



BEATEN, BURNT AND BETRAYED:

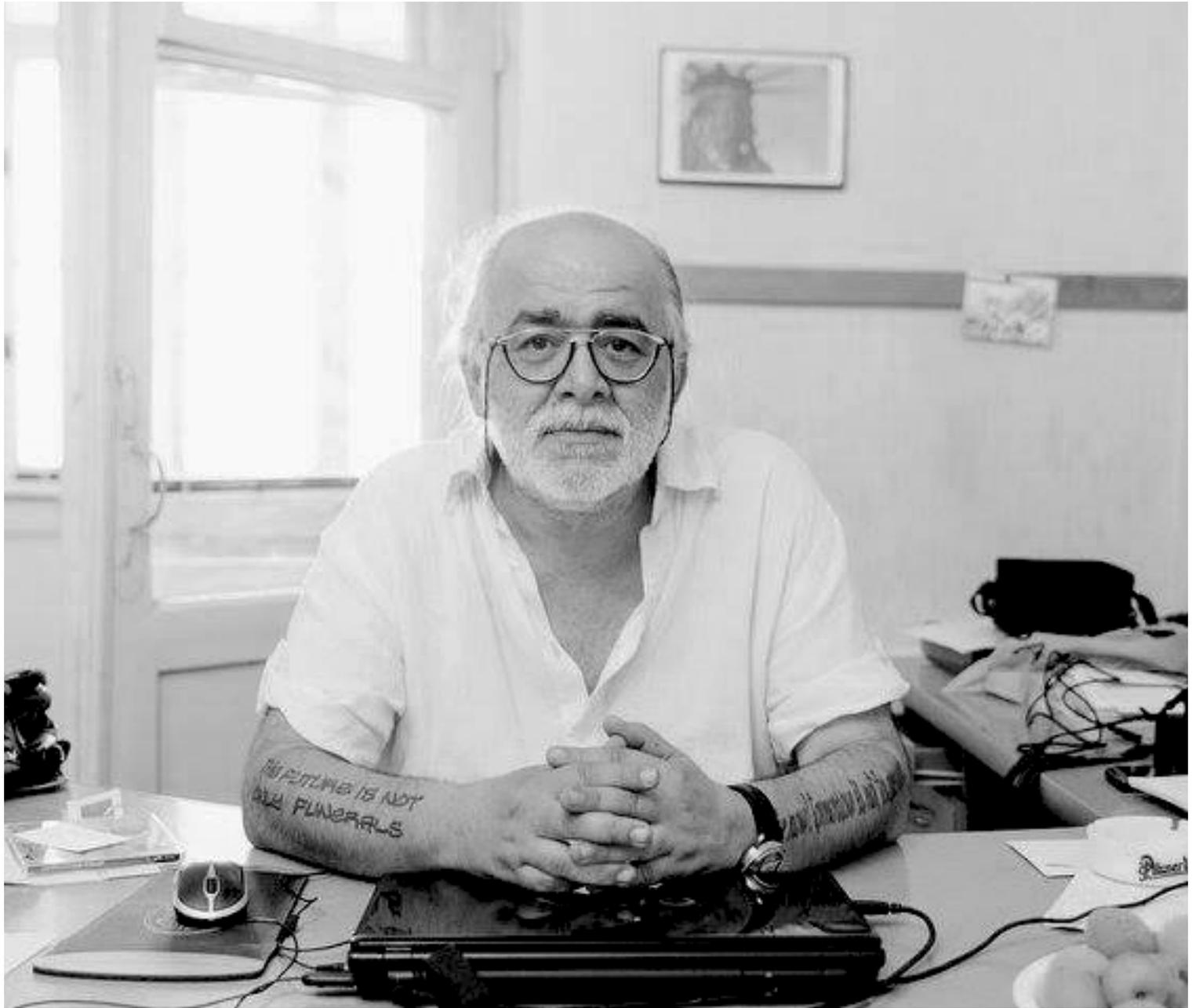
Armenians awaiting accountability for police violence

SEPTEMBER 2016

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In fond memory of our dear friend Mikael Danielyan



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Executive summary

This report summarizes the findings of a monitoring mission to Yerevan, the capital of Armenia, organized by International Partnership for Human Rights (IPHR) within the framework of the Civic Solidarity Platform (CSP) on 28 July to 1 August 2016. The CSP monitors studied allegations of the use of disproportionate and excessive force in relation to predominantly peaceful demonstrations; arbitrary detentions; abusive treatment of demonstrators and journalists and other human rights violations in connection with demonstrations that took place in Yerevan from 17 July to 30 July 2016. The team of monitors recorded testimony from 42 victims and witnesses. IPHR and the CSP monitors take no position on the demands of the demonstrators or the means used by opposition groups to achieve their political aims. The sole purpose of this report is to analyze whether human rights violations took place in connection with the demonstrations, and the nature of any violations found to have been committed.

The protests in Yerevan spiked after a group of armed men belonging to the opposition group “*Sasna Tsrer*” (“*Daredevils of Sassoon*”) seized Police Patrol Service (PPS) station located in Erebuni, a southern Yerevan district on 17 July 2016, killing police Colonel Artur Vanoyan, wounding and taking hostage several other police officers.¹ The group was demanding the release of their imprisoned leader of the Founding Parliament² Jirair Sefilian, the resignation of Armenian President Serzh Sargsyan, and the so-called “*restoration of the Republic*”. In recent years members of the group “*Sasna Tsrer*” being also aligned with the political movement Pre-Parliament and partially comprised of veterans of the conflict in Nagorno-Karabagh, has repeatedly claimed that the elections in Armenia have been deeply flawed, thus questioning the legitimacy of those in power. It has also accused the political elite of being tainted by widespread corruption.

Shortly after of the gunmen seized Erebuni District Police Station demonstrators began gathering on Azatutyun Square in central Yerevan and near the occupied police station on Khorenatsi Street to show solidarity with the gunmen. They did not represent a unified movement, but were led by various civic groups such as the Heritage Party and the Founding Parliament movement as well as civic leaders who had become popular during the Electric Yerevan protests in 2015. Although the police did not disperse the gatherings, they detained dozens of protesters. Despite this, the number of demonstrators continued to grow over the days that followed.

On 20 July 2016 the Armenian Special Investigation Service opened an investigation into allegations of excessive use of force by police. At the time of writing, disciplinary sanctions have been taken in relation to the Head of Yerevan City police and two heads of district police departments. In light of the failure of the Armenian authorities to bring any suspects to justice following the excessive use of force by police at the Electric Yerevan protests in June 2015³, the CSP delegation is seriously concerned that those responsible for the use of excessive force in these recent demonstrations a year later may also escape justice. There were also grounds to conclude that police officers specifically targeted the main leaders of the predominantly peaceful July 2016 protests, detained and charged them with “*organizing mass disorders*”, in order to weaken and, ultimately, put an end to the protests.

1 One of wounded police officers died in hospital on August 13, 2016. On 30 July one more police officer was killed by a gunman

2 Founding Parliament is Armenian civil movement criticizing government for being corrupt. The movement stays outside of political system not taking part in the elections

3 IPHR report: Electric Yerevan: Crackdown on Peaceful Protests in Yerevan <http://iphronline.org/armenia-electricyerevan-crackdown-on-peaceful-protest-20150714.html>

Methodology

A team of four monitors deployed by International Partnership for Human Rights (IPHR) within the framework of the Civic Solidarity Platform (CSP) conducted a fact-finding mission to Yerevan on 28 July to 1 August 2016. The purpose of the mission was to study allegations of the use of disproportionate and excessive force; arbitrary detentions; abusive treatment of demonstrators and journalists and other human rights violations in relation to the political protests which took place in Yerevan on 17 to 30 July. After 30 July, when the gunmen controlling Police Patrol Service station surrendered, the protests gradually diminished and no further human rights violations were reported.

The monitors interviewed and recorded testimony from victims, witnesses, lawyers, journalists and NGO leaders who were personally affected by the events. We wish to thank all those who agreed to meet the CSP delegation and share their observations, experiences, analysis, photos and video-recordings. Some people we spoke to did so on condition of anonymity and therefore we have not used their real names in this report for security reasons.

