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Conclusions and recommendations of the United Nations Committee against Torture



**STAMP OUT
TORTURE**

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February 2001

SUMMARY

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In November 2000 the United Nations Committee against Torture reviewed Armenia's second periodic report on steps the country had taken in line with the provisions of the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture). In sessions on 14 and 15 November, the Committee's experts raised various issues and queries, and received responses from the Armenian delegation. The Committee's observations, conclusions and recommendations were issued on 17 November.

The Committee's recommendations to the government of Armenia reflect their concerns about outstanding issues relating to torture and ill-treatment in the country and moves to prevent them. They are attached in full as an appendix. The main body of this document outlines the Committee's concerns and recommendations. It also updates Amnesty International's own concerns on these issues, which were detailed earlier this year in the document *Armenia - Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture* (AI Index: EUR 54/02/00, April 2000).

In that document Amnesty International expressed its concern that Armenia had failed to implement fully its treaty obligations in general, and most of the Committee's recommendations regarding its initial report in particular. Amnesty International is continuing urging the Armenian authorities to take prompt action to implement the Committee's current recommendations, as one way of demonstrating their commitment to end torture and impunity in their country. This report ends with a series of recommendations by Amnesty International to the Armenian authorities.

KEYWORDS: UN COMMITTEE AGAINST TORTURE1 / TORTURE/ILL-TREATMENT1 / MILITARY AS VICTIMS / DEATH PENALTY

This report summarizes a 13-page document (5432 words): *ARMENIA: Conclusions and Recommendations of the United Nations Committee against Torture* (AI Index: EUR 54/001/01) issued by Amnesty International in February 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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ARMENIA

Conclusions and Recommendations of the United Nations Committee against Torture

1. Introduction

In November 2000 the United Nations Committee against Torture reviewed Armenia's second periodic report on steps the country had taken in line with the provisions of the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture). The Committee, a 10-member body of experts elected by states which are a party to the Convention against Torture, monitors implementation of this treaty.¹ In sessions on 14 and 15 November, the Committee's experts raised various issues and queries, and received responses from the Armenian delegation. The Committee's observations, conclusions and recommendations were issued on 17 November.

At the first session, various Committee members expressed concern at the second periodic report prepared by the Armenian authorities, feeling that it was insufficiently detailed and dealt mainly with provisions yet to be introduced rather than with current practice. They were also concerned that none of the recommendations made by the Committee after the initial report was reviewed in 1996 had been reflected in the latest report. Committee members sought further information on such issues as the application of the death penalty; the definition of torture in domestic legislation; whether there is a system of compensation and rehabilitation for victims of torture by state agents; whether there had been instances of courts striking down evidence obtained under torture; and if those convicted of offences involving torture were eligible to fall under an amnesty. Several committee members also mentioned reports by Amnesty International and other non-governmental organizations regarding persistent allegations of torture and ill-treatment by law enforcement officials (with one expert also raising the issue of hazing in the army), and asked how the right to lodge a complaint regarding such treatment was facilitated and advanced.²

The Committee's recommendations to the government of Armenia reflect their concerns about outstanding issues relating to torture and ill-treatment in the country, and moves to prevent them. They are attached in full as an appendix. The main body of this document outlines the Committee's concerns and recommendations. It also updates Amnesty International's own concerns on these issues, which were detailed earlier this year in the

¹ For further information on the Convention against Torture and the system by which the Committee monitors implementation of its provisions, see the Amnesty International report issued earlier this year: *Armenia: Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture*, AI Index: EUR 54/02/00, April 2000.

² See the Summary Record of the 440th meeting of the Committee against Torture, UN Doc CAT/C/SR.440, 17 November 2000.

document *Armenia - Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture* (AI Index: EUR 54/02/00, April 2000).

In that document Amnesty International expressed its concern that Armenia had failed to implement fully its treaty obligations in general, and most of the Committee's recommendations regarding its initial report in particular. Amnesty International is urging the Armenian authorities to take prompt action to implement the Committee's current recommendations, as one way of demonstrating their commitment to end torture and impunity in their country.

