



Political Prisoners in Armenia

Report

Prepared by Helsinki Citizens' Assembly - Vanadzor

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Introduction

The failed authorization of the Armenia-EU Association Agreement and Serzh Sargsyan's decision to join the Eurasian Economic Union of 2013 were followed by a notable rise of persecutions by the Armenian authorities against human rights defenders, journalists and civil activists.

In the past 2 years, the protection of human rights and fundamental freedoms in Armenia has become more difficult. Space for human rights defender organizations and individual activists is constantly shrinking due to legislative amendments and punitive actions by the authorities.

Large-scale violations of the freedom of peaceful assembly, freedom of expression and the use of the justice system to violently suppress all protests that attempt to go beyond apolitical demonstrations shows that the authorities have employed an openly punitive stance against any and all dissent.

In support of political prisoners, a number of protest actions were launched, namely: press conferences, peaceful marches, demonstrations and petitions, with hundreds of participants: ordinary citizens, activists, human rights defenders and opposition politicians.

A number of human rights defenders and opposition figures recognized and condemned the political persecutions in the RA.

In this connection, the EU Eastern Partnership Civil Society Forum Armenian National Platform¹ issued a statement, and the Human Rights Watch referred to the political persecution against Shant Harutyunyan and friends.

This list covers the list of the political prisoners in the RA (Republic of Armenia) and was drafted in compliance with the "political prisoner" term as defined by PACE.²

The Report also includes the names (with detailed case description) of the persons convicted for their political views and released after serving their sentences.

Presently, the 12 persons listed below were imprisoned in the RA for their political views:

¹ "Statement of the EU EAP Armenian National Platform on cases of political persecution in Armenia":

<https://eaparmenianews.wordpress.com/2014/02/18/issue-160/>

EU EaP CSF Armenian National Platform Statement regarding the Trial of Shahan Harutyunyan:

<https://eaparmenianews.wordpress.com/2014/09/30/issue-189/>

² Parliamentary Assembly of the Council of Europe (PACE) Resolution No. 1900, from 3 October 2012
<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150&lang=EN>

1. Shant Harutyunyan;
2. Avetis Avetisyan;
3. Liparit Petrosyan;
4. Vardan Vardanyan;
5. Albert Margaryan;
6. Mkrtich Hovhannisyan;
7. Vahe Mkrtchyan;
8. Hayk Harutyunyan;
9. Alek Poghosyan;
10. Volodya Avetisyan
11. Hayk Kyureghyan; and
12. Vardan Petrosyan

To prepare the Report, the HCA Vanadzor monitored the mass media, examined relevant judgments, observed trials and collected the required information from the families and lawyers of the persons in question. The Report provides details on the circumstances of their detention, political motives and photographs of each of the present and former political prisoners.

Shant Harutyunyan and Friends

1. Shant Harutyunyan

Date of arrest: November 5, 2013

Charges: Article 258(4) of the RA Criminal Code (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities)



Sentenced to 6 (six) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The ruling of the Yerevan Kentron and Nork-Marash administrative districts General Jurisdiction Court was appealed to the Court of Appeal which upheld the court ruling on October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. Sh. Harutyunyan is serving his term at the RA Vardashen penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

2. Vardan Vardanyan

Date of arrest: November 5, 2013

Charges: Article 258(4) of the RA Criminal Code (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities).



Sentenced to 5 (five) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court dated October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. V. Vardanyan is serving his term at the RA Vardashen penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

3. Alek Poghosyan

Date of arrest: November 5, 2013

Charges: Article 258(4) of the RA Criminal Code (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities).



Sentenced to 4 (four) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court dated October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to investigate the appeal. The judgment entered into force. A. Poghosyan is serving his term at the RA Kosh penitentiary. On September 15, 2015, an appeal was filed with the ECtHR.

4. Avetis Avetisyan

Date of arrest: November 5, 2013

Charges: Article 258(4) of the RA Criminal Code (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities).



Sentenced to 5 (five) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court on October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to investigate the appeal. The judgment entered into force. A. Avetisyan is serving his term at the RA Sevan penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

5. Liparit Petrosyan

Date of arrest: November 5, 2013

Charges: Article 258(4) of the RA Criminal Code (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities).



Sentenced to 5 (five) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court on October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. L. Petrosyan is serving his term at the RA Kosh penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

6. Albert Margaryan

Date of arrest: November 5, 2013

Charges: Article 258(4) (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities) and Article 316(2) (committing violence dangerous for life and health against police officers in their capacity of representatives of the authorities) of the RA Criminal Code.



Sentenced to 6 (six) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. As for the crime under Article 316(2) of the RA Criminal Code, the Court found Albert Margaryan not guilty and acquitted him due to absence of any corpus delicti.

The Court of Appeal upheld the ruling of the General Jurisdiction Court of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. A. Margaryan is serving his term the RA Sevan penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

7. Vahe Mkrtchyan

Date of arrest: November 5, 2013

Charges: Article 258(4) (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities) and Article 316(2) (committing violence dangerous for life and health against police officers in their capacity of representatives of the authorities) of the RA Criminal Code.