This report presents the information obtained during the fact-finding mission and provides a legal assessment of the events of 17 to 30 July. IPHR studied information about the predominantly peaceful assemblies and marches that took place in July 2016 in Yerevan, including video footage from different media outlets in order to reconstruct the timeline of events and to verify reports of injuries and police ill-treatment.



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Overview of events

On 17 July 2016 an armed group called “*Sasna Tsrer*” affiliated with the opposition group Founding Parliament occupied Police Patrol Service (PPS) station in Erebuni district, southern Yerevan, killing one police officer and wounding four others in the process before calling on Armenians to take to the streets to secure the release of jailed opposition politicians.

Shortly afterwards demonstrators gathered on Azatutyun Square and on Khorenatsi Street not far from Police Patrol Service station which had been seized by “*Sasna Tsrer*”. Based on their statements and chants, it appears that they wanted to show solidarity with the gunmen, and express their discontent with corruption and inefficient public administration.

On 17, 18 and 19 July some 200 demonstrators gathered daily to demand guarantees that the authorities would not act violently towards the representatives of “*Sasna Tsrer*” who had seized Police Patrol Service station. Although the gatherings were not prohibited, police officers detained many protesters for what they called identity checks.

On 19 July the Armenian National Security Service (NSS) opened a criminal investigation into the seizure of Police Patrol Service station. On the same day the Police Force published a statement announcing that starting from 17 July on Khorenatsi Street close to the seized PPS station free movement of people and vehicles was restricted and citizens were encouraged to avoid holding public events in this area.⁴

Protesters continued gathering on Khorenatsi Street outside of the restricted area. They stated that besides showing symbolic support to “*Sasna Tsrer*” they also wanted to provide food supplies and other means of subsistence to the men occupying the Police Patrol Service station.

Violence erupted during the protest on Khorenatsi Street on 20 July. Some 500 protesters demanded the right to pass food and other supplies to the group occupying Police Patrol Service station, saying that they did not trust the police. Both police officers and protesters started erecting barricades. Protesters used rubbish bins and other available supplies. Some protesters came very close to the police line guarding access to Police Patrol Service station. At one point several protesters started throwing stones and attempted to pull off police officers’ helmets and shields. In response, police officers used tear gas and stun grenades against the protesters. The stun grenades also wounded peaceful protesters, who were standing at some distance from the place where the clash took place. In addition, police officers chased protesters who were running away and beat them severely. Over 50 people including police officers and protesters were taken to hospital. According to a police statement dated 21 July, 136 people were apprehended relating to accusations of organizing public unrest. However, the Investigative Committee stated on 21 July that 28 people had been apprehended.⁵

CSP monitors received copies of official response of the police to the inquiries of the Union of Informed Citizens where police provides different numbers of apprehended – 114 on 17 July, 25 on 18 July, 129 on 20 July. Thus it is quite difficult to establish precise number of apprehended protesters.

The protests continued on 21 and 22 July without major incident. On 23 July the gunmen released all hostages from the police station demanding in exchange that the authorities cooperate in facilitating the establishment of a press center inside the compound.⁶ However, their demand was not met and the gunmen continued to occupy the police station.

4 RFE/RL, Police announced antiterrorist operation <http://rus.azatutyun.am/a/27866479.html>

5 RFE/RL Police, 136 people were detained <http://rus.azatutyun.am/a/27871719.html>

6 Panorama.am, Sasna Tsrer let two hostages free in exchange to creation of the press center <http://www.panorama.am/ru/news/2016/07/23/>

On 23 July the Armenian Special Investigative Service announced that a criminal investigation had been opened into allegations of excessive use of force by police officers.⁷

By 25 July the peaceful protests grew as some 2 000 to 3 000 people marched through the city chanting “*Serzhik, go away!*” and “*Sasna Tsrer!*”⁸

Protesters continued gathering on Azatutyun Square and Khorenatsi Street. The police tried to limit the number of people gathering on Khorenatsi Street, but there were no major clashes. On 28 July thousands of protesters marched peacefully from Azatutyun Square to Khorenatsi Street.

On 27 July police reported that a four-person ambulance crew – two doctors, a nurse and a paramedic – were held hostage by the gunmen after entering the compound to treat two gunmen wounded in the clashes. Salvador Khechoyan, one of the doctors, was allowed to speak to Armenian TV by phone. He confirmed that he and two colleagues were being held hostage. The paramedic was released later in the evening.

Protesters gathered on Azatutyun Square on 29 July. They marched through the city to Khorenatsi Street and the Sari-Tagh neighbourhood of Erebuni district, which is located on a hill above Police Patrol Service station. Soon after the protesters reached the top of the hill police started to attack them. Police officers had blocked off many streets and the protesters found themselves unable to retreat. People hid in the homes of local residents, but police officers also stormed private houses and in some cases beat and apprehended both the protesters and the local residents. Many protesters sustained severe injuries and burns.

On 30 July 2016 the “*Sasna Tsrer*” surrendered. Peaceful marches continued for several days in a show of support to the wounded and detained members of the movement, but subsequently public activity died down and no further police violence was reported.



7 RFE/RL, A case is opened on the excessive use of force by police <http://rus.azatutyun.am/a/27876670.html>

8 RFE/RL, Thousands march in support of gunmen, <http://www.azatutyun.am/a/27879939.html>; Azjazeera, Armenia protesters and police clash over hostage crisis <http://www.aljazeera.com/news/2016/07/armenia-protesters-police-clash-hostage-crisis-160721052049006.html>



Main issues

Violations of the right to freedom of assembly and disproportionate use of force by Armenian law enforcement officials

Members of the CSP monitoring team examined witness statements, photo and video material, physical evidence and medical documents provided by victims, in order to assess whether the use of force by police officers was proportionate.

According to a statement by the Ministry of Health of Armenia, 111 people, including police officers, required medical assistance following the events of 20 and 29 July.⁹ There were allegations that the actual figure may be higher since several hospitals treated wounded demonstrators and a total of 50 demonstrators received medical treatment at Grigor Lusavorich Hospital in the northern Nor Nork district of Yerevan after the protest on 29 July alone. It was not possible, however, to substantiate these allegations since no comprehensive statistics were available.

Of the 11 victims who testified to the CSP monitors about the events of the night of 29 to 30 July, seven were wounded by stun-grenades and/or beaten; only two of them turned to Grigor Lusavorich Hospital while the others were treated in other hospitals.

On 30 July CSP monitors visited the emergency room of Grigor Lusavorich Hospital. The entrance to the hospital was guarded by armed men wearing masks. Two policemen in camouflage were stationed inside the emergency room. Senior medical staff told CSP delegates that 50 people had been brought by ambulance to the hospital to treat wounds received on the night of 29 July at Sari-Tagh. David Manukyan, Deputy Director of the hospital, stated that the injuries sustained included wounded feet, burns, concussion, and the loss of an eye. Fourteen of the 50 people required hospitalization to treat their injuries.¹⁰

Police forces involved in dispersing the demonstrations on 20 and 29 July included: the Department of the Police Patrol Service, the public order protection unit known as “*Angels*”, and officers of the special police forces operating under the RA Police. As on similar occasions in the past, police in plainclothes were also involved in the dispersals. Their collaboration with uniformed police was confirmed by eyewitnesses interviewed by the CSP monitors and through video footage of the demonstrations.

On 20 July approximately 500 protesters gathered on Khorenatsi Street near the occupied police station.¹¹ After police prevented protesters from marching down the streets several protesters responded by throwing stones. One video recording reveals protesters behaving aggressively, pulling away the helmets and protective shields from police officers and throwing stones at them. In response, police officers used non-lethal weapons and the protesters started to disperse. The CSP monitoring team was able to identify the non-lethal weapons that were used during dispersal as stun grenades, sticks, and “*Cheryemukha*” gas grenades. Analysis of the evidence related to this particular episode suggests that the use of these types of weapons by the police was justifiable. However, police officers subsequently followed protesters as they were dispersing and violently beat some of them using excessive force. The press secretary of the Armenian Ministry of Health was reported by the news agency Interfax as saying that 51 people, including 28 police officers, were hospitalized as a result of the clashes.¹²

Some peaceful protesters told CSP monitors that they got caught in the standoff of violent protesters and police and were apparently affected by violence from both sides. They did not hear the police warning and were thus not able to move to a safe place. One of the protesters (who testified on condition of anonymity) described the events:

9 RFERL, Ministry of Healthcare: 60 people turned for medical assistance <http://rus.azatutyun.am/a/27889539.html>

10 CSP interview with David Manukyan, 1 August 2016

11 CSP interview with Agabek Arakelyan, 29 July 2016

12 Caucasian Knot, In Yerevan the number of victims of clashes exceeds 50 <http://www.eng.kavkaz-uzel.eu/articles/36297/>

“I and my friends were standing to the side a bit. Suddenly both the protesters and the police started throwing stones at each other. When I was standing there, an empty bottle fell on us, later something exploded close to us. We were standing some 30-40 meters from the line of the clashes between protesters and police. We started moving away, something was exploding around us, and only later I looked down at my feet and saw that I was bleeding. Then I realized that my back was wounded as well. We went immediately to the medical center.”

