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PROTECTION OF RIGHTS WITHOUT BORDERS NON-GOVERNMENTAL ORGANIZATION

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SYSTEMIC IMPUNITY AND TOLERANCE OF TORTURE IN ARMENIA

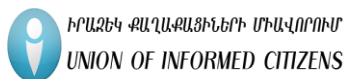
There is systemic impunity and atmosphere of tolerance of torture and ill-treatment conducted by police and other law-enforcement bodies in Armenia. Although the definition of torture as criminal offence has been amended in the Criminal Code applying it to the acts of violence committed by public officials in exercise of their official duties, in practice acts of torture and ill-treatment are not being properly qualified and effectively investigated. The acts of torture are qualified as abuse of power by officials which does not guarantee justice and redress for the victims of torture under the domestic legislation. Statistics show that no case under the heading “torture” has been transferred to the domestic courts with indictment after the amendment in the CC and few cases on violence related abuse of power concerned possible excessive use of force during apprehension and did not expressly refer to possible torture and ill-treatment.

There is no effective investigation on large-scale police misconduct during the peaceful assemblies and demonstrations in 17-30 July 2016 when police officers and persons in civilian affiliated to them beat demonstrators and journalists in public and while in detention. Moreover, police employed stun grenades against the peaceful demonstrators without meaningful warning causing to dozens of participants burns of different degrees and other physical injuries.

More than one year after the events the pre-trial investigation on those events is still pending and no police officer has been charged notwithstanding the amount of existing evidence. The authorities only sacked the Yerevan Police Chief and reprimanded several officers. On 01 August 2016 the President of Armenia, Serzh Sargsyan expressed his gratitude to the representatives of the law enforcement bodies for their excellent work and called on the journalists to forget about those events and awarded the Police Chief and Riot Police Chief for excellent maintenance of public order. These acts of the Head of the State clearly indicate the existence of tolerance and support towards the brutality of police forces and thus, public authorities cannot be considered independent to carry on effective investigation on police violence and to identify the perpetrators and the delays in investigation proves this.

The immunity of police leads to new cases of torture and ill-treatment. The recent case of unprecedented act of brutality by police was reported against 5 members of “Sasna Tsrer” group in the court facilities on 28th June 2017. Although the criminal case was initiated under the heading of abuse of power, no police officer is involved in the criminal case as suspect and the same unit continues to transfer the members of the group to the court and to threaten them as stated by their lawyers.

We call the Armenian authorities to conduct through, prompt, independent and effective investigation on the above-mentioned crimes and call on the international human rights organizations to urge the Armenian authorities to comply with their commitments.



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UNION OF INFORMED CITIZENS



PROTECTION OF RIGHTS WITHOUT BORDERS NGO



COMMITTEE TO PROTECT FREEDOM OF
EXPRESSION



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REPORT ON

HUMAN RIGHTS VIOLATIONS IN ARMENIA DURING JULY 17-30 OF 2016

SUMMERIZED VERSION

YEREVAN 2017

The current report was elaborated with the support of “Open Society Foundations-Armenia” and “National Endowment for Democracy” organizations.

The content, views and analysis of the Report express the opinions of the authors and may not coincide with the views and positions of “Open Society Foundations-Armenia” and “National Endowment for Democracy” organizations

The Report was elaborated by

"The Union of Informed Citizens" NGO

"Protection of Rights without Borders" NGO

"Committee to Protect Freedom of Speech" NGO

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"Armenian Helsinki Committee" NGO

"Helsinki Citizens' Assembly Vanadzor Office" NGO

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INTRODUCTION

The present Report touches upon the events which took place in the Republic of Armenia during the period of July 17-30 of 2016 by presenting the latter exclusively from the point of human rights violations and by providing details on the circumstances and outcomes of the violations¹.

On the early morning of July 17 of 2016, 31 people under the name of "Sasns Tsrer" group attacked the RA Patrol Police Station in the capital Yerevan of the Republic of Armenia (address Yerevan, Movses Khorenastsi Street 158) and captured it.

On the same day, immediately after the capture of the Patrol Police Station by the armed group, the RA Police, without spreading announcement in advance, blocked the streets adjunct to the Patrol Police Station². In the close street (Sari Tagh), the authority, without informing the public, cut off the gas supply and limited the public transport service in that direction.

The capture of Patrol Police Station was a means of publically expressing complaints on the inefficient politics of the current authority, as well as on the current socio-economic situation of the country in different cities and especially in the capital of the Republic. Multiple gatherings and demonstrations were held and conducted, which formed a public movement³ to support the implementation of the requirements proposed by the group⁴.

The multiple gatherings were organized in Liberty Square of the Capital Yerevan (the front area of Opera and Ballet Theater), as well as at 5 km length distance from the mentioned Patrol Police Station. Later, parallel to the gatherings organized in Liberty Square, demonstration were also held near the Police barracks in Khorenats Street. The participants of the gatherings and demonstrations were mainly expressing their concerns and criticism on the current authority, as well as were demanding a solution to bloodshed and violence⁵, which was caused as a result of armed capture.

The gatherings continued everyday, till August 4 of 2016.

¹ The extended version of the Report, including the events, as well as the detailed description of the concrete persons, is available in an electronic version at the official webpage of the Organization.

