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HUMAN RIGHTS DEVELOPMENTS

With presidential and parliamentary elections slated for the first half of 2003, President Robert Kocharian consolidated his ascendancy over a fragmented opposition. A broad range of scheduled criminal justice reforms was delayed by parliament's reluctance to outlaw the death penalty.

As the 2003 elections approached, two television channels that did not cover politics from a pro-government standpoint lost their broadcasting licenses. Following the September 2001 shutdown of the Noyan Tapan television channel, the A1+ television channel was taken off the air in April, immediately after losing a government-organized tender. The closure sparked a series of protest rallies in the capital, Yerevan, kept up until June by a group of opposition parties that used them to call for Kocharian's resignation or impeachment. In the days following such rallies, police detained protesters at their homes in Yerevan or in the regions, or summoned them to local police stations. Dozens were fined or given terms of up to two weeks of imprisonment, in what resembled a concerted action directed at deterring further participation in the continuing rallies.

The April tender was administered by a commission appointed by the president, as provided for in the October 2000 law on television and radio. Ironically, the law's avowed purpose was to comply with Council of Europe requirements on promoting pluralism and independence in the broadcast media. Also in April the government had to withdraw a draft law on the media it had published in February, after Council of Europe experts criticized it. The draft had proposed the establishment of an oversight body from which all media outlets would have to seek an operating license renewal every year; it also required journalists to pay government officials for information. In October the entire run of the opposition newspaper *Aravot* vanished the day it published corruption allegations against associates of the prime minister. Also that month, independent journalist Mark Grigorian was injured by a grenade thrown at him on the street.

Parliament ratified the European Convention for the Prevention of Torture

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and the European Convention on Human Rights. Respectively, the ratifications paved the way for the European Committee for the Prevention of Torture to inspect Armenian detention facilities, and for Armenian citizens to file complaints with the European Court of Human Rights.

Police torture continued, however, facilitated by several factors. Human rights defenders in Yerevan and Vanadzor asserted that widespread and routine police torture and ill-treatment went largely unreported due to victims' well-grounded fear of retribution, which deterred them from filing complaints or permitting human rights groups to work on their cases.

Lack of legal reform served to perpetuate incommunicado detention, another key condition facilitating torture. Police appeared to exploit a loophole in the criminal procedure code that leaves witnesses without the right to an attorney: individuals would be summoned as witnesses, denied counsel, and then charged as suspects hours or days later. Police also detained people on misdemeanor charges under the administrative code for up to fifteen days, exploiting the code's failure to allow those detained under it access to counsel; typically charges involved insulting a police officer or failing to obey a police officer. Meanwhile, the incommunicado period allowed police to abuse the detainee and work up more serious criminal charges. The administrative court system appeared to be little more than a "pocket court" for police, as it was served by judges from courts of first instance, known for their lack of independence, and misdemeanor detention proceedings lacked regulation by a procedural code. At hearings where judges sanctioned administrative detentions the defendant almost always either had no counsel or was absent altogether; often, police would send the papers for signature to the judge at home after work hours.

In general, judges continued to display subservience to executive authorities, and did not, as a rule, challenge the procuracy or police. Monitoring of over fifty cases by the Armenian Helsinki Association, collated in a report issued in January, found that trial judges often handed down arbitrary decisions, tended to intimidate witnesses offering testimonies "disliked" by the procuracy, and generally ignored defendants' claims of physical abuse or procedural violations.

The trial of the individuals allegedly responsible for the October 1999 murders in Parliament entered its second year. At least two individuals were criminally prosecuted for expressing the belief that Kocharian was behind the murders. In June, Janik Adamian and his typist were detained after he posted throughout the town of Ararat a poem in which he wrote of an unnamed "dishonest dog" who had a hand in the murders. The prosecutor dropped the charges when the case went to trial in September. In late 2001, police detained Musheg Saghatelian, an opposition politician and former prisons chief, after he accused Kocharian of masterminding the murders. A court sentenced Saghatelian to seven years of imprisonment, reduced on appeal in July to six years. Among the various charges leveled against him were counts for the 1995 beating of Ministry of Interior officers who had been alleged to have been plotting a coup against then-President Levon Ter-Petrossian.

While Saghatelian deserved to answer for torture and ill-treatment, both his conviction and the authorities' failure to seek murder convictions for the September 2001 killing of Poghos Poghossian by presidential bodyguards demonstrated the selectiveness with which law enforcement agencies and courts treated cases involving the interests of the executive. Poghossian had died in the restroom of a Yerevan nightclub minutes after he had

addressed an impertinent greeting to Kocharian. Compelling testimonies and forensic evidence made available to Human Rights Watch showed that a group of security personnel, including Kocharian's bodyguards, had beaten Poghosian to death. Yet after a two-month investigation the procuracy charged just one bodyguard on a count of involuntary manslaughter, for which a court in February handed him a one-year suspended sentence.

Although the defense minister claimed a decline in non-combat deaths in the army— from two hundred in 1998 to ninety-two in 2001—no serious reform was undertaken to reduce brutality in the military. In November 2001 the former head of the Defense Ministry's inspection commission alleged that the military prosecutor's office systematically thwarted investigation of beatings and killings of conscripts by older soldiers.

