



## 2008 Human Rights Report: Armenia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Armenia is a constitutional republic with a population of approximately 3.2 million. The constitution provides for an elected president and a unicameral legislature (the National Assembly). The country has a multiparty political system. On February 19, the country held a presidential election that was significantly flawed; problems included favorable treatment of the government's candidate, instances of ballot stuffing, vote buying, multiple voting, voter intimidation, violence against election commission members and party proxies, and misuse of public resources for electoral ends. On March 1-2, authorities used force to disperse large crowds of demonstrators protesting the conduct and results of the election; clashes between protesters and security forces resulted in the deaths of 10 persons. Authorities imposed a 20-day state of emergency following the violence. On April 9, Serzh Sargsian of the Republican Party of Armenia (RPA) was sworn in as president, replacing Robert Kocharian. Upon taking office, President Sargsian appointed Tigran Sargsian (no relation) prime minister. In the National Assembly, the RPA dominated a four-party majority coalition. Civilian authorities generally maintained effective control of the security forces, although some members of the security forces committed human rights abuses with impunity while under the direction of civilian leadership.

The government's human rights record deteriorated significantly during the year, with authorities and their agents committing numerous human rights abuses, particularly in connection with the presidential elections and the government's suppression of demonstrations that followed. Authorities denied citizens the right to change their government freely and citizens were subject to arrest, detention, and imprisonment for their political activities. Authorities used force, at times lethal, to disperse political demonstrations. Authorities used harassment and intrusive application of bureaucratic measures to intimidate and retaliate against government opponents. Police beat pretrial detainees and failed to provide due process in some cases. The National Security Service (NSS) and the national police force acted with impunity for alleged human rights abuses. Authorities engaged in arbitrary arrest and detention.

Prison conditions remained cramped and unhealthy. Authorities imposed arbitrary restrictions on freedom of assembly and the press, particularly through harsh measures imposed during the state of emergency. Journalists continued to practice self-censorship. The government and laws restricted religious freedom. Violence against women and spousal abuse, trafficking in persons, and discrimination against persons with disabilities and homosexuals was also reported.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports alleging that the government and its agents committed arbitrary and unlawful killings during the year.

In the early morning of March 1, police forcefully cleared a public square in downtown Yerevan of several hundred encamped protesters who were disputing the conduct and results of the February presidential election. After this clearance action, approximately 15,000-20,000 protesters reconvened in another downtown location. Some protesters established barricades, which they reportedly were prepared to defend with improvised weapons. Security forces responded and, after several hours' standoff, cleared many demonstrators from the scene by firing into the air and setting off noise grenades. A number of protesters remained behind their barricades, however, and police equipped with riot gear engaged them directly. The resulting clashes persisted well into the predawn hours of March 2.

The clashes between protesters, looters, and security forces resulted in at least 10 deaths, including eight civilians and two police officers, and dozens of injured persons. By the end of the year, the circumstances of the 10 deaths remained unclear. According to official information, all of the deaths happened in skirmishes occurring a considerable distance from the scene of the primary confrontation. Some of these deaths may have occurred from purposeful arbitrary killing, misuse of crowd control equipment such as tear-gas cartridge guns or some combination of these factors. There were no credible criminal investigations into the actions of any police or security officers in connection with any of these deaths.

Authorities initially denied that security forces shot directly at protesters during the March 1 clashes, but video footage later surfaced which appeared to dispute this claim. In mid-December the government confirmed that at least one of its snipers was present during the March 1-2 events, while denying that any of the 10 deaths were attributed to the sniper. Government opponents and some human rights activists alleged that security forces killed protesters and staged lootings to impose the state of emergency late on March 1, giving authorities a legal pretext to stop the protests.

From May to July the president dismissed the chief and deputy chief of the national police, the chief of the State Protection Service, and the chief of the Police Troops (paramilitary riot police). It was unclear if the dismissals were related to their roles in the March 1 violence; none had been prosecuted to that effect by year's end. On June 16, the National Assembly established an ad hoc commission of inquiry to investigate the circumstances of March 1-2. Opposition parties were invited to participate in this commission, but refused to do so, claiming they would have comprised an unacceptable minority among mostly governmental participants. On October 23, a presidential decree established a new fact-finding panel of experts with balanced opposition and governmental representation, and the opposition agreed to join this effort. Both the parliamentary commission and the fact-finding group continued to operate at year's end, and neither had issued public findings. A government human rights defender (ombudsman) issued a report on April 25, which called into question authorities' official version of events. On September 24, Alik Sargsian, the police chief appointed on May 29 to replace the police chief in charge at the time of the March events, contended that all police had acted appropriately during those events.

On December 17, the prosecutor general's office released information containing results of the forensic examination reports of the victims. According to this information, five of the victims died of gunshots, two persons were killed from the impact of tear gas cartridges, one person died from blood loss resulting from an explosion of a tear gas cartridge that hit his leg; one person died from injuries sustained by a unidentified blow to the head; and one person died from a grenade explosion. Official forensic evidence showed that the tear gas cartridges had been shot directly at the deceased, an improper use of the tear gas projectiles, which are designed to be fired indirectly or at the ground.

In a March 20 interview, the outgoing president, Robert Kocharian, stated that some of the deaths were caused because of the use of expired "special means" (apparently in reference to police paramilitary equipment) by security services, implying that some of the deaths were accidental. In a report released March 20 on his March 12-15 special mission to the country, Thomas Hammarberg, the Council of Europe's (COE) commissioner for human

rights, quoted the prosecutor general as saying that fragments of tear gas cartridges had penetrated the bodies of some of the victims, suggesting that tear gas ordnance was fired at close range. Local observers also expressed doubt in response to Kocharian's statement.

The incoming president, Serzh Sargsian, justified the use of force in an interview after the March 1 clashes, stating that only looters and those who used arms against security forces were targeted. This claim was contradicted by accounts provided by families of three of the victims, who claimed they were simply passersby uninvolved in the protests.

In an August 27 interview, the father of Samvel Harutiunian, one of the eight civilian victims of March 1 (who died of his wounds on April 11), claimed that his son was arrested, severely beaten, and died due to police brutality. He claimed that he and his wife had seen footage of their son on television on March 2 and 3 that suggested he was being subject to inhuman treatment during his detention. The victim's family also claimed to have discovered traces from either the use of handcuffs or ropes on Harutiunian's feet and wrists, which led them to believe that he had been arrested and subjected to inhuman treatment before his hospitalization.

The government reported that during the first 11 months of the year, there were 69 deaths registered in the army of which 25 deaths were due to illness, 14 due to car accidents, two due to mishandling of weapons, one due to "violation of the rules of regulations of behavior between military personnel" eight due to accidents, two due to mine explosions, nine killings (including three possibly by enemy forces), and eight suicides. The reports claimed two of the killings and two of the suicides were judged as resulting from violence and military-related hazing.

In June, families of soldiers who died during military service from 2005-08 issued a joint statement accusing authorities of systematically conducting false investigations into the deaths of their sons and destroying or tampering with evidence in order to disguise homicides as accidents, suicides, or the results of sniper attacks.

According to the Helsinki Association, a local human rights non-governmental organization (NGO), on May 10, the body of Narek Galstian, a soldier serving in a military unit near the city of Meghri, was discovered in a gasoline tank. According to authorities, Galstian had tried to steal gas and fallen in, after which the cover closed and he was overcome by fumes. However, according to the family, the cover could only be closed from the outside; in addition, they stated they had discovered numerous injuries on their son's body, suggesting he was severely beaten and perhaps killed. According to various reports, there was a serious scuffle in the unit the night of Galstian's death, and shouts were heard from the site where the tank was located.

According to the Helsinki Association, soldier Gegham Sergoyan was shot in the head in April 2007 by Lieutenant Henrikh Grigorian, and died shortly thereafter. Grigorian reportedly shot Sergoyan after seeing him without shoes and his uniform hat. Sergoyan's family alleged that authorities obstructed its efforts to be involved in the investigation, as provided by law. Sergoyan's family stated that authorities were trying to mitigate Grigorian's guilt, positing that Grigorian suffered from mental illness or was provoked into shooting their son. According to official information, Grigorian was charged with murder due to hooliganism, and with abuse of power. At year's end Grigorian had not been convicted, and court proceedings were reportedly in progress.

During the year a report surfaced about the death of Eduard Mirzoyan. According to authorities, Igor Atanian, the commander of Mirzoyan's military unit, ordered his soldiers to carry out engineering work within range of Azerbaijani snipers in June 2007, during which Mirzoyan died from a sniper's bullet. Atanian was charged and convicted for abuse of official authority and sentenced to three years of suspended sentence in November 2007. According to Mirzoyan's family, however, the medical examiner's report stated that their son died from a small-caliber gun shot fired at close-range; they disputed Atanian's account and alleged that before he was killed, Mirzoyan had been beaten and tortured.

According to official information, in October 2007 military serviceman Victor Aslanian was charged with abuse of power and false testimony in the July 2007 death of Hovhannes Meltonian in the Koghb military unit in the Tavush region. Officials reported that Meltonian had committed suicide by shooting himself in the neck as a result of continuous humiliation and physical abuse by Aslanian. Meltonian's family disputed the official account, alleging he had been tortured and killed, as suggested by numerous bruises that they found on his body. Aslanian's case was sent to the court on June 9, and was ongoing at year's end.

In May, local media reported that the August 2007 death of Tigran Ohanjanian, a soldier in the Karjaghbuir military unit in Vardenis, was officially attributed to accidental electrocution. According to the media, Ohanjanian's father believed that his son was beaten and then killed by electrocution, or that the killers tried to disguise his death by making it appear to be accidental. The father reportedly took pictures of the body, which had serious injuries and which the forensic expert assigned to the case allegedly refused to record. According to the family's lawyer, the military prosecutor's office tried to conceal the homicide by presenting it as an accident and allegedly refused to consider testimony that the unit commander, Smbat Simonian, had hit Ohanjanian before his death. Ohanjanian's father reportedly received threats following his efforts to investigate his son's death. According to official information, Rustam Asatrian and Karen Tovmasian, two fellow servicemen, were charged with negligence related to the death, and the case was sent to the court on May 30.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Landmines placed along the 540 mile border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the first 11 months of the year government sources reported that two military personnel were killed and 19 military personnel injured by landmine explosions. There were no reports of civilian deaths or injuries caused by landmines.

During the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. According to official information, three military personnel and two civilians were killed, and 21 military and two civilians were injured, along the line of contact. On June 17 and 18, two civilians who were residents of the village of Chinari in the Tavush region were shot by snipers while working in their fields; they died on June 18.

In contrast with the previous year, there were no high-profile killings by unidentified assailants during the year.

In August 2007, an unknown person shot and killed the chief prosecutor of the Lori region, Albert Ghazarian, while he was on his way home. The investigation was suspended on August 25, and the identity of the killer was not discovered.

There were no developments during the year with regard to the April 2007 attack on Gyumri mayor Vartan Ghukasian and his entourage that resulted in the deaths of three bodyguards and a driver. The investigation was suspended and the identity of the killer was not discovered.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the law prohibits such practices, they were regularly employed by members of the security forces. Witnesses continued to report that police beat citizens during arrest and interrogation while in detention. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment

continued to go unreported because of fear of retribution. Human rights groups continued to report that more than half of the individuals transferred to prisons from police detention facilities alleged torture, abuse, or intimidation while in custody.

Drawing on data collected in 2006, the Partnership for Open Society Initiative, composed of human rights NGOs, reported in June 2007 that the main purpose of torture was to extort confessions. The report maintained that courts generally accepted defendants' confessions as valid evidence, even when it was questionably obtained. The report also noted that approximately 80 percent of criminal defendants recanted testimony given during pretrial investigation, claiming they had confessed under torture or duress. The criminal justice system generally disregarded such claims and conducted little or no investigation, according to the report.

On February 23, masked police officers reportedly used excessive force while arresting the former deputy prosecutor, Gagik Jhangirian and his brother Vardan Jhangirian. Then-president Robert Kocharian had relieved Jhangirian of his duties earlier that day after Jhangirian openly supported opposition presidential candidate Levon Ter-Petrosian. The police stopped their car late in the evening and demanded the passengers leave the vehicle. Vardan Jhangirian, who suffered from spinal tuberculosis that restricted his movement, reportedly was unable to respond quickly to the order, and masked police officers severely beat him. One officer began shooting and struck Vardan Jhangirian as well as two officers. Gagik Jhangirian was also severely beaten. At year's end, Vardan Jhangirian had been released for health reasons and was awaiting the conclusion of his trial on resisting arrest charges, while Gagik Jhangirian was in detention on charges of resisting arrest; by the end of the year, his trial was still in process. The Jhangirians identified police officer Arman Harutyunian as one of their assailants, who was an alleged victim in the resisting arrest case.

Authorities reportedly subjected protesters to physical abuse and inhuman treatment during and after the March 1 events. International and local human rights activists stated that security forces beat detainees at the time of their arrests, as well as on the way to and from police stations or detention facilities. In a March 27 media interview, the human rights defender stated that his staff had visited 90 of the 106 persons officially acknowledged at that time to have been arrested, 12 of whom claimed that security forces and law enforcement officials had tortured or beat them during or after arrest.

On March 21, the Armenia-based Hetq online journal published an account provided by Grizelda Ghazarian and her daughter Gayaneh, who participated in the post-election opposition rallies. They stated that on the evening of March 1, they were brutally beaten along with thirty other civilians as they walked in the vicinity of the French Embassy. At approximately 9pm, as they were walking away from the main gathering of protesters located at Myasnikian Square, they saw police dispersing a small crowd that had been separated from the main gathering. Ghazarian approached one of the officers, who cursed and beat her on the back with a rubber truncheon. Hearing gunfire, the small crowd sought to return to the main gathering or seek shelter nearby, but some were prevented from doing so by police, who chased them down. One officer reportedly dragged Ghazarian's daughter away from a building and threw her onto the street; other officers joined the scene and began kicking the girl. Ghazarian alleged she was severely beaten at the same time. After the beating police dragged the daughter, who was unable to walk, to her mother's side, and an officer shoved them inside a building, reportedly telling them he had just saved their lives.