² Hetq.am, «15 days of the Armed Struggle. Summary», August 1 of 2016 . <http://hetq.am/arm/news/69457/zinvats-payqari-15-orey-ampopum.html>

³ After the capture of the RA Patrol Police Station, the Armed Group spread an announcement, where the main demand was presented: "... Serzh Sargsyan, who owned the authority of the people and endangered the territory of its country should, together with its administration, should resign and transfer the authority to Government, the trust of the people". Civilnet.am, "Armed Incident in Yerevan" July 17 of 2016 goo.gl/JSoz2W

⁴ Human Rights Watch, Armenia: After Yerevan Protests, Detentions Under Scrutiny Activists in Unjustified Pretrial Detention, September 6, 2016. <https://www.hrw.org/hy/news/2016/09/08/293943>

⁵ Public discussion of the RA citizens July 18 of 2016 <https://www.facebook.com/events/298448137169966>

The spontaneous assemblies and gatherings organized within the period of July 17-30 were accompanied by gross human rights violations by the law enforcement bodies. The violations were manifested not only against the participants of the gatherings and demonstrations, but also against their family members. Within the same period, gross violations and abuse were also demonstrated towards the media representatives.

Within the period of July 17-30, approximately 726 citizens were detained by the Police, including drivers, passers-by of the near streets, who provided assistance to the victims, who suffered from the special means applied by the Police. More than 60 people were detained by the falsified accusations on the organization of and participation in the illegal assemblies and mass disorders within the period of July 17-30 of 2016⁶.

More than 140 people, including 82 civilians, 51 policemen and 7 members of “Sasna Tsrer” armed group, applied to the medical centers of Yerevan for the injuries caused by the use of special force and violence by the Police. 41 people received hospital medical care and assistance.

⁶ This data was provided by the "Helsinki Citizens' Assembly Vanadzor Office" NGO

VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSEMBLY DURING THE PERIOD OF JULY 17-30 OF 2016

Within the period of July 17 to August 4 of 2016, 17 gatherings were held: during 7 gatherings, the police detained protest participants; moreover in case of 5 assemblies the police ceased the assemblies.

Besides the organized gatherings, 3 gatherings were ceased by the Police to detain the alleged participants of the assembly. The assembly participant-detainees were kept in Police departments for up to 17 hours: they were subjected to inhumane treatment. The Police used special weapons during the 3 protests and violence during the 4 assemblies.

During different days, the number of the protest participants ranged between 700-4000 and during the protest of July 25-26, the number of participants reached 9000.

Combining the information from media, observer reports and official announcements, at least 725 detention cases were recorded during the assemblies organized within the period of July 17 to August 4.

Only within the period of July 17-21 of 2016, more than 300 citizens were detained from their houses, from streets and were forcibly moved to the police departments located inside and outside Yerevan, as well as to the academic administrative building of RA Police Troops⁷.

Abuses, inhumane treatment

In many cases, the Police demonstrated cruel, inhumane and degrading treatment towards the protest participants to intervene and to disperse demonstrations held within the period of July 17 to August 4 of 2016. The frequency and demonstration of such conduct allow to conclude, that the use of violence against the protest participants were aimed at preventing the ongoing assemblies, as well as the further participation of the protestors in the assemblies.

Demonstration of violence and inhumane treatment against the protest participants continued also in police cars and in detention places. According to the testimonies of the protest participants, the mentioned activities were accompanied with direct threats and requirements in order to stop their participation in the protests.

⁷Hetq.am, *12 detainees were released*, 24 July, 2016, 12:15, <http://hetq.am/arm/news/69387/12-dzerbakalvatsner-azat-ardzakvecin.html>

Mass violations by the Police were recorded during the demonstration held in “Sari Tagh” on July 29. A group of people started throwing stones in the direction of the police blockade, after which joined the latter. Afterwards, the police used special means against the protest participants and subjected the latter to persecution. The protest participants were also subjected to violence by the people in civilian clothes, who were armed with metal bars, but the policemen present at the protest did not prevent the violence by the latter. Moreover, the mentioned people were directly guided by the Police⁸.

The media representatives covering the protest process also became direct targets of the Police activities during the events on Sari Tagh on July 29 of 2016. The cases of the hindrance of the professional activities of the mentioned people, stealing, damaging and destroying of their video equipments are a ground to conclude, that the Police followed a purpose to destroy the evidence to conceal the illegal activities carried out by the Police. Beside, the hindrance of the professional activities of media representative: the professional activity of the Helsinki Committee of Armenia observer was also hindered: the video camera of the observer was taken by a policeman in civilian clothes and was returned only after the command of his superior police serviceman.

Persecutions as a means of restriction and prevention of the protest participation

A number of members of civic initiatives (*“No to Robbery”*, *“Electric Yerevan”*, *“Dem Em”*, *“We are the masters of our country”*, *“Founding Parliament”*⁹) were subjected to persecution by the law enforcement bodies during July 17 to August 4 of 2016.

The workers of law enforcement bodies visited their apartments, detained their relatives aiming at preventing the participation of the activities in the protests. People living both in Yerevan and regions were subjected to persecutions.