Analysis of the evidence related to the 29 July events indicated the use of disproportionate and excessive force by police officers in two locations on Khorenatsi Street and in Sari-Tagh district.

At around 21:00 peaceful protesters who had gathered at Azatutyun Square started to march through the city chanting and clapping. They went to the Sari-Tagh neighbourhood to stand on the hill above Police Patrol Service station. When they approached the hill they saw police officers blocking off streets in the area. CSP monitors closely studied video footage and interviewed more than 20 victims and eyewitnesses and can confirm that the march was peaceful; many people had children with them. However, when the protesters approached the neighbourhood, police officers began using weapons to disperse the demonstrators. Several witnesses interviewed by CSP monitors stated that the police did not give any warning to the protesters before they began deploying weapons, including numerous rocket-projected, hand-held and multi-component stun grenades “Vzlet-M”. CSP monitors were able to identify the type of the non-lethal weapons based on the analysis of video materials of the explosions.

“Grenades flew upwards in spirals with a whistling sound, then they fell down. One fell on my foot, and by the time I understood that it had hit me I was already in flames. I thought I would be able to run away from the grenade when I heard the explosion, but I was already burning and could not move,”

Tamara Manukyan recalled from hospital where she was being treated for second-degree burns covering 16 percent of her skin including her face.¹³

Ani Arutunyan joined the protests with her sister and aunt. All three were wounded by stun grenades. Ani stated that police officers were blocking the streets and that the protesters were therefore unable to retreat:

“When we came to Sari-Tagh the police threw something in the crowd. They were throwing stun grenades everywhere. I became deaf, I could not hear anything. My leg was wounded. Smoke was everywhere and it was hard to understand where to go. We were running and the police were following us. They were not letting us go. I could not catch a taxi because all the streets were blocked by police. They were throwing something which made me cry, my throat started aching. In the panic I lost my sister and aunt. I was running. Some local people took me into their home and rescued me”.¹⁴

It should be noted that the dispersal of the protesters took place in the residential district with very narrow streets and densely built private buildings. Some grenades penetrated residential buildings, and occasional passers-by were wounded. A protester, Lala Aslikyan, recalls:

“One grenade was thrown into a house where people were hiding. I saw how the roof of one house caught fire. I have heard that there were also other fires.”¹⁵

Another witness, Eduard Artenyan, says that local residents gave him shelter to help him and his friends escape the police violence and he saw a local resident with a wounded leg - a young man who had just gone out to walk his dog when the dispersal of the protest started.¹⁶

13 CSP interview with Tamara Manukyan, 31 July, 2016

14 CSP interview with Ani Arutiunyan, 1 August, 2016

15 CSP interview with Lala Aslykyan, 31 July 2016

16 This type of assistance was very widespread. Many protesters were “rescued” and assisted by local residents



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“Grenades flew upwards in spirals with a whistling sound, then they fell down. One fell on my foot, and by the time I understood that it had hit me I was already in flames. I thought I would be able to run away from the grenade when I heard the explosion, but I was already burning and could not move,”

Tamara Manukyan

was burned after police used grenades



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“I was in the middle of the crowd, I didn’t see much what was happening in the front, I saw it later on TV. Around me... They started shooting, they didn’t warn anyone, they just started shooting. Around 30/40 they were shooting and throwing some sort of weapon. Sounds like fireworks, from above, falling down.”

Anonymous victim

was injured after police used grenades



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The stun grenades caused serious injuries to protesters. One victim showed the results of his medical examination to CSP monitors. He had suffered burns, including on his head, nose and eyes, and had also been wounded by shrapnel.¹⁷

A group of unidentified people in plainclothes acting in coordination with the police also followed protesters as they ran away through the Sari-Tagh district. These people were reported to have been catching protesters and beating them with metal rods and thick wooden sticks.

The Armenian Law “On Police” (Article 29¹⁸) specifies the conditions for deploying non-lethal weapons. It clearly stipulates that before using force, police officers should warn protesters. However, neither on 20 nor 29 July was adequate warning given by police officers to protesters.

On 29 July, police officers had asked protesters to leave Khorenatsi Street within 10 minutes, but began using weapons such as stun grenades, gas grenades, truncheons, wooden sticks and metal bars immediately after making the announcement. Protester Sedrak Arakelyan testified:

“Immediately after the announcement the police started throwing stun grenades and ran at us! They said they would give us 10 minutes, but it was only 10 seconds in reality.”¹⁹

This statement is corroborated by a video recording obtained by CSP monitors. On 29 July in the Sari-Tagh district, no warning was given before police officers started using non-lethal weapons.

Neither on 20 July, nor on 29 July did the police distinguish between demonstrators behaving aggressively and violently and those behaving peacefully. Nor did they take the presence of children into account. Marat Yavrumyan testifies that he was on Khorenatsi Street with his 15-year-old daughter, intending to take part in the peaceful protest. When Marat realized that the situation had become dangerous he tried to leave when he was approached by police officers. He stood in front of his daughter and tried to hide her, telling the policemen he was protesting peacefully and explaining he was trying to leave. He showed the policemen his empty hands. Despite this, the policemen began beating him, pulling him behind the police line where they continued to beat him. Marat’s nose was broken and he was badly bruised as a result of the beating. Marat’s daughter was pushed away by the policemen who beat her father and was left alone to find her way out of the dangerous situation.²⁰

Sayad Harutunyan, a 16-year-old boy, also became a victim of police violence although he was behaving peacefully:

“I did not take part in the protest, I was just going to visit my brother who lives near where the protest was taking place. The rally looked fun - they were singing and dancing, so I decided to cut through the crowd.”²¹

Just as Sayad entered the crowd the police attack started. A shell exploded near him, and caused injuries which resulted in him losing an eye.

Two interviewees told the CSP monitors that they had observed police officers storming the properties of local residents, carrying out searches of residents and beating some inhabitants. This information was confirmed by video footage made available to the monitors. For example, Sargis Kharazyan, a journalist for the media outlet Civilnet.am, testified:

17 Document, victim K1#, obtained by CSP on 1 August, 2016

18 The Law of Armenia “On Police” <http://www.parliament.am/legislation.php?sel=show&ID=1271&lang=rus#4>

19 CSP interview with Sedrak Arakelyan, 30 July 2016

20 CSP interview with Marat Yavrumyan, 31 July, 2016

21 CSP interview with Sayad Arutunyan, 1 August, 2016

“Some residents came out from side streets and complained about what had happened. They said that they had been terrorized, that armed police officers had come into their homes, without showing any documents, and had pointed guns at them. One child was afraid and hid so well they only found him later.”²²

Another Civilnet.am journalist filmed an incident in which a woman residing in Sari-Tagh recalls how the police came into their house and beat them. The resident recalls how police officers entered her house and threatened to take all family members to the police station. She says that her children were at home and that the police officers beat their father in front of the children.

