecration of the memorial.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings, including schools, for persons with disabilities, but in practice very few buildings and other facilities were accessible to these persons. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to do so effectively.

In spite of the large number of officially registered persons with disabilities in the country, disabled persons are seldom seen outside the home due to the social stigma associated with disabilities. In extreme cases the social stigma sometimes prompts families to hide their disabled children completely from public view, depriving them in the process from access to education and integration into society.

Persons with all types of disabilities experienced problems in virtually all spheres of life, including health care, social and psychological rehabilitation, education, transportation, communication, access to employment, and social protection. Access to information and communications was a particularly significant problem for persons with sensory disabilities. Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

In its monitoring of mental health facilities in the Syunik and Shirak regions during 2009, the domestic NGO Helsinki Citizens Assembly of Vanadzor (HCAV) reported numerous deficiencies, including poor hygienic conditions, poor nutrition, inappropriate buildings, outdated and ineffective medications, lack of professionally trained staff, instances of physical

violence, and use of patient labor in health facilities. HCAV expressed the view that the entire operation of mental health facilities was deficient. It noted the absence of a state policy on mental health, the lack of appropriate legislation for the proper implementation of legislation regulating the work of psychological clinics, the lack of standards and norms for staff conduct, and insufficient funding of facilities.

In a May 10 letter to the Ministry of Health, the ombudsman called attention to violations his office discovered in the Nubarashen Psychological Clinic during an April 13 visit. The ombudsman's staff encountered a number of patients who were being kept involuntarily in the clinic after the conclusion of their treatment under the pretext that their "relatives would not come for them." The ombudsman noted this was unacceptable. The ombudsman highlighted other inappropriate practices including denying pretrial detainees, who were in the clinic for psychological evaluations, the right to recreational walks and telephone use. The ombudsman called on the ministry to conduct an internal investigation to address these problems. The ministry responded to the ombudsman's letter by creating on May 25 a special commission to review the problems. The commission confirmed some of the findings and reported the clinic would resolve those problems, including by purchasing new bedding and ensuring that pretrial detainees had walking space. In reference to the patients who were kept involuntarily, the ministry responded that those were legally incapable persons who were undergoing treatment based on the request of their legal representatives.

There were widespread reports about corruption and arbitrary rulings in the body that determines a person's disability status, the Medical-Social Expertise Commission (MSEC) under the Ministry of Labor and Social Affairs. On May 3, the ombudsman informed the head of the commission by letter the number of complaints his office received about the arbitrary decisions of MSEC continued to grow annually. Citizens complained to the ombudsman that MSEC would arbitrarily deprive them of disability status despite their worsening health condition. According to the letter, the ombudsman's office had never managed to achieve redress for any of the grievances against the commission, which, according to the ombudsman, placed it alongside police in terms of unanswered complaints.

In 2008 an online news agency published a HCAV survey of patients at the Vanadzor Neurological and Psychiatric Clinic. Patients reported physical abuse, torture, and abusive narcotic sedation by clinic personnel and medical staff. Patients also complained of deprivation of privileges and insufficient food.

According to the domestic NGO Unison, which monitored the May 2009 Yerevan municipal elections, many persons with physical disabilities did not have access to the polls during the vote, and very few participated in the vote.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal attitudes towards homosexuality remained highly unfavorable, with society generally viewing homosexuality as an affliction.

Persons who were openly gay were exempted from military service, purportedly because of concern they would be abused by fellow servicemen. However, the actual exemption required a medical finding via psychological examination that gays possessed a mental disorder, which was stamped in their documents and could affect their future.

According to human rights activists, lesbians, gays, bisexuals, and transgender persons experienced some of the most humiliating discrimination in prisons, where they were forced to do some of the most degrading jobs and separated from the rest of the prison population.

Societal discrimination based on sexual orientation continued to be a problem with respect to employment, family relations, and access to education and health care for sexual minorities.

In an interview with the *Iravunk* biweekly that appeared in the newspaper's December 24 to 27 edition, Artur Baghdasarian, secretary of the National Security Council that advises the president on national security matters, answered a question on homosexuality stating that, "Such conduct does not fit in with our society. Family and Armenian traditions prevail for people who were the first to adopt Christianity. Those unnatural things are unacceptable to us. I am against limitations of human rights in general. However, I consider homosexuality is extremely dangerous for Armenia."