⁸ The attack of the policemen in Sari Tagh. CivilNet TV, published on July 29 of 2016 link <https://www.youtube.com/watch?v=Risy6Yl3taU>

⁹Armenian Helsinki Committee, a report on the events, that took place in the Republic of Armenia within the period of July 17 to August 5 of 2016 goo.gl/6AcvgT

Detentions and other violations of the right to assemblies

At least 726 civilians were kept in detention by the Police in the Republic of Armenia within the period of July 17 to August 4. Almost all the detainees were the protest participants and by isolating the latter from the demonstrations, the Police followed a purpose to disrupt/interrupt the whole protest. The negative attitude of the Police towards the protest participants was visible during all the protests, which essentially complicated the negotiation and dialogues between the organizers of the demonstrations and police representatives

USE OF FORCE AND SPECIAL MEASURES BY THE POLICE DURING THE PERIOD OF JULY 17-30 OF 2016

Special measures were used towards the protest participants in Khorenatsi Street on July 20 of 2016 and special measures were used by the Police towards the citizens participating in “Sari Tagh” protest, as a result of which a number of citizens got different degree of bodily injuries, including deterioration of hearing and sight loss, fracture injuries, different degree burns etc.

The legitimacy of the use of special means creates serious concerns from the point of lawfulness, necessity and proportionality.

According to the official information and clarification provided by the RA Police, the situation as prescribed by Part 8 of Paragraph 1 of the Article 18 of the RA Law on "Police Troops" was considered as a factual ground for the application of special measures by the RA Police during the period of July 17-30 of 2016, according to which the soldier of the police troops has the right to use special forces personally or under the subdivision command in the following cases: *"while interfering the work of transportation, communication organizations (regardless the ownership type), as well as while preventing the mass disorders and group activities"*¹⁰.

The RA legislation also clearly enshrines, that even in case when an assembly is organized with a violation of the order, but the latter is of peaceful and armless nature, the use of special means is prohibited¹¹. Even in cases, when the assembly is not peaceful, the use of special measures should be proportionate following its purpose. Particularly, in any case of the use of special measure towards any person should be conditioned by the conduct of the given person¹². The police representatives should distinguish the peaceful and non-peaceful protestors to exclude the possibility of using special means against the people who are not involved in mass disorders¹³. As stated by the information of the witnesses and protest participants, as well as by the video recordings ensuring the live broadcasting of the events, during the mentioned days, the protests, were on the whole, peaceful, and the separate violent actions or violent calls against the police representatives could not be considered as a ground to evaluate the the whole assembly with its consequences as illegal¹⁴.

Despite the fact, that some people tried to break the police chain during the protest in Khorenatsi Street on July 20 of 2016, violence was applied against the police representatives, but

¹⁰ The response of the RA Police to the N 583 request of the "Protection of Rights without Borders» NGO dated March 14 of 2017

¹¹ According to Article 31 of the RA Law on "Police", special means are prohibited to apply "...to stop the procedure of the assemblies, which are conducted peacefully".

¹² The mentioned provision was recorded in the ECHR judgement of the case of Abdullah Yasha.

¹³ Abdullah Yaşa and Others v. Turkey, No 44827/08, 16.07.2013 § 50

¹⁴ Primov and Others v. Russia, No. 17391/06, 12.06.2014, § 155

the police, instead of isolating those people with concrete criminal conduct, without any notification started applying not towards the people who had some conflicts with police representatives, but towards the protest participants, who were standing at 35-40 metre distance from the police wall, as a result of which both peaceful protestors and people who were not participating in the protest suffered the police activities: the protest was ceased on the whole.

In the same manner, special measures were applied by the police against not the people, who tried to provoke the protest participants and were throwing stones and moving towards the police servicemen in Sari Tagh on July 29 of 2016, but against the peaceful assembly participants. Moreover, as stated by the witnesses, the people who were throwing stones in the direction of the police, had disappeared and no measures were applied towards them by the police representatives. It should be mentioned, that those same people, earlier, before the protest participants had reached Sari Tagh, moved back the police wall and acted under their commands¹⁵.

A statement by the protest organizers was regularly issued in Sari Tagh on July 29 of 2016, according to which the assembly was peaceful and a call was made not to use any kind of violence against the protest participants.

The organizers, as well as other participants applied to the police servicemen upon the demand to remove the provocators of the assembly and the authors of mass disorders. Therefore, in regard to such applications no activity was carried out by the police.

Based on the factual circumstances of the use of special forces applied by the Police, as well as the national and international requirements on the use of special forces, it can be stated, that the special measures both in Khorenatsi Street on July 20 of 2016 and in Khorenatsi Street and Sari Tagh on July 29 respectively were applied by the Police illegally, disproportionately and not purposefully violating not only international standards, but also the requirements of RA Legislation.

Warning and providing of the proper time

The protest participants had not been given proper warning about the use of special measures by the police on July 20 of 2016 in Khorenatsi Street, as well as on July 29 in Sari Tagh and Khorenatsi Street: sufficient time was not also provided to evaluate own conduct.

The police representative urged the journalists, covering the events, to gather in one place and unexpectedly targeted the journalist with the purpose to hinder their professional activities¹⁶ during the protest in Sari Tagh on July 29 of 2016.

¹⁵ Link 30

¹⁶ The attack of the Police in Sari Tagh. <https://www.youtube.com/watch?v=Risy6Yl3taU>

As a matter of fact, in all the three cases of the application of special measures, a proper warning on the outcomes of the use of special measure had not been provided by the police servicemen before its application.