Resident of Sari-Tagh, A.A. (who wishes to remain anonymous for security reasons), told CSP monitors:

“When the police started throwing stun grenades I ran with other protesters, almost 12 people, and entered the first house we came to. The police threw a grenade on the house and the fence caught fire. Then a second grenade was thrown into the house and exploded inside. Many people were injured, everyone was panicking. After 10 or 15 minutes the owners asked everyone to move to the next house and go into the basement as police officers were entering houses and taking people. I and several other protesters stayed in a basement for around an hour.”²³

CSP monitors also learned of many cases where hospital staff were hesitant to provide victims with medical certificates and other documents about their injuries and the causes. It is believed that they feared reprisals by the police. Without such documents it would be harder for the victims to sue law enforcement bodies in court and prove the nature and the cause of their injury. Mariam Grigoryan, journalist of TV channel A1+ (www.a1plus.am), was covering the protests on 29 July. She went with the demonstrators marching from Azatutyun Square to Sari-Tagh. When the police started dispersing the protesters Mariam was wounded in the leg by a stun grenade. She was hidden by local residents. Later on Mariam’s colleague managed to get an ambulance to pick her up. Mariam reported:

“The ambulance took me to the Grigor Lusavorich Hospital, although Erebuni Hospital is closer. Medical assistance was provided. I had burns and they removed a splinters of a grenade from my leg. The document they gave me stated that I sustained skin burns from an accident at home!”²⁴

The CSP monitors were able to establish that police used indiscriminate force since they did not only target violent, but also peaceful protesters. After the dispersal police chased and physically abused several peaceful demonstrators. With regard to the 29 July demonstration the CSP monitors were able to establish that the use of force by police was excessive and disproportionate causing injuries to dozens of protesters and bystanders.

22 CSP interview with Sargis Kharazyan, 31 July, 2016

23 CSP interview with A.A., 1 August 2016

24 CSP interview with Mariam Grigoryan, 31 July 2016

Arrest and ill-treatment in detention



Some demonstrators were detained as early as on 17 July, the first day of the demonstrations. According to police statements, a total of 365 apprehensions were made during the protests.²⁵ However, in interviews with CSP monitors Armenian human rights lawyers stated that the number of those apprehended is substantially higher than the authorities claim, with estimates varying between 500 and 700.²⁶ Many protesters were taken to police stations in neighboring towns around Yerevan, implying that detention centers in the capital were already full. Moreover, police stated higher number of apprehensions (726) in the official response to the inquiries of the Union of Informed Citizens.²⁷

Apprehended individuals were taken to different district police stations across Yerevan, neighboring towns of Masis, Vagharshapat, Ashtarak, and Abovyan, as well as in the distant towns of Gyumri and Vanadzor. In the first days of the protests those detained were taken to the gymnasium of a base belonging to the RA Police.

According to statements made by those detained in connection with the July 2016 demonstrations, procedural rights were often violated during detention and arrest. Police officers detained many peaceful protesters on Azatutyun Square and near Khorenatsi Street, telling nearby journalists that they were holding people simply for identity checks. However, police officers made no attempt to check identity documents on the spot. In many cases, when asked the reason for detention, police officers replied: *“You know full well”,* or *“You will find out later.”*

Sometimes police said that the reason for detention was either possession of weapons, or alleged attempts to provide weapons to protesters to undermine public order.²⁸ David Sanasaryan, an activist and member of the opposition *“Heritage Party”,* who was arrested on 17 July, testified:

“My friends and I asked them to tell us the reason for the arrest and each time they promised they would give us the information, but they didn’t. Forty minutes later, they explained why we were there. They [the police officers] told us that they arrested us because they had information that we had carried weapons to the protest. However, they checked our documents and searched us only in the police station.”²⁹

There were cases when protesters were abducted by men in plainclothes and taken to the police station. Ara Petrosyan, a protester, testified:

“On 20 July on Khorenatsi Street at around 12:15 people were standing around peacefully. I walked down to Christopher Street to go to a shop. A car with civilian number plates stopped, four people approached me and demanded that I get into the car. I refused, as I couldn’t figure out who they were. They grabbed my arms and pulled me into the car. They were trying to twist my arms, I kept screaming at them, I demanded that they tell me where they were taking me. They told me that I would find out when we got there, and again I began screaming. They squeezed my head and beat me. Later I found out that they were taking me to Erebuni Police Department.”³⁰

Victims testified that police officers beat them severely while detaining them. Arnas Ter-Avetikyants told CSP monitors about how he was detained on 29 July on Khorenatsi Street:

“Two people caught my hands. They tried to pull me but failed. So they hit me and ran behind the barricade of police officers. Once behind the police line they started beating me. They beat me on the stomach and back. As I have cancer, I thought that they could hurt me seriously if I didn’t tell them that I have health problems. I told them but they did not care. After beating me some more, they put me into a little UAZ car³¹, with many other demonstrators in it. As I got into the car I saw a man covered in blood. There were plain clothed policemen who were beating the people who had been detained”.³²

25 RFERL, Police detained 136 people <http://rus.azatutyun.am/a/27871719.html>; RFERL, Police detained 64 people <http://rus.azatutyun.am/a/27883952.html>; RFERL, Police detained 165 people <http://rus.azatutyun.am/a/27889679.html>

26 CSP interview with Haykuhi Harutyunyan and Artur Sakunts, 1 August, 2016

27 Doc # 2, 3, 4, 5, 6, 7

28 CSP interviews with Anton Ivchenko, Arthur Minasyan, Sedrak Arkielyan, Arnas Ter-Avetikyants

29 CSP interview with Davit Sanasaryan, 29 July 2016

30 CSP interview with Ara Petrosyan, 29 July, 2016

31 Typical police patrol car used in the Post-Soviet countries

32 CSP interview with Arnas Ter-Avetikyants, 31 July, 2016

Several victims reported being beaten by police officers in police stations. Vardges Gaspari, a protester who was detained on 17 July testified:

"I was alone in the [police] compound, but the door was open. So from time to time I shouted 'Serzhik is a martaspan (murderer), he is bad'. Someone in civilian clothes came in, I was on the ground, he put his shoe on my face and mouth and started pressing down. He asked: 'How can you protest now?' I continued, shaking my head, and tried to scream 'Serzhik is a murderer', he saw he couldn't stop me and started to kick me in the head. He did it many times - I don't know how many, before he went away".³³

Artur Minasyan, a protester who was detained on 18 July stated:

"Two police officers took me to a police car. Then they brought my friend David and another person to the same car. After closing the car door, they forced us to lie down on the floor, and one of the police officers put his knee on my back squashing my hands, while another police officer started beating and insulting me. They were punching and kicking me. We were being beaten and tortured for approximately 15-20 minutes, after which one of the police officers ordered us to kiss and suck their shoes. When we reached the place [later Artur learned that it was Davtashen Military Police Station], we heard an officer ordering them to pee on us."³⁴

According to witness statements and information from lawyers which were obtained by the CSP monitors, the majority of detainees were held in the police station for from five to 15 hours, and in some cases as long as 24 hours. None of those interviewed by CSP monitors were offered food whilst in detention. Some were given water and allowed to use the toilet.

Testimonies indicate that adequate medical assistance was rarely provided. On 20 July, Arsen Tadevosyan was apprehended on Khorenatsi Street and beaten severely in the process. He was taken to Shengavit Police Station. He told CSP monitors:

"I was there for five hours, and I kept telling them that I needed a doctor. I felt that my jaw was broken in two places and I was holding it with my hands. But when I asked to see a doctor the police officers just mocked me. One police officer said he'd call a vet to look at me. They had the same attitude towards all the detainees. After five hours the police investigator came and said that I could not be held there with a broken jaw and they called an emergency doctor. The doctor ordered that I should be hospitalized as soon as possible. They took me to Erebuni hospital, where they did a scan and x-rays and confirmed that my jaw was broken and that I was suffering from concussion."