On March 18, Radio Liberty published the account of Robert Chakhoyan, who was arrested on March 1 and taken to the police headquarters of Yerevan's central Kentron district along with other opposition supporters. Chakhoyan stated he and the others who were arrested with him were beaten inside the police car and at the police station. According to Chakhoyan, police were anxious not to leave traces of violence on his and other detainees' bodies, putting books on their backs, stomachs, and sides before hitting them with truncheons. At the station, Chakhoyan stated he witnessed a badly beaten teenage boy and others in serious condition. After nearly two hours of

interrogation, Chakhoyan was transported to the police department in Yerevan's Shengavit district. He was kept there without being charged and released three days later. Police detained his wife, Naira Chakhoyan, as she searched for her husband on March 2. She was taken to the Kentron police station, where she stated she saw detainees who had been beaten. Naira Chakhoyan alleged that police officers hit and swore at her while she was being detained. She was held until midnight and then released.

On August 1, Christophor Elazian, who was arrested on March 3 and sentenced to four years in prison for participating in mass disorders, released a detailed statement alleging that police and the Special Investigative Service (SIS) had systematically tortured and beat him between March 4 and March 10 in an effort to extract incriminating testimony against him and member of parliament Hakob Hakobian who was also detained. Elazian identified some of the persons who beat him, among them Andranik Mirzoyan, the head of the SIS; Artur Mehrabian, the police chief of Yerevan's Kentron district; Aristakes Yeremian, an SIS investigator; and Hakob Gharakhanian, a prosecutor.

Similar allegations of torture/abuse of detainees arrested around the March events were made in the cases of Vahram Mkhitarian, Gagik Avdalian, Hmaiak Galstian, Davit Arakelian, Mushegh Saghatelian, and many others.

On December 23, the opposition reported that Grigor Voskerchyan, Gevorg Manukyan and Armen Khurshudyan, opposition activists who were in prison pending trial in connection with March 1-2 criminal cases, were beaten in Nubarashen prison. Diplomatic observers corroborated that two of these defendants were slapped across the face several times by police. The ombudsman, who had sent his aides to meet with the detainees, expressed serious concern at the torture allegations. On December 24, President Sargsian ordered the Ministry of Justice to conduct an internal investigation into the allegations.

On April 23 and 25, the opposition-leaning Aravot newspaper published reports according to which Suren Khachatryan, the governor of Syunik region, had beaten and broken the jaw of a 16-year-old-boy in retaliation for an altercation the boy had previously with his son. According to the reports, the boy was hospitalized and his family was afraid to report the altercation to the local police. The Governor refuted the media reports. Prime Minister Tigran Sargsian ordered an investigation of the events, which concluded that the reports were inaccurate. Independent observers criticized the apparently superficial conduct of the investigation, reporting that investigators misidentified the boy and conducted an X-ray examination of the wrong person.

During the year there was slight progress in the investigation of the death of Levon Gulian, who died under suspicious circumstances in police custody in May 2007. On March 12, the SIS, which took over the investigation from the prosecutor general's office in December 2007, closed the criminal case. The SIS claimed that Gulian, an alleged witness to a homicide, fell to his death from a second story police station window while trying to escape. Gulian's family and human rights activists stated that the investigation was neither credible nor transparent. Following an unsuccessful appeal of the SIS decision, on April 8, Gulian's family asked a court to reopen the investigation. On June 6, the judge ruled in favor of the family and ordered the SIS to restart the investigation. The SIS took the case to the Court of Appeals, which upheld the lower court's ruling on July 21. The reopened investigation was still in progress at year's end.

During the year there was no progress in investigating the allegations of torture and abuse reported by Karen Dodoyan and Ashot Ghukasian, witnesses in the August 2007 murder case of former Lori prosecutor Albert Ghazarian. There were also no further developments in the cases of alleged abuse of a detainee at Nubarashen Prison in October 2007 and of Artavazd Simonian in November 2007.

On April 30, COE Commissioner for Human Rights Hammarberg published a report that expressed concern over police mistreatment of persons during detention, which appeared to be widespread and aimed at extracting

confessions. Many of the inmates reported being subjected to severe beatings and other mistreatment. Hammarberg cautioned that signed confessions should not be the primary form of evidence in prosecutions, and that the police should look for other material evidence. Hammarberg reported that defense lawyers whom he met stated that defendants were often afraid to testify about police mistreatment during detention out of fear of retribution.

The human rights defender stated to diplomatic representatives in early October that law enforcement agencies were generally slow to respond to his inquiries into alleged torture and inhuman treatment, or that they repeatedly responded to his inquiries with a stock answer that they had investigated the allegations and found them to be baseless.

Customs within the military, the impunity of military commanders and substandard living conditions in the armed forces continued to contribute to mistreatment and injuries unrelated to military operations. Although no reliable statistics were available on military hazing, soldiers reported to human rights NGOs that the practice continued. The families of soldiers claimed that corrupt officials controlled military units. Other human rights monitors reported that soldiers were conscripted into army service despite having serious disqualifying health conditions, although according to the Soldiers' Mothers NGO, the number of cases recorded for the year were down 70 percent from 2007, as authorities took measures to curtail these practices. Eighty-five military personnel were convicted of hazing and related violations during the year. In November 2007, the ombudsman appointed a new specialized military adviser on the human rights defender's staff to focus attention on military hazing and human rights abuses within the military.

On June 23, the human rights defender established a working group to investigate two suicide attempts by a military serviceman, "H.H.," on June 9. According to a press release by the human rights defender's office, H.H. had witnessed a rape in his unit but could identify neither the victim nor the assailant. The father of H.H. claimed that his son was subjected to beatings and violence during his service. According to the Helsinki Association H.H. himself was the subject of sexual abuse by his co-servicemen; however the criminal case was dropped after H.H. was released from service.

On August 15, according to the Helsinki Association, Artur Grigorian, a soldier serving in the city of Goris, was taken to a local military hospital with numerous serious head injuries, where he allegedly was withheld medical assistance for 48 hours. Military prosecutors assigned to the case, while Grigorian was still in a coma, alleged that Grigorian's injuries were the result of falling out of his bunk bed. After transfer to the national military hospital and completion of surgery, Grigorian stated that he was beaten by Davit Hayrapetian, his platoon commander. Grigorian was seriously handicapped as a result of the beatings. Hayrapetian was charged with abuse of power. According to Grigorian's family, on December 15 the general jurisdiction court of Syunik region, despite an appeal to move the hearings to a court closer to Yerevan since Grigorian was unable to travel, proceeded with the trial in Grigorian's absence. Hayrapetian was convicted and received the minimum possible sentence of two years' imprisonment.

On September 3, the human rights defender sent a letter to the minister of defense regarding the August 4 incident in which Nairi Vardanian, a soldier in a unit based in Ashtarak, tried to kill himself after Garun Abgarian, the unit commander, publicly beat and humiliated him. Military prosecutors had not taken any action against Abgarian as of year's end. According to official information, Abgarian's actions followed Vardanian leaving his post without permission for over two hours; hence both Abgarian's and Vardanian's actions were deemed prosecutable under charges of abuse of power and refusal to perform one's military duties, respectively. Both men showed remorse for their actions, and a deputy minister of defense had appealed to the investigative body not to prosecute Abgarian. On September 29, the investigative body of the Yerevan garrison elected not to press charges against either Abgarian or Vardanian.

In July 2007, military serviceman Garik Mikayelian tried to kill himself following five months of abuse and harassment by the head of his unit, Artak Gasparian. Gasparian was charged with abuse of authority. On May 21, the case against Gasparian was sent to the court; the verdict was still pending at year's end.

On July 4, the trial of three soldiers accused of murdering two fellow servicemen in 2003, whose sentences were nullified by the Court of Cassation in 2006, resumed. The murder case was based on the confession of Razmik Sargsian, who stated that he was brutally tortured into incriminating himself and his two fellow soldiers. Human rights activists criticized the lack of a credible investigation into the torture allegations, as well as the repeated trial of the three soldiers for the same crime. Prosecutors reported that they made inquiries about the torture allegations during their original investigation of the murders, concluding that the torture allegations were baseless. The three soldiers applied to the European Court of Human Rights (ECHR) in 2004 and 2007, and in October 2007 the ECHR ruled on partial admissibility of the case, which allows the case to be reviewed by the ECHR once all domestic remedies have expired.

On September 4, the government declared its intent to set up a supervisory body composed of prominent public figures to improve the transparency of police conduct and prevent human rights abuses by security forces, but by the end of year this new body had not yet been formed.

#### Prison and Detention Center Conditions

Prison conditions remained poor and threatened inmates' health, although the Civil Society Monitoring Board (CSMB), an organization established by government initiative involving prison monitoring by NGO personnel, reported continuing improvements to renovate old prisons. Despite this, cells continued to be overcrowded, inmates lacked basic hygiene supplies, and food quality remained poor. The CSMB reported that prisoners were at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely received the schooling required by law. The CSMB reported other chronic problems, including denial of visitor privileges, medical neglect, and in some cases, physical abuse.

According to observers, most instances of abuse of prisoners and detainees by law enforcement authorities continued to occur in police stations, rather than in police detention facilities which are subject to human rights monitoring. In its 2006 report, the COE's Committee for the Prevention of Torture (CPT) noted allegations that detainees had spent up to ten days in various police district divisions in Yerevan without mattresses, blankets, and food other than that supplied by relatives. In its December 2007 report, the CPT stated it observed an improvement in police holding areas that had been refurbished, or were in the process of refurbishment in 2006. Mattresses, blankets, and food were supplied to detainees at the facilities that CPT observed. The CPT reported deficiencies, however, in the Vanadzor, Sisian, and Yeghegnadzor police departments, namely small cell space, cold temperatures, and lack of hot water.

From February 27 to March 19, the CSMB visited prisons holding an estimated 100 government opponents detained in connection with March 1-2 events. Drawing on 11 visits and meetings with 60 detainees, the CSMB reported that the cells were overcrowded with more prisoners than beds, and that authorities denied prisoners contact with their families in the first days of detention. Prisoners complained of procedural and other violations at the times of their arrests, beatings, torture, and delayed access to legal representation.

The human rights defender received complaints from those being held in pretrial detention for criminal cases in connection with the March 1 events, who maintained that although they had no prior convictions, they were being held in cells with persons with multiple convictions, in violation of the law.

On March 19, the authorities renovated the pretrial detention center of the Abovian prison for women and juveniles.

On June 24, the minister of justice, Gevorg Danielian, announced the construction of a new prison in Chobankara in the Armavir region; the construction was still in progress at year's end.

Corruption in prisons continued to be a problem, exacerbated by very low salaries for prison administration employees, poor and sometimes dangerous working conditions, and a lack of staff. In certain facilities prisoners bribed officials to obtain single occupancy cells and additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends seeking to deliver meals to inmates. In some prisons monitors noted that prisoners had difficulty mailing letters and that some prison officials did not adequately facilitate family visits.

Despite jurisdiction for all prisons officially resting with the Ministry of Justice, the National Security Service (NSS) continued to de facto operate the Yerevan-Kentron prison, located on NSS property; the facility was often used to hold pretrial detainees and sentenced prisoners whose cases were politically sensitive. There were reports that NSS monitored communications of prisoners held in this prison, including their meetings with defense lawyers.

The government generally permitted local NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in prisons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities generally permitted CSMB personnel to visit prisons without giving advance notice. However, when the CSMB tried to visit prisons on March 4 to monitor the welfare of new detainees after the March 1 clashes, it was denied access. Only after March 7 was the CSMB able to resume their monitoring. A separate Public Monitoring Group continued to monitor police detention facilities.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice authorities continued to arrest and detain criminal suspects without warrants. Authorities detained hundreds of individuals during and after the March 1 clashes on grounds that the arrests were necessary to prevent civil disorder; there were allegations that some of these arrests may have been arbitrary and due to individuals' proximity to the site of the violence or known political affiliations.

#### Role of the Police and Security Apparatus

The national police are responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control; the heads of both organizations are appointed by the president. The police and the NSS continued to lack training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity remained a serious problem.

Corruption remained a significant problem in the police force and security forces, but reform efforts continued, mainly in the area of traffic control and criminal investigations. The police continued to implement procedures established in 2006 to curb corruption at roadside checkpoints. A system of paying traffic fines to reduce opportunities for bribes was established in 2007. Bribe-taking appeared to further decrease during the year.

There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. The government reported that during the year police did not receive any complaints lodged by citizens against police for mistreatment of detainees; they reported as well that no policeman was punished for such treatment.

The prosecutor's office launched six criminal investigations into instances of police brutality, of which three were

sent to the courts, one was dropped and two were ongoing at year's end.

On September 4, the prosecutor general's office opened a criminal case against the deputy director of Vardashen prison and two accomplices from the prison administration for abuse of power and using violence against an inmate.

The government reported it conducted 10 internal investigations into misconduct by police officers during the year. All the policemen involved were removed from service. The investigations resulted in four convictions; the review of the remaining cases was ongoing at year's end. The government reported that based on applications from prosecutors during the first half of the year 28 police officers received administrative penalties (compared to 23 during the entire previous year).

By law detainees may file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations; however, detainees must obtain permission from police or the prosecutor's office to obtain a forensic medical examination needed to substantiate a report of physical abuse. Human rights NGOs continued to report that authorities rarely granted such permission, or granted it days later when signs of abuse were no longer visible.

In 2007, authorities transferred primary responsibility for criminal investigations from the prosecutor general's office to various police agencies in a reform to improve institutional checks and balances in the judicial system. In December 2007 the SIS was created, ostensibly to become an independent body for investigating official crimes. Located in the building of the prosecutor general's office and headed by the former head of the prosecutor's investigative department, Andranik Mirzoyan, it functioned as the de facto investigative body of the prosecutor general's office during the year, reversing the effects and purpose of the 2007 reform.

The SIS opened 25 criminal cases into crimes committed by police officers or their participation on various charges including abuse or exceeding of official authority, taking bribes, forgery and negligence. Of these 25 cases, 10 were sent to trial; the others were either dropped or were ongoing investigation by the end of the year.