Though, the police representative, particularly Ashot Karapetyan, the Head of Yerevan Police, had informed the protest organizers Armen Martirosyan, Levon Barseghyan about the intention on the use of special measure by the police, that conversation was conducted without loudspeaker, as a result of which the protest participants did not have opportunity to predict the further steps and actions of the police and determine their own conduct¹⁷.

¹⁷ Artak Hambardzumyan, «Special activities in Khorenats Street", «Liberty» r/s, July 29, 2016թ. <https://www.youtube.com/watch?v=7DgwVhkzJec>
Artak Hambardzumyan, «Before the Special activities in Khorenats Street", «Liberty» r/s, July 29, 2016թ. Միանշանակ <https://www.youtube.com/watch?v=EPaTdnPPvOo>

Application of special measures as set by the Law

The requirement for the use of special measures envisaged by the law was emphasized both by internationally recognized criteria and by the European Court of Human Rights. In case, when the use of the special measure is not regulated by the legislation and the criteria of their use is not specified, the use of the special measures cannot meet the requirements regarding the full physical protection of people in modern democratic societies¹⁸.

The order, as well as the minimum criteria regarding the operation of the separate special measures towards the human being are not concretely enshrined by the current domestic legislation of the Republic of Armenia¹⁹.

According to the official information provided by the police, 5 types of special measure were used on July 20 and 29 of 2016 by the police, including "Fake-S", "Zarya -3", "Swirel", "Plummy-M", "Drofa"²⁰: in case of the two weapons "Zarya 3" and "Plamya-M", the instruction and the influence are not legally defined.

Besides, by the official clarification provided by the RA Police, according to point 51 of the Annex 1 of Decree N 1-N of the Head of the RA Police, dated February 29 of 2016, the information on the availability of the special means at the departments of the RA Police, their application conditions, as well as their amount are secret²¹.

Notably enough, the "Zarya-3" special means, the instruction of its use is not legally defined, have been applied the most 46 times.

Besides, though, it is mentioned in the description part of the special means, that the latter are not fragmentary, as shown by the results of the victims forensic examination, the mentioned people got fragmentary injuries in the outcomes of its application. Moreover, the examination of one of bullets taken from a body showed, that the later belonged to the "Zarya-3" type of weapon²².

¹⁸ Case «no. 44827/08 Abdullah Yasa and others v. Turkey, 16 July 2013», provision 49:

¹⁹ Part 19 of the Decree N 5 of the Head of the RA Police, adopted on October 23 of 2009. Available <http://www.irtek.am/views/act.aspx?tid=51328>, RA Government Decree N867-N dated June 23 of 2011

²⁰ The letter N 24/2145 dated August 19 of 2016 provided to the «Union of Informed Citizens" by the Legal Department of the RA Police; the latter N 24/2046 dated August 10 of 2016.

²¹ The letter N 24/2243 dated August 31 of 2016 provided to the "Protection of Rights without Borders" NGO by the Legal Department of the RA Police.

²² 129 forensic examinations were carried out, which were provided by the victims.

Reporting on the use of the special measure

The Legislation sets, that the police serviceman, as well as the soldier of the police troops are obliged to immediately make a reporting to his/her supervisor on each case of use of the special means.

During the period of July 17-30 of 2016 11, RA Police servicemen made a reporting on the use of the special measures to their supervisors: 3 police servicemen on July 20, 8 policemen on July 29²³.

In the outcomes of the comparison of the circumstance of the application of the special measure and the given official information in regard to the use of special measures, it can be concluded, that a proper reporting on the use of the special measure by the Police was not carried out. The circumstance facts, that according to the official information, on the whole, approximately 100 special measures were applied by the police, and respectively 10 special measure was applied by each policeman.

Provision of medical assistance after the use of special measures

In cases, when the use of special force or weapon is inevitable, the law enforcement bodies are obliged to ensure the provision of the medical assistance within proper timing. As shown by the investigations conducted on the cases of the victims who suffered in the outcomes of the use of the special measure by the police during July 20 and July 29 of 2016, those people, who were injured were not provided with immediate first aid.

Special measure were applied by the police on July 29 of 2016 in the areas of blocked streets, where the accessibility of the cars providing first aid was restricted. Moreover, the police after using special measures in Sari Tagh on July 29 of 2016, started persecutions against the protest participants, in the outcomes of which, people were obliged to escape and conceal. The police representatives also blocked the road for cars : injured people, journalists etc.were forcedly taken out of the cars²⁴.

Use of physical violence by the Police

During the assemblies of July 17-30 of 2016, the police used physical violence, as well as active protective means including handcuffs against the assembly participants, passers-by, as well as the citizens who were living near the protest area.

²³ The response of the RA Police to the request submitted by the "Protection of Rights without Borders" NGO, letter 582, dated March 14 of 2017

²⁴ Ananyan Robert, what happened in Sari Tagh (the story of "Ai+" journalist (video) July 30 of 2016 ,17:51.
<http://www.alplus.am/1477514.html> (04:30-09:25):

The police representatives applied handcuffs not as a means to neutralize the citizens for not obeying the police commands, but to humiliate the protest participants and emphasize their defense. Such statement was conditioned by the fact, that in many cases the handcuffs were put on the citizen who was already in police car, then he was beaten²⁵. According to the information of the forensic examination of the victims, the policeman violated the legal requirements on the application of the police baton. Though, the legal requirements prohibit hitting on the heads of people with batons²⁶, the policemen hit deliberately hit the citizens on the head and on the belly²⁷.

