

OSCE HUMAN DIMENTION IMPLEMENTATION MEETING
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Working session IV: Rule of Law II

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Exchange of views on the question of abolition of capital punishment
Prevention of torture
Protection of human rights and fighting terrorism

Mr. Moderator,

In the Republic of Armenia moratorium on death penalty *de facto* has been in place since 1990.

In August 2003, the new Criminal Code of the Republic of Armenia entered into force. The new Criminal Code does not contain the death penalty as a punishment anymore.

In September 2003 Armenia ratified the Protocol No.6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of death penalty.

According to article 15 of the amended Constitution of the Republic of Armenia (referendum held in November 2005): “Everyone shall have a right to life. No one shall be condemned to death penalty or executed”.

In May 2006 Armenia signed Protocol No.13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of death penalty in all circumstances. The ratification process is under preparation.

Mr. Moderator,

Armenia has ratified the European Convention for the Prevention of Torture and Inhuman Degrading Treatment or Punishment, which entered into force on 1 October 2002, as well as the Optional Protocol to the UN Convention against Torture on 14 September 2006. Currently civil society is discussing the implementation of the Protocol with the State authorities. The institution of the Human Rights Defender has been proposed as a national monitoring body.

Armenian authorities actively cooperate on this issue with the European Committee for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment (CPT). The suggestions of the CPT Report resulted from country visits were taken unto account by the RA authorities and appropriate measures are being taken therefore.

The Criminal Procedure Code provides for the right of a suspect to an advocate from the moment of arrest (Art.63 and 211). It provides for other rights, in particular the right to notify, through the body conducting the criminal trial, close relatives of the place of imprisonment. Amendments have been passed to introduce the right to be examined by a doctor and clarify the provisions on access to a lawyer as recommended by the CPT. Administrative detention has been abolished under the amended Constitution. Extensive steps were taken in response to the 2006 report of the CPT made public in December 2007.

Unfortunately, cases of ill-treatment still occur. Internal Security Department of the Police is acting proactively, conducting internal investigations and reporting directly to the Chief of Police. So far 844 police officials have been subject to disciplinary liability, 78 have been dismissed and in 23 cases criminal proceedings have been instituted.

Thank you.