2. Lack of a definition of torture in domestic legislation

Although torture is prohibited under the Armenian Constitution, a major obstacle in bringing alleged perpetrators to justice is the lack of a specific offence of torture, as defined under Article 1 of the Convention against Torture, in the Criminal Code of Armenia.

While some acts that amount to torture or ill-treatment are variously punishable in Armenia under articles in the criminal code, none of these contains the definition of torture as given in Article 1 of the Convention against Torture, or a specific mention of torture as an act carried out "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". Those articles in the current criminal code which do specifically mention crimes involving force by officials, such as "exceeding authority...through use of force" (Article 183, part two, of the criminal code), do not mention the term "torture", let alone define the unlawful force used as "severe pain or suffering, whether physical or mental", as required by the definition under Article 1 of the Convention against Torture.

Although there is currently no criminalization of torture - as defined by the Convention - as a distinct crime, Armenia's latest state report to the Committee against Torture reports that the new criminal code still presently in draft form stipulates that the use of torture is an offence, and establishes a new offence of actions "involving the causing of suffering by means of periodic blows, or other actions involving force" (see *Armenia: Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture*, AI Index: EUR 54/02/00, April 2000). From the information available in the state report, however, it does not appear that this new offence would specifically mention torture as an act carried out "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Similarly, although the draft criminal code forbids "the use of force by a judge, a procurator, an investigator or a body conducting an initial enquiry in order to obtain testimony from a suspect, an accused person, a defendant, a victim or a witness", including by "actions involving humiliation or torture", it is not clear whether torture is specified in full in the terms required by the Convention.

Commenting on this aspect, among its recommendations issued in November the UN Committee against Torture stated:

- *"Although Armenian legislation contains various provisions on some aspects of torture as defined by the Convention, [Armenia] must, in order genuinely to fulfil its treaty obligations, adopt a definition of torture which is fully in keeping with article 1 [of the Convention against Torture] and provide for appropriate penalties."*³

3. Lack of access to the outside world

There are a number of safeguards lacking in law in Armenia which contribute towards a failure to prevent acts of torture. Many of these are around detainees' lack of access to the outside world while held in pre-trial detention.

The Armenian criminal justice system, which still uses many codes and procedures inherited from the Soviet system, follows the latter's emphasis of isolating a suspect prior to trial, and pre-trial detention is widely used in Armenia, even for minor offences.

International standards relating to the treatment of people deprived of their liberty stress that those in pre-trial detention should be granted access to people such as their defence lawyer, doctor or dentist, and their family. However, one of the factors facilitating torture and ill-treatment in Armenia is the obstruction faced by some detainees - during the period of maximum vulnerability immediately after detention - in obtaining access to those outside the penal system: family members, independent medical practitioners, and even defence lawyers.

A number of such violations have been reported, for example, in the case of those arrested following the armed attack in the Armenian parliament on 27 October 1999, during which eight men died including the Prime Minister and the Speaker of Parliament. These allegations, together with others from a number of defendants that they had been subjected to torture and ill-treatment in custody, are especially worrying given that some of the accused face a possible death sentence if convicted.

3.1 Right of access by family members

According to international standards people held in pre-trial detention are to be given all reasonable facilities to communicate with family and friends and to receive visits from them. In Armenia the investigator in the case has discretion whether or not to grant access to family members. In practice, however, in many cases such access has reportedly been denied for long periods while the investigation is under way.

³ UN Doc. CAT/C/XXV/Concl/1, 17 November 2000.

It also appears that family members have in practice no access to those sentenced under the code dealing with administrative rather than criminal offences. The administrative violations code is used in, for example, cases involving minor public order offences. Suspects are brought before a court where a single judge can impose a sanction of up to 15 days' "administrative arrest".

In a recent example, Russian citizen Arkady Vartanian, leader of the XXI Century Association, was placed under administrative arrest in October last year in connection with a public order offence. On 30 October he had organized a demonstration in Yerevan's central square, attended by several thousand people. The demonstration, held reportedly with the permission of the city authorities, was to protest at living conditions and to call on President Kocharian to resign. It was the culmination of a series of such meetings held throughout Armenia in previous months. After the three-hour rally a group of demonstrators left the area designated for the meeting and marched towards the Presidential Palace. They submitted a letter calling for the president's resignation, and then dispersed. According to some reports the march, which was not sanctioned by the authorities, was led by Arkady Vartanian and Karo Karapetian, his lawyer and associate.