Sentenced to 7 (seven) years' imprisonment and found guilty of the crimes under Article 258(4) and Article 316(2) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. V. Mkrtchyan is serving his sentence at the RA Kosh penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

8. Sevak Mnatsakanyan

Date of arrest: November 5, 2013

Charges: Article 258(3)(1 and 2) (hooliganism committed by a group of persons, accompanied with resistance to a representative of the authorities) of the RA Criminal Code.



Sentenced to 1(one)-year-and-6(six)-months' imprisonment and found guilty of the crime under Article 258(3)(1 and 2) of the RA Criminal Code. The Court of Appeal upheld the ruling of the General Jurisdiction Court of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to investigate the appeal. S. Mnatsakanyan was released on May 5, 2015 upon the end of his term.

On September 15, 2015, an appeal was filed with the ECtHR.

9. Armen Hovhannisyan

Date of arrest: November 5, 2013

Charges: Article 258(3)(1 and 2) (hooliganism committed by a group of persons, accompanied with resistance to a representative of the authorities) of the RA Criminal Code.



Sentenced to 2 (two) years' imprisonment and found guilty of the crime under Article 258(3)(1 and 2) (hooliganism committed by a group of persons or an organized group, accompanied with resistance to a representative of the authorities or a person carrying out a duty of public order protection or a person preventing breach of public order) of the RA Criminal Code.

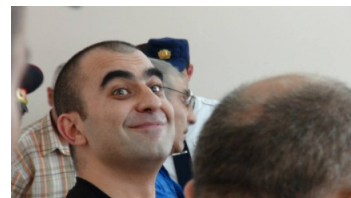
The Court of Appeal upheld the General Jurisdiction Court ruling of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. A. Hovhannisyan was released on November 5, 2015 upon the end of his term.

An appeal was filed with the ECtHR.

10. Tigran Petrosyan

Date of arrest: November 5, 2013

Charges: Article 258(3)(1 and 2) (hooliganism committed by a group of persons, accompanied with resistance to a representative of the authorities) of the RA Criminal Code.



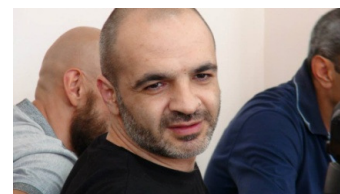
Sentenced to 1 (one) year's imprisonment and found guilty of the crime under Article 258(3)(1 and 2) (hooliganism committed by a group of persons or an organized group, accompanied with resistance to a representative of the authorities or a person carrying out a duty of public order protection or a person preventing breach of public order) of the RA Criminal Code.

The Court of Appeal upheld the General Jurisdiction Court ruling dated October 17, 2014. Tigran Petrosyan did not appeal the ruling of the RA Court of Appeal. He completed his sentence and was released on November 5, 2014.

11. Hayk Harutyunyan

Date of arrest: November 5, 2013

Charges: Article 258(4) (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities) and Article 268(1) (illegal possession of considerable volume of psychotropic substance without the purpose of sale) of the RA Criminal Code.



Sentenced to 4(four)-year-and-6(six)-months' imprisonment and found guilty of the crimes under Article 258(4) and Article 268(1) of the RA Criminal Code. The Court of Appeal upheld the General Jurisdiction Court ruling of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force. H. Harutyunyan is serving his sentence at Sevan penitentiary.

On September 15, 2015, an appeal was filed with the ECtHR.

12. Mkrtich Hovhannisyan

Date of arrest: November 5, 2013

Charges: Article 258(4) (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities) and Article 316(2) (committing violence dangerous for life and health against police officers in their capacity of representatives of the authorities) of the RA Criminal Code.



Sentenced to 4 (four) years' imprisonment and found guilty of the crime under Article 258(4) of the RA Criminal Code. The Court found Mkrtich Hovhannisyan not guilty of the crime under Article 316(2) of the RA Criminal Code and acquitted him due to absence of any corpus delicti.

The Court of Appeal upheld the General Jurisdiction Court ruling dated October 17, 2014.

Mkrtich Hovhannisyan did not appeal the ruling of the RA Court of Appeal. The judgment entered into force. M. Hovhannisyan is serving his term at Sevan penitentiary.

13 Misak Arakelyan

Date of arrest: November 5, 2013

Charges: Article 258(1) (hooliganism, i.e. deliberate brutal violation of the public order manifested in express disrespect to the society) of the RA Criminal Code.



On **November 11, 2013**, M. Arakelyan was subjected to detention as a preventive measure, which on April 1, 2014 was replaced by a written agreement not to leave his place of residence and he was released after 4 months and 26 days in prison.

Sentenced to a fine in the amount of fifty times the fixed minimum wage 50,000 (fifty thousand) AMD and was found guilty of a crime under Article 258(1) of the RA Criminal Code.

The Court of Appeal upheld the General Jurisdiction Court ruling of October 17, 2014. Later, by its ruling of May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force.

On September 15, 2015, an appeal was filed with the ECtHR.