On September 23, the NGO Project Harmony joined with the police to open a community justice center in Ijevan. The Ijevan center, along with centers Gyumri, Alaverdi and Vanadzor, offered counseling to first-time juvenile offenders and brought local police into public schools for community outreach.

In March 2007, the national police, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), began a pilot project on community policing designed to facilitate cooperation between police and the public. The project, which was located in Yerevan's Arabkir district, continued during the year. On November 27, the OSCE office in the country and the police signed a memorandum on cooperation and assistance in the areas of democratic policing, community policing, police education in accordance with international standards, and development of skills in maintaining public order.

#### Arrest and Detention

Prosecutors and police investigators must obtain a warrant from a judge to detain an arrested suspect in excess of 72 hours. Judges rarely denied police requests for detention warrants. Police at times made arrests without a warrant, which is not required for the arrest of individuals for up to 72 hours, on the pretext that detainees were material witnesses rather than suspects. Such practices were used extensively during the year. The law provides for a bail system; however, in practice, most courts denied requests for bail, ordering instead either continued detention or release of defendants on their own recognizance pending trial. In the latter case, defendants were sometimes required to surrender their passports and to sign statements promising not to leave the country (or in

some cases, the city limits).

The law requires police to inform detainees of their right to remain silent, to make a telephone call, and to be represented by an attorney from the moment of arrest, including by public defenders provided in the case of indigent detainees. In practice police did not always abide by the law. They often questioned and pressured detainees to confess prior to indictment and in the absence of counsel. Police sometimes restricted the access of family members and lawyers to detainees. During questioning by investigators, lawyers were sometimes restricted from posing questions. The practice of detaining individuals as "material witnesses" before being designated as suspects resulted in questioning of individuals without the benefit of counsel.

According to the political opposition led by former president and February presidential candidate Levon Ter-Petrosian, thousands of opposition supporters were detained and questioned by police before and after the presidential election. The opposition charged that these detainees, who included campaign officials, election proxies, and ordinary citizens, were detained to deter or prevent political activities supporting the campaign or attendance at opposition rallies.

Hundreds of persons were arrested in Freedom Square and the nearby vicinity in the early morning on March 1, when security forces cleared the square of demonstrators who had been encamped there for 11 days in protest of the election result. According to eyewitness accounts, police continued to arrest persons until noon; opposition candidate Levon Ter-Petrosian was placed under de facto house arrest by security forces during the dispersal operation, and for approximately three weeks thereafter.

In a March 20 report, the COE estimated that more than 400 persons were apprehended and asked to provide testimony relating to the events of March 1. On March 13, the prosecutor general stated that more than 95 persons had been arrested for organizing or participating in demonstrations and mass disturbances of public order. On March 15, the COE's Human Rights Commissioner stated that he had obtained from unofficial sources testimony that an additional 50 persons had been arrested from March 1-15, mostly outside of Yerevan. According to detainees and defense lawyers, most of those arrested had been charged with disturbing public order, illegal possession of arms, incitement to violent acts, and violently resisting police arrest. Defense lawyers reported that a number of arrests preceded the March 1 crackdown on protesters in Freedom Square.

Many of the individuals arrested in connection with the March 1 events were detained on seemingly artificial or politically motivated charges. Authorities justified the arrests as necessary to prevent attempts to initiate mass disorders and usurp power by extraconstitutional means. In the majority of cases, persons were released without charge after several hours' detention.

Many individuals were detained in a similarly brief fashion in the months following the March events, apparently to dissuade opposition supporters from participating in daily "political promenade" protest walks in Yerevan. Several detainees reported that they were subjected to mandatory drug and psychological testing before being released. The detainees reportedly were often photographed and fingerprinted during detention, in violation of police procedure for persons who are not being formally charged.

Local and international human rights groups reported procedural and other violations during the arrest and detention of persons on March 1 and after. During his visits to detention facilities after March 1, the human rights defender also received complaints on procedural violations, restricted access or no access to legal representation.

On March 4, the National Assembly stripped the immunity of four members of parliament (Sasun Mikaelian, Miasnik Malkhasian, Hakob Hakobian and Khachatur Sukiasian) based on charges of incitement to mass disorders and attempts to usurp power extraconstitutionally. Three of the members were taken into custody, while one,

businessman Khachatur Sukiasian, eluded authorities. He remained a fugitive at years' end, as did Nikol Pashinian, the editor of opposition newspaper Haykakan Zhamanak and a Ter-Petrosian campaign adviser, who was also charged with incitement of mass disorders and usurpation of power.

Some sources reported that authorities carried out house-by-house searches without warrants in connection with the March 1 events.

The COE human rights commissioner noted there had been delays in the registration of arrests upon arrival in custody as required by law and that access to defense lawyers in some instances was delayed. The COE reported that family members or relatives had often not been informed of a detainee's whereabouts; the Helsinki Association reported that the relatives of detainee Borik Arabachian did not know about his whereabouts for almost one week. The COE human rights commissioner also noted obtaining information that some of the persons who were apprehended had not been promptly informed of the charges against them.

According to some defense lawyers, authorities pressured some of the activists in the first days of their detention to decline the services of a defense lawyer, or pressured them to accept the services of legal representation procured by the authorities. They also noted that the conditions of confinement were inhumane, with ten persons sharing a cell envisaged for three persons, and inadequate provision of food.

Lengthy pretrial or preventive detention remained a problem. In practice the authorities generally respected the provision of the law stipulating that pretrial detention could not extend beyond 12 months. However, the law does not set any limits for detention of defendants once the case is sent to the court, and there were cases when defendants spent three or more years in detention before a verdict was reached. Although the law requires a well-reasoned decision to justify grounds for an extension of custody, judges routinely prolonged custody on seemingly unclear grounds. Authorities reported that during the year, pretrial detainees constituted on average approximately 714 persons out of a prison population of nearly 3,969.

On July 11, the human rights defender published his observations on the government's practice of placing persons under detention and on extending the pretrial detention of persons arrested in connection with the March 1 events. The defender found that authorities presented insufficient accounts of alleged crimes to the court, that judges did not substantiate their conclusions that a detainee posed a flight risk as required by law, and that judges failed to consider alternatives to detention, such as release on bond.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, despite structural changes consolidated in the February 2007 judicial code that have resulted in a somewhat greater independence, courts remained regularly subject to political pressure from the executive branch, and judicial corruption was a serious problem. On September 13, the government removed the controversial chairman of the Court of Cassation, replacing him with a more widely respected figure.

As of January 1, the date when the new judicial code became effective, courts were comprised by courts of common jurisdiction of first instance, specialized courts of first instance (civil and criminal), an administrative court, civil and criminal review courts (courts of appeal), the Court of Cassation, and the Constitutional Court. The review courts are considered as final courts for examination of a case's merits. The Court of Cassation has discretionary review authority as a supreme court. The new judicial code assigned new roles to the Court of Cassation, including the provision of uniform enforcement of the law, its correct interpretation, and support of the development of justice. The Constitutional Court rules on the constitutionality of legislation, provides its opinion on the constitutionality of signed international agreements prior to their ratification by the National Assembly, and rules on election-related

questions.

Since 2006 citizens have had the right to appeal to the Constitutional Court. During the year 238 citizens appealed to the Constitutional Court, out of which the court accepted 38 cases for further review.

The Council of Justice recommends candidates for judgeships, who are then appointed by the president, who continued to retain a highly influential role over judicial branch personnel. The council also nominates candidates for the chairmen of courts on all three levels and their chambers, and subjects judges to disciplinary proceedings for misconduct. The president and the National Assembly each appoint two scholars to the council, and the General Assembly of Judges elects the remaining nine members by secret ballot.

In July 2007, the Constitutional Court ruled that sending back criminal cases for additional investigation by pretrial bodies was unconstitutional and voided the relevant provisions of the criminal procedure code. As a result, trials must end either by acquittal or guilty verdicts, effectively ending the practice of holding defendants indefinitely for "additional investigation" when underlying cases are weak. Despite the ruling, the National Assembly subsequently enacted a law in November 2007 allowing a trial judge to suspend a trial and apply to the prosecutor general's office for reconfirmation of the indictment protocol to include new aggravated charges. This statutory authority effectively undermined the presumption of innocence and potentially favored the prosecution in such trials.

#### Trial Procedures

The law generally requires that trials be public, but it permits exceptions, including when a trial's secrecy is in the interest of "morals," national security, or for the "protection of the private lives of the participants." Juries are not used. A single judge issues verdicts in courts of first instance (except for cases on crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants generally have the right, and are generally required, to be present at their trials. They have the right to counsel of their own choosing, and the government is required to provide them with defense counsel upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Defendants also commonly refused free counsel due to the poor quality of the public defenders or the perception that public defenders colluded with prosecutors.

Under the law, defendants may confront witnesses and present evidence, and they and their attorneys may examine the government's case in advance of the trial. In practice, however, defendants and their attorneys had very little ability to challenge government witnesses, particularly police officers. Under the law, police officers are prohibited from testifying at trial in their capacity as a police officer, unless they are testifying as a witness or victim in the case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no capacity to challenge the findings of these official reports, which were generally considered by courts to be unimpeachable.

Defendants, prosecutors and the injured party have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was frequently violated.

Court statistics released in 2007 indicated that less than 1 percent of court cases resulted in acquittals. However, these statistics did not reflect the many cases that prosecutors dropped, which in effect resembled an acquittal, or cases that were closed due to defendants' medical condition.

There were widespread reports that prosecutors and police used confessions that were obtained through methods

that some NGOs characterized as torture and inhuman treatment. Defense lawyers may present evidence of torture to overturn improperly obtained confessions; however, defendants, their attorneys, and NGOs often stated that judges and prosecutors refused to admit such evidence into court proceedings, even when the perpetrator could be identified.

On March 1, authorities opened a single criminal case against persons whom they charged had resorted to violence against representatives of state authorities at the clashes in Freedom Square; who engaged in extraconstitutional actions aimed at the forcible seizure of power; and who organized or directed participation in riots and armed resistance to representatives of the authorities through violence, beatings, arson, destruction and damage of property with arms, explosive substances and mechanisms on March 1-2. As the investigation of this case proceeded, individual cases were split off and prosecuted separately.

According to defense lawyers involved in the March 1 cases, law enforcement bodies failed to state the specific actions that supposedly triggered the specific charges against defendants, or they arbitrarily interpreted certain acts by the defendants to make them fit the charges.

Following a January 27 opposition rally in Talin, Aragatsotsn region, authorities opened a criminal investigation of three opposition supporters, Zhora Sapeyan, Mkrtich Sapeyan and Hayk Gevorgian, for allegedly assaulting Sargis Karapetian at the rally after Karapetian began shouting against opposition candidate Levon Ter-Petrossian. The investigation initially involved charges of simple battery, a crime that is not punishable by incarceration. According to Hovik Arsenian, lawyer for the three defendants, Karapetian at first described the assault to police as simple battery. Following a public statement by then-president Kocharian that all "hooligans" must be punished, Karapetian told police in a second interview that the defendants had used obscene language, which raised the crime from battery to hooliganism, and police detained the three individuals. At their trial, both the judge and investigators denied requests by the defendants' lawyer to interview other witnesses. On April 15, the court sentenced the three to prison terms of one-and-a-half to two-and-a-half years for group hooliganism.

On February 25, Petros Makeyan, head of the Democratic Motherland Party, Ashot Zakarian, head of the Shirak regional branch of the Yerkrpah Union, a prominent Nagorno-Karabakh war veterans association, and Shota Saghatelian, a member of the opposition Republic Party, were arrested and charged with hindering the process of the presidential election on February 19 when they had registered as election proxies for opposition candidate Levon Ter-Petrossian. During court hearings, at least six out of the ten witnesses in the case retracted testimony given during the pretrial investigation which, they claimed, was extracted under pressure. Two other witnesses never appeared at the hearings. Despite this, on June 13, Zakarian and Makeyan were sentenced to two-and-a-half and three years in prison, respectively. Saghatelian received a suspended sentence of two and a half years.

On February 19, Hovhannes Harutyunyan, member of the opposition Republic Party, was arrested and charged with illegal possession of firearms. The firearms, however, were legally registered and he had permission to carry them. He was then convicted on March 28 to one-and-a-half years in prison for possession of 41 bullets that allegedly were not designed for the firearm that he legally owned. Husik Baghdasarian, another member of the Republic Party, was arrested on February 26, and on March 31 was convicted to three years in prison for illegal possession of 16 bullets.

During the trial of former deputy prosecutor general Gagik Jhangirian and his brother for felony assault against police officials, which many observers considered to be politically motivated by Jhangirian's expressed support for opposition candidate Ter-Petrossian, some shortcomings were noted in the testimony provided by police. In response to the defense's question as to who had given the order to stop the defendant's car, police claimed that they did not know who gave the initial order or any of the names of their commanding officers, and they refused to state the rank of their regular commanding officer.

According to the Helsinki Association, sentences diverged greatly for different defendants charged under the same articles of the criminal code and under the same mitigating circumstances. According to local legal and human rights observers, the courts did not ensure equal rights for the defense and the prosecution. They cited as evidence the courts' continued refusals of defense motions, illicit editing of proceedings records in the criminal court, hindering the activities of journalists who were covering the trials, and general favor toward the prosecution. Diplomatic observers witnessed numerous cases in which convictions were rendered on the basis of highly questionable police evidence and testimony which was persuasively disavowed by the reputed witnesses in open court.

According to local observers, the majority of March 1-related defendants charged for resisting law enforcement and using violence were pressured to plead guilty by the prosecution. When such guilty pleas were entered, the courts regularly held "expedited hearings" which used template wording in the indictments, generally did not entail examination of evidence and resulted in either suspended sentences or fines. Those defendants who did not plead guilty nor agree to expedited hearings -- a judicial provision somewhat similar to plea bargaining -- were more likely to receive actual prison time.

In June, the Parliamentary Assembly of the Council of Europe (PACE) passed a resolution on the country, criticizing verdicts which were based on a single police officer's testimony without corroborating evidence. In the majority of these trials, the sole witnesses or alleged victims were police officers, whose testimony was often inconsistent. In some cases the same police officers were involved as witnesses in several cases. Observers also singled out cases of intimidation and pressure against witnesses who were not employees of the police.

