



**HUMAN RIGHTS HOUSE
FOUNDATION**

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Concerning the imprisoned Armenian journalist Nikol Pashinyan

We, the undersigned members of the Human Rights House Network and of the South Caucasus Network of Human Rights Defenders, are deeply concerned about the recent attacks on the Armenian political prisoner Nikol Pashinyan and call upon the Armenian authorities to immediately release him.

Nikol Pashinyan, 35, is the editor-in-chief of the Haykakan Zhamanak newspaper and the activist of the oppositional Armenian National Congress, persecuted for his political views. After the 19 February 2008 presidential elections, he took part in the demonstrations and rallies of the opposition, which started on 20 February 2008. On 1-2 March the authorities violently dispersed the demonstrations and used disproportionate force, which resulted in 10 deaths and more than 130 injuries. Pashinyan was charged with inciting violence against the authorities and organization of mass disorders during the March 2008 post-election events. Pashinyan was imprisoned in July 2009 and sentenced to seven years, which was later reduced to three years and eleven months. The court trial was marked with numerous abuses of the law, among which was the lack of procedural equality of arms between the prosecution and the defence.

Recently, Pashinyan was subjected to physical and psychological harassment in Kosh prison in Aragatsotn province in Armenia for the refusal to respond to repeated orders to stop writing critical articles from the prison. He was subjected to four physical attacks in the last two months and was recently moved into the strict-regime Artik prison and held in a solitary confinement. Shortly before he was moved there, on November 11, he was beaten by two masked men in his cell while he was asleep. The prison authorities denied the attack happened, however, upon the provision of footprints of military boots and traces of blood on Pashinyan's bedsheet, the investigation was launched.

The right to a fair trial is ensured by the Armenian Constitution (Article 16), the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Article 6) and the International Covenant on Civil and Political Rights (ICCPR) (Article 14), to both of which Armenia is a state party and holds the obligation to respect and promote the right. The disregard of the principle of equality of arms between the prosecution and the defence, and essential element of the right to a fair

trial, clearly contradicts respective national and international standards. We consider that the conviction of Nikol Pashinyan is unlawful and in violation with his right to liberty and security (Article 16 of the Armenian Constitution, Article 5 of ECHR and Article 9 of ICCPR).

Ill-treatment and torture of individuals are prohibited both by the national Armenian legislation (Article 17 of the Armenian Constitution) and international human rights treaties, such as the ECHR (Article 3), the ICCPR (Article 7) and the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) (Article 2), binding Armenian authorities. As recognized by international human rights bodies, the beatings of an individual and the imprisonment in a solitary confinement amount to the ill-treatment of the respective person and therefore contradicts the international state obligations and Armenia's commitments on this matter.

The members of the Human Rights House Network and of the South Caucasus Network of Human Rights Defenders call upon the Armenian authorities:

- to **immediately release** all political prisoners, including Nikol Pashinyan, and take all necessary measures to prevent harassment, threats and violence against political prisoners;
- to ensure the **safety of Nikol Pashinyan in prison** and to conduct a **prompt and impartial investigation** in relation to ill-treatment of Nikol Pashinyan and bring those responsible for the harassment and attacks to justice;
- to ensure that an **independent medical examination** of Nikol Pashinyan is carried out;
- to conform with all provisions of the ECHR, the ICCPR, the CAT and the Armenian Constitution, especially to respect and ensure **the right to liberty and security** (Article 5 of ECHR, Article 9 of ICCPR and Article 16 of the Armenian Constitution), **the right to a fair trial** (Article 6 of ECHR Article 14 of ICCPR and Article 16 of the Armenian Constitution), **the right to be free from torture and ill-treatment** (Article 3 of ECHR, Article 7 of ICCPR, Article 2 of CAT and Article 17 of the Armenian Constitution) and **the right to freedom of expression** (Article 10 of ECHR, Article 19 of ICCPR and Article 27 of the Armenian Constitution);
- to implement the Universal Periodic Review recommendations to Armenia, particularly the recommendation to strengthen fair-trial safeguards;
- to **comply** with all the provisions of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also called the Declaration on Human Rights Defenders).

Sincerely,

Belarusian Human Rights House in exile in Vilnius (Lithuania)

Human Rights House Baku (on behalf of the following NGOs):

- Human Rights Centre of Azerbaijan
- Legal Education Society
- Media Rights Institute
- Institute for Reporters' Freedom and Safety

Human Rights House Tbilisi (on behalf of the following NGOs):

- The Human Rights Center (HRIDC)
- Article 42 of the Constitution
- The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)

- Union 'Saphari' – Family Without Violence
- The Caucasian Center for Human Rights and Conflict Studies (CAUCASIA)

Russian Research Center for Human Rights (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Centre for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International
- Right of the Child
- Right to Live and have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Youth Human Rights Movement (Russian Federation)

Human Rights House Sarajevo (on behalf of the following NGOs):

- Association of Female Citizens "Renaissance"
- Foundation CURE
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Regional Co-ordinator for Youth Groups
- Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
- Woman and Society Centre

Human Rights House Zagreb (on behalf of the following NGOs):

- B.a.B.e.
- Centre for Peace Studies
- Civic Committee for Human Rights
- Documenta – dealing with the past
- UPIM - Equal Opportunities
- Svitanje - mental health

Helsinki Foundation for Human Rights (Poland)

Open Word House (on behalf of the following NGOs):

- Index on Censorship

The Norwegian Human Rights House (on behalf of the following NGOs):

- Human Rights House Foundation
- Norwegian Helsinki Committee
- Health and Human Rights Info

Ukrainian Helsinki Human Rights Union

Armenian members of the South Caucasus Network of Human Rights Defenders:

- The Helsinki Association
- Public Information and Need of Knowledge (PinkArmenia)
- Asparez Journalists' Club, Gyumri
- Helsinki Citizen Assembly, Vanadzor
- Shakhhatun Women's Democracy Promotion NGO
- Democracy Today

- Women's Resource Center
- Jurists against Torture
- "Socioscope" societal research and consultancy center

Copies have been sent to:

- Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg
- Office of the Commissioner for Human Rights of the Council of Europe, Strasbourg
- UN Special Rapporteur on the Situation of Human Rights Defenders, Geneva
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Geneva
- UN Working Group on Arbitrary Detention, Geneva
- UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Geneva
- The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, Warsaw and Yerevan
- Delegation of the European Union in Armenia
- The Subcommittee on Human Rights of the European Parliament
- The Norwegian Ministry of Foreign Affairs
- The Standing Committee for Foreign Affairs of the Norwegian Parliament
- The Public Defender's Office in Yerevan

About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network is a forum of cooperation between established and emerging Human Rights Houses, uniting 70 NGOs in 15 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, strengthen and support human rights defenders and their organizations. The Human Rights House Foundation, based in Oslo (Norway) and Geneva (Switzerland), is the secretariat of the Human Rights House Network.

About the South Caucasus Network of Human Rights Defenders (www.caucasusnetwork.org)

The South Caucasus Network of Human Rights Defenders is a network of 30 impartial and independent non-governmental organizations from the region of South Caucasus, aiming at supporting the human rights defenders in Armenia, Azerbaijan and Georgia.