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U.S. Department of State

Armenia Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

ARMENIA

Armenia has a constitutional government in which the President has extensive powers of appointment and decree, and the role of the legislature relative to the executive branch is severely circumscribed. The President appoints the Prime Minister, who is in charge of the Cabinet. President Levon Ter-Petrossian was reelected in a controversial multicandidate election in September 1996, which was flawed by numerous irregularities and serious breaches of the election law. A transitional National Assembly in which ruling Armenian National Movement (ANM) members and their allies won about 88 percent of the seats was elected in July 1995; local and international observers characterized these elections as "generally free but not fair." To protest the presidential elections, a number of opposition parties continue to boycott parliamentary sessions. Both the Government and the legislature can propose legislation. The legislature approves new laws and can remove the prime minister by a vote of no confidence. Elections for a new National Assembly are scheduled for 1999. The Constitution provides for an independent judiciary; however, in practice judges are subject to political pressure from the executive branch.

The Ministry of Internal Affairs and National Security is responsible for domestic security, intelligence activities, border control, and the national police force. Oversight of the security services improved after the merger of the Interior Ministry with the National Security Ministry, but members of the security forces committed serious human rights abuses.

The transition from a centralized, controlled economy to a market economy continues to move forward. Industrial output remains low, leaving over 50 percent of the population unemployed or underemployed,

with a high degree of income inequality. Most small and medium enterprises have been privatized, as has most agricultural land. About one-third of permanent land titles had been issued by the end of the year. Gains in the privatized trade, service, and agriculture sectors generated an approximately 3 percent increase in gross domestic product (GDP) in 1997, to about \$550 per capita. However, inflation rose to about 21.9 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy.

The Constitution provides for broad human rights protections, but human rights problems persist in several important areas. The Government's manipulation of the 1996 presidential election continued to restrict citizen's ability to change their government. Members of the security forces made arbitrary arrests and detentions without warrants, beat detainees during arrest and interrogation, and did not respect constitutional guarantees regarding privacy and due process. At least two cases of police abuse resulting in death occurred; adequate institutional mechanisms do not exist to protect individuals from police abuse. Prison conditions remained poor. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. Opposition groups charged that defendants in three major criminal cases were political prisoners. The Government continued to place some restrictions on freedom of the press and maintains the dominant role in nationwide television and radio broadcasting. A semiofficial list of forbidden subjects encourages some media self-censorship. However, the nongovernmental media often criticize the country's leadership and policies. Local independent television and newspapers, along with private radio stations, continued to multiply. The Government maintains some limits on freedom of association. A previously suspended prominent political party, the Armenian Revolutionary Federation (ARF/Dashnaks), was not reinstated, although the authorities tolerated its activities, restored its offices, and permitted publication of a Dashnak newspaper. The legislature called into question its commitment to constitutional provisions for freedom of religion, by amending the law on freedom of conscience to further strengthen the role of the Armenian Apostolic Church and create new barriers to other denominations. The Government places some restrictions on freedom of movement. Discrimination against women, minorities, and the disabled remained a problem.

Efforts began in October to train current and prospective judges and prosecutors on the draft civil and criminal law codes, scheduled for passage in 1998.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings. There were a number of deaths of military servicemen reportedly due to mistreatment (see Section 1.c.). There were a number of deaths in custody due to poor prison conditions and inadequate medical treatment (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution and the law prohibit torture. However, the practice of security personnel beating pretrial detainees during arrest and interrogation remains a routine part of criminal investigations. Most cases of police brutality go unreported. Prosecutors rely on confessions to secure convictions. Although

defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions, and according to law all such charges must be investigated, judges and prosecutors routinely ignore such complaints even when the abuser can be identified. No one has been charged or disciplined for the beatings of opposition figures following the September 1996 postelection disturbances.

The Government has not conducted investigations of abuse by security services except in rare cases where death has resulted. A death in police custody, in Gyumri in August, alleged by police to be a suicide, prompted intensified press and human rights group criticism of mistreatment of detainees. Photographic evidence showed that the detainee had been seriously beaten. In September four police officers were arrested for abuse of authority in connection with that death. In November the Prosecutor held a press conference to publicize the ongoing investigation, but the trial had not begun by year's end. Investigation of a second death in custody in April at Yerevan's Khorhrdayin police station was closed without prosecution. Charges against five police officers for a 1993 death, a case repeatedly remanded for investigation by the Supreme Court, will once again be taken up in 1998, according to the Prosecutor General.

The press also reported on a number of deaths of military servicemen, officially reported as accidents or suicide, where forensic evidence obtained by the families suggested mistreatment or possible murder. The Ministry of Defense responded that these human rights group charges were baseless. The military does not provide information on peacetime deaths of servicemen, but a human rights group alleged that as many as one soldier a day died in 1997 of noncombat causes.

In July members of a local "Yerkrapah" group (an armed veteran's militia that is part of the Defense Ministry implicated in 1995 and 1996 human rights violations) broke into a human rights library in Vanadzor and removed the contents (see Section 1.f.).

Prison conditions are poor. Facilities are often overcrowded, and food is inadequate to preserve health unless supplemented by families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common with eight deaths from tuberculosis officially reported in the first half of the year. The Government's judicial reform package under debate in the legislature at year's end included a provision to transfer responsibility for prisons to the Ministry of Justice from the Ministry of Internal and National Security Affairs in 1998, with a goal of improved oversight.

The International Committee of the Red Cross (ICRC) enjoyed unimpeded access to detention facilities run by the Ministry of Interior and National Security, a significant improvement over 1996. The ICRC continued to visit all the prisoners involved in the "Dro," "31," and "September 25" trials (see Section 1.e.).

d. Arbitrary Arrest, Detention, or Exile

Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext of being a material witness. Those arrested are frequently brought to prison without notification of family members. It is often several days before family members obtain information as to whether someone has been arrested and their location. Access of lawyers and family members to prisoners