Parallel to the violation of the order on the use of handcuffs and batons, according to the witnesses of the victims, the RA Police applied physical force against a number of citizens during the period of July 17 to July 30. Moreover, such cases were recorded within the period of July 17-30 of 2016 both in Azatutyun Square, Sari Tagh and Khorenatsi Street. It should be mentioned, that some citizens were detained and physical force were applied against them regardless their participation in the assembly²⁸. In the outcomes of the use of special force by the Police, the citizens got fracture²⁹, other bodily injuries.

Injuries received in the outcomes of the application of special measures, violence applied by the Police within the period of July 17-30 of 2016	
Type of injury	Number
Scratch	50
Fracture injury	27
Burns	10
Torn wounds	1
Contusion injuries	56
Hearing problems	1

²⁵ «Clashes of July 18 in Liberty Square», Epress.am, video, July 18, 2016. <https://www.youtube.com/watch?v=InRbxriOTJY>

²⁶ N 5-N decree of the Head of the RA Police date 23.10.2009 and part 21 of the Decree N 09-N adopted by the Minister of Health dated 20.04.2012. According to part B of the 2001 European Code on Police Ethics, emphasizes especially respect to the life of a person, and the necessity to refrain from humiliating human dignity. According to the same point of the European Code on Police Ethics, the use of force by the police is acceptable only in only when strictly necessary, and such force must be proportionate to the objectives pursue («European Code on Police Ethics», 2001 p. https://www.loc.gov/law/help/police-weapons/coe.php#_ftn10)

²⁷ The outcomes of the forensic examination of the victims, who suffered the ill-treatment of the police activities during the events of July 17-30 of 2016. For example, according to the data of the forensic examination of citizen A.M., on July 20 of 2016, after hearing the sound of explosion, he went out the home to see what was going on. At the moment, the red berets attacked him and started beating the latter with baton on his head and other parts of his body.

²⁸ Avetik Ishkhanyan, «Human Rights in Armenia-2016», Lragir.am, February 1, 2017. <http://www.lragir.am/index/arm/0/right/view/147087>

²⁹ Gohar Hakobyan, «Filmmaker on being beaten by the policemen. «They broke me: one of them said go to hell», Aravot, July 22 of 2016. <http://www.aravot.am/2016/07/22/718651/>

Sight problems	3
Bleeding	22
Exogenous poisoning	16
Fracture	5
Concussion	3

It is important to note, that during the period of July 17-30, a number of detained citizens informed, that the policemen had refused to provide them with water, medicines and the necessary medical care³⁰. Moreover, the emergency cars, which entered the assembly area, provided medical care only to the policemen³¹.

On July 29 of 2016, the Police subjected to violence also the citizens of the street called Sari Tagh, who had not participated in the demonstrations. Besides, active grenades by the Police fell on the houses, in the outcomes of which the inhabitants of those houses received different kind of bodily injuries³²: their property was also damaged.

³⁰ "Armenia 2016/2017", Annual Report by Amnesty International, February 21, 2017. <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>

³¹ Report on the "Events that took place in the Republic of Armenia within the period of July 17 to August 5" Armenian Helsinki Committee, August 8 of 2016 http://www.asparez.am/helsinkyan-komite-zekuyc_hy/#.WLCVcNlrLcs

³² "The attacked residents of Sari Tagh" CivilNet TV, video, July 29, 2016. <https://www.youtube.com/watch?v=asuBmIhROIA>
 «The residents of Sari Tagh are telling about the events in Sari Tagh», NewsamChannel, video, August 3, 2016. <https://www.youtube.com/watch?v=dZszlYfMVjY>

VIOLATION OF RIGHTS OF MASS MEDIA AND JOURNALISTS DURING THE PERIOD OF JULY 17-30 OF 2016

Different kind of violations of the rights of journalists and media representatives including 42 cases of physical violence, damage of journalist equipments, destruction of vidoes, illegal detention, persecutions and threats were recorded during the period of July 17-30 of 2016.

Physical violence

19 journalists and operators, covering the protest procedure and the activities of the law enforcement bodies, were targeted and subjected to physical violence during the period of the protests of July 17-30 of 2016. Moreover, they were subjected to violence not only by the policemen, but also by the people in civilian clothes, who acted under police command.

According to the witnesses of the journalists, the actions of the policemen were of deliberate and targeted nature, and even the presentaiton and showing off the police certificate, as well as the media outlet on the cameras did not prevent the media representatives from being subjecte to violence.

During these events, the application of special measures against the journalists, including sound and flash explosives, tear gas etc., was unprecedented.

The examination of circumstance of the use of physical violences against the journalists and their manifestation according to chronology fact, that when the protest representatives tried to implement their professional obligation and collect data on the current events at the demonstration place, they were subjected to violence or to ill-treatment. It should be mentioned, that the work of the journalist, who was collecting data, was evaluated by the police as an act of hinderence of his professional activities and on that ground tried to justify the violence against the media representative.