Araik Papikyan, Lawyer, Helsinki Association for Human Rights in Armenia, told CSP monitors about the treatment in detention of one of his clients, Hovanes Harutunyan:

"After the court ruled [on 26 July] to remand him in custody he was transferred to the Central Prison Hospital. The conditions there are very poor. He underwent surgery in the morning and at 19:00 that evening he was taken back to the Central Prison Hospital. The hospital hasn't been renovated since the 1940s and the room where he was put was dusty, with paint peeling from the walls. Hovanes was put there on 26 July and by 29 July he was lying on bloodied bed sheets, nobody tried to change bed linen for him. Hovanes was in a bad state – he could not talk to me for longer than five minutes. According to the court ruling, Hovanes had to be held in isolation but there were only two single rooms in the hospital. So he was held in a big room which was not used for patients. It was dirty and not appropriate for patient care."³⁵

33 CSP interview with Vardges Gaspari, 29 July 2016

34 CSP interview with Artur Minasyan, 30 July, 2016

35 CSP interview with Araik Papikyan, 30 July 2016

It should be noted that access to injured protesters was restricted even in city hospitals. It is not clear why these restrictions were put in place and the CSP delegation's interviewees reported not to have been informed of any possible legal basis for these restrictions. The daughter of Ashot Petrosyan, a member of "Sasna Tsrer" who participated in the protests and was wounded on 27 July, testified:

"My father was sent to Erebuni hospital. We went to see him. The entrance was blocked by masked soldiers from the Special Forces. They were only letting relatives in. We went into the hospital and after about two hours a doctor saw us, answered our questions and gave us permission to see my father. But the soldiers blocked the access to my father's room and would not let us in. Later I went out of the hospital to give an interview to journalists. After that I was not allowed back inside and was told by the soldiers of the Special Force that there was an order not to let me in."³⁶

Other procedural offences were also reported, for instance some of those detained were prevented from notifying relatives of their whereabouts. Artur Minasyan testified:

"On 17 July I was allowed to make a call after 14 hours in detention. The investigator told me it was 'an exception' because I have a small kid and a handicapped mother. Some victims were allowed to make calls after four hours after repeated requests."³⁷

Many of those detained reported they were not given any official documents about their detention. Police officers simply let them leave the detention facilities or took them by car and let them out somewhere in Yerevan. CSP monitors found evidence that some people were told to sign protocols even when they were not able to read or understand them.

On 29 July Marat Yavrumyan, who was severely beaten when he was detained on Khorenatsi Street, testified:

"I was taken to the police station, my face was bloody and my nose broken. We went in and police officers started writing the detention protocol. I asked them to call an ambulance. I don't know what was written in the protocol, I just signed it. I wanted to leave because the ambulance arrived. They didn't force me to sign it, but if I wanted to go to the ambulance I had to sign."

There were cases where the detainees were made to sign detention records without being properly informed of their rights. Araik Papikyan, the defense lawyer for Hovanes Harutunyan, a protester, and Ashot Petrosyan, members of "Sasna Tsrer", told CSP monitors that his clients were asked to sign detention records when they were in hospital and had just come out of surgery and were still under the effects of general anesthetics. They were therefore not able to read or understand what they were signing. Moreover, Harutunyan and Petrosyan were also asked to sign papers certifying that they agreed to be defended by a state appointed lawyer although both had an agreement with Araik Papikyan, a lawyer who should have been representing them. The documents which Harutunyan and Petrosyan signed while in hospital complicated matters for their defense lawyer. As soon as Araik Papikyan learned that his clients signed the papers authorizing a state lawyer to represent their interests, he made his way to the court. When he arrived the court hearing was already over and the judge had ruled to remand them in pre-trial detention for two months.³⁸

Levon Barseghyan, Head of Journalists' Club Asparez, an activist and one of the civic leaders detained on 26 July, also had limited access to his lawyer while in detention. The lawyer, Haykuhi Harutyunyan, was initially not allowed to enter the police station where Barseghyan was held. Then she was not allowed to speak to her client in private prior to questioning. She recalled:

36 CSP interview with Tatevik Pertosyan, 29 July 2016

37 CSP interview with Artur Minasyan, 30 July, 2016

38 CSP interview with Araik Papikyan, 30 July 2016

“I got there [to the police station] at 14:30. I asked to be allowed in, but was told that [Barseghyan] had been released. By law if a person is released their signature should be in the police register but the police officers refused to show me the book. I called the ombudsman’s office and asked them to check what was going on. At 15:30 people from the ombudsman’s office arrived. I stood right at the entrance. Representatives from the ombudsman’s office said that they saw Levon’s signature. I asked how they could be sure that it was genuine. Suddenly Levon’s brother opened the door and called me. We saw two police officers taking Levon from a car back inside the police station. Journalists were present and they recorded this. At 16:10 we entered the police station together. I requested a room for private consultation prior to the official interrogation. The Head of the police station, his deputy, and ten police officers accompanied us to a room and did not allow us to close the door. Two other people were brought into the same room and a policeman came inside to organize a search. Levon had spent almost 14 hours in detention. He had been denied water and to use a toilet. He said he was tired. He had not slept. I saw that he was in a bad condition and called an ambulance. Some 25 minutes later I was told that the ambulance had arrived but that the police officers would not let the doctors in. I announced this information because representatives of the ombudsman’s office were with us. The police had to let them in. Levon had high blood pressure and his pulse was irregular. He was given water and the doctor gave him an injection. At the same time the police officers continued to put together the detention protocol and questioned Levon.”³⁹

Many victims who had been beaten during detention or hurt by stun grenades told CSP monitors that police officers had asked them to sign protocols as witnesses, rather than victims. Journalist Marat Vanyan testified:

“I was brought to Grigor Lusavorich Hospital. I had several injuries to my legs. The ligaments in my knee were torn and I could not move my knee at all. Investigators came over to question me and wanted me to testify as a witness.”⁴⁰

Based on testimonies gathered by the CSP monitoring team it appears that in many cases the Armenian police failed to respect legal procedural guarantees during the detention of demonstrators. Several people interviewed claimed to have been physically and/or verbally abused after being placed in detention in police stations, and several also reported being ill-treated. Such allegations require prompt and independent investigation.

39 CSP interview with Haykuhi Harutyunyan, 1 August 2016

40 CSP interview with Marat Vanyan, 1 August, 2016

Accountability for human rights violations committed during the protests of 17 to 30 July 2016



At the time of writing two criminal investigations have been opened in relation to the demonstrations that took place in July 2016.

The first case relates to charges of organizing and participating in mass disorders. More than 100⁴¹ individuals, including the leaders of the predominantly peaceful protests Armen Martirosyan, Hovsep Khurshudyan, David Sanasaryan of the Heritage Party and Andreas Ghukasyan of the New Armenia movement, have been arrested in relation to this criminal case. On 1 August the court ruled that opposition leaders Armen Martirosyan, Hovsep Khurshudyan, David Sanasaryan and Andreas Ghukasyan should be remanded in custody for two months. The arrest of the key civic activists leading the protests suggests that the Armenian authorities might have used detention as a means of politically-motivated persecution. There are allegations that the large-scale detentions of leaders, civic activists and other protestors were aimed at ending the protests and silencing public criticism of the regime. On 31 July the Coordination Anti-Crisis Council was dissolved. This informal body united political and civic leaders who took responsibility for coordinating the protests. As of 31 July the majority of the council members were arrested. Albert Baghdasaryan, one of the few leaders who were not detained, publicly announced that the Council was unable to continue its activities due to the arrests.⁴²



Testimonies obtained by CSP monitors indicate that at the start of the protests law enforcement officers detained and questioned relatives of the demonstrators in order to put pressure on the protests' leaders. For example, Norayr Avetisyan, son of the imprisoned Karabakh veteran, was called to the police station. Elsewhere in Armenia members of the Founding Parliament movement Hasmik Evoyan, Zhanna Zhamharyan, Gevork Manukyan, Hovhannes Ghazaryan were also interrogated in an apparent attempt to put pressure on the leaders of the protest.

The second criminal case concerns allegations of excessive use of force by police (Articles 308.1 and 309.2 of the Criminal Code of Armenia) and to illegally “obstructing the professional activity of journalists” (Article 164 of the

41 Novaya Gazeta. 100 people detained in Yerevan after protests, <http://www.novayagazeta.ru/news/1705657.html>
42 Albert Baghdasaryan facebook page <https://www.facebook.com/albert.baghdasaryan.7/posts/1106269236128871>

Criminal Code of Armenia). On 17 August the Armenian Special Investigation Service announced that four people have been indicted in this case.⁴³ Neither their names nor other details of the accusations against them were made public.