14. Shahen Harutyunyan

Charges: by completion of the preliminary investigation, on April 2, 2014, Shahen Harutyunyan a minor was charged with a crime under Article 258(4) (hooliganism committed by a group of persons by use of an object serving as a weapon, accompanied with resistance to a representative of the authorities) of the RA Criminal Code.



Sentenced to 4 (four) years' imprisonment and by a court ruling found guilty of the crime under Article 258(4) of the RA Criminal Code.

By application of Article 70 of the RA Criminal Code, the sentence imposed on Shahen Harutyunyan was applied conditionally with a probation period of 4 (four) years.

The court also ruled to obligate Shahen Harutyunyan and his legal representative not to leave the place of their permanent residence by instructing the Alternative Punishments Unit of the Penitentiary Department under the RA Ministry of Justice to observe his behavior.

The Court of Appeal upheld the General Jurisdiction Court's judgment of October 17, 2014. Later, on May 8, 2015, the RA Cassation Court ruled not to process the appeal. The judgment entered into force.

On September 15, 2015, an appeal was filed with the ECtHR.

Case Description

On November 5, 2013 Shant Harutyunyan, who back on October 31 commenced a sit-in strike at Liberty Square in Yerevan under the slogan "I am starting a revolution," initiated a march of masks for Guy Fawkes Day.³

"I stand for a revolution of values which, among others, includes overthrowing the current regime", said Shant Harutyunyan on November 1, 2013 in his interview to Hetq daily.

Some months earlier, Shant Harutyunyan declared his intention to make a revolution in Armenia. He also stated that he would make a **revolution of values**, since the underlying causes of the problems at stake in Armenia are the degrading values. Shant Harutyunyan specifically mentioned that the revolution would start on December 2; the day Russian President V. Putin's is to visit the RA. At the same time, he said that he could not go against the will of the people if the latter demanded the revolution start sooner.

On November 5, 2013, Shant Harutyunyan and his **supporters** moved along Mashtots Avenue in Yerevan, toward the presidential residence. However, the march ended a few minutes after its start after clashes between the police and a group of activists at the entrance to Mashtots Avenue. As a

³ November 5 is celebrated worldwide, and especially in the United Kingdom of Great Britain and Northern Ireland as a post-Halloween protest against the authorities, their impunity and corruption. After the famous 'V for Vendetta' film by James McTeigue, the movement gained another symbol, the mask of the 17th-century Catholic opposer Guy Fawkes, which became especially popular in recent years due to the activities by the Anonymous hacker group.

result, dozens of citizens were apprehended by the police. Before the march, Shant Harutyunyan announced that the protesters had no other “weapons” except for a petrol bottle, stones, sticks, slingshots and manganese bronze...” It should be noted that actually Shant Harutyunyan and his supporters had no petrol bottles and stones.

On November 5, 2013, the RA Police issued an official statement to the effect that the police had exhorted Shant Harutyunyan to "refrain from illegal behavior". And the police had actually taken no measures to prevent such behavior, given that the items above had been visible at the Liberty Square some hours before the march even started. Such behavior by the police can be assessed as a breach of their obligation “prevent and avert crimes” assigned to the Police by the RA Law on Police unless they were attempting to entrapment demonstrators.

On November 5, 2013, 20 persons were arrested, 6 of which were released and involved as witnesses. On November 8, 2013, Shant Harutyunyan, the opposition politician and Leader of Tseghakron (Ethno-theism) Party, his 12 supporters and another person named Anushavan Grigoryan ⁴ were detained.

The 14 who were arrested were charged with crimes under Article 316(1) and 316(2) of the RA Criminal Code, i.e. **committing violence against a representative of the authorities**. A 2-month detention was ordered as a preventive measure for them. On December 28, 2013, the detention was extended for another 2 months period ending on March 5, 2014.

On March 31, 2014, the agency responsible for the preliminary investigation requested the court to re-classify the charges brought against the detainees to **Hooliganism** under Article 258 of the RA Criminal Code.

According to the defense, the re-classification of the charges is baseless and unsubstantiated. Also, the case against *Shant Harutyunyan and friends* is the first step in the legal practice where an act against a police officer is considered as hooliganism. According to the defense, this action is designed to reduce the difference between a citizen and a police officer, which might allow for a new penal policy.

Upon exhaustion of the national remedies, an appeal under the *Shant Harutyunyan and friends* case was filed with the ECtHR. The applying attorneys and their clients requested the ECtHR to declare violations of Article 6(1)(2) and Article 11(1) of the European Convention on Human Rights. Article 6(1) of the Convention stipulates the right to a fair trial, and Article 6(2) - the presumption of innocence.

The defense particularly believes that the 134-page judgment on the *Shant Harutyunyan and others* case was made in an unprecedentedly short term of 2 hours, and abridged some of the defendants’ right to have the last word and the right to an adequate defense, also the presumption of innocence

⁴ Anushavan Grigoryan was no ideological follower of Shant Harutyunyan. On November 5, 2013, he was discharged from psychiatric facilities and found himself in Liberty Square by chance. By motion of his attorney, he underwent an expert examination and was declared incapable as a result. Later he was released by a court decree.

principle were also violated. Particularly, before the court ruled on the case, at the meeting with New York Columbia University students the Armenian President Serzh Sargsyan violated the presumption of innocence principle by stating that Shant Harutyunyan had committed a crime. In fact, the President qualified and gave a legal assessment to the case and thus provided direct guidance and may have influenced the court by doing so.