Damaging the equipments belonging to media and destruction of journalist materials

13 cases regarding the deliberate destruction of the media equipments and recorded materials were recorded during the events of July 17-30 of 2016. By such interference to the media work, the police hindered the coverage of their misconduct.

Persecution, threats, illegal detention

Besides the physical violence, the media representatives were subjected to persecution, while carrying out their professional activities during the period of July 17-30 of 2016. That means, that when after being subjected to other different pressures, the journalists and operators had to stop their work and leave the area of the events, the policemen and people in civilian clothes, who were acting under the command of the police, continued to follow the media representative and subject them to violence. Three such cases were recorded.

Besides, threats were addressed towards the 2 media representative. 3 cases were also recorded, when the policemen illegally detained the media representatives.

The procedure of the preinvestigation in regard to the violation of the rights of the journalists during the July events of 2016 and court judgments on the separate parts of the criminal case

For the application of dangerous violence for the health of the journalists, as well as for the hinderence of the professional activities of the journalists in other means on July 29 morning of July 30 of 2016, a criminal case was initiated at the RA Prosecutor General's Office with the criminal characters as prescribed by Part 3 of Paragraph 1 Article 164 of RA Criminal Code.

According to the information published by Special Investigation Service, by the present criminal case 9 citizens were accused the preinvestigation of 8 accused is over and the separate parts from criminal case with the accusative conclusions were forwarded to the court. Those citizens were the people who hindered the professional activities of journalists of “Azatutyun Radio Station”, “Armenia” TV and “News.am” News Agency.

The examination of the judgments made in regard to the procedure being conducted on the violation of the rights of journalists during the period of July 17-30 of 2016, as well as in regard to the separate parts of criminal case, fact that the procedure of subjecting the policemen and the people in civilian clothes acting under the command of the police to liability is of fake nature and can not have preventive meaning to exclude the repetition of such cases.

The maximum sentence applied by the court was one year imprisonment and a fine in the amount of 200.000 (two hundred thousand) Armenian Dram (AMD). The sentence was made in regard to the criminal case on the hinderence of professional activities of the operator of “Armenia” TV. And for example, the person who hindered the professional activities of the corespondent of “Azatutyun” radio station was only fined in the amount of 200.000 AMD.

Therefore, in spite of the published videos and announcements on the application of physical violence by police, the accused were subjected to liability, exclusively for the hinderance of the professional activity of the journalist, and the circumstance of violence was not considered as a ground for the application of the sentence. The facts have not been comprehensively examined due to the reason, that as wished by the accused, the court sessions were organized through accelerated examination.

VIOLATION OF THE RIGHTS TO PERSONAL IMMUNITY AND FREEDOM DURING THE PERIOD OF JULY 17-30 OF 2016

During the peaceful assemblies following the capture of the police patrol station on July 17 of 2016, both in Yerevan and regions, the Police, without presenting any reasons and legal grounds, in some cases through the use of force brought and detained a number of citizens for a long.

On July 17 of 2016, when the citizens went out to streets of Yerevan and gathered in “Azatutyun” Square, according to the official data 114 citizens were detained³³.

On July 19 of 2016, a number of residents of “Sari Tagh” organized a demonstration demanding to recover electricity, which had been suspended without warning, gas supply, as well as the public transport.

When the attempted to use weapon against the protest participants³⁴, the latter started throwing stones in the direction of the policemen. This action of the protest participants was assessed as a violation against the state representative, in the outcomes of which 10 citizens of Sari Tagh, who had participated in the protest, were detained and later on an accusation by the characters of Part 2 of Article 316 of the RA Criminal Code on the ground of using violence against a representative of authorities.

On July 20 of 2016, when in Khorenats Street the protestors asked the Police to allow them to provide food to the Armed Group and the Police refused, a few members of the protest started throwing stones in the direction of the policemen, the approached the police wall trying to tear off the police hamlets and shields³⁵.

³³ The letter N 24/1960 of the Legal Departement of the RA Police in response to the request of the «Union of Informed Citiezens» dated August 5 of 2016.

³⁴ The attacker is your president, the residents of Sari Tagh addressing the policemen on 19.07.2016, Tehimine Enokyan <https://www.youtube.com/watch?v=NRyHnFdZYBg>

³⁵ Clashes between the protestors and policemen in Khorenasti Street, Civil Net, July 20 2016 <https://www.youtube.com/watch?v=QwCh2ot1fp0>

In response to those actions the Police used special measures against the protest participants. Later, the policemen started to follow the protestors who were escaping and beat the latter³⁶.

On the same day, 136 citizens were taken to regional department of RA Police in Yerevan on the grounds of suspicion of the use of violence or threat of violence, not dangerous for life or health, against a representative of authorities: 16 citizens were detained within the scope of the criminal case instituted on the grounds of Article 316 of RA Criminal Code Violence against a representative of authorities³⁷.

According to the official information, after the march organized in the evening of July 26 of 2016, approximately 82 citizens were taken to the different police station from Khorenatsi-Tigran Mets streets. The police grounded the detention by the suspicion of keeping illegal weapons and explosives. Taking into account the circumstance, that only 1 person was arrested from the detainees, it can be stated, that the mentioned justification was an excuse to legalize the pressure against the protest participants.