Arkady Vartanian and Karo Karapetian were detained later that evening, and taken to Yerevan's Arabkir District Department of the Interior Ministry. The following day they were sentenced to 10 and seven days' imprisonment respectively for holding an unsanctioned demonstration (Article 180 of the Administrative Code of Armenia: "Organization of and participation in unsanctioned rallies and demonstrations"). Fifteen other people were also reported to have received terms of administrative arrest. To Amnesty International's knowledge, none was granted access to their family during those periods of detention.

3.2 Right of access by independent medical practitioners

Under international standards people held in custody by law enforcement officials have the right to be examined by a doctor and, when necessary, to receive medical treatment. This right is viewed as a safeguard against torture and ill-treatment, among other things. Ensuring that a detainee is entitled to undergo a prompt, impartial, independent and professional medical examination is also one of the ways of proving that a person has been physically ill-treated in custody (and disproving false or malicious allegations).

In Armenia, however, detainees have no right to be attended by their own doctors in pre-trial detention, and detainees and their lawyers do not have the right to arrange forensic medical examinations (or other expert analyses). Although they can request such examinations if these are thought significant to the case, the decision whether to carry them out rests with the investigator, who has the discretion to decide on what is significant. The lawyer for one of the defendants in the 27 October case, for example, reports that his application for a second medical examination of his client, Movsheg Movsisian, was turned down by investigators in January last year. The lawyer was reportedly concerned

that the medical commission did not contain the necessary experts (see *Armenia - Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture* AI Index: EUR 54/02/00, April 2000).

3.3 Right of access to defence lawyers

Although the right to prompt access to a defence lawyer is guaranteed under the Constitution of Armenia, as well as under international standards, there have been reports in recent years of lawyers being prevented by state agents from seeing their clients, particularly in the initial period after detention. These reports have related mainly to denial of access in the crucial hours or days following detention, or obstacles placed in the way of full access by cancellation or postponement of visits.

It is also unclear to Amnesty International whether the constitutional guarantee of access to a defence lawyer covers those detained under the administrative violations code, as well as those falling under the criminal code. In the case of Arkady Vartanian (see above), it was reported that he had no access to legal representation prior to, or during, the hearing at which he was sentenced to 10 days' administrative arrest.⁴

In its November 2000 conclusions and recommendations, the UN Committee against Torture was clear that:

- *"Counsel, family members and the doctor of their own choice must be guaranteed immediate access to persons deprived of their liberty."*⁵

The importance attached to access by a defence lawyer was also highlighted by the Council of Europe, of which Armenia became a formal member on 25 January this year. One of the commitments Armenia undertook on accession was:

- *"a) to fully implement the reform of the judicial system, in order to guarantee, inter alia:
- full and immediate access to a defence lawyer in criminal cases (compulsory for minors); if necessary, the costs should be borne by the state"*⁶

⁴ At the end of this sentence Arkady Vartanian was not released, as a criminal case was opened against him on a charge of calling for the violent overthrow of the state system, under Article 65 part 2 of the Armenian Criminal Code. He was transferred to an investigation prison of the Ministry of National Security, and has been granted access to his defence lawyer.

⁵ Ibid.

⁶ Opinion No. 221 (2000), section 13 iv. Human Rights, point a, adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2000 at its 21st Sitting.

4. Responsibility for the prison system, and independent supervision of places of detention.

4.1 Transfer of responsibility for the prison system

In Amnesty International's experience, the majority of complaints of torture and ill-treatment have been made by detainees held short-term or pre-trial in the custody of the police, the Ministry of Internal Affairs and the Ministry of National Security. As in other countries of the former Soviet Union, reformers have suggested transferring responsibility for the prison system to the Ministry of Justice, as a means of moving away from any adverse culture facilitating torture and other violations. Such a transfer is a commitment linked to Armenia's accession to the Council of Europe.⁷

4.2 Lack of independent supervision

Giving a keynote speech on 27 March 2000 at a meeting of the Organization on Security and Co-operation in Europe, the UN Special Rapporteur on torture stated that it was not difficult to identify what preventative measures could be taken to make substantial inroads into the bulk of the problem of torture.⁸ One was to keep to an absolute minimum the period during which detainees do not have access to the outside world. The other was to ensure independent supervision, by a body having an automatic right of access to any place of deprivation of liberty, especially police stations, and with the power to report publicly on its findings.

