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4 August 2016

Armenian authorities must immediately stop the disproportionate use of force against protestors and bring to justice those responsible for the violence

Mr President,
Mr Chief of the Police,
Mr Prosecutor General,
Mr Head of the Special Investigation Service,

We, the undersigned members and partners of the Human Rights House Network (HRHN), are deeply concerned about the disproportionate use of force against peaceful protestors, in connection with “Erebuni” protests that began on 17 July.

We call upon law enforcement to respect the right to peaceful assembly, immediately stop the disproportionate use of force and end the unlawful detention of protestors. The State must only use force as a last resort and in a proportionate manner against violent elements. We call upon you to take all necessary steps, including meetings and negotiations with civil society, to prevent the use of force against peaceful protestors.

Mass protests and arrests by police began in Yerevan on 17 July 2016, sparked by the shooting of a police officer, the taking of hostages, and the armed occupation of a police station in the Erebuni district by the group Sasna Dzerer. This group of veterans of the Nagorno-Karabakh conflict occupied the police station until 1 August. We condemn the use of violence by civilians.

According to the General Department of Investigation of Particularly Important Cases of the Investigative Committee, as of 27 July, 62 persons (37 policemen and 25 civilians) sought medical aid relating to different

injuries caused by the disorder, and 12 people were charged for their involvement in “mass disorder.”¹ Further, the Ministry of Health reported that 73 people sought medical treatment as result of clashes on 29-30 July².

The Helsinki Citizens’ Assembly Vanadzor has reported “unprecedented violence by the Republic of Armenia Police against the citizens, illegal and groundless arrests, illegal searches in apartments of civilians and abductions of civilians from the streets.”³

Several children have been traumatised and wounded, two of them heavily, as a result of the excessive force used by the police on the night of 29 July 2016. Armenia’s Child Protection Network issued a statement condemning police violence which resulted in the injuries of children as young as 2 months, 2, 4 and 5 years old.⁴

The Women’s Resource Centre reported incidents of sexual assault against women protestors. The International Rehabilitation Council for Torture Victims (IRCT) references allegations of severe beatings and torture in police custody and during transfer to police stations.⁵ News agencies report attacks on journalists covering the protests.⁶

These violations, combined with a lack of transparency and access to information, have created a climate of fear in Yerevan, among the public and particularly women and girls. Such violence committed by State agents escalates the situation. In response, the answer from some protestors has been violence against State agents. The State has again failed to negotiate with peaceful protestors – and even refused such negotiation – and has thereby failed to build trust between law enforcement agents and peaceful protestors. Furthermore, reports indicate that police agents in plain clothes disturbed peaceful protests and incited violence, and allegedly threw stones at their fellow agents in riot gear⁷.

The Human Rights House Yerevan gave statements in support of peaceful protestors⁸ and its members are promoting the use of non-violent protest methods,⁹ as well as participating peacefully in protests and monitoring their development. The State on its side has a responsibility to protect peaceful protestors and a duty to distinguish between those protestors who are peaceful and those who use violence. We call upon you to support the work of human rights defenders in the context of peaceful protests, as Armenia committed to doing by co-sponsoring the resolution on human rights defenders adopted by the United Nations Human Rights Council in March 2013.¹⁰

One of the detained peaceful protestors was Levon Barseghyan, Chairperson of the Journalists’ Club Asparez, a member of the Human Rights House Yerevan. Since his release on 29 July, Levon Barseghyan

¹ A1Plus.am, 27 July 2016, available at <http://en.a1plus.am/1242701.html>.

² A1Plus.am, 30 July 2016, available at <http://en.a1plus.am/1243122.html>.

³ Helsinki Citizens’ Assembly Vanadzor Office, 29 July 2016, available at <http://hcav.am/en/publications/29-07-2016-03-en/>.

⁴ Statement by the Armenia’s Child Protection Network, 30 July 2016, available at http://armeniachildprotection.org/-2/#_ftn1.

⁵ Statement by IRCT, 28 July, 2016, available at <http://www.irct.org/media-and-resources/irct-news/show-news.aspx?PID=13767&Action=1&NewsId=4074>.

⁶ A1Plus.am, 30 July 2016, available at <http://en.a1plus.am/1243112.html>.

⁷ The Armenian Weekly, 30 July 2016, available at <http://armenianweekly.com/2016/07/30/police-protesters-clash-again-in-yerevan-several-rushed-to-hospital-with-injuries/>.

⁸ Statement by Human Rights House Yerevan, 20 July 2016, available at <http://humanrightshouse.org/Articles/21788.html>.

⁹ Human Rights House Foundation, 2 August 2016, available at <http://humanrightshouse.org/Articles/21821.html>.

¹⁰ Resolution 26/13 adopted on 21 March 2013 by the United Nations Human Rights Council on the protection of human rights defenders, in which the Council “calls upon States to ensure that human rights defenders can perform their important role in the context of peaceful protests [...] and to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts,” available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6 (UN Doc: A/HRC/RES/22/6).

has said that he was kept in police custody for 16 hours before being formally charged,¹¹ which is excessive by European standards. He also claimed that the police subjected him to inhuman treatment at a Shengavit police station, refusing to bring him water or give him access to the toilet for the whole duration of his detention. For more than 12 hours, Levon Barseghyan's colleagues and relatives did not have information as to his whereabouts, despite their requests for information from the authorities. He was denied access to legal representation for more than 12 hours until the public defender [Ombudsman office] intervened.¹²

This appears to be far from an isolated incident, as reports suggest that more than 100 people were detained on 27–28 July. In many of these cases, relatives were not informed of their whereabouts for several hours and those detained did not have access to legal representation.