Pressure faced by Shant Harutyunyan and his friends during the preliminary investigation

○ *Violations by the RA Police*

Shant Harutyunyan and Vardan Vardanyan told the human rights defender Artur Sakunts and NA deputy Nikol Pashinyan that they had suffered violence, sexually offensive swear words and threats towards their family members, particularly by the chief of police, deputy chief of police and the police officers accompanying them concerning Shant Harutyunyan's 14-year-old son.

On November 7, 2013, Nikol Pashinyan within his powers of an NA deputy filed an official letter to the Head of the Special Investigation Service to request an investigation, in accordance with the RA law, concerning the information he learnt from Shant Harutyunyan and Vardan Vardanyan on November 6, 2013 at the RA Police detention facilities.

On November 12, 2013, Artur Sakunts, Head of the Helsinki Citizens' Assembly-Vanadzor issued a statement to the effect that on November 11, he visited Shant Harutyunyan who confirmed having suffered violence, sexually offensive swear words and threats towards family members, particularly his 14-year-old son, by the chief of police, deputy chief of police and the police officers accompanying them.

The Special Investigation Service denied the motion to initiate criminal proceedings due to the absence of a crime.

○ *Baseless restrictions of family visits and calls; psychological pressure*

After assigning detention as a precautionary measure, on November 5, the investigating agency, imposed a baseless ban on Shant Harutyunyan and the other detainees on family visits and calls. On December 18, 2013, Shant Harutyunyan applied to the investigator to lift the ban on family visits, but his application was denied.

On December 24, 2013, Shant Harutyunyan went on an indefinite hunger strike starting from 8 pm and demanded to the ban on family visits and calls be lifted. A few days later, on December 26, 2013, Liparit Petrosyan and Vahe Mkrtchyan also went on indefinite hunger strike with the same demands.

On January 8, 2014, Alek Pogosyan, Misak Arakelyan, Albert Margaryan and Avetis Avetisyan also went on hunger strike.

The hunger-strikers suffered psychological pressure. Most of them were moved to the hunger-strikers' cells only several days after starting their strike or were not moved there at all and were left in the cells with other non-striking detainees. In particular, Vahe Mkrtchyan was moved to the hunger-strikers' cell on the day before he ended his strike of 17 days. Avetis Avetisyan was moved to

there 3 days after he went on the hunger strike, and as for Alek Poghosyan, Misak Arakelyan and Albert Margaryan, they were not moved to any other cell at all.

On January 10, 2014, after he was taken to the “convicts’ hospital,” Shant Harutyunyan stopped his hunger strike.

On January 11, 2014, Liparit Petrosyan and Vahe Mkrtchyan also stopped his hunger strike.

On January 14, 2014, the investigating agency, without any written reason, revoked the ban on family visits and calls. Subsequently, the other hunger-strikers also stopped their strike.

- **Baseless placement and forced confinement of Shant Harutyunyan at a psychiatric facilities**

On November 19, 2013, the General Jurisdiction Court of Kentron and Nork-Marash administrative districts, Yerevan, ruled to order an in-patient psychiatric forensic medical examination for Shant Harutyunyan. As a result of this, on November 20, 2015, he was taken to psychiatric facilities where he spent 20 days. After the expert examination, Shant Harutyunyan was found legally competent. It is noteworthy that the court ruling above lacked any legal grounds for placing and keeping Shant Harutyunyan at the psychiatric facilities. According to his attorney, Shant Harutyunyan suffered some stress there.

In support of Shant Harutyunyan and the other persons detained illegally, a number of protest actions were launched, namely: press conferences, peace marches, demonstrations and petitions, with hundreds of participants: ordinary citizens, activists, human rights defenders and opposition politicians.

A number of human rights defenders and opposition figures stated that Shant Harutyunyan and his friends were political prisoners. The human rights defenders qualified Shant Harutyunyan’s calls as rhetorical speech and the police actions of November 5 as a vivid example of provocation. According to them, if the police had not provoked the clashes on November 5, the march would have been peaceful.

After the events of November 5, the American Human Rights Defense Organization also declared Shant Harutyunyan and the other illegally detained persons, namely Avetis Avetisyan, Liparit Petrosyan, Armen Hovhannisyan, Vardan Vardanyan, Misak Arakelyan, Albert Margaryan, Anushavan Grigoryan, Mkrtich Hovhannisyan, Vahe Mkrtchyan, Hayk Harutyunyan, Tigran Petrosyan, Alek Poghosyan and Sevak Mnatsakanyan as political prisoners.

Recently, a new organization, Shant and the Freedom Foundation was set up to support the persons persecuted and arrested for their political views and their families.

Human Rights Watch also gave an assessment of the events of November 5, 2013.

HCA Vanadzor hired attorney Inessa Petrosyan who protected Shant and Shahen Harutyunyans' interests throughout the preliminary and trial investigation and filed an appeal with the European Court of Human Rights on behalf of Shant Harutyunyan and his 10 followers.