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On 5 August the police press office stated that due to the events of 19 July and 29 to 30 July disciplinary measures had been applied in relation to several police officers in connection with their failure to carry out their duty diligently, to ensure the citizens' safety during public events and to prevent physical abuse of journalists and other citizens. The Head of Police of Yerevan City Police Department, Ashot Karapetyan, the Head of the Police Patrol Service department Khachatur Avetisyan and his deputies were severely reprimanded, and on 8 August Ashot Karapetyan was dismissed.⁴⁴ The heads of the district police departments of Nor Nork, Erebuni and Spitak were dismissed. The police statement says that the findings of the internal investigation have been sent to the Special Investigative Service for evaluation as to whether a criminal case should be opened.⁴⁵

The initiation of investigations into the use of excessive force by police is a welcome step. The indictment of four suspects indicates that the authorities may intend to conduct thorough and impartial investigations into the events of July 2016 and thereby combat impunity for human rights violations. The developments in these investigations should be closely monitored.

Armenia does not have a good track record of fighting impunity. For example, not a single police officer has been brought to justice following the violent dispersal of protests on 23 June 2015 in Yerevan (so-called Electric Yerevan).⁴⁶ Also as it was noted in the Human Rights Watch report after the events of March 1, 2008 when eight protesters and two policemen died as the result of clashes there was no efficient investigation of the proportionality of the use of force by the police⁴⁷ Although the Special Investigative Service announced the start of the investigation of the cases of excessive use of force by police in July 2016 there has been little visible progress.

43 SIS, 2 more people are detained on the case of events in Sari-Tagh <http://www.ccc.am/ru/1428493746/3/5302>

44 RFERL Ashot Karapetyan is dismissed <http://rus.azatutyun.am/a/27908813.html>

45 <http://rus.azatutyun.am/a/27902813.html>

46 IPHR, Electric Yerevan: Crackdown on Peaceful Protest in Yerevan, June 2015 <http://iphronline.org/armenia-electricyerevan-crackdown-on-peaceful-protest-20150714.html>

47 HRW, Armenia: Skewed Prosecution Over 2008 Clashes, <https://www.hrw.org/news/2009/02/25/armenia-skewed-prosecution-over-2008-clashes>

Rights of journalists



Most journalists testified that prior to 29 July police officers did not interfere in their work although CSP monitors documented two cases where such interference took place.

Civil.net.am journalist Sargis Kharazyan was targeted while covering events at Azatutyun Square on 17 July:

“They [police officers] took my camera and broke it. They grabbed it by the microphone and broke it, and also broke my ear phones. They did not hit me, they just wanted to destroy the equipment. The protest was about to start on Azatutyun Square, and police officers approached David Sanasaryan who was giving an interview to us and they took him to their car without any explanation. I followed. They forced David into the car, more police officers came and they pushed him. I had the camera on a long stick, I held it high up to film better, and then the stick touched one police officer on the head. They then all turned to me, and began pulling me in all directions, but did not hit me. They grabbed the microphone of the camera and broke the whole thing.”

On 20 July journalist Hayk Grigoryan was filming police officers acting violently towards a protester in the Sari-Tagh neighbourhood of Erebuni district. Hayk Grigoryan told CSP monitors:

“I saw eight policemen beating one man. He fell on the ground and they were punching him. I had come closer to film when they noticed me. Policemen left the man alone and attacked me. They started kicking and punching me, including on the face. They took my camera away, and when my phone fell out of the pocket they took that too. Then an officer in charge approached us and said: ‘enough’. The officer asked me which media outlet I work for and why I was filming there. They returned my camera later but had deleted all the film. I had a broken rib and bruises all over my body. They did not give me any papers documenting my injuries in the hospital.”⁴⁸

Overall, however, such incidents were rare up until 29 July. The majority of journalists interviewed by CSP monitors said that when they wore press badges the police did not interfere in their work. However, the journalists interviewed said that on 29 July the police appeared to be deliberately targeting journalists and preventing them from live coverage of the events. Several journalists reported being badly beaten both by police and unidentified men in plainclothes, acting in coordination with the police.

Marut Vanyan, a journalist with internet news outlet Iragir.am, testifies:

“I was filming when two people in plainclothes approached me and asked what I was filming. They said - ‘don’t film’. They took my camera and broke it, then they beat me with wooden sticks. Eight people were beating me; I fell on the ground. I was hit at least ten times. The police lined up, I was in front of them, then around eight or 10 people in plainclothes pulled me behind the police line and continued beating me.”⁴⁹

Radio Free Europe/Radio Liberty (RFE/RL) reported that their journalists Karlen Aslanyan, Hovanes Movsisyan and Garik Harutyunyan were attacked by men in plainclothes on 29 July while working in Sari-Tagh. As a result their equipment was broken and RFE/RL had to stop its live coverage of the events.⁵⁰

CSP monitors heard from some witnesses that police officers were specifically targeting reporters and destroying filming equipment. Robert Ananyan, a reporter for Armenia’s A1+ TV channel testifies:

“It’s my impression that reporters were targeted, especially those with video equipment. I believe the policemen wanted to push the reporters into one place, making it easier to neutralize us. The first percussive grenade used by police was thrown towards the reporters.”⁵¹

On 29 July the Armenian authorities thus used force against journalists to prevent them from filming police officers and the unidentified men in plainclothes as they severely beat protesters. The targeting of journalists that occurred appears to have been orchestrated by the police command.

48 CSP interview with Aik Grigoryan, 29 July 2016

49 CSP interview with Marut Vanyan, 1 August, 2016

50 RFERL, Journalists of RFERL are attacked in Sari-Tagh <http://rus.azatutyun.am/a/27888963.html>

51 CSP interview with Robert Ananyan, 1 August, 2016

Legal assessment

This chapter provides an analysis of the human rights violations which occurred during the events of 17 to 30 July 2016 in the context of Armenia's national and international legal obligations.

THE RIGHT TO FREEDOM OF ASSEMBLY AND OTHER FUNDAMENTAL RIGHTS

The right to freedom of peaceful assembly is protected by the Constitution of Armenia, as well as by international human rights treaties that have been ratified by Armenia and form an integral part of its legal system. Article 44 of the Constitution stipulates that: *"Everyone shall have the right to freedom of peaceful and unarmed assembly. Everyone shall have the right to organize and participate in peaceful and unarmed assembly."* Article 11 of the European Convention for Human Rights and Fundamental Freedoms (ECHR) and Article 21 of the International Covenant on Civil and Political Rights (ICCPR) both provide guarantees for the right to freedom of peaceful assembly. This right is also safeguarded by OSCE human dimension commitments, in particular the 1990 Copenhagen Document. The exercise of the right to freedom of assembly in Armenia is regulated by the 2011 Law on Freedom of Assembly.⁵² This law contains detailed provisions on different aspects of holding an assembly, which is defined as *"the temporary peaceful and unarmed presence of two or more individuals in any location for the purpose of formulating or expressing common opinion on issues of public interest"*.

When assessing the events of 17 to 30 July 2016 in Armenia in view of the right to peaceful assembly, invaluable guidance is provided by the Guidelines on Freedom of Peaceful Assembly published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Commission for Democracy through Law (Venice Commission).⁵³ ECtHR case law also serves as an important source of reference. Aside from the right to freedom of peaceful assembly, other fundamental rights relevant to the current analysis include, in particular, the right to freedom of expression, the right to liberty and security, the ban on torture and inhuman or degrading treatment and due process and fair trial rights.

These rights are protected by Chapter 2 of the Armenian Constitution, including articles 26, 27, 42 and 61, as well as the ECHR, the ICCPR and other international human rights treaties and standards that the Armenian authorities are obliged to uphold.

THE NATURE OF THE DEMONSTRATION: WAS IT A PEACEFUL ASSEMBLY?

National and international law only protects assemblies that are peaceful in nature. Therefore, the first issue to be decided is if the demonstrations covered by this report were peaceful.

As set out in the ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly, an assembly can be deemed peaceful if its organizers have professed peaceful intentions and the conduct of the assembly is non-violent. The term *"peaceful"* should be interpreted to include conduct that may annoy or give offence, and even conduct that temporarily hinders, impedes or obstructs the activities of third parties.⁵⁴

Based on ECtHR case law, the only type of events that do not qualify as *"peaceful assemblies"* are those in which the organizers and participants have intended to use violence.⁵⁵ An assembly should be deemed peaceful unless there is compelling and demonstrable evidence that those organizing or participating in that particular event themselves intend to use, advocate or incite imminent violence.⁵⁶ Assemblies involving passive resistance should be characterized as peaceful. The use of violence by a small number of participants should not automatically

52 An unofficial English translation is available at: <http://www.legislationline.org/documents/action/popup/id/16523>

53 The Guidelines are available at: <http://www.osce.org/odihr/73405?download=true>

54 ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly, 1.3.