In an interview in the *Hraparak* daily on December 6, National Police Chief Alik Sargsyan answered a question on the gathering of homosexuals in one of Yerevan's central parks, stating that, "We try to take them to such a place where they won't be seen, but they like to appear in public. We do not practice any violent measures, do not violate human rights, it is their business, but in our city, it is not appropriate for people...I cannot bear them physically."

#### Other Societal Violence or Discrimination

There were no reports during the year of acts of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring job applicants to be between the ages of 18 and 30. While this discrimination appeared to be widespread, authorities did not take any action to mitigate it. After the age of 40, workers, particularly women, continued to have little chance of finding jobs appropriate to their education or skills.

#### Section 7 Worker Rights

##### a. The Right of Association

The law allows workers, except those serving in the armed forces and law enforcement agencies, to form and to join independent unions of their choice without previous authorization or excessive requirements. However, in practice most workers were unable to exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. The Confederation of Labor Unions (CLU) estimated that, as of February, approximately 250,000 workers, or an estimated 21 percent of the workforce, were members of 27 trade unions. There were additional labor unions that did not belong to the CLU. Labor unions were generally inactive with the exception of those connected with the mining industry.

The law allows unions to conduct their activities without government interference. The law also provides for the right to strike except for members of the armed forces and law enforcement agencies, but workers rarely went on strike due to the fear of losing their jobs. While the law prohibits retaliation against strikers, it occurred periodically.

Employees of the Kapan Gold Mining Company, a major mining company in the South, held a large scale strike in January to demand an increase in wages and bonuses as well as improvement in working conditions. As the strike was not sanctioned by the workers' local union, company management found it to be in violation of domestic labor legislation and dismissed approximately 50 workers, mainly those most active in staging the strike. Many were subsequently reinstated, and the dispute was settled after negotiations with the company's management and the regional governor, with mutual concessions by the involved parties.

##### b. The Right to Organize and Bargain Collectively

Although the law provides for collective bargaining, in practice it was practically nonexistent.

There were no specific reports of antiunion discrimination. However, reportedly some mining enterprises, including some financed by foreign investors, discouraged employees from joining labor unions with the implied threat of loss of employment.

There were no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that women and girls were trafficked for commercial sexual exploitation and labor, and that men were trafficked for labor exploitation in the construction sector. A small number of girls and boys were trafficked internally for commercial sexual exploitation and forced begging, respectively. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years old, but children may work from the age of 14 with permission of a parent or a guardian. Persons who are under 18 years old are prohibited from working overtime, in harmful and dangerous conditions, at night, or on holidays; nevertheless, authorities responsible for compliance with child labor law failed to implement the law in practice.

According to observers, many children, especially in rural regions, were involved in family businesses, mainly in agriculture. Observers also reported seeing children in Yerevan selling flowers and drawings and working in local markets after school hours. Children also worked in trade, construction, and car services, operated vehicles, and gathered waste metal and bottles. According to a 2008 study by the UN Children's Fund on child labor, less than 5 percent of children between seven and 18 years old had paying jobs, not counting those involved in family farms or businesses. The survey also found almost one-third of working children were below the legal working age, almost all children worked without legal contracts, and some children were employed in heavy manual work as laborers and loaders.

#### e. Acceptable Conditions of Work

The monthly minimum wage of 30,000 drams (\$80) did not provide a decent standard of living for a worker and family.

The law provides for a 40-hour workweek, 28 days of mandatory annual leave, and compensation for overtime and nighttime work. In practice the authorities did not effectively enforce these standards. Many private sector employees were unable to obtain paid leave and were required to work more than eight hours a day without compensation. According to representatives of some employment agencies, many employers also continued to hire employees for a "probationary" period of 10 to 30 days, during which they were not paid. Often these employees were subsequently dismissed and unable to claim payment for the time they worked because their initial employment was undocumented.

Occupational and health standards are established by government decrees. The State Labor Inspectorate responsible for enforcing these standards did not always do so effectively. During the year the State Labor Inspectorate reportedly made little progress toward implementing an inspection regime or enforcing the labor code, and its work was reportedly undermined by corruption.

Workers had the right to remove themselves from work situations that endangered their health and safety, but they were unlikely to do so because such an action could jeopardize their employment. Work safety and health conditions remained substandard in numerous sectors, and there was one fatal workplace incident during the year.

On February 23, 18-year-old construction worker Arman Gasparian was killed as a result of a crane jib collapse at a construction site in Yerevan. The crane jib collapsed when the crane operator attempted to extricate a cement truck stuck in the ground at the construction site. On July 22, the crane operator was found guilty on charges of causing death by negligence, and was given a two-year suspended prison sentence.

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