Despite escalating events, neither the President nor the Parliament has publicly addressed the situation. To deescalate the situation, and ensure that peaceful protests remain peaceful, as stated by the Ombudsman, “It is necessary that relevant State bodies and public officials intensify their efforts towards eliminating and further preventing all kinds of human rights violations.” We echo the calls of Armenian non-governmental organisations requesting that the Parliament convene a special session to address the situation, and are profoundly dismayed by the pro-government majority refusing this request,¹³ given the gravity of the events.

Since the 2008 protests that followed the presidential election of 19 February 2008, violations of the right to freedom of assembly have been a core human rights problem in Armenia, relating to excessive use of force by law enforcement authorities and arbitrary detention. In June 2015, during the protests of “Electric Yerevan,” representatives of the Human Rights House Network documented similar alleged violations of the right to peaceful assembly, including excessive use of force by the police, alleged inhuman treatment, and arbitrary detention.¹⁴ Levon Barseghyan was also arrested during the “Electric Yerevan” protests.

In this regard, the Presidency has a particular responsibility in ensuring that police use force only as a last resort, given that the power to appoint the Chief of the Police belongs to the Presidency. Moreover, the Armenian law enforcement authorities have the obligation to ensure that those who committed the acts of violence are brought to justice.

We believe that the repeated excessive use of force by Armenian law enforcement proves it must change its operational doctrine, in order to bring the practice of police in line with recommendations made by United Nations Special Rapporteurs Maina Kiai and Christof Heyns.¹⁵ The Human Rights House Network expresses its availability to participate in such a process with expertise and experience from Armenia and other countries, in line with United Nations Human Rights Council resolution 31/37 encouraging all States to operationalise these recommendations in domestic laws, procedures and practices.¹⁶

We urge all parties to refrain from force and for the authorities to investigate all cases of violence and alleged ill treatment, particularly against peaceful protestors and journalists, and bring perpetrators to justice.

We reiterate our call for law enforcement to respect the right to peaceful assembly, immediately stop the disproportionate use of force and end the unlawful detention of protestors. The State must only use

¹¹ Radio Free Europe / Radio Liberty, 29 July 2016, available at <http://www.azatutyun.am/a/27888387.html>.

¹² Human Rights House Foundation, 28 July 2016, available at <http://humanrightshouse.org/Articles/21812.html>.

¹³ Joint NGO Statement, 28 July 2016, available at <http://transparency.am/en/news/view/1558>.

¹⁴ Human Rights House Foundation, 23 June 2015, available at <http://humanrightshouse.org/Articles/21041.html>.

¹⁵ Joint report to the United Nations Human Rights Council of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, on the proper management of assemblies, 4 February 2016, available at <http://freeassembly.net/reports/managing-assemblies>.

¹⁶ Resolution 31/37 adopted on 24 March 2016 by the United Nations Human Rights Council on the promotion and protection of human rights in the context of peaceful protests, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.21.

force as a last resort and in a proportionate manner against violent elements. We call upon you to take all necessary steps, including meetings and negotiations with civil society, to prevent the use of force against peaceful protestors.

We urge the authorities to counter the climate of fear, by releasing timely and transparent information about police activities and detentions, and publicly supporting and protecting the right to peaceful protest, including through a public debate in Parliament. We further call upon the authorities to support the work of human rights defenders in the context of peaceful protests.

We further urge you, Mr President, to initiate an inclusive process, with international experts and independent Armenian non-governmental organisations, in order to revise the operational doctrine of the law enforcement responsible for managing peaceful protests.

Yours sincerely,

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

- Ensuring Equal Rights
- Helsinki Association for Human Rights
- Helsinki Citizens' Assembly – Vanadzor
- Journalists' Club Asparez
- Public Information and Need of Knowledge (PINK Armenia)
- Real World Real People
- Rule of Law
- Shahkhatun
- Socioscope
- Women's Resource Centre

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Belarus Watch
- Belarusian Association of Journalists
- Belarusian Helsinki Committee
- Belarusian Pen Centre
- City Public Association “Centar Supolnaść”
- Human Rights Centre Viasna
- Law Initiative

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

- Belgrade Centre for Human Rights
- Lawyers Committee for Human Rights – YUCOM
- Civic Initiatives
- Helsinki Committee for Human Rights
- Policy Centre

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

- Ahalar
- Almenda
- Chernihiv Public Committee of Human Rights Protection
- Ukrainian Helsinki Human Rights Union
- M'ART

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

- Index on Censorship

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

- Center for Civil Liberties
- Human Rights Information Center

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

- Health and Human Rights Info (HHRI)
- Human Rights House Foundation (HRHF)

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

- Article 42 of the Constitution
- Human Rights Centre
- Union Sapari
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Caucasia

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

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

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

- APEO / UPIM - Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- CMS - Center for Peace Studies
- Documenta - Centre for Dealing with the Past
- GOLJP - Civic Committee for Human Rights
- Svitanje - Association for Protection and Promotion of Mental Health

Helsinki Foundation for Human Rights (Poland)

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

*The **Human Rights House Network (HRHN)** is a community of human rights defenders working for more than 100 independent organisations operating in 16 Human Rights Houses in 13 countries. Empowering, supporting and protecting human rights defenders, the Network members unite their voices to promote the universal freedoms of assembly, organisation and expression and the right to be a human rights defender.*

***Human Rights House Yerevan** unites 11 organisations working in various fields related to human rights protection aiming to create “one access door” services for the beneficiaries and by this eliminate the difficulties that citizens may face for getting support and services for their human rights protection. HRH Yerevan was registered in Armenia in 2014 and became an HRHN associated member in 2012. It will serve also as a platform for different civil society organisations, movements and civic initiatives to join the effort and empower human rights protection in Armenia.*

*The **Human Rights House Foundation (HRHF)**, based in Oslo with an office in Geneva, is HRHN’s secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders. HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.*