



COMMISSIONER FOR HUMAN RIGHTS

COUNCIL OF EUROPE



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## **SPECIAL MISSION TO ARMENIA SUMMARY OF FINDINGS**

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## **Introduction**

The Council of Europe Commissioner for Human Rights visited Armenia from 13 to 15 July 2008. The special mission was organised following the adoption of Resolution No. 1620 (2008) of the Parliamentary Assembly of the Council of Europe (PACE) on 25 June 2008, whereby the Commissioner was invited to:

- contribute to the participation of international experts in the work of the ad hoc committee of the Armenian Parliament (National Assembly) tasked with the inquiry into the events of 1 and 2 March 2008 (hereinafter “inquiry committee”), provided the conditions regarding independence, transparency and credibility are met by the relevant body; and
- inform the PACE Monitoring Committee at its meeting on 11 September 2008 on the progress regarding the inquiry committee as well as the release of persons deprived of their liberty in relation to the events of 1 and 2 March 2008.

The following reflects a summary of findings as presented by the Commissioner to the PACE Monitoring Committee meeting in Paris on 11 September 2008.

### **Persons deprived of their liberty in relation to the events of 1-2 March 2008**

1. The situation with respect to the persons deprived of their liberty in connection with the 1-2 March events continues to be a source of serious concern. There is an urgent need to deploy the requisite political will to achieve a solution.
2. The preliminary investigation phase of all criminal cases relating to the events of 1-2 March 2008 has now been completed. Most of the cases have been brought to court, and a large majority of the persons concerned – virtually all of them opposition supporters – have been found guilty and sentenced. There are currently seven persons in preliminary detention, trials concerning 14 detainees are in progress, and 39 persons have been sentenced to prison terms. Some 42 persons have been sentenced to non-custodial measures, i.e. probation or fines, mostly in the context of fast trial proceedings.
3. The Commissioner finds that serious questions persist as to the very nature of the criminal charges brought against the persons apprehended in connection with the events of 1-2 March. In particular, the letter by the Head of the Special Investigation Service issued in early March 2008 to some regional prosecutors, requesting them to collect information on participants in opposition rallies, rather than information on specific acts, raises questions about the nature and the intent of the investigation. The Commissioner is particularly concerned as regards the remaining seven persons in preliminary detention, including the three members of parliament and the presidential campaign leader for Levon Ter-Petrosyan, who are charged very broadly for trying to prepare a coup d'état (usurpation of power, Section 300 of the Criminal Code). The Commissioner's concern is exacerbated by the fact that in several of those cases, the relevant court ordered further two-month extensions as recently as early September 2008.

Prosecution cases against 19 persons were based solely on police testimony. Many of the Commissioner's interlocutors considered that the principle of equality of arms was not being applied in practice, and the resort to fast trial proceedings in a number of cases – certain of which had lasted less than 30 minutes – gave rise to questions. To date, no law enforcement officials have been charged in connection with the 1 March events.

The Commissioner wishes to underline that it is unacceptable to continue to hold in detention or to convict – even to non-custodial sentences – anyone solely because of their political beliefs or non-violent activities.

4. The Commissioner strongly agrees with the statement made by PACE President Mr. de Puig on 29 July 2008: "It should be clear that the detention of people in relation to [the 1 March] events, other than those who committed grave crimes, is unacceptable to the Assembly. I therefore urge the authorities to release these people as soon as possible."

#### **Inquiry into the events of 1-2 March 2008**

5. The Armenian Government has sought the assistance through the good offices of the Commissioner of an international expert in setting up and devising the mandate of a national commission of inquiry. The Commissioner welcomes the pro-active approach taken by the Government in this regard.

Based on discussions held during the July 2008 mission of the Commissioner to Armenia, the expert (who participated in the visit) prepared a memorandum outlining the major considerations and issues in both the process of setting up an expert committee to carry out the inquiry and substantive aspects of its work (scope of the investigation, mandate, etc.) in order for it to comply with the requirements of the PACE resolutions and the Commissioner's recommendation. The expert transmitted the memorandum to the Armenian Government on 21 August 2008.

The Armenian authorities responded promptly, by drawing up a draft Presidential decree setting up a group of experts tasked with establishing the facts of the events of 1-2 March 2008. However, more work is needed to develop the decree, which would serve as a foundation for the work of the group of experts. Further, a broad, fully inclusive and comprehensive consultation process is necessary, to ensure overall support and the involvement of the parliamentary and extra-parliamentary opposition.

6. The Office of the Commissioner and the expert are engaged in an ongoing dialogue with the Government of Armenia about procedures and substantive issues relating to the group of experts. It is very important, for instance, that the report of the group of experts be made public and accessible to the country's population.
7. The efforts made by the Armenian authorities since the Commissioner's July 2008 mission should be seen as positive steps. The Commissioner would recommend that continued efforts be made, in tandem with international expert

advice, to ensure the success of this process. The establishment of a group of experts tasked with carrying out a comprehensive, independent, impartial, transparent inquiry, which would be perceived as credible by the whole population of Armenia, appears to be within reach. It is the Commissioner's hope that this opportunity will be recognised and will continue to meet with a constructive response by all the relevant actors.