At present supervision over places of detention in Armenia is exercised by the procuracy, the same body responsible for prosecuting detainees. There are proposals to change this. For example, Armenia's report to the UN Committee against Torture (setting out the steps the state has taken to implement the provisions of Convention against Torture) mentions a draft new Code for the Execution of Criminal Penalties, which contains a

⁷ In connection with its membership of the Council of Europe, Armenia had undertaken a commitment "to adopt, within six months of its accession, the law on the transfer of responsibility for the prison system, including pre-trial detention centres and work colonies, from the Ministry of the Interior and the Ministry for National Security to the Ministry of Justice thus ensuring the thorough reform and demilitarisation of the system, and to ensure the effective implementation of this law within six months after it has been adopted, except as regards the effective transfer of the pre-trial detention and work colonies, which must be implemented within one year after the law has been adopted." (Opinion No. 221 (2000), 13.iii. Domestic Law, point f., adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2000 at its 21st Sitting.)

⁸ Keynote speech by Sir Nigel Rodley, UN Special Rapporteur on torture, at an OSCE Supplementary Meeting on Human Rights and Inhuman Treatment, held on 27 March 2000 in the Hofburg, Vienna, Austria.

proposal that judicial supervision of institutions enforcing penalties should be enshrined in legislation. The report also refers to the draft new Penal Code, which aims at strengthening the role of the judge and diminishing that of the procurator in relation to surveillance of prison conditions.⁹ At the time of writing these are still believed to be only in draft form.

Currently monitoring is carried out by the Presidential Human Rights Commission, which functions as a consultative body in the administration of the President of Armenia. At its session on 15 November 2001, the Commission reported that it had been granted free access to prisons and corrective labour colonies to monitor conditions. Previously the Commission had attempted a certain degree of supervision, although the Chairman was quoted at the beginning of the previous month as saying that members had encountered difficulties when trying to visit people held in prisons and solitary confinement facilities, and were not given unimpeded access to remand and detention facilities or military institutions. Amnesty International welcomes the work being done by the commission on monitoring prison conditions, but notes the problems the commission itself has reported on gaining access to all premises. Amnesty International continues to call on the Armenian authorities to establish an effective system of independent inspection of all places in which people are deprived of their liberty

Commenting on this area in its November 2000 recommendations, the UN Committee against Torture stated:

- *"While welcoming the plan to transfer responsibility for prison administration from the Ministry of the Interior to the Ministry of Justice, the Committee invites [Armenia] to establish a truly independent and effective system for the inspection of all places of detention"*¹⁰

4.3 Law on an ombudsperson

One other avenue of independent supervision could be through the activities of the office of an Ombudsperson, and indeed the introduction of a law on an ombudsperson, within six months of accession, was another of Armenia's commitments on joining the Council of Europe. Discussions are said to be underway on such a draft law.¹¹

⁹ Armenia's second periodic report to the Committee against Torture, UN ref. CAT/C/43/Add. 3, paras. 38 and 72, 13 September 1999.

¹⁰ UN Doc. CAT C/XXV/Concl/1, 17 November 2000.

¹¹ Opinion No. 221 (2000), 13.iii. Domestic Law, point b., adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2000 at its 21st Sitting

In its communications with the Armenian authorities in the past, Amnesty International has noted that the establishment of such an ombudsperson's office could form a significant building block of a human rights culture in Armenia. Amnesty International has therefore urged that it be designed with care and consideration - with powers and objectives which are consistent with international standards, as well as the necessary resources and independence to carry out its work. In submitting its detailed recommendations, Amnesty International stressed that the creation of such an office can never replace, nor should it in any way diminish, the safeguards inherent in comprehensive and effective legal structures enforced by an independent, impartial, adequately resourced and accessible judiciary. The creation of such an office should also go hand in hand with a thorough review of existing legal and other institutions in order to make these more effective instruments of human rights protection. These initiatives should be accompanied by a determined government policy aimed at holding the perpetrators of human rights violations fully accountable, thus ensuring that those who violate human rights cannot do so with impunity.