On July 29 of 2016, the protestors gathered in Liberty Square and moved to Khorenatsi Street. Taking into account the circumstance, that the Khorenatsi Street was blocked by the Police, the march changed its direction by rising up to Sari Tagh. The police concentrated forces in back of the protest participants by blocking their way back.

Simultaneously, the police concentrated great forces also in Khorenatsi Street. A number of people in civilian clothes, who according to the information of the media were policemen and in an organized manner they went to the back of police barricade³⁸, which was considered as prohibited area.

Later on, it became obvious from the photos and videos spread by the media, that the above mentioned people were taking some pills and then were attacking the protestors and provoking clashes. As a result, the actions of the protest participants were assessed as mass disorder³⁹. During that day, according to the official information, 207 citizens were detained.

³⁶IPHR, report «Burned, beaten and cheated: While awaiting the liability measure for the violence of the Police", August 2016 <http://iphronline.org/wp-content/uploads/2016/09/ARM-Beaten-Burned-and-Betrayed-Sept-2016.pdf>

³⁷ Clarification of the RA Police, 21.07.2016թ., <http://www.police.am/news/view/uyupqupuwunuf210716.html>

³⁸Azatutyun.am, People in civilian clothes behind the other side of the police wall <https://www.youtube.com/watch?v=N6tGdfNm1CI>

³⁹ «Whether the policemen were under the influence of narcotic drugs on July 29" Armenian Times 03.08.2016 <http://armtimes.com/hy/article/90868>

Detention

According to the official data, within the period of 17-30 of 2016, 726 citizens were detained⁴⁰.

The examination of the circumstances regarding the detention fact, that within the mentioned period not all the cases of detention were recorded as prescribed by order, which gives a ground to conclude, that the number of detainees was more, than the number as provided officially. That is proved also by the contradiction and inaccuracies among the number provided by the officials.

The analysis of the police activities regarding the separate cases of detention, the detention cases were not properly documented, the police created artificial proofs to conceal the amount of its illegal actions or to ground the legitimacy of its actions⁴¹.

The numerous citizens who were detained in Yerevan and regions during the period of July 17-30 of 2016, have facted, that a decision on their detention was not presented to them. Moreover, not only the participants of peaceful assemblies in Liberty Square and Khorensatsi Street were detained, but also passers-by. Civic activists, people not related to the "Founding Parliament" civic initiative, as well as the relatives of "Sasns Tsrer" armed group were detained from their homes.

The detainees were deprived from the possibility to inform their relatives about their detention, as well as for getting legal support. Meanwhile, the citizens were kept closed more than 4 hours, for 24 hours.

There are a number of cases, when the police banned the advocates to meet with the detainees: the later were also deprived from their right to make a call.

Political and civic activists were especially targetted by the police. To prevent the continuation of the demonstrations, the police detained the latter and kept them for a long time. In some other cases their family member were also targetted by the police.

According to the official data, on the whole 198 citizens were taken to the number 1033 RA Police station during the period of July 17, 18 and 27.

The majority of the detainees were kept there for more than 4 hours, in some cases until for 24 hours. According to the information provided by some citizens, the latter were subjected to ill treatment in the police station including beating, they were deprived from the possibility to use the toilet, they were not provided with food and on the whole, they were deprived from

⁴⁰ According to the data collected by the the "Helsinki Citizens' Assmby Vanadzor Office" NGO and " Union of Informed Citizens" NGO.

⁴¹The activity, for which the person was detained, as well as the time should be mentioned in the record made on the detention.

exercising of any of their rights. In many cases, no document on the detention has been made. Later, some detainees were questioned under the witness status.

Some cases were also recorded, when a citizen was detained for the detection of his/her identification, in case, when the citizen presented his passport in the street, or was detained from his/her home on the grounds of suspicion for keeping weapons, but it should be mentioned, that at the moment neither the home nor the citizen were subjected to examination and personal inspection respectively⁴². As shown by the examination of separate cases, the police activities were mainly followed a purpose to "punish" the citizens for participating in the assemblies and the criminal persecution was exclusively applied for their political views and political activism⁴³.

The citizens, who were subjected to criminal persecution and were detained for participating in the peaceful assemblies were given the status of political political persecutors/prisoners of conscience⁴⁴.

⁴² For the more detailed information on the presented cases, see the extended version of the current report in "Violations of personal immunity and freedom during July 17-30 of 2016" Section of the same report.

⁴³ Human Rights Watch, Armenian Activist Stuck in Detention, 30 January 2017, <https://www.hrw.org/news/2017/01/30/armenian-activist-stuck-detention>

⁴⁴ EaP Civil Society Forum. Resolution No.9/AA/2016, 28-28 November, 2016 http://eap-csf.eu/wp-content/uploads/ResolutionNo9_EN_final.pdf

RECOMMENDATION

For ensuring the freedom of assemblies

RA POLICE

1. Exclude the unwarranted use of force, violence and arrests against the participants of the peaceful assemblies, as well as the persecutions against the latter and their family members, any kind of interference to the professional activities of the journalist and observers, ensure the free work of the journalists.
2. Not to involve the police not wearing police uniform as a means of influence on the process of the assembly, wear uniform, while implementing service at the protest area, as well as have an identification symbols on the uniform.
3. Organize trainings for the police, and especially for the police divisions constantly carrying out service during protests on the international experience and approaches to gain practice on the exercise of the right to freedom of assembly during the peaceful assemblies, to develop communication and negotiation skills while interacting with the protest participants, as well as to pay more attention to the codes of ethics of the policemen during their service.
4. Within the scope of their authorities, support the process of the peaceful assemblies, and in other cases while conducting activities directed at the prevention of the assemblies as prescribed by order, to be guided by the principle of proportionality.
5. Refrain from any kind of comments on the RA Law in "Freedom of Assemblies" and other legal acts.