15. Hayk Kyureghyan

Date of arrest: June 12, 2014

Charges: Article 258(4) (hooliganism committed by use of an object serving as a weapon) and Article 316(2) (committing violence dangerous for life or health against a police officer) of the RA Criminal Code.



Sentenced to 9 (nine) years' imprisonment.

By its judgment announced on September 15, 2015, the General Jurisdiction Court of Kentron and Nork-Marash administrative districts, Yerevan, found Hayk Kyureghyan guilty of the crimes under Article 316(2) and Article 258(4) of the RA Criminal Code and sentenced him to 7 (seven) years' imprisonment and 5 (five) years' imprisonment under the Articles, respectively.

H. Kyureghyan was sentenced to 9 years' under the partial summation of the imprisonment terms within the cumulative punishment procedure stipulated by Article 66 of the RA Criminal Code, imprisonment.

With support of HCA Vanadzor,⁵ attorney Mushegh Shushanyan who was involved in the proceedings on October 23, 2015 and appealed on behalf of Hayk Kyureghyan the guilty verdict by the General Jurisdiction Court of First Instance of Kentron and Nork-Marash administrative districts of Yerevan, RA of September 15, 2015.

Case Description

On June 12, 2014, before the court hearing of the "*Shant Harutyunyan and friends*" case, Hayk Kyureghyan, standing on a car in the court yard, fired at the police officers with an air pistol and urged them to arrest him. According to the activist, by doing so, he aimed to express his protest in terms of the political prisoner Shant Harutyunyan and his friends' trial.

Later, H. Kyureghyan stated that he opposed the current ruling system and its regime, and his "shots" targeted exclusively the ruling system.

⁵ The HCA Vanadzor involved attorney Mushegh Shushanyan to file appeals on behalf of Hayk Kyureghyan with the Court of Appeal, Cassation Court and the ECtHR.

A few minutes after the shooting, Hayk Kyureghyan was apprehended by the police.

Upon visiting the Yerevan City Department Yerevan Detention Facilities on June 13, 2014, the RA Police Detention Facilities Public Monitoring Group found out that the rights of Hayk Kyureghyan had been violated and that he had sustained a number of bodily injuries, in addition, no attorney was involved at his arrest.

Hayk Kyureghyan was charged under Article 258(4), RA Criminal Code for hooliganism committed with a weapon or another item serving as a weapon and faced detention as a preventive measure. On August 21, he was also charged under Article 316(2) for committing an offense against a police officer with violence dangerous to life.

5 police officers were declared as victims of H. Kyureghyan's protest action. 4 of them sustained injuries with no signs of damage to their health, and the other one sustained an injury with only a sign of light damage to health.

The available video recordings of the incident show that no one sustained any bodily injury as a result of the shots.

The initial court hearing on Kyureghyan's criminal proceedings was held on November 7, 2014. The judge reprimanded H. Kyureghyan for not standing when it was announced that: "Stand up, the Court is coming!". When explaining his behavior, H. Kyureghyan said that the court functioned under a self-appointed government, obeyed such government and served as a puppet in its hands. Kyureghyan did not stand up during the following court hearings as well. Consequently, the court imposed on him a sanction and removed him from the courtroom for considerable time. At the Court's initiative, a public defender was involved in the trial who however, provided no defense services since H. Kyureghyan did not want him to do so and therefore did not authorize him to take any actions on his behalf during the trial. Actually, Kyureghyan was deprived of the right to protect his interests in a court of law.

On September 15, 2015, after almost a year of proceedings, the General Jurisdiction Court of Kentron and Nork-Marash administrative districts, Yerevan, RA, sentenced Hayk Kyureghyan to 9 years' imprisonment.

While imposing the sentence, the Court failed to meet the Council of Europe Committee of Ministers Recommendation No. R (92) 17 of October 19, 1992⁶ stipulating as follows: (a) the sentence shall be proportional to the seriousness of the offence; (b) account shall be taken of the probable impact of the sentence on the individual offender, and (c) the severity of the sentence shall be reasonably predictable. None of the criteria above were applied to H. Kyureghyan, and the Court imposed a harsh and obviously unwarranted sentence.

⁶ See [http://www.coe.int/t/dghl/standardsetting/prisons/Recommendation%20R%20\(92\)%2017_E.pdf](http://www.coe.int/t/dghl/standardsetting/prisons/Recommendation%20R%20(92)%2017_E.pdf) Council of Europe Committee of Ministers Recommendation No. R (92) 17 of October 19, 1992, particularly its Paras: A(4), A(8), B(4).

According to the Armenian human rights defenders, the Court did not impose a sentence on Hayk Kyureghyan but rather even with him for his courage to rise up against the regime.

A number of opposition parties, freedom fighters, human rights defenders and other political prisoners, particularly Shant Harutyunyan, consider Kyureghyan a political prisoner.

The RA Special Investigation Service launched criminal proceedings against the police for committing violence toward Hayk Kyureghyan under Article 309 (Exceeding official authorities) of the RA Criminal Code. However, shortly after, the criminal case was discontinued, and no police officer was held liable.