55 *Cisse v. France* (2002), para.37

56 *Christian Democratic People's Party v. Moldova* (No.2) (2010), para.23

lead to the categorization of an otherwise peaceful assembly as non-peaceful.⁵⁷ Even if isolated participants were shown to have thrown objects at police officers, this should not have resulted in the entire assembly being deemed non-peaceful and any intervention should have been aimed at dealing with those particular individuals rather than at dispersing the whole event.

The inquiry conducted by the CSP monitoring team confirmed the largely peaceful nature of the demonstrations that took place in July in Yerevan. Monitors observed the efforts taken by the leaders of the demonstrators to restrain the public from any acts of violence. The demonstrators mostly gathered on Azatutyun Square in central Yerevan and then marched through the city clapping and chanting in support of the “*Sasna Tsrer*” and calling for the resignation of President Serzh Sargsyan. Major incidents occurred when police officers tried to prevent protesters from marching through certain streets. The police argued that the protesters failed to notify the authorities in advance about the route of the planned marches, although in most cases such conflicts were resolved through negotiation.

The protests on 20 and 29 July were tainted by violence. On 20 July several protesters behaved aggressively in trying to pull away the helmets and shields of police officers standing in the cordon and by throwing stones at them. However, the police response was indiscriminate as the stun grenades used resulted in injuries to significant numbers of peaceful protesters. Also, police were chasing the protesters preventing them from retreating and beat many of them. On 29 July the march in Sari-Tagh was peaceful, with no signs of aggression from the side of the protesters. The police used excessive force when dispersing the demonstrators.

THE ISSUE OF NOTIFICATION

The ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly state that the requirement of advance notification for holding an assembly is not necessary under international human rights law.⁵⁸ Prior notification should only be required where its purpose is to enable the state to put in place necessary arrangements to facilitate freedom of assembly and to protect public order, public safety and the rights and freedoms of others. The authorities should always protect and facilitate spontaneous assemblies provided they are peaceful in nature.⁵⁹

The Armenian Law “*On Freedom of Assembly*” requires the organizers of assemblies with over 100 participants to notify the authorities in advance, no later than seven days prior to the assembly.⁶⁰ The law also provides for holding spontaneous and urgent assemblies in cases when the deadline for notification cannot be met and the purpose is to immediately or urgently respond to events taking place. It states that if a spontaneous assembly “*has a de-facto organizer*”, this organizer “*shall be obliged to immediately inform the police*” about the assembly and that such assemblies “*may not last longer than six hours*”.⁶¹

According to a statement by Yerevan City Council, the authorities received no notification about holding public events on Khorenatsi Street on 17 July or later. Neither did the protesters notify the authorities of the routes of the marches. The police was sensitive to the protests on Khorenatsi Street because the location is in direct proximity to Police Patrol Service station. However only on 30 July did the City Council introduce formal restrictions on the holding of public events there.⁶² CSP mission delegates observed the negotiations between police and protesters during the marches through Yerevan. It was clear that the route of the marches was decided spontaneously and was negotiated with the police on the spot. However, the protesters were behaving peacefully and, with the exception of the incident on 20 July on Khorenatsi Street they did not take actions to provoke conflict.

57 ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly, par. 165

58 ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly, 4.1.

59 ODIHR/Venice Commission, Guidelines on Freedom of Peaceful Assembly, 4.2.

60 Articles 9 and 12 of the Law on Freedom of Assembly

61 Articles 26 and 27

62 RFERL, Public events are prohibited in Erebuni <http://rus.azatutyun.am/a/27890241.html>

THE ISSUE OF THE GROUNDS INVOKED FOR RESTRICTING THE ASSEMBLY

Freedom of assembly can be restricted only on grounds that are strictly defined by law. Relevant international treaties provide an exhaustive list of grounds that a state can refer to when restricting the freedom of peaceful assembly. These include: interests of national security, public safety, and prevention of disorder or crime, protection of health and morals and protection of the rights and freedoms of others.⁶³

The Armenian Law “*On Freedom of Assembly*” includes all these grounds. In addition, it stipulates that the freedom of assembly can also be restricted when the assembly is aimed at “*forcibly overthrowing the constitutional order, inciting ethnic, racial, or religious hatred, or advocating violence or war*”.⁶⁴

Police of the Republic of Armenia issued a statement on 18 July informing the public that access and public transportation would be restricted on Khorenatsi Street due to an anti-terrorist operation.⁶⁵ On 26 July the Police of the Republic of Armenia published a request not to hold public events close to the occupied police station on Khorenatsi Street for reasons of public safety.⁶⁶ It was not until 30 July that Yerevan City Council formally prohibited public gatherings on Khorenatsi Street.

As the Police Patrol Service compound was occupied by armed men it is clear that the police had grounds to restrict public gatherings on Khorenatsi Street. However, there were no grounds for the violent dispersal or severe beatings of protesters. Moreover no information indicated restrictions on gatherings in Sari-Tagh, where the police strongly suppressed the protests.

THE ISSUE OF THE PROPORTIONALITY OF THE AUTHORITIES’ ACTIONS

The ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly establish that states have a positive duty under international human rights law to take reasonable and appropriate measures to enable peaceful assemblies to take place without participants fearing physical violence. If a stand-off or other dispute arises during the course of an assembly, negotiation or mediated dialogue should be used to reach an acceptable solution.⁶⁷

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulate that: “*law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if the other means remain ineffective or without any promise of achieving the intended result. When using force, law enforcement officials shall exercise restraint and act in proportion to the seriousness of the offence and to the legitimate objective to be achieved. Law enforcement officials must seek to minimize damage and injury*”.⁶⁸

The Principles state that: “*Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law*.” Under international human rights law, torture and cruel, inhuman or degrading treatment is prohibited at all times and must be investigated and prosecuted.⁶⁹ Article 33 of the Armenian Law “*On Freedom of Assembly*” stipulates that “*police may terminate an assembly only if there is no other possibility of preventing disproportionate restrictions of the constitutional rights of others or public interest*.”

Article 33 also states that police should address a demand to terminate an assembly to its leader, who is obliged to immediately inform the participants. If there is no leader of the assembly or this person fails to comply with

63 See ICCPR Article 21 and ECHR Article 11

64 Article 5 of the Law on Freedom of Assembly.

65 RFERL Police of Armenia: anti-terrorist operation is conducted <http://rus.azatutyun.am/a/27866479.html>

66 RFERL, Police demands to hold public protests in other place <http://rus.azatutyun.am/a/27881246.html>

67 OSCE Guidelines on Freedom of Peaceful Assembly, 5.3.

68 Basic principles of the Use of Force and Firearms, principles 4 and 5

69 ICCPR Article 7, ECHR Article 3, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

the demand made, a police representative should make a loudspeaker announcement at least twice demanding that the participants end the assembly and setting a reasonable time for doing so.

According to Article 34 of the Law “*On Freedom of Assembly*”, an assembly may be dispersed if it is not voluntarily terminated within the timeframe given. In accordance with Article 29 of the Armenian Law “*On Police*”, police officials are obliged to give prior warning before resorting to the use of physical force, “*special means*” or firearms, thus giving sufficient time to comply with lawful demands and to stop the action in question. The only exceptions are cases when delaying the use of force or firearms poses a direct threat to the life and health of citizens or a police official, or may have other serious implications or where providing a warning is impossible.

As outlined above, the Armenian authorities should not have dispersed the demonstration on 29 July since it was peaceful in nature and did not pose any clear threat to public safety or the rights and freedoms of others. Nevertheless, when authorities decided to resort to force, they had an obligation to ensure that the use of force was strictly proportionate to the supposed danger posed by the demonstration. Even if the demonstration was deemed unlawful according to domestic law, this did not justify the use of excessive force to disperse the crowd.⁷⁰ The cases of police storming into private houses of local residents in search of protesters in Sari-Tagh clearly go beyond the principle of proportionality.