While addressing the conduct of trials of March 1 cases, Ruben Sahakian, the chairman of the Chamber of Advocates, stated on September 25 that many prosecutors, investigators, and judges involved in these cases were acting in potential violation of the criminal code.

#### Political Prisoners and Detainees

Of the hundreds of persons detained around the time of the March 1-2 political violence, approximately 150 were held for a significant period of time, and over 100 were charged with a crime. Most or all of these arrests appeared politically influenced to varying degrees. Some were charged under broadly defined criminal charges of "usurpation of state authority" or "mass disorders." Others were charged with selectively enforced weapons possession charges or with resisting arrest. Authorities denied the presence of political prisoners in the country and maintained that the political opposition planned the postelection violence in an attempt to seize power extraconstitutionally.

No specific information from government authorities was available on how many individuals remained in detention at year's end -- whether already convicted, awaiting trial, or in ongoing trials -- in connection with the events of March 1-2. Most of these detainees were supporters or members of the political opposition.

According to the political opposition, as of year's end there were approximately 59 persons in custody whom the opposition deemed "political prisoners," including 36 persons detained in connection with the March 1 events and the remainder either held in connection with the presidential elections or serving sentences handed down in previous years.

In April, PACE passed a resolution that criticized the arrest and continuing detention of opposition supporters on seemingly artificial and politically motivated charges." The PACE resolution stated that, "in the absence of adequate judicial control, the arrests and continuing detention of persons on seemingly artificial charges after contesting the fairness of the presidential elections or their participation in the protests after the elections could only point to the political motivation of such acts." In a second resolution in June, PACE criticized verdicts "based solely on a single

police testimony without corroborating evidence," and called for the release of all persons who did not personally commit any violent acts or serious offenses.

According to official information, as of December 17, 90 cases against 111 persons had gone to court in connection with the March 1-2 events. Verdicts in 87 cases against 101 persons were in place, leaving in progress three cases against ten persons. All 10 persons whose cases were in progress, remained in custody. Of the 101 persons already tried, 38 persons received suspended sentences, five were fined, 52 were given prison sentences from six months to nine years, five were acquitted and one case was dropped due to an amicable settlement with the defendant. At year's end charges against three more persons (Hamlet Hovhannisian, Samvel Abovian and Gnel Tovmasian) who undertook not to leave the country were in place, and five more persons (Nikol Pashinian, Khachatur Sukiasian, Virab Manoukian, Hamlet Hovhannisian (different from above), and Sevak Stepanian) were wanted fugitives.

On September 5, approximately six months after their arrests, the SIS sent to court the combined criminal case against seven prominent opposition members whom authorities accused of masterminding the March 1-2 unrest. The case included Alexander Arzumanian, a former foreign minister who served as Ter-Petrossian's campaign manager, member of parliament Hakob Hakobian, an opposition demonstrator Shant Harutyunian, and opposition members Grigor Voskerchian and Suren Sirunian, who were charged with mass disorders leading to deaths and usurpation of state authority. In addition to the charges of mass disorders leading to deaths and usurpation of state authority, the charges against the remaining two defendants, members of parliament Myasnik Malkhasian and Sasun Mikaelian, included being an accomplice to violent resistance against representatives of the state for Malkhasian, and possession of illegal weapons and ammunition for Mikaelian. Five more opposition activists, including Nikol Pashinian, editor of a leading opposition daily, and MP Khachatur Sukiasian, a prominent businessman, were wanted under similar charges. The "trial of the seven" -comprising the most prominent defendants- began on December 19 and was ongoing at year's end. Charges of illegal money laundering against former foreign minister Alexander Arzumanian (one of the seven defendants), for which he spent four months in prison in 2007, were still pending at year's end.

The political opposition claimed that there were also a number of opposition supporters arrested for political motives during the year on charges unrelated to the March 1-2 violence. The opposition claimed these persons were prosecuted under trumped-up charges of illegal possession of weapons, participation in mass disorders; hooliganism; abuse and exceeding of official duties; and revealing state secrets. The political opposition and human rights activists also considered as political prisoners those members of the opposition who were arrested during the election period for alleged election violations. The opposition maintained that these persons were arrested for attempting to prevent fraud by government supporters.

On February 22, while the result and outcome of the presidential election were in dispute, Gagik Jhangirian, then a deputy prosecutor general, publicly stated his support for opposition candidate Levon Ter-Petrossian. On February 23, Jhangirian was relieved of his duties by then-president Kocharian, and he and his brother were stopped in their vehicle and arrested later that night. Some observers and opposition supporters contended that the arrests were politically motivated in retaliation for Jhangirian's support of Ter-Petrossian. Jhangirian was initially charged with treason, illegal weapons possession and felony assault against police officials. The first two charges were eventually dropped. The trial on the remaining charge was ongoing at year's end.

On March 21, police arrested Anush Ghavalian, a waitress at a restaurant owned by an opposition supporter and parliamentarian Khachatur Sukasian, on tax evasion charges. According to Ghavalian, her relatives, and her lawyer, authorities were using the charges to try to extract evidence from Ghavalian that would help them prosecute the director of the restaurant, Gevorg Safarian. Safarian was detained in October 2007 in a wide-ranging tax police action against the businesses belonging to the Sukiasian family, immediately after Khachatur Sukiasian publicly supported Ter-Petrossian's presidential bid. On August 15, another waitress, Karine Mnatsakanian, was arrested on

similar grounds. On November 6, the Yerevan criminal court ordered Safarian and Ghavalian released on bail, on grounds of deteriorating health. Safarian's bail was 3.5 million drams (approximately \$11,475) and Ghavalian's was 500,000 drams (\$1,640); Mnatsakanian was convicted as an accomplice to four months of imprisonment and was released from prison on December 15, having served her full sentence.

On December 10, after serving a full two-year prison sentence, Vardan Malkhasian was released from prison, six months following the June 9 release of Zhirayr Sefilian. Both were leaders of a small hard-line opposition group called the Alliance of Armenian Volunteers who were arrested shortly after the group's establishment on charges of "public calls for the overthrow of the constitutional order by force" and illegal possession of arms.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, who was arrested in June 2006 and charged with document forgery and evasion of military service, remained in prison. On July 18, the authorities rejected his petition for release on parole.

#### Civil Judicial Procedures and Remedies

First instance courts of common jurisdiction try both minor civil claims and petty criminal cases. Other civil claims (those exceeding 5 million drams (approximately \$16,400), and crimes where the maximum penalty exceeds more than five years in prison, are adjudicated by specialized civil and criminal courts, respectively. Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had access to the human rights defender's office as well as to the Constitutional Court, in the latter case to challenge the unconstitutionality of legislation.

There was no progress during the year in the cases of Yerevan residents whose property was razed on eminent domain grounds, despite the Constitutional Court's ruling in 2006 that the 2002 government decision authorizing such demolitions violated the constitution. In June 2007, the European Court of Human Rights (ECHR) initiated a settlement in one such case, Chghlian vs. Armenia, when the authorities agreed to pay 150,000 euros (approximately \$210,000) compensation in exchange for the claimant dropping the ECHR complaint.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications; however, the government violated these rights in practice.

By law, judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence; during the year judges arbitrarily granted permission.

According to the political opposition and local human rights observers, police conducted wide-scale searches in the homes of opposition supporters, election proxies and campaign staff both before and after the February 19 presidential election. These searches were reportedly carried out with procedural violations, intimidation, and threats.

On July 1, opposition presidential candidate Levon Ter-Petrosian released a copy of a directive from the SIS dated March 5 that was addressed to the prosecutor of Vayots Dzor region. SIS chief Andranik Mirzoyan publicly confirmed the authenticity of the document and stated that similar directives were sent to regional prosecutors in Gegharkunik and Aragatsotn, the police, and the NSS. In the directive, Mirzoyan ordered the regional prosecutor of

Vayots Dzor to identify and question participants of Ter-Petrossian's rallies, as well as local Ter-Petrossian campaign managers. Subjects of interest to the SIS included any conversations at political rallies about foreign assistance, activists' perceptions about instability being advantageous to foreign agencies or states, and any talk of eliminating Russia's influence in the country. The directive also instructed police to interrogate these individuals about their whereabouts between February 20 and March 2; gather personal information on them; conduct criminal background checks; and collect reports from their neighbors and local authorities about them and their family members. The directive also instructed recipients to retrieve telephone numbers of local Ter-Petrossian campaign officials and obtain court permission to wiretap them; to obtain information on the property owned by rally participants and campaign chiefs; to get copies of their passports; to find out the names of the drivers of the minibuses and taxis who brought persons from Vayots Dzor to Yerevan to participate in opposition rallies; and to find out who accompanied their passengers, who paid their fares, and what they stated about the rallies.

Local human rights organizations called the March 5 directive unconstitutional and politically motivated persecution of government opponents. On July 11, the human rights defender called it illegal, stating that the SIS does not have the right to give an investigative order to a prosecutor and that the police work that resulted from such an order would be illegal.

According to Artak Zeynalian, a board member of the opposition Republic Party, on July 24, persons presenting themselves as police employees called the cell phones of Ter-Petrossian supporters, various opposition party leaders, and media representatives to verify that the numbers belonged to them. Zeynalian filed a complaint with the police to find and punish the persons behind the calls; police did not respond to the complaint. Zeynalyan filed a subsequent complaint with the court to order the police to comply; however, his appeal was rejected.

On September 2, Levon Ter-Petrossian released to journalists a copy of a court ruling that allowed the NSS to wiretap telephone conversations of Alexander Arzumanian, Ter-Petrossian's campaign manager, and place him under around-the-clock surveillance for a period of two months. Observers criticized the court order as politically-influenced and intrusive on Arzumanian's right to privacy, as well as an unacceptable interference with the election activities of a presidential candidate. Beginning on September 12, the Dashnak-supported Yerik Media aired, and progovernmental newspapers Hayots Ashkhar and Golos Armenii began publishing, extracts of the wiretapped conversations between Arzumanian and other persons. Since reportedly only Arzumanian's lawyers, the SIS, and the prosecutor general's Office had access to the case materials, it was widely believed that sources within the government gave the transcripts to the newspapers. The wiretap transcripts portrayed conversations between Arzumanian and his political allies about events, political tactics, and other political figures as well as potentially compromising conversations related to his personal life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and freedom of the press; however, the government did not respect these rights in practice. There continued to be incidents of violence, intimidation, and self-censorship in the press throughout the year. There was also progovernment and antiopposition media bias in the run-up to the February 19 presidential election. Following violent clashes between protesters and police on March 1, the government imposed censorship and suspended freedom of speech and press during a state of emergency that lasted until March 21. The media, and television in particular, continued to lack political diversity. A new amendment to the Law on Television and Radio imposed a two-year moratorium on the issuance of new television broadcasting licenses, further reducing prospects for greater media pluralism.

Most newspapers were privately owned, with the exception of government-sponsored Hayastani Hanrapetutian and

its Russian-language version, Respublika Armenii. Except during the March state of emergency, the print media generally expressed a wide variety of views without restriction, but remained influenced by economic or political interest groups or individuals. Authorities continued to make unscheduled tax inspections of independent and opposition media, which local observers viewed as attempts to stifle the press.

Newspaper circulation was very limited, as was the audience for the country's 14 radio stations. Most of the population relied on the country's 42 television stations for news and information. All but one station are privately owned and half were small broadcasters based in the provinces. Only the state-owned Public Television (H1) had nationwide coverage, although three stations were able to cover most of the country, and some stations were able to extend beyond Yerevan. Most stations were owned by progovernment politicians or well-connected businessmen, factors that prompted journalists working for these stations to practice self-censorship. Major broadcast media outlets generally expressed progovernment views and avoided editorial comment or reporting critical of the government. This was especially the case during the presidential election campaign and the protests and state of emergency that followed the election.

The personnel and property of Azparez Journalists Club (AJC), based in Gyumri, were subject to repeated acts of violence and intimidation. The AJC received threatening phone calls and was targeted for arson January 19 by unknown individuals. AJC chairman Levon Barseghian was detained at a rally on March 2 and held for more than five hours at the police station. On March 21, a fire bomb destroyed the AJC's president's car. Investigations of the arson attempt and the fire bomb were subsequently closed without any suspects.

Prior to the February 19 presidential election, the broadcast media displayed bias in favor of the official candidate, and eventual winner, then-prime minister Serzh Sargsian. OSCE/ODIHR and TEAM Research monitored the election and concluded that the prime minister received preferential treatment in the amount of airtime he was allocated and also in the almost exclusively positive or neutral content of the coverage. In contrast, Sargsian's electoral opponent, Levon Ter-Petrossian, received far less airtime and was covered in negative or neutral terms. The similar timing and content of the reporting suggested to both monitoring organizations that authorities coordinated some coverage.

Public television station H1 and public radio stations did not impose any restrictions on the content of the legally mandated free time given to each presidential candidate. TEAM Research noted that the Sunday current affairs program 360 Degrees aired on H1 showed a "consistently negative attitude" towards Ter-Petrossian. Despite the diversity of views in the print media, private Kentron Television documented 71 negative references to Ter-Petrossian and no positive clips between January 21 and February 17. Ter-Petrossian received more coverage on H1 than Sargsian but, according to OSCE/ODIHR, the former received negative and "distorted" coverage, while the latter was covered in "overtly positive" terms. Public Radio followed a similar pattern.

Neither the Central Election Commission (CEC) nor the National Commission on Television and Radio (NCTR) fulfilled their statutory obligations to ensure equality and objectivity of media coverage towards candidates. On March 8, the Constitutional Court ruled that the CEC neglected to exert "effective control over preelection promotion" and that the NCTR displayed a "formalistic approach" to complying with the law. As a result, media coverage displayed not only partiality but also, in some cases, "violations of legal and ethical norms." Nevertheless, the court found that no sanctions or remedies were warranted because the candidates were able to present their platforms to voters by other means of preelection promotion.

Some journalists were prevented from covering voting on election day, February 19. There were reports of assaults on reporters and staff, damage to media equipment, and seizure and erasure of film, often in the presence of police officers. During one altercation, an A1 Plus cameraman's camera was damaged and his film was removed near a voting site in Yerevan. In another incident, a Hayk newspaper reporter's tape was erased in the presence of a police

officer. In one case, a Haykakan Zhamanak newspaper correspondent was ejected from a polling station, resulting in the chair of the precinct election commission later being fined 300,000 drams (approximately \$1,000).