16. Volodya Avetisyan

Date of arrest: September 20, 2013.

Charges: Article 34-178(2)(5) (swindling attempt committed for bribe), Article 178(2)(2 and 5) (swindling in large amounts committed for bribe) of the RA Criminal Code.



Sentenced to 6 years' imprisonment. By its ruling of July 17, 2014, the General Jurisdiction Court of Arabkir and Kanaker-Zeytun administrative districts, Yerevan, found Volodya Avetisyan guilty of the crimes under Article 178(2)(2 and 5) and Article 34-178(2)(5) of the RA Criminal Code and sentenced him to 4 years' imprisonment and 2-years-and-6-months imprisonment under the Articles, respectively. Under the terms of the cumulative punishment procedure stipulated by Article 66 of the RA Criminal Code, Volodya Avetisyan was sentenced to 6 years' imprisonment. By its judgment above, the Court also ruled that the detention used as a preventive measure against Volodya Avetisyan should remain unchanged.

The court also ruled to exact from V. Avetisyan to the RA state budget his illegally gained 814,260 AMD equal to 2,000 USD.

By its ruling of September 16, 2014, the RA Court of Criminal Appeals upheld the judgment of the first instance court and dismissed the appeal of the defense. The judgment was further appealed to the Cassation Court, which did not admit the appeal. The judgment entered into force.

V. Avetisyan is serving his sentence at Vardashen penitentiary.

Case Description

On June 4, 2013, freedom-fighter Volodya Avetisyan initiated a sit-in in Liberty Square, Yerevan to raise the social issues of the freedom-fighters. Many freedom-fighters from Yerevan and the marzes (regions) of the country joined Volodya Avetisyan. They held protests both in Yerevan and other cities and towns in Armenia.

On September 20, 2013, Volodya Avetisyan was arrested and a few days later, on September 22 he was charged under Article 178(2)(2) (a swindling attempt for bribe) of the RA Criminal Code. By a court ruling, Volodya Avetisyan faced detention as a preventive measure.

By decree of February 14, 2014, the charges brought against him were changed, and particularly, another charge was brought against him under Article 34-178(2) (5) (a swindling attempt for bribe) and Article 178(2)(2 and 5) (swindling in large amounts committed for bribe) of the RA Criminal Code.

According to the indictment, on July 29, 2013, Avetisyan allegedly demanded 500 USD from A. Matosyan to arrange for his son to be appointed a computer operator at a military unit in Nagorno-Karabakh. And on August 13, 2013, Avetisyan allegedly received 2000 USD from H. Zakaryan for exempting his grandson from mandatory military conscript service.

Avetisyan's supporters hold that both charges were fabricated and Volodya Avetisyan was a political prisoner and faced persecution for leading the movement to raise the social issues of the freedom-fighters. In this connection, Volodya Avetisyan stated that certain high-ranking officials, including the RA Defense Minister S. Ohanyan, attempted to convince him to give up the struggle for improved social conditions of freedom-fighters by offering him some office space, "financial support "and assistance with setting up a profitable business; at the same time they warned him that he would have grave problems if they reached no agreement.

The defense stated that the agency responsible for the preliminary investigation based the charges on false and fabricated evidence and committed a series of procedural violations.

Hence, the charges were based on the testimonies of persons, who despite being questioned as witnesses, were actually suspects. The Court considered the pre-trial testimonies of one of such witnesses inadmissible since the latter suffered some mental disease and before the questioning, the investigator failed to assign a forensic psychiatric examination as stipulated under Article 108(3) of the RA Criminal Procedure Code. Some of the witnesses did not attend the court hearing at all.

A number of NGOs, human rights defenders and opposition figures declared Volodya Avetisyan a political prisoner.

In its 2014 annual Human Rights Report, the US State Department also referred to the political persecution against Volodya Avetisyan.⁷

⁷ 2014 Human Rights Reports: Armenia: <http://www.state.gov/j/drl/rls/hrrpt/2014/eur/236496.htm#>

17. Vardan Petrosyan

Date of arrest: November 8, 2013

Charges: Article 242(3) of the RA Criminal Code i.e. breach of traffic rules or operation of vehicles, which by negligence caused the death of 2 or more persons.



Sentenced to 5 years' imprisonment and 2 years' deprivation of his driving license. Starting from September 4, 2015, Vardan Petrosyan is serving his term in open regime⁸.

Case Description

Actor and director Vardan Petrosyan became very popular back in the 1980s as, jointly with new playwright Vahram Sahakyan, he set up "Vozniner" ("Hedgehogs") drama studio.

In the 1990s, the actor moved to France where he resumed his artistic activities, particularly at Robert Hossein's Theater. V. Petrosyan's satirical shows in Yerevan always attracted a packed audience and gave rise to impassioned discussions. Vardan Petrosyan is known for his sharp criticism of the RA authorities and officials.

On October 20, 2013, while driving on the Yeghvard-Yerevan highway, Vardan Petrosyan had a car accident and hit another vehicle where two passengers died. Vardan Petrosyan sustained serious injuries and underwent several surgeries.