Both on 20 July and 29 July representatives of the police warned demonstrators that force would be used to disperse the protests. However, on 29 July on Khorenatsi Street police started using non-lethal weapons immediately after the warning, not giving protest participants sufficient time to retreat. On the same day in Sari-Tagh police officers failed to give any warning at all.

Victims and witnesses told the CSP monitors that the police abuse included punching and kicking, beating with shields and truncheons.

WAS THE DETENTION OF PROTESTERS JUSTIFIED?

It is hard to provide precise numbers of those detained. Police publicly stated that on 20 July 136 protesters were apprehended⁷¹, on 26 July– 64 protesters⁷² and on 30 July - 165 people.⁷³ Many of them were released from detention within 24 hours. Based on information from victims and witnesses, CSP monitors conclude that the same people were detained several times and possibly included in the statistics several times. In addition, it appears that in many cases the detentions were not officially recorded. However in the official replies on the inquiries of the Union of Informed Citizens police provided different numbers. According to these documents 11 protesters were apprehended on 17 July, 25 protesters were apprehended on 18 July, 129 - on 20 July, 18 – on 21 July, 82 – on 26 July, 151 – on 27 July and 207 - on 29 July (726 protesters in total).⁷⁴ Many of them were released within 24 hours. Based on information from victims and witnesses, CSP monitors conclude that the same people were apprehended several times and possibly included in the statistics several times. In addition, it appears that in many cases the detentions were not officially recorded.

According to the Armenian Criminal Procedure Code (CPC)⁷⁵, only those individuals may be detained who are suspected of committing crimes that may result in deprivation of liberty and those charged with crimes who have violated the terms of preventive measures. (Article 128). As regards witnesses, the CPC provides that they may be summoned for interrogation by the investigating body or interrogated at the place where the preliminary investigation is conducted or, when necessary, where they “*find themselves*” (Articles 205 and 206). Prior to conducting an interrogation, the investigator is obliged to inform witnesses about the case that they are being

70 Cisse v France (2002), para 50

71 RFERL, after events of July 20 136 people are detained <http://rus.azatutyun.am/a/27872017.html>

72 RFERL, Previous night 64 protesters were detained <http://rus.azatutyun.am/a/27883952.html>

73 RFERL, Yesterday in Yerevan 165 were detained <http://rus.azatutyun.am/a/27889679.html>

74 Documents # 2,3,4,5,6,7,8

75 Criminal Procedure Code of the Republic of Armenia, <http://www.parliament.am/legislation.php?sel=show&ID=1450&lang=rus>

questioned about (Article 206). According to the Armenian Code on Administrative Offenses, individuals may be held in administrative detention for up to three hours in “exceptional cases” (Article 262). The exclusive purpose of the summoning of witnesses before the competent authority is to obtain testimony from them. Holding witnesses beyond the time required for this purpose should be considered unlawful. The Armenian authorities sought to justify the prolonged detention of “witnesses” claiming that there was a lack of qualified personnel at the local police stations to record testimonies. The prolonged and unjustified detention of dozens of individuals could have been avoided by taking note of their contact details and summoning them for questioning at a later stage.

As noted above, although being described as “witnesses”, detainees were sometimes treated as suspects and many reported not being clear about their status while in detention. The lawfulness of the detentions can only be assessed properly by carefully examining the circumstances of each individual case. However, the information presented in this report raises serious questions regarding the nature of the detentions and suggests that many protesters were arbitrarily detained.

WERE DEMONSTRATORS INFORMED ABOUT THE REASONS FOR THEIR DETENTION?

Many people interviewed by the CSP mission reported that, upon apprehension, police did not inform them of the reasons for their detention. Even those who insisted on being told the reasons reported that they failed to get any explanation from the police officers.

The right to be informed about the reasons for one’s detention is guaranteed under Article 27 of the Armenian Constitution, which states that “every person deprived of personal liberty shall be promptly informed about the reasons in a language understandable to him or her and, in case a criminal charge is brought, about the charge as well.”

Article 11(4) of the CPC further specifies that a person who is detained “must immediately be given explanations and grounds for his/her arrest”. It can be argued that it is justifiable to provide information to detainees about their rights with some delay. Notifications, which were given with six or eight hours delay, for example, were found by the ECtHR to meet the criteria of promptness.⁷⁶ This being said, the right to be informed about the reasons of arrest was clearly routinely violated during detentions conducted on 17 to 30 July 2016.

DID THE APPREHENDED DEMONSTRATORS HAVE UNHINDERED ACCESS TO A LAWYER WHILE IN DETENTION?

Article 64 of the Armenian Constitution stipulates that everyone has the right to legal assistance. In cases prescribed by law, legal assistance is provided free of charge. In accordance with the provisions of international human rights treaties, and as emphasized by international human rights bodies, the right to have access to a lawyer is a key element of due process and fair trial rights. The ECtHR has pointed out on numerous occasions that the right to communicate with a legal representative is a basic requirement under the Convention.⁷⁷

This includes access to a lawyer at the initial stages of a police interrogation,⁷⁸ unless there are compelling reasons not to provide such access.⁷⁹ The CSP monitors documented several cases, which raise concerns about violations of the right to prompt access to legal counsel. Some detainees and their lawyers told the CSP delegation that police did not facilitate prompt access to a lawyer and, in some cases, actively obstructed it.

76 See O’Harra v UK.

77 See for example Öcalan v. Turkey (2005).

78 Salduz v Turkey (2008).

79 Brennan v UK (2002), Pishchalnikov v Russia (2009)

Recommendations

On the basis of the findings of this report, we recommend that the Armenian authorities take immediate steps to ensure accountability and justice for the human rights violations documented during the events of 17 July to 30 July 2016.

The Armenian authorities should:

- Undertake prompt, thorough, impartial and independent investigations into all allegations of unlawful conduct by law enforcement officials in connection with the dispersal of the protest in Yerevan on 20 July and 29 July 2016.
- Investigations should be carried out with respect to all of the following allegations, ensuring a careful examination of the circumstances of each individual case where violations are alleged, including those documented in this report:
 - Allegations that the peaceful protest on 29 July was dispersed with the use of excessive force although it posed no clear threat to public order or security or the rights and freedoms of others.
 - Allegations that law enforcement officials involved in the dispersal of the protests failed to ensure that the use of force was strictly proportionate and aimed at minimizing damage and injury.
 - Allegations that protest participants and journalists were chased, hit, kicked, beaten and subjected to other ill-treatment by police.
 - Allegations that plainclothes police officers with no signs of identification took an active part in the detention and ill-treatment of protesters.
 - Allegations that police confiscated, damaged or destroyed the equipment of journalists covering the protest and obstructed their work.
 - Allegations of arbitrary and unlawful detentions of protest participants.
 - Allegations that police officials who detained individuals did not identify themselves and failed to grant detainees access to legal safeguards, including by informing them of the reasons for their detention and their rights and status as detainees and ensuring that all had prompt access to legal assistance and were able to contact family members.
 - Allegations of inadequate treatment of individuals in detention, such as not giving them anything to eat for hours, not providing adequate medical assistance, delaying access to a lawyer, restricting access to a phone and of intimidation of detainees.
 - Allegations of the failure to ensure prompt access to medical assistance of those who suffered injuries during the dispersal of the protest and the detention of participants.
- Ensure that all officials suspected of being responsible for committing human rights violations during the events of 20 July and 29 July 2016, including those with command and supervision responsibility, are brought to justice in fair proceedings. All sanctions imposed should be commensurate with the severity of the violations committed.
- Grant victims of human rights violations during the events of 20 July and 29 July fair and adequate compensation.
- Ensure that all individuals deprived of their liberty in Armenia are informed of their rights from the outset of their detention, have immediate access legal and medical assistance, can notify a person of their choice, and are brought promptly before a judge, as called for by international human rights bodies.
- Bring national legislation and practice on holding and policing assemblies into full compliance with international human rights standards. In particular, the authorities should ensure that peaceful assemblies can take place without interference, that any actions to disperse protests are used only as a last resort exclusively on grounds prescribed by international human rights law, and that the means employed for dispersal are strictly necessary and proportionate in any given situation.
- Conduct adequate training for law enforcement officials on the policing of assemblies and the treatment of detainees in accordance with international human rights standards and review law enforcement instructions, procedures and oversight structures to effectively prevent violations.



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