During the postelection protests, reporters were subjected to widespread harassment and intimidation. On February 27, Radio Liberty reporter Erik Ghazarian was attacked in a downtown police station and his microphone seized. Hayk newspaper correspondent Artak Yeghiazarian was taken to a police station and interrogated about his presence at a political rally. On February 29, and again on March 1, photojournalist Gagik Shamshian was attacked and beaten by several police officers when he attempted to photograph them near a protest in downtown Yerevan. In the second incident, Shamshian's camera was seized and he required medical treatment.

Censorship was imposed and freedom of press and media were severely restricted during the March 1-21 state of emergency. According to the decree enacting the state of emergency, "reports in the mass media on issues concerning the internal situation and of state importance are restricted to official information provided by state entities." The decree resulted in the closing of all opposition media, all Web sites critical of the government, and several days of broadcasts of Radio Liberty. It did not, however, prevent other print and broadcast media from airing strident criticism and unfounded charges against the political opposition and its leaders. H1 was identified by the country's human rights defender as "a most vivid example of such unacceptable coverage." While the state of emergency decree applied only to Yerevan, there were numerous reports of the severe media restrictions being imposed in many other parts of the country.

In Gyumri, three members of a GALA television crew covering a rally were taken to a police station and held for three hours. Police reportedly attempted to seize the camera of an Aravot correspondent but were thwarted by the crowd. Police also reportedly threatened and insulted a Radio Liberty journalist.

Criminal charges for violence against a law enforcement official were brought against Nikol Pashinian, editor in chief of the proopposition Haykakan Zhamanak, the most widely read daily newspaper in the country. Pashinian, who was one of the opposition figures leading protesters on March 1, went into hiding and remained a fugitive at year's end.

Although opposition newspapers were eventually able to resume publishing on March 21, reporters continued to be harassed and intimidated.

On March 25, police reportedly attempted to seize three journalists covering a protest in the Kotayk region. The crowd helped them escape but one was pursued, captured, forced into a car and taken to the police station where she and her driver were held for an hour.

On May 21, a reporter for Zhamanak Yerevan, covering a protest in the town of Masis, was detained by police, beaten, held for several hours and released after the pictures were deleted from his camera.

On August 1, Haykakan Zhamanak reporter Gagik Hovakimian was detained and held by police for over an hour in the town of Ashtarak after Hovakimian's investigation of whether persons were being prevented from going to Yerevan to participate in an opposition rally.

During the year, a number of journalists were the targets of attacks by unknown assailants. Some observers and human rights groups alleged that the journalists had been targeted for their work.

On August 11, two unknown assailants attacked Haykakan Zhamanak reporter Lusine Barseghyan. Barseghyan, who was briefly hospitalized after the attack, linked the assault to a recent series of articles she had written that scrutinized the alleged illicit activities of influential individuals close to the government. The assailants were not

identified by year's end, and the investigation was ongoing.

On August 18, an unknown assailant attacked the acting chief of Radio Liberty's Yerevan bureau Hrach Melkumian in downtown Yerevan as he was walking home. The unknown assailant approached Melkumian, calling him by name, and proceeded to beat him while cursing the radio and its programming. Melkumian sustained broken teeth and bruises to his head and back. According to local media, the police suspended the case on October 20 because they could not identify the attacker(s).

On November 17, Edik Baghdasarian, an investigative journalist known for his stories exposing government corruption, was the target of a violent attack, which he and many observers believed to be linked to his reporting. Three unknown assailants ambushed and beat Baghdasarian as he was getting into his car near the office of the "Hetq" online magazine. Baghdasarian suffered serious head injuries and was hospitalized for several days. At year's end the investigation was ongoing.

After the lifting of the state of emergency, the State Tax Service (STS) conducted unannounced tax inspections on four independent and opposition media. On March 24, the opposition Chorrord Ishkhanutyun and Zhamanak Yerevan were audited by STS officials. On March 25, the STS notified Haykakan Zhamanak that it would look into its financial records. STS officials also raided the offices of Aravot, asking for the newspaper's tax records dating back to its founding in 1996. Aravot was fined a nominal amount after minor violations were found, as was Chorrord Iskhananutiun. Haykakan Zhamanak reported its tax inspection ended after it sent a protest letter to the head of the STS.

The GALA regional television station was under pressure simultaneously from tax auditors, broadcast regulators, and municipal authorities. An intrusive tax audit opened in October 2007 resulted in the levying of approximately 26 million drams (approximately \$85,000) in back taxes, fines, and late fees on March 19 after a lengthy court process. Observers widely believed the audit was retribution for GALA's September 2007 broadcast of a speech by Levon Ter-Petrossian that was critical of the government. After the audit began, GALA also faced difficulty trying to keep or find advertisers. The station's owner alleged that authorities were forcing advertisers to stop doing business with GALA.

A1 Plus television still remained without a broadcasting license or frequency at year's end. The station has unsuccessfully filed 10 applications for a television or radio license after the government failed to renew its frequency use license in 2002, an action that many considered to be politically motivated. Since 2002, A1 Plus has operated as an Internet news agency, posting its video footage to the Web. During and after the state of emergency, A1 Plus-produced news footage appeared on a variety of international amateur video Web sites. On June 17, the ECHR ruled that authorities had violated Article 10 (freedom of expression) of the European Convention on Human Rights by failing to give a written explanation for refusing a broadcast license to A1 Plus. The ECHR's decision stated that "a procedure which did not require a licensing body to justify its decisions did not provide adequate protection against arbitrary interference by a public authority with the fundamental right to freedom of expression." The ECHR awarded, and the government paid, 30,000 euros (approximately \$42,000) to A1 Plus' parent company, Meltex, Ltd.

On September 10, with essentially no prior notification or public discussion, the National Assembly amended the Law on Television and Radio to impose a moratorium until July 2010 on the issuance of new television broadcasting licenses. The amendment was passed in an unannounced, evening extraordinary session. The moratorium was enacted shortly before a call for bids on several television frequencies that were due to become available based on expiring licenses. The amendment also gives existing stations the right to extend their licenses to January 2011. Independent media, media analysts, and NGOs viewed the measure as an effort to block issuance of a license to A1 Plus or other applicants more sympathetic to the political opposition than current license holders. On September 19,

the OSCE's representative on freedom of the media sent a letter to President Sargsian warning that the new law "may make Armenia unable to comply" with the ECHR decision in the A1 Plus case.

In October 2007, police filed criminal charges against two editors, Nikol Pashinian of Haykakan Zhamanak and Shogher Matevosian of Chorrord Ishkhanutyun, and a reporter from Chorrord Ishkhanutyun Gohar Vezirian, all of whom had participated in an opposition march in support of Levon Ter-Petrossian that was broken up by riot police. The charges included "hooliganism committed by a group" and "violence against a representative of the authorities." According to one of the editors, these earlier charges were added to charges that authorities subsequently brought against them in connection with the March 1 events.

In December 2007, the office of the opposition newspaper Chorrord Ishkhanutyun suffered an explosion, which its editor in chief linked to its critical coverage of the government. The prosecutor's office suspended the investigation after approximately one month; the perpetrators were not identified.

In 2006, authorities arrested Zhirayr Sefilian and Vardan Malkhasian, members of the political opposition, allegedly for planning a coup, due to the critical nature of their speeches towards the government. Sefilian was released on June 9 after serving a one-and-a-half year sentence for illegal arms possession, while Malkhasian was released December 10 after serving a two-year sentence for making "public calls for the overthrow of the constitutional order by force" and illegal arms possession.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, remained in prison at year's end on a 2006 conviction for forgery and evasion of military service. While Babajanian pleaded guilty to the charges, his four-year sentence was widely considered harsh for such incidents, and some observers believed that he was the victim of selective prosecution. On July 18, authorities rejected his petition for parole, despite calls by prison officials, the human rights defender, and international and local human rights observers. Babajanian was hospitalized September 4-12 due to a serious health condition reportedly exacerbated by his detention.

#### Internet Freedom

In March following the decree of the state of emergency, authorities selectively blocked access to independent or opposition Internet sites known to air critical reports of the authorities. Individuals and groups reported suspected government interception of e-mail or Internet chat conversations, although there was no evidence to confirm that this took place during the year.

Internet cafes were widely available in the cities, although local Internet service provider connections were often extremely slow which limited their effectiveness.

#### Academic Freedom and Cultural Events

There were widespread reports of school administrators being dismissed for refusing to support the official candidate in the presidential election. In Gyumri, the regional campaign director for one political party with a candidate in the presidential race, reported that he and over a dozen members of his party had been dismissed from their public sector jobs in the run-up to the election due to their political affiliation. Many of those dismissed had been school directors or administrators in the Shirak region. Similarly, there were widespread reports of school administrators being required to mandate students and teachers to attend rallies for the official candidate. There were reports in the Lori region that school directors and their staffs were being pressured to vote for Serzh Sargsian, who was prime minister at the time. There were reports of teachers and professors throughout the country being fired for their support of the opposition after the March 1-2 events.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The constitution provides for freedom of assembly; however, authorities severely restricted this right in practice. Prior to the enactment of the state of emergency on March 1, the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations stipulated that groups may peacefully assemble without obtaining a permit, as long as they provided prior notification to the relevant authorities. In the run-up to the February 19 presidential election, political parties generally demonstrated freely. In response to the postelection protests, then-president Kocharian issued a state of emergency decree on March 1 for the city of Yerevan, which imposed a ban on any type of public gathering and was rigorously enforced by police.

On March 17, three days before the end of the state of emergency, authorities amended the law to give broad discretionary powers to authorities to prohibit political rallies and protests. The National Assembly amended the law again on June 11, somewhat relaxing the strict provisions enacted on March 17. In practice, however, authorities continued to severely restrict freedom of assembly through an arbitrary interpretation of the new law and denied approximately 100 opposition applications to hold rallies at requested venues from March through the end of the year. When denying permission to hold rallies, authorities routinely cited the amended provision of the law that allows them to withhold authorization if law enforcement officials indicate that the event creates potential threats of violence to state security or to public order. However, on several occasions authorities tacitly allowed mass opposition rallies to proceed without interference after having formally refused permission, and granted permission for one opposition rally in Gyumri on June 28 and two in Yerevan on September 15 and October 17.

On February 29, the Helsinki Citizens Assembly (HCA) of Vanadzor held a rally demonstrating against electoral fraud in a Vanadzor park. Individuals reportedly working for Vanadzor's mayor tried to disrupt the rally several times, and then disconnected the electricity being used to power the sound equipment at the site. Arthur Sakunts, the director of HCA Vanadzor, sent a letter to Vanadzor's police to report the case but no further action was taken by year's end.

Early on March 1, authorities used force to end 11 days of continuous, peaceful postelection protests in Yerevan's Freedom Square by government opponents led by opposition presidential candidate Levon Ter-Petrossian. The protests attracted tens of thousands of demonstrators each afternoon, with 300 to 2,000 persons remaining nightly.

On March 1, hundreds of security forces, mainly police and riot personnel, used force to disperse protesters who had spent the night in Freedom Square. According to numerous eyewitness accounts, security forces encircled the protesters and began to beat them with truncheons, use electric stun guns against them, and destroy their tents. When protesters resisted, clashes broke out with security forces. Film footage and eyewitness accounts indicated that police chased protesters a considerable distance from Freedom Square, and that four or five police officers at a time beat individual protesters before taking them into custody. There were also reports that police attacked passersby on nearby streets and assaulted media representatives.

Official government accounts of the clearing of Freedom Square were inconsistent, raising questions about their accuracy. On March 1, police officials stated that they had received information on February 29 that demonstrators were about to be provided large quantities of weapons and that, on March 1, they would use them to instigate mass disorders. The officials claimed that police asked demonstrators to allow them to check for weapons early on March 1, at which point the demonstrators attacked them and police officials decided to disperse the rally. However, a press release posted on the prosecutor general's Web site dated March 1 stated that, consistent with the law concerning unauthorized rallies, police went to Freedom Square to end the rally but, when protestors refused orders to disperse, police proceeded to use force.

Following the dispersal of protesters, police repeatedly broadcast video footage of police officers apparently discovering a cache of hand grenades and other weapons in opposition tents. The authenticity of the video was widely doubted by local observers, many of whom believed the weapons had been planted by police, who then staged the filming of the "discovery." The human rights defender also questioned the official version of events. The opposition consistently denied that it had any weapons at Freedom Square.

According to official information released by the Ministry of Health shortly afterward, 31 persons including six police officers were injured in the March 1-2 dispersal. Following the dispersal, the chief of the Presidential Security Service, Grigorii Sargsian, forcibly removed opposition leader Ter-Petrossian from the square and placed him under de facto house arrest at Ter-Petrossian's residence in central Yerevan.

The state of emergency decree issued by then-president Kocharian was approved by the National Assembly late on the evening of March 1 and went into force immediately. The decree included, among other restrictions, a ban on any type of public gatherings, strikes or other actions that could stop or suspend the activities of organizations and limits on the movement of individuals and the means of transportation. The decree officially applied only to Yerevan, however many of its provisions, including the ban on gatherings, were de facto implemented in other regions as well. Authorities insisted that the state of emergency was necessary in order to restore law and order in the capital and the country as a whole.

Following the March 1 events, authorities effectively sealed off Freedom Square using a heavy police and military presence to deter and prevent assembly of opposition protesters there. In June, authorities denied a political opposition request to hold a rally in the square, citing a children's fair that would be taking place at that time. The fair occupied the square for the remainder of the summer. In September authorities began a major construction project to build a parking garage under the square. Local observers viewed these actions as pretexts to deny political demonstrators access to the square.

On March 4, the Helsinki Citizens Assembly (HCA) in Vanadzor was denied permission to hold rallies in Vanadzor in the period from March 6-8 to discuss the March 1 events. The municipality rejected the application, stating that that the rally would cause unexpected circumstances that could jeopardize the health and life of people. On March 20, the administrative court upheld the decision of the municipality.