RA Prosecutor General's Office and RA Special Investigative Service

1. Follow up the cases on the hindrance of the professional activities of the protest participants or the journalists or **violation of official authorities by the law enforcement bodies and on each case institute a respective proceeding, detect everyone who made a breach.**
2. Within a reasonable time period, conduct an objective and effective examination on the cases of application of non-legitimate actions by law enforcement bodies against the protest participants.

For the exclusion of the abuses of the use of force

Taking into account both the violations of codes of ethics by the police, the disadvantages of their skills to apply force and the bodily injuries caused to the protest participants by the latter, it becomes obvious, that reforms are necessary for the activities of the law enforcement bodies.

RA Police

- Conduct regular training on the order of the use of force, weapons applied by the police serviceman

- Post data on trainings being conducted each six years for the police servicemen/including heads of police departments/, the outcomes of the exams after the trainings the official website of the Police: ensure the transparency of the professional activities of the police. In this way, the civic oversight of the police activities and its civil accountability will be ensured.

Review of the legal regulations of the police service exams by ensuring reprimands towards the policeman: while presenting a reprimand ensure the grounds for the reprimand and the description.

Elaborate brief and simple pocket manuals on the use of force and special measures during the demonstration for the ***RA Police and national and international non-governmental organization***, where the codes of ethics for the policemen will be mentioned, which are related to the use of special measures incorporating also international principles of that area. In this way, the number of victims both among police and citizens will decrease.

RA Police and Ministry of Health

- Take measures to eliminate the contradictions between the orders adopted by the Minister of Health and the Head of RA Police as mentioned in the report, as well as to clarify the criteria on the use of special force based on the research and expertise conclusions.

RA Government and National Assembly

- carry out legislative amendments directed at the increasing the transparency and accountability of the police activities

- establish an independent committee, with the members of representatives of advocates and non-governmental organizations, conducting oversight over the qualification procedure of police servicemen. The committee should be vested with the right to record the gaps and violations by the police. This committee should be authorized with the right to institute disciplinary proceedings on its own initiative and in this regard make decisions on the use of sanctioning measure towards

both the police, servicemen and management staff. The existence of the committee will contribute to the more cautious and humanitarian orders by the police, as well as will ensure the civic control and accountability over the police activities.

For the exclusion of the violations against the journalists

RA President

- As a guarantor of the constitutional rights for the RA citizens, publically criticizes the activities of the investigative body in regard to the preinvestigation of criminal case instituted on the grounds of the events in Khorenatsi Street, Sari Tagh and near areas on July of 2016 and present a demand for its further efficiency.

RA Prosecutor General

- Establish proper control over the activities of the RA Special Investigation Service directed at the full detection of the above mentioned criminal case and within its scopes subjecting the police, as well as other people acting under the command of the police, who illegally hindered the professional activities of the media representatives, to liability.

Special Investigation Service

- Guided by the law, not by political conjuncture, demonstrate the necessary impartiality and conduct effective operations to detect the people who hindered the professional activities of the journalists and operators and subjected the latter to violence and bring the latter to liability.

International organization (including EU, Council of Europe, USAID etc.)

Demonstrate consistency for the implementation of the demands addressed to the RA authorities following the assessments expressed in the July events of 2016. The financing of the projects of democracy development, economic growth should be conditioned and interconnected also with the necessity of the protection of human rights, including the right to freedom of expression and protection of journalists.

Personal immunity and violations of freedom

RA Police

1. According to the announcement spread by the RA Police on August 5 and 8 of 2016, by the decree of the Head of the RA Police, a number of policemen were subjected to disciplinary sanctions in the preliminary outcomes of the service investigation conducted in the RA Police on the cases, which had taken place on July 29 of 2016 in Khorenats Street and on July 29, morning of July 30 of 2016 in Sari Tagh.

The mentioned announcement does not specify concretely who were the victims of the ill-treatment of the police: it is not also clear, which police was subjected to disciplinary sanction for which action or was fired.

Publize a detailed report on the events, that took place on July 19 in Khorenatsi Street and on July 29 morning of July 20 of 2016 in Sari Tagh, touching upon the the nature of the action by each policemen due to which the latter were subjected to disciplinary sanctions or were fired in the outcomes of the service investigation conducted by the RA Police.

RA Police and RA Government

2. Amend the RA Government decree N 1672-N on the "Establishment of the order and staff of the Disciplinary Commission of the RA Police" dated December 27 of 2012.

- Establish the order on the submission, discussion, as well as the selection of the candidates by the applications from civil unions by the decree of the RA Government, instead of the decree of the RA Head of Police,
- Ensure the mandatory and not advisory nature of decision making process by the disciplinary commission/or the mandatory requirement of the decision.

RA National Assembly

3. Establish a parliamentary oversight mechanism over the activities of the RA Police (by the role model of RA Prosecutor's General Office, RA Special Investigation Service).