With many young men emigrating or extending their studies, often to avoid conscription, military authorities rode roughshod over the law in order to keep conscript numbers up. They reportedly intimidated or tricked refugees into draft enrolment, although the 1999 Law on Refugees confirmed their exemption from compulsory conscription. In November 2001, students demonstrated when their draft deferments were arbitrarily canceled. The following month eleven who took the Defense Ministry to court to challenge their conscription orders were drafted and delivered to military bases the day before their scheduled hearing. Artiom Sargsian, a leader of the November 2001 student protests, was beaten and kicked to death in February in army barracks in Vanadzor, two months after he was drafted.

Parliament delayed the adoption of a law to allow alternative civilian service, and in September adopted a law setting cash fees for draft deferments or waivers, including a U.S.\$15,000 bond for any young man enrolling privately for study abroad. The authorities continued to prosecute and imprison conscientious objectors, most of whom were Jehovah's Witnesses.

The prime minister included the deputy defense minister in a re-established government Council for Religious Affairs, and at its September meeting called for new curbs on nontraditional faiths, claiming they endangered national security. The procuracy appealed the acquittal of Levon Markarian, a Jehovah's Witness tried in 2001 for having led prayer meetings at which families with children were present. In April, the Supreme Court, to its credit, upheld his acquittal.

Parliament passed amendments to the electoral code in July that reversed reforms of December 2000 by reducing the number of parliamentary seats allocated to party lists in favor of single-mandate constituencies. In the current political context, this change was seen to favor the pro-presidential Republican Party, as wealthy businessmen with links to the government have tended to win single-mandate constituencies. The amendments also placed the majority of appointments to all election commissions in the hands of the president and of parties allied with him. A national survey conducted by the International Foundation for Election Systems during 2001 and published in 2002 revealed deep public disillusionment, with 62 percent of respondents considering that Armenia did not function as a democracy.

The opaque way in which the government privatized powerful monopolies such as the electricity grid and Yerevan's Zvartnots airport raised questions, and the tariff policies of the privatized telephone network, Armentel, provoked public demonstrations. Marginalized populations were

particularly vulnerable to government privatization policy: In February and April the government auctioned off the lease of remote pastures that Kurdish Yezidis, an ethnic and religious minority, had used for decades for grazing their sheep and cattle. Because municipal border gerrymandering in the early 1990s had deprived many Yezidi herders of a share in land privatization, with the recent auctions many Yezidis lost their land rights and their livelihood.

DEFENDING HUMAN RIGHTS

Nongovernmental human rights organizations were generally able to carry out their work without government interference.

Sadly, the Presidential Human Rights Commission lent its weight to the procuracy's prosecution of Levon Markarian by issuing a statement in May expressing its regret at his acquittal. The commission claimed that Markarian had deprived the twelve children present at his service "of their right freely to practice their national religion and derive benefit from their people's culture," misstating guarantees under the Convention on the Rights of the Child.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In August the U.N. Committee on the Elimination of Racial Discrimination reviewed Armenia's amalgamated third and fourth periodic reports. The committee criticized the government for describing Armenia as a "mono-ethnic" state, despite the existence of several ethnic and national minorities, and for failing to provide concrete information on their socioeconomic situation and on the implementation of minority rights legislation. The committee also expressed concern at the government's failure to respond to allegations of governmental discrimination against the Yezidi minority.

The U.N. Committee on the Elimination of Discrimination against Women, after considering Armenia's second periodic report in August, expressed concern that Armenia lacked legislation on domestic violence and trafficking in persons and that penalties for rape remained light. The committee urged the government to ensure prosecution of violence against women.

Council of Europe

The Council of Europe intensified its scrutiny of Armenia's post-accession obligations and exerted pressure on the government to implement reforms on a wide front, ranging from the abolition of administrative detention to the establishment of an ombudsman.

In September the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution threatening to suspend the Armenian delegation's credentials should the government fail to abolish the death penalty fully by 2003. The resolution expressed "shock" that the Armenian parliament had adopted in first reading a draft criminal code that included

the death penalty for aggravated murder.

The PACE Monitoring Committee criticized unjustified delays in the elaboration of a new constitution and criminal code, and noted that the authorities used each in turn as an excuse for failing to ratify Protocol No. 6 of the European Convention on Human Rights, which outlaws the death penalty in all circumstances.

Forceful Council of Europe expert opinions on the government's draft media law compelled its withdrawal. Noting the controversial tenders that saw independent television stations taken off the air in April, in its September resolution the PACE pointedly referred the government to its stated commitment to offer new frequencies to tender by late October.

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Office in Yerevan commissioned several Armenian nongovernmental organizations to monitor and produce a range of reports on the functioning of the criminal justice system, and one on the extent of abusive conscription of exempted refugees, publishing them on the internet (at <http://www.osce.org/yerevan/>).

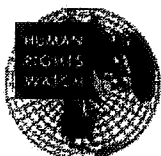
United States

The U.S. State Department's second Trafficking in Persons Report, published in June, described Armenia as a country of origin for women and girls trafficked to the United Arab Emirates, Turkey, Russia, Greece, and Germany for sexual exploitation. The report criticized the government for failing to develop a national plan or take significant steps to counter trafficking. The government began drafting a national plan in October.

The State Department's second *International Religious Freedom Report*, published in October, described the restrictive registration regime instituted for minority faiths since 1991, and chronicled the authorities' maneuvers over years to deny registration to Jehovah's Witnesses.

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