On November 8, Vardan Petrosyan was detained under charges of fatal violation of traffic rules. He was charged under Article 242(3) (breach of traffic rules or operation of vehicles, which by negligence caused the death of 2 or more persons) of the RA Criminal Code.

On January 29, 2015, the General Jurisdiction Court of Kotayk Marz sentenced Vardan Petrosyan to 5 years' imprisonment and 2 years' deprivation of his driving license.⁹ The aggrieved party and the prosecutor appealed the judgment; however, the Court of Appeal upheld the first instance court judgment of May 5, 2015. The aggrieved party further appealed to the Cassation Court, which did not admit the appeal. Starting from September 4, 2015, Vardan Petrosyan has been serving his term in open regime.

Vardan Petrosyan's attorney Nikolay Baghdasaryan stated that the investigator had committed a series of illegal actions. Particularly, he said that false evidence was fabricated to arrest Vardan Petrosyan.

⁸ In open correctional facilities, convicts may move at nighttime within relevant area in the facilities, and at daytime - both within the correctional facilities and beyond it with permission of the head of the facilities.

⁹ Vardan Petrosyan was sentenced to 5 Years in Prison: <http://iravaban.net/en/76176.html>

In its statement, the "Heritage" ("Zharangutyun") Party noted that Vardan Petrosyan suffered political persecution. A number of cultural figures also held that the authorities settled accounts with Vardan Petrosyan who freely expressed his views on the government and officials.

Political Persecutions against members of “Founding Parliament”¹⁰

The members of “Founding Parliament” (FP) (previously known as “Pre-Parliament” (PP) and the “Centennial without the Regime” movement (Movement) have been subjected to persecutions since their establishment. The persecutions have been regular and often with the use of violent means, such as the burning of cars which belonged to their members, beating and even a knife stabbing. Although criminal proceedings have been initiated in these cases, no perpetrators have been found or punished.

The acts of violence against the members of the Movement reached their peak on January 31, 2015 during a car rally under the banner of “100th Anniversary without This Regime”.

The police, including masked police officers and several men in civilian clothes blocked around 40 cars traveling from Armenia to Artsakh on the Goris-Stepanakert Highway near Berdzor, preventing members of the group from crossing into Karabakh and assaulting some of them.



Following the attack, the Founding Parliament said in a statement that around a dozen participants of the car rally had suffered injuries in an ambush by NKR police - some in uniform, others in civilian clothing, and some masked. Police severely beat the participants of the car rally, assaulted women and children, damaged 20 cars, illegally seized several video cameras and personal belongings. The estimated damage was around US\$ 40,000.¹¹



The leader of the Movement “and the commander of the Shushi special battalion Jirayr Sefilyan, the journalist Anushavan Shahnazaryan of “Noyan Tapan” agency, Artsakh war veteran Pavlik Manukyan and the vice-chairman of the Founding Parliament Varuzhan Avetisyan and others were among those seriously injured.



¹⁰“Founding Parliament” was established in January 2015 by “Pre-parliament” political movement pursuing the aim to “remove the governing regime peacefully and establish a state of new quality, through creation and legitimization of alternative governmental bodies”

¹¹ Artsakh Police Face Dismissal over Berdzor Attack: <http://asbarez.com/134488/artsakh-police-face-dismissal-over-berdzor-attack/>

Ambush and Attack in Berdzor: http://civilnet.am/2015/02/01/ambush-and-attack-in-berdzor/#.VjIn_dLhCM9

Videos from the Berdzor attack: <http://lurer.com/?p=171823&l=am>

Two hours earlier, while on their way from Artsakh to the car rally but before the main attack, Kerob Kazaryan and Mkhitar Avetisyan were severely beaten by criminals and their cars were severely damaged.

After the Berdzor attack and under public and media pressure, the President of Artsakh, Bako Sahakyan ordered an internal investigation, and from this several policemen received disciplinary action. The Founding Parliament announced that this action and the “internal investigation” were an attempt to cover the real offense, especially considering that all aspects of the criminal case were not presented.

Also, the crimes had taken place within the administrative territory of Armenia and against Armenian citizens. No real action was ever taken to find out the real criminals and bring them to justice. No criminal case was even initiated. Moreover, the members of the ruling party (Armenian Republican Party) continued to demonize the victims of the incident. In response, the Founding Parliament initiated a court case against the Secretary of the parliamentary group of the Republican Party of Armenia Gagik Melikyan for defamation.

Only the Artsakh police initiated a criminal case and only for beating and injuring two participants of the Founding Parliament who had come from Artsakh to meet up at the car rally. To this date, no one has been identified or brought to justice for these incidents.

On April 7, 2015 ten residences and five offices associated with the Movement and its leaders were searched by units of the National Security Service and Special Investigative Division. Varuzhan Avetisyan, Pavel Manukyan, Gevorg Safaryan, Zhirayr Sefilyan and Garegin Chugaszyan were charged under Article 35-225(1) of the RA Criminal Code (preparing a crime; organizing mass disorders). Aram Hakobyan was charged under Article 235 of the RA Criminal Code (illegal keeping of weapons, ammunition).