On March 18, the campaign office of Levon Ter-Petrossian declared in a statement that opposition activists who had been prohibited from, or detained upon, gathering in public demonstrations were forced by police to sign documents in which they undertook not to attend future rallies or marches.

On March 20, the last day of the state of emergency, then-president Kocharian warned that, according to his instructions, police would "take strict measures" against protesters. Kocharian also stated that authorities would not sanction rallies for some time after the end of the state of emergency. On March 21, the first day after the state of emergency ended, approximately 2,000 protesters attempted to march in downtown Yerevan. The police blocked their procession and used force to stop the march.

After the lifting of the state of emergency, protesters gathered regularly for evening "political promenades" on an avenue adjacent to Freedom Square. For the first several days of promenades, police periodically used force to disperse the assembled crowds and temporarily detained dozens of protesters.

Following the March 12 arrest of opposition supporter MP Sasun Mikaelian, regular protests began in Mikaelian's home village of Vanatur, including 10 persons who went on hunger strike. On April 7, police used force to disperse the hunger strikers and reportedly took them away to an undisclosed destination in the nearby city of Hrazdan. On April 8, several dozen opposition supporters clashed with police in Hrazdan to demand to know the detained hunger

strikers' whereabouts; approximately 70 Vanatur residents gathered the next morning to demand their release. All of the hunger strikers were subsequently released the next day. According to the opposition, seven of the protesters who pressed for the hunger strikers' release were each fined 50,000 drams (approximately \$165) for violating the regulations on conducting public events.

On June 20, in his first major public outing after the March 1 events, Levon Ter-Petrossian held an unauthorized rally in downtown Yerevan that authorities had indicated they would prevent. Riot police positioned at the site left the venue as the rally started. The rally proceeded peacefully after accessing electricity for the sound equipment, which reportedly had been cut. On June 28, Ter-Petrossian held an officially sanctioned rally in Gyumri, the first instance of permission granted to him after more than 40 requests, which was monitored but not disrupted by police.

On July 2, a group of alleged supporters of Gagik Beglarian, the prefect of Yerevan's Kentron district, and Mher Sedrakian, the prefect of the Erebuni district, insulted and beat peaceful protesters who had launched a sit-in on Yerevan's Northern Avenue to protest the detention and imprisonment of the opposition activists. Police officers, who were present at the scene, did not intervene and reportedly prevented reporters from taking photographs of the incident. Beglarian later denied any responsibility for the clash, claiming the beating had been a provocation orchestrated by the protesters themselves.

On July 10, Yerevan's municipality banned a rally which Zhirayr Sefilian, an opposition activist released from jail on June 9, had planned to hold on July 17. According to Sefilian, Yerevan's municipality banned the rally based on police claims that protesters intended to provoke clashes with law-enforcement representatives.

In the morning of August 25, approximately 50 police officers raided Northern Avenue, the scene of an ongoing sit-in by opposition supporters, where they confiscated posters and other materials. The following afternoon, police detained six opposition members at the scene after discovering pro-Ter-Petrossian graffiti painted on the ground. According to one news report, one of the detainees was a minor who was released immediately, while others were taken to the police and released later in the evening. On September 9, police officers used force to disperse opposition supporters gathered on Northern Avenue. Six persons who had declared hunger strikes to urge the release of those they considered to be "political prisoners" were taken to police.

In an October 2 decision citing ongoing construction in the area, the Yerevan municipality banned a rally requested by the opposition to be held on Northern Avenue on October 17. Following an appeal to the administrative court, the court ruled that the rally could be held at an alternative venue, but banned the march afterwards. On October 15, riot police forcibly dispersed approximately 30 young opposition activists who were marching in downtown Yerevan to promote the October 17 rally. The ombudsman, who had sent his representatives to the scene, criticized the police actions in a statement issued later that day.

In addition to open air gatherings, the government also at times restricted citizens' rights to hold closed door meetings. On December 3, a group of local NGOs distributed a statement stating that during the year, civil society groups had repeatedly been denied the right to conduct meetings, discussions, and film screenings on social and political issues. According to the statement it had become common practice for hotels, cinemas, and business centers to refuse rental of space to civil society organizations critical of the government, current events, or political conditions. The NGOs stated that some hotels had stated that they were instructed by authorities not to rent halls for any event that might be considered political, and that they were instructed to check with designated officials on a case-by-case basis. These claims were corroborated by employees of several hotels.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected it in practice. However, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates that citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

### c. Freedom of Religion

The constitution provides for freedom of religion; however, the law places some restrictions on the religious freedom of adherents of minority religious groups. The government generally did not enforce existing legal restrictions on religious freedom. The Armenian Apostolic Church is considered the national church and enjoys some privileges not available to other faiths. The law does not mandate registration of NGOs, including religious groups. However, only registered organizations have legal status and may publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio, or officially sponsor visas for foreign visitors, although there is no prohibition on individual members doing so. There were no reports of the government refusing registration to religious groups.

While the law prohibits "proselytizing" as well as foreign funding for foreign-based churches, neither restriction was enforced in practice.

Although the law provides for alternative service for conscientious objectors, the military services themselves administer the alternative service, and members of Jehovah's Witnesses refused the alternative program for that reason. Since 2005 there have been no applications for alternative service by an Armenian citizen. According to lawyers for Jehovah's Witnesses, by the end of the year, 81 of the group's members were serving prison sentences for evading alternative service. One additional person had received a suspended sentence. Jehovah's Witnesses complained about the length of court-ordered sentences for evasion of alternative service.

On July 28, following mediation by the human rights defender, the military commissar sent a letter to the Jehovah's Witnesses informing them that he had instructed all commissariats to register and to provide passports to all persons who had been prosecuted for evading military service for conscientious reasons and who had served their prison sentences. The letter stated that the Ministry of Defense and the military prosecutor did not object to the registration of these citizens. The Jehovah's Witnesses reported improvement in military commissariats' treatment of Jehovah's Witnesses, especially in the issuance of documents after completion of prison sentences.

### Societal Abuses and Discrimination

Societal attitudes toward most minority religions were ambivalent. Television outlets disparagingly labeled denominations other than the Armenian Church as "sects" in their broadcasting and aired negative programs about them.

According to observers the general population viewed nontraditional religious groups with suspicion and expressed negative attitudes about members of Jehovah's Witnesses because of their proselytizing practices and refusal to serve in the armed forces. Members of Jehovah's Witnesses continued to experience occasional societal discrimination.

Jewish community leaders estimated the community's size at between 500 and 1,000 persons. There is a resident rabbi and one synagogue. There were no reports of anti-Semitic violence or vandalism during the year. In December 2007 Jewish community members discovered a small swastika drawn on the Hebrew side of the Joint Tragedies Memorial.

In the days prior to the February 19 presidential election, an anonymous antiopposition organization distributed a DVD in Yerevan that contained anti-Semitic claims, epithets, and innuendo against presidential candidate Levon Ter-Petrossian. The allegations cast aspersions on the candidate's Jewish wife and alleged that he was collaborating with the Israeli government and others in a "Zionist plot" to undermine the state. Some of the video was shown on a private television channel that had a national viewing audience.

Throughout the year, progovernment Hayots Ashkharh daily continued to publish negative articles about the Jehovah's Witnesses. The articles presented the group as a sect endangering the security of the state and calling for their expulsion from the country. They also called for tougher punishment for evasion of alternative service by conscientious objectors.

According to a police report, on July 13, a 53-year-old Yerevan resident attacked two Jehovah's Witnesses while they were preaching. According to the Jehovah's Witnesses, on December 19, the attacker, Hayk Elizbarian was found guilty on charges of insulting, threatening, and beating the victim and was fined 150,000 drams (approximately \$490).

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, there were some restrictions in practice. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, internally displaced persons (IDPs), stateless persons, and asylum seekers.

In order to leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased for approximately 1,000 drams (approximately \$3) for each year of validity. Following leadership changes in the police passport and visa agency, exit visas were routinely provided within one day of application. In October, the government abolished the requirement for emigrants to deregister themselves from the civil registry, which had widely been viewed as an onerous process that was subject to extensive corruption.

Freedom of movement of citizens within the country was restricted by the president's state of emergency decree adopted on March 1. During the year there were numerous reports that citizens residing outside of Yerevan were restricted from attending opposition rallies held in the capital.

The law does not prohibit forced exile, but there were no reports that the government used it.

#### Internally Displaced Persons (IDPs)

The Norwegian Refugee Council (NRC) found in a 2005 study (the last year for which figures were available) that 8,399 IDPs resided in the country in 2005.

During the country's war with Azerbaijan over Nagorno-Karabakh, the government evacuated approximately 65,000 households from the border region, but most have since returned to their homes or settled elsewhere. Of the remaining IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory, and others chose not to return due to socioeconomic hardships or fear of landmines. The government afforded full citizenship rights to IDPs but did not have programs to help integrate them; however, international organizations supported their adjustment.

On September 25, authorities approved a program to assist in the resettlement of 626 families that were displaced during the Nagorno-Karabakh conflict.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status and asylum during the year; however, many asylum requests remained undecided with applicants complaining of long processing delays, and in some cases discrimination, by the authorities based on their country of origin.

In practice, the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. The government also provided temporary protection during the year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

As of November 1, a total of 190 persons applied for asylum and the government granted temporary asylum to 68 persons and refugee status to one person. Other cases were under review at year's end.

There was an established procedure for granting asylum which included amnesty for the illegal entry of an asylum seeker and access to the territory for individuals seeking asylum. However, some delays and difficulties with refugee processing at airports and land borders arose due to frequent rotations of inexperienced border officials and little training on asylum procedures.

Due to a lack of institutional capacity, the government often struggled to integrate asylum seekers into society once they were granted permanent residency status. Temporary housing for refugees and asylum seekers was often inadequate in supply and in poor condition.

During the year the UNHCR implemented an intensive program to train border guards. International organizations asserted that Russian border guards, who operated under an agreement between the country and Russia, usually came into first contact with potential asylum seekers at the country's borders with Turkey and Iran and sometimes at the main international airport in Yerevan and often refused them entry without informing either the government or the UNHCR. During the year some Russian guards were phased out at the Yerevan airport, but the percentage of Russian border guards remained at approximately 18 percent due to increasing numbers of unstaffed positions normally filled by border guards from the country.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the law provides citizens with the right to change their government peacefully, that right was restricted in practice due to repeated, significant flaws in the conduct of elections at the national and local levels.

#### Elections and Political Participation

The conduct of the February 19 presidential election was significantly flawed. Problems included favorable treatment of the government's candidate, instances of ballot stuffing, vote-buying, multiple voting, voter intimidation, violence against and intimidation of opposition commission members, proxies and reporters, restriction of their civil and political rights, and suspiciously high turnout figures.

On February 24, the Central Election Commission (CEC) declared that Prime Minister Serzh Sargsian won the election with 52.8 percent of the votes. Levon Ter-Petrossian, the second-place candidate, received 21.5 percent of

the votes. The remainder of the votes cast went to Artur Baghdasaryan (16.7 percent), Vahan Hovhannisian (6.2 percent), Vazgen Manukian (1.3 percent), Tigran Karapetian (0.6 percent), Artashes Geghamian (0.5 percent), Arman Melikian (0.3 percent) and Aram Harutiunian (0.2 percent).

An international election observation mission with members from OSCE/ODIHR and a number of European parliamentary organizations observed the February 19 election. The final OSCE/ODIHR report on the election stated that, while it "mostly met OSCE commitments and international standards in the preelection period and during voting hours, serious challenges to some commitments did emerge, especially after election day," which displayed "an insufficient regard for standards essential to democratic elections and devalued the overall election process." The lack of accountability and transparency in the vote count and ineffective procedures for registering complaints and appeals were also noted. Deficiencies in implementation of the election code were also a problem. The report noted the blurring of party and government functions in apparent violation of the law. In the preelection campaign period, for example, media bias favored then Prime Minister Sargsian, and numerous local government officials actively campaigned for him, some while performing official duties. There were also accounts of local government employees and public-sector employees being obligated to attend the prime minister's campaign events. Observers also noted implausibly high turnout figures at approximately 100 polling stations.

Prior to, during, and after the election campaign, which began January 21, the opposition reported multiple cases of politically-motivated harassment by authorities.

There were reports of persons being fired from their jobs for their political views or activities before or after the election. The NGO Helsinki Citizens Assembly Vanadzor reported that Arshavir Ghukasian and Armen Hovhannisian, employees of the Lori regional administration, were dismissed from their jobs after the election because of their support for Ter-Petrosian. In the Shirak region, a regional political party head reported that over a dozen members of his party, which had a candidate in the presidential election, were dismissed from their public sector jobs because they refused to support then-Prime Minister Sargsian's campaign. Local government employees and public sector workers were reportedly obliged to attend then-Prime Minister Sargsian's campaign events under the threat of being fired or receiving a cut in pay.

There were also reports of the misuse of government administrative resources by then Prime Minister Sargsian's campaign prior to the election. Authorities in Vanadzor reportedly provided free public transportation, cancelled classes, and suspended the work of other public institutions to ensure high turnout at a February 7 Sargsian campaign rally.

Some opposition activists were assaulted for their campaign activities. Prior to the February 9 rally of Ter-Petrosian, Hovhannes Grigorian, Gevorg Zakarian and Aghvan Hakobian were posting Ter-Petrosian campaign information in downtown Yerevan when they were reportedly assaulted by Melik Gasparian, the Sargsian campaign manager in Yerevan's Nor Nork district.

Parties in the political opposition reported that authorities pressured landlords not to rent them office space during the campaign. There were also reports that advertising companies were under pressure not to rent billboard space to the opposition. There were also numerous instances of campaign material for the then prime minister Sargsian being posted in state-owned buildings, such as mayors' offices, schools, and cultural centers. On January 28, police in the city of Kapan reportedly used force to close Ter-Petrosian's sole campaign office there. The Ter-Petrosian campaign leased the office in December 2007, but its owner decided to end the lease agreement despite being paid two months' rent in advance. Ter-Petrosian's campaign manager in Kapan stated that police ordered him and other campaign volunteers to vacate the office despite the owner's willingness to let them stay there two more days. Police then sealed the office.