5. Allegations of torture and ill-treatment ('hazing') in the army

Allegations of torture and ill-treatment have been widely reported with regard to service personnel in the army, particularly new conscripts. Brutal hazing of conscripts has been reported under the practice known in Russian as "*dedovshchina*" (дедовщина). This involves recruits being forced to perform menial tasks, often outside official duties, and can lead to beatings and suicides. Often such activity is alleged to have taken place with the consent, acquiescence or active participation of army officers, who reportedly condone these practices as a means of maintaining discipline.¹²

Young male Jehovah's Witnesses have also reported ill-treatment - by civilian law enforcement officials as well as army personnel - in connection with their religious beliefs and associated refusal to perform the military service presently compulsory for young men between the ages of 18 and 27. In some cases reports have spoken of young men being beaten at the military unit, to which they had been forcibly conscripted, after they refused to don a military uniform or handle a weapon. In other cases some young men prosecuted for their continued refusal to perform military service are said to have been ill-treated by police officers or guards.

Rafik Tononian, for example, was said to have been assaulted by police officers when he voluntarily presented himself at the police station after refusing to respond to his call-up papers. Rafik Tononian, from the village of Vardenik in the Gegharkunik Region of Armenia, was arrested on 28 August, when he voluntarily presented himself at the District Department of Internal Affairs in the city of Martuni. There he was reportedly verbally abused and beaten by police officers, and subsequently suffered severe pain in his knee joints. Rafik Tononian was then transferred to Sovetashen pre-trial prison in Yerevan. He was sentenced to two years' imprisonment on 1 November by a court of first instance in Martuni, for refusing his call-up

¹² See *Armenia: Torture and ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture*, AI Index: EUR 54/02/00, April 2000.

papers, and is currently serving this term in a corrective labour colony in Kosh. Another young Jehovah's Witness, Nairi Ugurlian, who was sentenced to the same term in November, reports that guards verbally abused him, and tore up religious literature and his Bible, while he was being transferred to Sovetashen prison.¹³

The UN Committee against Torture had raised concerns over similar practices in the Polish army, when reviewing Poland's third periodic report earlier in the year¹⁴. Commenting on the situation in Armenia, the Committee's recommendation was that Armenia:

- *"should conduct impartial investigations without delay into allegations of hazing ("dedovshchina") in the military and institute proceedings into substantiated cases"*¹⁵

6. The death penalty

Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it violates the right to life and constitutes the ultimate cruel, inhuman and degrading punishment. Armenia retains the death penalty, and its representatives at the session of the Committee against Torture in November 2000 reported that there were 33 men on death row at that time. Among the most recent sentences known to Amnesty International were those passed on Armen Ter-Saakian and Alik Grigorian on 28 July this year, by the Court of the First Instance of Yerevan's Avan and Nor-Nork communities. The two men were among a group of nine defendants convicted of various offences in connection with the murders, several years previously, of a number of people regarded as opponents of those in power at the time. The death sentences were upheld on 16 January this year by a higher court in Yerevan.

¹³ On joining the Council of Europe Armenia undertook: "to adopt, within three years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors sentenced to prison terms or service in disciplinary battalions, allowing them instead to choose, when the law on alternative service has come into force to perform non-armed military service of alternative military service" (Opinion No. 221 (2000), 13.i Conventions, point a, and 13. iv. Human Rights, point d., adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2000 at its 21st Sitting). At the time of writing no moves were reported towards pardoning imprisoned conscientious objectors, of whom there were said to be at least 23. To the contrary, reports continued of arrests and imprisonments. Jehovah's Witness Karen Yegoian, for example, was said to have been sentenced to two years' imprisonment - for refusing his call up papers - on 1 February, a week after Armenia joined the Council of Europe.

