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5/2 '01

ARMENIA

Human Rights Developments

Armenia's human rights record remained poor despite official claims that the country was "in transition to democracy" and promises for improvements as its application underwent review for full membership in the Council of Europe.

On October 27, armed individuals entered the Armenian parliament during a live nation-wide radio broadcast and assassinated Armenian prime minister Vaghen Sarkisyan, along with parliament speaker Karen Demirchian and several other senior officials. Parliamentary elections on May 30 had brought to power the Measnutsiun (Unity) block led by Sarkisyan. The Unity Block included the Communist Party headed by Demirchian, several smaller parties, and the Yerkrpah, a militia organization of Nagorno Karabakh war veterans led by Sarkisyan. The Yerkrpah organization was linked to organized violent attacks on members of twelve non-apostolic religious groups in April 1995.

The assassinations followed political violence during July local elections. Armed supporters of a candidate in a local by-election in Yerevan reportedly beat up and opened fire with automatic weapons on the proxies of another candidate on July 11. At least eight people were hospitalized. Both candidates contending for the Ajapnaik District council seat were pro-government: one was a member of the Yerkrpah, the other a member of the nationalist Republican Party.

OSCE election observers noted that a new electoral code with some reform provisions was adopted prior to the May parliamentary elections and concluded that the parliamentary elections were a step forward toward meeting OSCE obligations. However, a report issued by the National Democratic Institute, which was based on findings by 4,000 local monitors, stated that political parties and so-called "independent" candidates throughout the country manipulated some reform provisions embodied in the new code. The report added that party-affiliated and independent candidates, frequently local strongmen with political and business ties, demonstrated powerful influences over political processes and distorted both the authority of the national government and the electoral code.

In January legislation mandated by the 1995 constitution to implement its new provisions went into force. The new legislation governing criminal investigations and trials was a missed opportunity to bring about reform of a criminal justice system characterized by widespread violations of due process. The new criminal procedure code was particularly disappointing: it does not allow detainees to file a complaint in court prior to trial to redress abuses by the procuracy, police, or other security forces during criminal investigations. Under the new code, the police may detain individuals for up to twelve hours before notifying family members, witnesses have no right to legal counsel during questioning while in police custody, even though failure to testify is a criminal offense, and detainees must seek permission from the police or procuracy to obtain a forensic medical examination to substantiate a report of torture. Meanwhile, the constitution does not allow citizens the right to petition the constitutional court should one of their constitutionally guaranteed rights be violated.

Cases of violations against those in detention included that of Ashot Bleyan, former Minister of Education, awaiting trial on corruption charges. According to his lawyer, Ministry of Internal Affairs staff beat Bleyan while in Nubarashen remand prison on August 18. On September 7, Bleyan stated in a press interview that a procuracy official handling his case, Armen Tamazian, was present during the beating.

The government remained deeply hostile to adherents of non-apostolic religious faiths and failed to bring about a climate of religious tolerance. It imprisoned at least nine conscientious objectors on religious grounds, while numerous other individuals were forced to live in hiding to escape harassment campaigns against them. The authorities continued to deny the Jehovah's Witness organization the right to register, while at least two of the other religious organizations attacked in April 1995 were too fearful even to attempt to register, and many of their members remain in hiding. Ignoring European Convention standards, which officials promised to uphold after Council of Europe accession, the government failed to repeal discriminatory provisions in the law on religious organizations. The law prohibits financing for religions based outside of Armenia and sets a 200-member minimum for registration of a religious organization.

Freedom of the press suffered a blow in August. Nikolai Pashinian, editor of Oragir (Diary) newspaper was sentenced to one year in prison on August 31 for publishing an article alleging corruption involving a trading company linked with senior Ministry of Internal Affairs officials. In early June, Pashinian had lost a civil suit brought by then-Minister of Internal Affairs Serg Sarkisyan and had been ordered to pay U.S.\$25,000 in damages to the trading company. Editors at other newspapers publicly demonstrated against the August verdict and said that the case would have a chilling effect on freedom of the press. An official at Tigran Mets, the main newspaper printing plant in Armenia, said in a September

interview that the plant had refused to print a successor newspaper published by Pashinian on the grounds that the editor's possible imprisonment would prevent him from repaying the printing debts of Oragir, which was closed after the lawsuit.

Defending Human Rights

Nongovernmental organizations working on human rights issues for the most part avoided frank discussion of Armenia's poor human rights performance. Numerous victims of human rights abuses expressed great fear of retaliation and a marked lack of confidence in the authorities' willingness to act on complaints of abuses, including torture and abuse in the army. Government officials insulted or harassed several Armenian human rights defenders. In February, a Ministry of Defense official warned a member of an organization dealing with conscripts to desist from cooperating with international human rights organizations. In March, Mikael Danielyan, chair of the Armenia Helsinki Association, was accused of making "ungrounded accusations" after he complained about the Ministry of Internal Affairs' refusal to grant access to pre-trial detention facilities for monitoring. Danielyan had submitted written requests and made repeated attempts to gain access for over a year.

The Role of the International Community

Council of Europe

The Council of Europe continued to review Armenia's application for full membership. In January, Human Rights Watch recommended to the Council of Europe's Parliamentary Assembly that it take no further action on Armenia's membership application until the government took concrete steps to demonstrate its commitment to the rule of law. Developments throughout the year indicated that Armenia's accession would be highly premature and would serve to legitimize the government's unwillingness to uphold the rule of law.

Organization for Security and Cooperation in Europe (OSCE)

Talks under the auspices of the OSCE Minsk Group to negotiate a settlement to the twelve-year-old conflict with Azerbaijan on the political status of Nagorno Karabakh failed to bring results as of this writing. President Robert Kochariyan and Azerbaijani President Heydar Aliyev held bilateral talks in Geneva in June and August at the urging of the international community. The OSCE announced that it intended to open an office in Yerevan in the later half of the year to assist in promotion of OSCE principles.

United States

The U.S. State Department's Country Reports on Human Rights Practices for 1998 accurately noted that Armenia's constitution provides the executive with extensive powers that are not balanced by an independent judiciary and that the judiciary is subject to political pressure, while the security forces routinely beat detainees during arrest and interrogation. The U.S. State Department Annual Report on International Religious Freedom for 1999 simply outlined many of the legal restrictions on the free practice of religious belief in Armenia, while failing to note that these restrictions are in violation of international law. Members of the U.S. House of Representatives, including members of the Armenian Congressional Caucus, failed to call Armenia publicly to account for its abysmal record in a number of areas, including on religious minorities, while spearheading support for assistance programs that ensure Armenia's status as one of the highest per capita recipients of U.S. assistance in the world.

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