Various campaigns reported arson and gunfire attacks on their offices during the month prior to elections. Such incidents were reported in Vanadzor, the Silikian district in Yerevan, Haghtanak village (located within Yerevan's administrative boundaries), in Nor Nork and another Yerevan district. One person was convicted for hooliganism in connection with such an incident.

Some opposition campaign events were disrupted by violence. Three Ter-Petrossian supporters were arrested and charged with "collective hooliganism" for an alleged assault on a heckler at a Ter-Petrossian rally in the town of Talin on January 27, and were sentenced to prison terms of 1.5 to 2.5 years on April 15.

During a Ter-Petrossian rally in the city of Artashat on February 6, a group of government supporters threw stones and scuffled with Ter-Petrossian's supporters, apparently in an attempt to disrupt the rally. The Ter-Petrossian campaign filed a complaint with police, which resulted in two persons being fined 100,000 drams (approximately \$300) each.

During a campaign rally in Freedom Square on February 3, Artur Baghdassarian declared that he had received death threats; he suggested the threats were politically motivated and that authorities were behind them. According to the prosecutor general's office Artur Baghdassarian sent his representative to the police to discuss the statement made at the rally, but failed to provide specific information and details about the alleged threat, thus no state protection was provided to the presidential candidate.

According to the local affiliate of Transparency International, an anticorruption NGO, both Serzh Sargsian and Vahan Hovhannisian spent more money on their presidential campaigns than was allowed by the election code.

On February 7, Levon Ter-Petrossian asked the Constitutional Court to postpone the presidential election by two weeks, citing state television's antagonistic coverage of his election campaign. Ter-Petrossian sought to invoke a provision of the election code in which a presidential election can be postponed if one of the candidates is deemed to be facing "insurmountable obstacles" in getting a message across to voters. During its preelection media monitoring, the final OSCE/ODIHR report noted a clear imbalance in coverage of the candidates, stating that "in contrast to the almost exclusively positive or neutral coverage afforded to Serzh Sargsian, Levon Ter-Petrossian was regularly portrayed in a negative light." On February 11, the Constitutional Court denied the appeal, ruling that the alleged obstacles were not insurmountable. At the same time the court stated that Ter-Petrossian's complaints should be addressed by the National Council for Television and Radio, the Central Election Commission and the administrative courts. Complaints filed with each of these bodies were reportedly refused or dismissed.

In a written statement three hours before the closing of the polls, Artur Baghdassarian's Rule of Law party campaign headquarters stated the voting was taking place in an atmosphere of threats and violence and was characterized by mass ballot stuffing and other irregularities. After the announcement of results, Baghdassarian claimed that he won considerably more votes than were shown by the CEC due to deliberate miscounting of ballots and other violations by election officials on polling day. On February 20, Baghdassarian issued a statement alleging that the election was marred by numerous falsifications, intimidation and violence against election commission members and proxies, as well as numerous cases of ballot-stuffing, distribution of election bribes, open and multiple voting, and falsifications during the count. Leaders of the Armenian Revolutionary Federation-Dashnaktsutian party (ARF) also expressed concern that there had been vote fraud, including widespread vote buying, ballot-stuffing, and other violations.

The Ter-Petrossian campaign stated scores of Ter-Petrossian's elections proxies in and around Yerevan were beaten by government supporters after alleging voting irregularities, although independent observers were unable to confirm such a high number of assaulted proxies. Human Rights Watch noted 13 cases of assault on Ter-Petrossian proxies, two opposition members of parliament, and at least two journalists. According to Human Rights Watch, in

several incidents the assaults took place in the presence of police and polling station officials, who did not intervene. One of the reported assaults included the alleged kidnapping of a Ter-Petrossian proxy from a polling station in the Yerevan suburb of Abovian. Larisa Tadevosian stated she was driven outside of Abovian and beaten up by three men after making allegations of fraud. She identified one of the assailants as the chief bodyguard of Gagik Tsarukian, a wealthy businessman with close ties to the outgoing President Robert Kocharian. The authorities launched an investigation into the allegations, but dropped the case due to lack of evidence. A similar incident was reported in Yerevan's northern Avan suburb, in which two Ter-Petrossian proxies claimed to have been kidnapped and beaten by a group of men led by Ruben Hayrapetian, a business tycoon and reputed criminal figure with ties to authorities. Vahagn Khachatryan, Ter-Petrossian's campaign manager in Yerevan's Malatia-Sebastia district, stated that numerous assaults and cases of violation fraud committed in the district were orchestrated by MP Samvel Aleksanian, another businessman with alleged ties to authorities.

In one of his postelection reports, alongside the mention of assaults on opposition proxies by progovernment supporters, the human rights defender stated that some Ter-Petrossian proxies assaulted election officials and proxies on election day. For example, in one polling station in the town of Maralik, Ter-Petrossian's Maralik campaign chief and his supporters reportedly severely attacked a proxy representing Serzh Sargsian. Harutun Urutian, the campaign chief claimed he was trying to prevent voting violations when a scuffle broke out. In the harshest election-related punishment meted out to date, a court sentenced Urutian to seven years in prison for impeding the activities of an election commission and for assault. Urutian rejected the charges as politically motivated and appealed the verdict. On May 22, the Court of Appeals upheld the charges but shortened the prison sentence to six years.

In the large majority of cases of alleged violence during the election campaign and on election day, Ter-Petrossian supporters and proxies were almost invariably prosecuted and convicted. Most progovernment supporters and proxies saw similar charges against them either go unpunished or they received milder punishment than Ter-Petrossian's supporters. According to official information, approximately 26 persons had been convicted for violence or violations on election day, and at least two of the cases were considered by appeals courts, which upheld the lower courts ruling. Fourteen of the 26 persons were supporters of Levon Ter-Petrossian; nine of the 14 were convicted to prison terms ranging from one-and-a-half to six years. Out of the five election commission officials convicted for their behavior on election day, two were sentenced to prison.

Approximately 17 percent of the international election mission observers reported significant procedural errors in the vote, mostly after the opening of ballot boxes. In 21 percent of polling stations visited, the number of votes per candidate was not announced and in 10 percent there were inconsistencies in determining valid votes. Other problems included failure of precinct commissions members to showing marked ballots to observers present; placing ballots on the wrong candidate piles; signing protocols before completion of the count; signing blank protocols; indications of ballot box stuffing; and attempts to impede observers. Domestic observers or proxies were not afforded a clear view of the vote count at approximately 10 percent of polling stations visited. In eight polling stations, observers saw deliberate data falsification.

According to the CEC, recount requests were filed in 25 territorial election commissions (TECs) regarding 159 precinct election commission (PEC) results. According to the opposition, TECs rejected 34 requests without sufficient cause. One candidate, Aram Harutiunian (who received just 0.2 percent of the vote), requested 27 recounts, some of which were filed right after midnight on February 20 before other candidates filed requests. Because territorial election commissions generally conducted recounts according to the time a request was filed and by law had just three days to complete recounts, some commissions were occupied with the Harutiunian recounts and unable to conduct some recounts requested by other candidates. Some observers believed that Harutiunian's requests were deliberately orchestrated as a tactic to run out the recount clock before ballots from problematic precincts could be recounted.

The majority of recounts witnessed by international observers showed discrepancies and mistakes in the original count, some significant. Other serious problems occurred during recounts that raised questions about the honesty and political impartiality of precinct and territorial commissions. In Davitashen, Yerevan, territorial commission officials procrastinated in the recounting ballots of polling stations, as key officials absented themselves from the proceedings without reason and other officials insisted nothing could be done without them. After a three hour hiatus in the recount, a group of thugs entered the premises and forced commission members, candidate proxies, journalists, observers from OSCE/ODIHR and diplomatic representatives to leave the building while police officers passively stood by. By the end of the year, no action had been taken against officials who delayed the recount or against police who allowed the illegal disruption of the vote recount. None of the persons who interrupted the recount were identified or arrested.

Despite multiple changes to the election code shortly before the election campaign began, important shortcomings remained. In an overwhelming majority of election commissions, the key leadership positions were held by progovernment appointees, which raised concerns over the independence and impartiality of the administration of elections. There was also no separation between the government and the ruling party during the presidential election, which resulted in unequal campaign conditions for the nine presidential candidates.

Two appeals were filed against the election results at the Constitutional Court, one by Levon Ter-Petrosian and the other by Tigran Karapetian. On March 8, the court upheld the election results but criticized the National Committee of Television and Radio and the CEC for not taking actions to ensure unbiased media coverage, as prescribed by law. However, the court found that their inaction did not affect the election outcome and ruled that inaccuracies in some precinct election result protocols could not affect the results of the election.

The state of emergency imposed on March 1, among other restrictions, banned "political propaganda" through leaflets or other means without permission from relevant state bodies and temporarily suspended the activity of political parties and other public organizations that could impede the elimination of the circumstances that served as the grounds for declaring the state of emergency.

There were 11 women serving in the 131-seat National Assembly, including one of two deputy speakers, as well as two women appointed to the government cabinet, and one female governor.

There were no members of ethnic minorities in the National Assembly or government cabinet, nor did any members of ethnic minorities participate in the presidential election.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread on all levels and in all sectors. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The public rarely protested corrupt practices, such as routine bribe-paying, and appeared to be aware of the problem's prevalence.

Financial disclosure laws cover public officials and their family members. However, according to a 2006 report by the Anticorruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development, the declaration was a formality, and there are no mechanisms in place to verify the declaration information, which was not fully accessible to the public. While individuals with annual incomes above 8 million drams (approximately \$26,000) as well as state officials, were required to submit income tax declarations beginning April 15, the government had not established mechanisms to implement the requirement by year's end.

Government programs to curb corruption were largely inactive during the year. The governmental Anticorruption Strategy Monitoring Commission (ACSMC) and Anticorruption Council met only sporadically during the year, in apparent violation of its own regulations. In December 2007, the council approved a nine-month timetable for drawing up an anticorruption strategy for 2008-12. By the end of the reporting period, four of the five planned chapters of the strategy had been drafted. Drafts of the four chapters completed to date were widely distributed during the year, and the NGO Freedom of Information Center Armenia posted the completed chapters of the strategy on its website. Public consultations on the strategy were held in three of the country's 11 regions as well as in Yerevan during the year.

There were some improvements, including a decline in incidents of corruption and increased transparency, in the operations of the police passports and visas department (OVIR) following the removal of its chief on July 7 and the appointment of a new chief, Norayr Mouradkhanian, on July 9. On June 26, Prime Minister Sargsian called corruption "the number one problem" facing the country and identified the passport service as "one of the most corrupt government agencies."

According to official statistics, authorities investigated 173 corruption cases during the first 11 months of the year, of which 57 cases against 75 persons (including 57 officials) were sent to the courts. The Special Investigative Service investigated 34 officials under corruption charges, the majority of whom worked in the police forces or the Ministry of Justice. Most of these officials were section heads or low-level officials. The disposition of these cases by the end of the year was unknown.

On September 17, the Audit Chamber of the National Assembly reported that violations and abuses of the state budget amounted to over 1.3 billion drams (approximately \$4.3 million) during the first half of the year, mainly involving construction. The chamber's chair, Ishkhan Zakarian, stressed that damage to state budget should be compensated and the guilty parties punished.

On September 24, the Audit Chamber of the National Assembly announced the results of oversight investigations in the Syunik region. According to the chamber's chair, Syunik's governor and regional government officials under his supervision embezzled 575 million drams (approximately \$1.9 million) in public funds and property. The chamber found that approximately one-third of this amount was misappropriated by officials in the regional administration, who inflated the cost of procurements and failed to properly use government funds earmarked for construction, and that the mayors of towns and villages embezzled even larger sums through similar schemes. The chamber's chair alleged that the mayor of Syunik's capital, Kapan, sold 5,200 square meters of public housing for as little as 3,500 drams (\$12) and stated that he would forward the case to state prosecutors after the chamber completed its inspections in Syunik.

While the law provides for public access to government information, in practice the government rarely provided such access. By the end of the year, the government had not yet adopted the legal regulations required by, and supplementary to, the 2003 Freedom of Information Law, on the aspects of collection and provision of information. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts.

On April 10, the NGO Freedom of Information Center published the results of a survey on journalists' access to information which cited access to official information as a serious problem. The survey claimed the biggest obstacle in obtaining official information was the mentality of officials, who viewed the information at their disposal as their private property. Other obstacles included the absence of formal procedures for storing and providing information, as well as the low level of awareness of their rights among journalists.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations

of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year independent local religious and human rights organizations and local affiliates of international organizations operated in the country. Government authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, or involving local matters.

The human rights defender is mandated to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments or their officials. During the first half of the year the human rights defender's office received written complaints from more than 1,662 citizens; the office resolved 48 of these complaints, with 87 persons reportedly receiving redress for their grievances.

On March 3, the human rights defender issued a statement on the March 1 political violence that questioned authorities' use of lethal force against opposition protesters. The statement suggested that clashes between security forces and protesters resulted from the violent dispersal of demonstrators from Freedom Square earlier that day and called on authorities to answer allegations that protesters were attacked without warning and explain why security forces hindered the media from reporting the incident. The defender also criticized state-controlled media for presenting only the official version of events. On March 5, then-president Kocharian criticized the human rights defender's assessment as well as the defender personally, asserting that the defender did not understand what he was talking about. Kocharian also warned the defender that every state official must remember that they work for the country and "not Strasbourg," in reference to the seat of the European Court of Human Rights.

On April 25, the human rights defender released a more extensive ad hoc report on postelection developments, in which he again questioned the official version of the March 1 events as well as the legality of the actions taken by then-president Kocharian and law enforcement bodies, and called for an independent investigation into the March 1 events.

In response to the April 25 report, the prosecutor general and the minister of justice rejected the ad hoc report's assertions, and various officials appeared on television to criticize the human rights defender, blaming him for taking sides and alleging that he had exceeded his mandate by issuing the ad hoc report. On June 5, the National Assembly's committees on human rights and European integration held hearings on the report, during which the human rights defender criticized the prosecutor general and justice minister for misrepresenting the content of the report and for refusing to answer questions about the March 1 unrest.