On April 9 and 10, a 2-month detention was ordered as a preventive measure against Varuzhan Avetisyan, Pavel Manukyan, Gevorg Safaryan, Zhirayr Sefilyan and Garegin Chugaszyan. Zhirayr Sefilyan, Varuzhan Avetisyan and Pavel Manukyan who were then transported to the “Vardashen” penitentiary, and Garegin Chugaszyan and Gevorg Safaryan - to the “Nubarashen” penitentiary. As for Aram Hakobyan, Founding Parliament Member, bail of 500,000 AMD (\$1,000) was ordered as a preventive measure instead of detention, and he was released on bail.

The Monitoring Group for Penitentiary Institutions of the RA Ministry of Justice made an announcement regarding the conditions of Gevorg Safaryan's place of detention after paying a visit to the political prisoners. The Group expressed its concerns over the possible pressure G. Safaryan might suffer by his cell-mates at the penitentiary due to his political views. The following was mentioned in the announcement of their visit:

"The efforts made toward solving the problems regarding the compatibility with other detainees will be effective, if all possible physical and psychological pressures against him by other detainees are

prevented; particularly those pressures might be due to those person's complaints related to his socio-political activities".

The RA Investigation Committee issued a statement saying that the actions scheduled by the Founding Parliament during the public events of the Armenian Genocide victims commemoration day contained elements of preparing for an alleged crime of public disorder under the RA Criminal Code, and therefore the RA Investigation Committee Main Department for High-Profile Cases instigated a criminal case under Articles 35-225, RA Criminal Code (preparation of mass disorder).

In its statement of March 18, the Founding Parliament mentioned that on the day of Commemoration of the Armenian Genocide, April 24, the "Centennial Without Regime movement" will not take any steps that might undermine the planned actions scheduled by the program of the day. The movement has taken and will always take actions that comply with the law, Constitution and democracy.

The arrests and subsequent detentions were unlawful since they were based solely on suspicion, which was not substantiated by any credible evidence and taking into consideration that the detainees were incarcerated for their political views, they were deemed to be political prisoners by international definition.

Representatives of several political parties and NGOs announced that FP members were being persecuted for their political views and condemned the actions taken by law enforcement officials against them. Ann Brasseur, the president of PACE,(Parliamentary Assembly of the Council of Europe) who was in Armenia April 13-15, 2015 said in response to the question of a journalist regarding the arrested FP members said that no one has the right to deprive a person of freedom because of political views, in that case the person is a political prisoner. Human Rights Watch sent a letter to the Prosecutor General of Armenia expressing its concern that the members of FP were persecuted for their political views and the accusations against them violated their freedom of expression.

These five prisoners were banned from any communication with the outside world (newspapers, internet, phone calls, etc.) but the most inhumane act, characteristic of authoritarian and dictatorial regimes, was the total restriction on visitation or contact with immediate family members. Twenty days later on April 27, 2015, the investigator in charge allowed visitation of immediate family members only.

An additional review of the case files was conducted by prosecutor V. Poghosyan which revealed that the oppositionists were planning to organize mass disturbances and riots during the public events in Armenia organized on April 24, 2015, on the occasion of the 100th anniversary of the Armenian Genocide. However, these acts were prevented by law enforcement officers, the official body said.

On May 4th the RA General Prosecutor's Office reported that the five members of the "Founding Parliament" opposition movement were arrested on April 7, 2015 including Jirair Sefilyan, the leader of the movement; activist Gevorg Safaryan; Varuzhan Avetisyan, the Deputy Chairman of the

movement; activist Pavel Manukyan; and Garegin Chukaszyan, the Chairman of the movement, were released from detention on their own recognizance.

With the following decision the prosecutor's office stated that Armenian Genocide Remembrance Day has passed, and the above-mentioned persons have failed to bring the crime to its end. During the preliminary investigation all necessary urgent investigative actions have been carried out, and the latter being at large will be unable to prevent the pre-trial investigation of the case.

Although the above mentioned persons are not in custody, they still may not leave the country and they have a status of suspect.

Actually, the prolongation of the criminal proceedings every 2 months without any sound reasons, and persisting “accused” status of the persons above suggest that they are treated as political hostages and suffer interference with their personal and professional activities.

Particularly, on July 4, 2015, the Founding Parliament issued a statement that Garegin Chugaszyan, Chairman of the Founding Parliament was not permitted to leave for Bulgaria to attend the reputable EuroDIG 2015 Internet Governance Conference and represent Armenia there.

On November 6, 2015, the Founding Parliament submitted a letter to the Chairman of the RA Investigative Committee, the RA Prosecutor General and head of the investigating team responsible for the preliminary investigation informing them of having received another invitation from the United Nations to attend an international conference and requesting permission to leave Armenia.

It is noteworthy that back on May 21, Shant Voskerchyan, Coordinator of the Armenian Revival organization office in Paris and Founding Parliament member, who arrived to the Republic of Armenia was denied entry.

“The denied exit of G. Chugaszyan and denied entry of Shant Voskerchyan, Coordinator of the Armenian Revival Pan-Armenian organization office in Paris, come to prove that Armenia has recovered and applies the so-called “blacklists” by Stalin's notorious methods of ignoring and violating the law”, writes newsbook.am.