¹⁴ UN Doc. CAT/C/24/1/Rev.1, 5/2/2000, para.10, which states: "The Committee is also concerned about the persistence in the army of the practice of the so called 'fala', whereby new recruits are subjected to abuse and humiliation."

¹⁵ UN Doc. CAT/C/XXV/Concl/1, 17 November 2000, point V.d.

Unlike the current code, a draft new criminal code awaiting final parliamentary approval would contain no capital crimes, whether in time of peace or war, and would replace the death penalty by the maximum punishment of life imprisonment. Life imprisonment would not be imposed on women or minors. It is one of Armenia's commitments to the Council of Europe to adopt this code within one year of accession. A further commitment was to sign, at the time accession, the European Convention on Human Rights, including Protocol 6 which abolishes the death penalty.¹⁶ Armenia duly signed this protocol on 25 January 2001, when it formally became a member of the Council of Europe.

Amnesty International welcomes these commitments and intentions, and hopes that Armenia will move swiftly to remove the judicial death penalty from its statute books. At the time of writing, however, around 30 men remain on death row. These numbers have steadily accumulated since independence, due in part to a *de facto* moratorium on executions, but also because, in the absence of any information on pardons, it appears that neither President Robert Kocharian nor his predecessor President Levon Ter-Petrosian actually been commuting pending death sentences. This means that some of those currently on death row may have been waiting years without knowing when they may expect their clemency appeals to be heard and in a state of continued uncertainty as to their ultimate fate.

At its November 2000 session, the UN Committee against Torture also expressed its concern about this uncertainty, regarding it as amounting to cruel and inhuman treatment:

- *"The Committee recommends that, as soon as possible, [Armenia] should adopt the draft Penal Code, which abolishes the death penalty, in order to resolve the situation of the many persons who have been sentenced to death and who are being kept in uncertainty amounting to cruel and inhuman treatment in breach of article 16 of the Convention [against Torture]"*¹⁷

7. Amnesty International's recommendations

Torture and ill-treatment of persons under any circumstances are expressly prohibited under the Convention against Torture. Amnesty International welcomes the willingness shown by Armenia, during the November 2000 session of the Committee against Torture, to acknowledge problems during this transitional phase in the country's history. Amnesty International also recognizes the problems which may exist within the law enforcement system, for example those caused by lack of funding for professional staff, training and infrastructure, or those caused by a lack of confidence in the willingness of such a system to address abuses. However, these problems do not excuse or justify torture and ill-treatment. Neither should they be an excuse

¹⁶ Opinion No. 221 (2000), 13.i Conventions, point a, and 13. iv. Human Rights, ii. Domestic Law, point a., adopted by the Parliamentary Assembly of the Council of Europe on 28 June 2000 at its 21st Sitting

¹⁷ UN Doc. CAT/C/XXV/Concl/I, 17 November 2000, point V.g.

for delaying the implementation of safeguards and procedural changes which would narrow the potential scope for abuse or for impunity for perpetrators.

Amnesty International urges the Armenian authorities to take all appropriate measures to ensure that the recommendations of the Committee against Torture are implemented swiftly and in full. Amnesty International is also urging the Armenian authorities to take the following steps to address abuse, in line with the international obligations they have pledged to undertake and uphold:

- ◆ criminalize torture, and any attempt to commit torture, as defined in the Convention against Torture as distinct crimes with appropriate punishments under national law (in line with Article 4 of the Convention against Torture);
- ◆ ensure that all people deprived of their liberty or arrested by law enforcement officials are informed promptly of the charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to relatives and an independent medical practitioner;
- ◆ ensure that a family member or other appropriate person specified by the detainee is informed promptly about the detention or arrest of a relative, and their whereabouts;
- ◆ ensure that all detainees are medically examined upon deprivation of their liberty, and thereafter as required, or whenever a detainee alleges torture or ill-treatment;
- ◆ ensure that every person deprived of their liberty is informed by the authorities of their rights, including the right to complain to the authorities against ill-treatment;
- ◆ ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or ill-treatment by civilian or military officials, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint has been made (in line with Articles 12, 13 and 16 of the Convention against Torture);
- ◆ ensure that investigations into allegations that a person has been tortured include the prompt, impartial and professional examination of that person by qualified doctors;
- ◆ ensure that no statement extracted as a result of torture or ill-treatment is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;
- ◆ bring those law enforcement officials responsible for torture or ill-treatment to justice in the courts, in the course of proceedings which meet international standards for fairness and which do not carry the death penalty;