During the year authorities did not provide access to case materials and results of forensic examinations to the families of the March 1-2 victims. On June 26, authorities recognized those killed as "victims" or "injured parties" and their family members as legal heirs, which legally entitled them to access investigation materials into the deaths, but this access was not granted in practice. An independent May 7-12 inquiry into postelection events conducted by a Paris-based association of Armenian lawyers (AFAJA) suggested that families of these victims were subjected to various pressures by authorities and were allegedly offered financial compensation "to turn the page" and cover the funeral expenses.

On May 21, Tigran Urikhanian, the leader of a marginal political party, assaulted and shot Mikhail Danielian, the head of the NGO Helsinki Association, with an air gun. Danielian sustained light wounds in the attack. Despite numerous witnesses to the incident, authorities had not prosecuted Urikhanian by year's end. According to the

prosecutor general's office, a criminal case on charges of hooliganism was launched to investigate the argument between Urikhanian and Danielian, however, the status of Danielian and Urikhanyan within the criminal case was unclear at year's end.

On May 28, Arsen Kharatian, a member of the proopposition HIMA youth civic initiative movement that emerged following the disputed presidential election, was attacked and severely beaten by three unknown individuals. Kharatian believed he was targeted for his public activities and political views. After the March 1 events, Kharatian had been detained twice while participating in political promenades; he was released the same day on both occasions. On September 28, the investigation was suspended; the assailants were not identified.

On June 25, two unknown men assaulted 20-year-old Narek Hovakimian, an active member of HIMA. Hovakimian, who was hospitalized with head and stomach injuries told the press that he was convinced the attack was politically motivated. On August 26, the investigation was suspended; the assailants were not identified.

The government generally cooperated with international NGOs, permitting them to visit prisons and, in the case of the ICRC, all detention centers in the country.

After the May 2007 elections, the new parliament established a Standing Committee on Protection of Human Rights and Public Issues. Human rights NGOs viewed the committee with skepticism due to its unclear mandate and apparent lack of concrete activity.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; in practice, however, there was societal discrimination against women, ethnic and religious minorities, persons with disabilities, and homosexuals.

##### Women

Rape is a criminal offense and carries a maximum penalty of 15 years' imprisonment. There are no explicit laws criminalizing marital rape. During the year authorities launched 20 criminal cases against 15 persons on cases of rape and attempted rape; however, social stigma contributed to the underreporting of those crimes. Authorities convicted 11 out of these 15 individuals for rape or attempted rape; the disposition of the other cases was unclear at year's end.

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was widespread. In a May 2007 survey commissioned by the Women's Rights Center, 66 percent of the respondents acknowledged that family members subjected them to psychological abuse and 39 percent considered themselves victims of either moderate or severe physical abuse. Most cases of domestic violence were not reported to police because victims were afraid of physical harm, were apprehensive that police would return them to their husbands, or were embarrassed to make family problems public.

In November, Amnesty International issued a report on domestic violence in the country noting that all domestic violence shelters, with the exception of one, have been forced to close due to funding problems. Prior to their closure, the NGO-operated shelters offered refuge and assistance, including psychological and legal counseling to domestic violence victims.

On April 30, the Council of Europe's commissioner for human rights, Thomas Hammarberg, issued a report on the

human rights situation in the country based on his visit in 2007. The report noted there was a police unit that specialized in domestic violence, but that police attention to the problem continued to be inadequate. NGOs reported that police officers were reluctant to communicate with female victims. The number of female police officers continued to be insufficient.

Prostitution and sex tourism are legal, but operating a brothel is prohibited and engaging in other forms of pimping are punishable by one to 10 years' imprisonment. According to media reports, there were fewer than 5,000 women involved in prostitution in the country, approximately 1,500 of whom were in Yerevan. Police and other security forces reportedly tolerated prostitution.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Sexual harassment appeared to be widespread, especially towards younger women and women who worked in the public sector.

Men and women enjoy equal legal status, although gender and age discrimination were continuing problems in the public and private sectors. Women generally were not afforded the same professional opportunities or wages as men, and often were relegated to more menial or low skill jobs. Authorities asserted that women constituted half of all public servants and received the same pay as men.

#### Children

The government was committed to protecting children's rights and welfare, but it did not allocate sufficient resources to fulfill this commitment.

Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability.

Many educational facilities were severely underfunded and in poor condition, although major renovation works were initiated with government and foreign funding. Access to education in rural areas remained difficult, and work in the fields during harvest season took precedence over school for many children. Lack of funding to provide heat prompted school officials in many areas to extend winter school breaks by as much as an additional month. Many teachers solicited bribes from parents in return for good or passing grades.

Severe disparities remained in both primary and secondary education in the country between gender, regions, and income. Dropouts after basic education were substantial, especially among poor students. According to the State Statistical Service, 13 percent of children aged 15-16 were not attending school in 2006, the most recent year that statistics were reported.

Attendance rates among children in the Yezidi ethnic minority continued to be lower than average, partially due to economic reasons, a lack of Yezidi teachers and textbooks, and the early removal of teenage girls from schools for marriage. In 2007 new Yezidi language textbooks, as well as Assyrian language texts, were used in ethnic minority schools around the country.

Free basic health care was available to boys and girls through age 18 but often was of poor quality, and officials often required overt or concealed payment for services.

There were reports that girls were trafficked for commercial sexual exploitation.

## Trafficking in Persons

The law prohibits all forms of trafficking in persons; however there were reports that persons were trafficked to and from the country. There was no credible data as to the real extent of the problem.

The country is a source and transit point for women and girls trafficked primarily for sexual and, to a lesser extent, labor exploitation to the United Arab Emirates and Turkey. There were also reports that men were trafficked to Russia for forced labor in the construction sector. There were reports of trafficking victims from the country registered in West European countries. There was one report of internal trafficking of a minor. The country was also a destination for a group of trafficked persons from other countries that were formerly part of the Soviet Union.

According to the Prosecutor General's Office, during the year at least 40 persons were victims of trafficking. The Prosecutor General's Office also reported that 24 persons were victims of pimping during the year, including 23 exploited within the country and one exploited in Turkey.

Traffickers, using developed networks in source and destination countries, typically recruited victims who were already engaged in prostitution. The majority, but not all, of the identified victims were aware that they would end up in the sex industry in other countries; however, they were unaware of the traffickers' intent or the exploitative circumstances they would face abroad. Once in the destination country, victims were deprived of their travel documents, locked in hotel rooms, and told that they must "repay" their expenses. The initial consent of the victims contributed to authorities' difficulty in identifying cases of trafficking. In most cases, victims left the country with valid documents after which the traffickers provided them with forged documents in a transit country. According to local observers, traffickers occasionally refrained from violence against victims and used more subtle means to exercise control. There were reports that traffickers encouraged victims to become recruiters, promising them that they could keep a percentage of their recruits' earnings.

Women engaged in prostitution, orphans who had outgrown their institutions, homeless or divorced women, and women in difficult financial situations were at greatest risk of being trafficked. There were some reported incidents of physical violence against trafficking victims.

Trafficking in persons is punishable by three to 15 years' imprisonment, depending on the presence of aggravating factors such as the death of the victim or the involvement of a minor. Traffickers are eligible for early release from prison after serving half of their sentences, and in the past such releases have been routinely granted.

According to the prosecutor general's office, courts convicted persons during the year under the trafficking statute and 13 persons under the pimping statute. Experts noted that inconsistent application of the two statutes continued to be a problem during the year.

In July, police uncovered a large group of trafficking victims from Russia who were exploited in local night clubs as exotic dancers. The recruiter, a Russian citizen, and her accomplices were apprehended. The investigation of the case was ongoing at year's end.

The Ministerial Council to Combat Trafficking in Persons, chaired by the deputy prime minister, is responsible for implementing, coordinating, and monitoring the government's antitrafficking efforts. In December 2007, following extensive discussions with foreign governments and NGOs involved in antitrafficking programs, the government approved a 2007-09 national action plan to combat trafficking in persons.

The police, the NSS, and the prosecutor's office were responsible for investigation and prosecution of trafficking. The government actively cooperated with several trafficking destination countries and regularly shared information

with them.

Previous allegations of official complicity in trafficking continued to harm the credibility of the government's antitrafficking efforts. Some observers asserted that agreements between corrupt court officials and traffickers were also common.

By year's end no officials had been prosecuted in connection with the 2006 escape from the country of convicted Uzbek trafficker Anush Zakharyants. An official investigation into the escape had resulted in the dismissal of two senior inspectors of the border oversight department, and the head of the border oversight department, Lieutenant Colonel V. Poghosian, was reprimanded. On December 18, in connection with the escape of Zakharyants, the government launched a new criminal case into the circumstances of Zakharyants' illegal crossing of the border.

Upon their return to the country, many trafficking victims feared social stigma and discrimination and were reluctant to help locate and prosecute their traffickers. Government officials did not require victims to assist in pursuing traffickers but worked with the ones who were willing to do so. NGOs reported that judges' treatment of victims has improved in recent years.

Several NGOs assisted trafficking victims, many of whom were referred to them by the government. Two hotlines were also available for trafficking victims. Antitrafficking NGOs operated without financial assistance from the government and depended on foreign government funding. At the end of the year, however, the government approved five line items in the national budget directed at combating trafficking in persons, including a trafficking victims' shelter.

On November 20, the government approved the National Referral Mechanisms (NRM) for use by public officials to help refer trafficking victims for assistance. According to local observers, however, the referral mechanism appeared to place disproportionate focus on helping law enforcement agencies locate and punish traffickers rather than providing assistance to victims. The level of assistance to the victim prescribed in the NRM depends on the level of cooperation with the law-enforcement bodies.

NGOs, international organizations, and the government conducted trafficking prevention activities, mainly through educational and media programs to raise public awareness of the problem.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

According to media reports, institutionalized patients often lacked medication and received substandard care. On July 28, Armenianow.com published a Helsinki Citizens Assembly Vanadzor survey of patients at the Vanadzor Neurological and Psychiatric Clinic. Patients reported beatings, torture, and abusive narcotic sedation by sanitary personnel and medical staff. Patients complained of deprivation of privileges and insufficient food.

Hospitals, residential care, and other facilities for persons with serious disabilities were substandard. According to official data, as of July 2007 over 90 percent of persons with disabilities who were able to work were unemployed.

On October 7, the National Library opened a special reading hall for persons with visual disabilities. The government also installed special computer software in the National Library and the Syunik regional library in order to provide internet access to persons with visual disabilities.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but did not do so effectively.

#### Other Societal Abuses and Discrimination

Persons who were openly gay were exempted from military service, purportedly because of concern that they would be abused by fellow servicemen. However, the legal pretext for the exemption was predicated on a medical finding of gays possessing a mental disorder, which was stamped in their documents and could affect their future. General societal attitudes towards homosexuality remained unfavorable.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring that job applicants be between the ages of 18 and 30. After the age of 40, workers, particularly women, had little chance of finding jobs that were appropriate to their education or skills.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows workers, except for those serving in the armed services and law enforcement agencies, to form and to join independent unions of their choice without previous authorization or excessive requirements; in practice, however, most workers did not exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. The Confederation of Labor Unions (CLU) estimated that, as of February, there were 240,000 members in 24 trade unions, which constituted roughly 20 percent of the workforce. There were additional labor unions that did not belong to the CLU. Labor unions were generally inactive, with the exception of those connected with the mining industry. However, some mining enterprises, including some financed by foreign capital, discouraged employees from joining labor unions with the implied threat of loss of employment.

The law allows unions to conduct their activities without government interference. The law provides for the right to strike, except for members of the armed services and law enforcement agencies, but workers rarely went on strike due to the fear of losing their jobs. The law also prohibits retaliation against strikers, although it sometimes occurred.

##### b. The Right to Organize and Bargain Collectively

Although the law provides for collective bargaining, in practice there was only one collective bargaining agreement reported during the year. Factory directors generally set pay scales without consulting employees. As of January, newly established courts of general jurisdiction arbitrated labor disputes.

There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that women and girls were trafficked for commercial sexual exploitation and labor and that men were trafficked for labor.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 but children may work from age 14 with parental and labor union permission. The State Labor Inspectorate is responsible for child labor law compliance, but the inspectorate, community councils, unemployment offices, and, as a final board of appeal, the courts, enforced the law unevenly. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, or on holidays.

According to the Employment Service Agency, some children were involved in family businesses (mainly agriculture) as well as other activities not prohibited by law. Observers also reported seeing children in Yerevan selling flowers, drawings and working in local markets after school hours. On October 30, UNICEF published the results of a nationwide survey on child labor. According to the study less than 5 percent of children between 7 and 18 had paying jobs, not counting those involved in family farms or businesses. The survey also found that almost one third of working children were below the legal working age; that most children worked without legal contracts; that some children were employed in heavy manual work as laborers and loaders.

There was one report of an individual engaging a minor in prostitution within the country during the year. The case was prosecuted as "pimping."

The State Labor Inspectorate as well as other state agencies are responsible for enforcing child labor laws, but did not always enforce these laws effectively. The inspectorate, however, made little progress toward implementing an inspection regime or the requirements of the labor code, and its work was reportedly undermined by corruption.

e. Acceptable Conditions of Work

The government sets the minimum wage by decree. The monthly minimum wage of 25,000 drams (approximately \$81), as fixed by the state budget, did not provide a decent standard of living for a worker and family. Many private sector employees were unable to obtain paid leave and were required to work far more than eight hours a day. According to representatives of some employment agencies, many employers also hired an employee for a "probationary" period of 10-30 days, during which the employee was not paid. Often these employees were subsequently fired, but, because their initial employment was illegal, they were unable to claim payment for the time they worked. Evidence also suggested that some private sector employers underreported the size of their staff to avoid paying taxes.

The law sets the workweek at 40 hours and provides for mandatory vacation of 28 calendar days annually as well as overtime compensation; however, these standards were not effectively enforced. In the mining sector, employers allowed limited sick leave with the presentation of a medical certificate. There were reports that employers fired employees who took extended sick leave.

Workers had the legal right to remove themselves from work situations that endangered health and safety, but they were unlikely to do so because such an action would place their employment at risk. As required by law, the government has set occupational and health standards. The State Labor Inspectorate is responsible for enforcing occupational health and safety standards, but did not do so effectively.