- ◆ ensure that every victim of torture has unhindered access to the means of obtaining redress and an enforceable right to reparation including fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition, and that every detained person is informed of this right (in line with Article 14 of the Convention against Torture);
- ◆ establish an effective system of independent inspection of all places in which people are deprived of their liberty;
- ◆ ensure that information regarding the absolute prohibition against the use of torture and ill-treatment is fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;
- ◆ make a declaration under Articles 21 and 22 of the Convention against Torture, which would enable the Committee against Torture to consider communications from other States Parties regarding non-fulfilment by Armenia of its treaty obligations, and from or on behalf of individuals in Armenia claiming to be victims of torture.
- ◆ commute all existing death sentences, as well as any that may be imposed before formal abolition of the death penalty;
- ◆ give priority in parliament to any further readings necessary of the draft criminal code, in order that complete abolition of the death penalty may be enshrined in law without further delay;
- ◆ ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. Ratifying this instrument, the first treaty of worldwide scope aimed at abolition of the death penalty, would confirm Armenia's commitment to abolition;
- ◆ publicize widely the Concluding Observations of the UN Committee against Torture following its review of Armenia's second report, and implement its recommendations swiftly;
- ◆ ensure that Armenia's next periodic report to the UN Committee against Torture is compiled in consultation with non-governmental organizations, and is made widely and publicly available for comment and discussion before and after it is examined by the Committee against Torture.



TAKE A STEP TO STAMP OUT TORTURE

PREVENTION

The absence of political will to end torture is one of the main factors which allow torture to continue. Amnesty International is calling on governments to implement its 12-Point Program for the Prevention of Torture by Agents of the State. Amnesty International is also working to reinforce United Nations mechanisms against torture and is calling on all governments, which have not already done so, to ratify the UN Convention against Torture. Those that have should withdraw any reservations, make declarations allowing for individual and interstate complaints and implement the provisions of the Convention.

DISCRIMINATION

Discrimination is one factor which feeds torture. The campaign will illustrate how those who are discriminated against within their societies may be more likely to be tortured. Amnesty International will call on governments to repeal discriminatory laws and to act with diligence to protect children, women, racial and sexual minorities and other groups facing discrimination against violence at the hands of private individuals.

IMPUNITY

Torture will continue as long as perpetrators know that they can get away with it. Amnesty International is working to end the impunity of torturers by urging that they be brought to justice in fair trials without the death penalty or other cruel, inhuman or degrading punishments, wherever they are found or extradited to states able and willing to do so. Amnesty International is calling on governments and the public to ensure that national legislation reflects fully the principle of universal jurisdiction as recognized by international law, including the UN Convention against Torture and the Rome Statute of the International Criminal Court, and that states implement such legislation.

WHAT YOU CAN DO

- Join our campaign — **Take a step to stamp out torture** and add your voice to Amnesty International's campaign. Help us to make a difference.
- Register online to take action against torture at <http://www.stoptorture.org>. The website allows visitors to access Amnesty International's information about torture and also offers the opportunity to appeal on behalf of individuals at risk of being tortured.
- Become a member of Amnesty International and other local and international human rights organizations, which fight torture.
- Make a donation to support Amnesty International's work:

☐ I would like to join your campaign. Please send me more information.

☐ I would like to join Amnesty International. Please send me details.

☐ I would like to donate to Amnesty International's campaign to stamp out torture.

☐ Cheque ☐ Money/Postal Order (made payable to Amnesty International)

Charge my: ☐ Visa ☐ MasterCard

Credit card number Expiry date

Amount

Signature

Name

Address

Send to: Amnesty International, International Secretariat, Campaign against Torture, 1 Easton Street,
London WC1X 0DW, United Kingdom



For more information on how you can support Amnesty International's work please contact the national office of Amnesty International in your country.