

Political prisoners in Azerbaijan and Armenia:

Amnesty International's concerns and recommendations

(prepared for the first part of the 2002 Plenary Session (21 - 25 January 2002) of the Parliamentary Assembly of the Council of Europe)

Introduction

This briefing, prepared for the first part of the 2002 Plenary Session (21 - 25 January 2002) of the Parliamentary Assembly of the Council of Europe (PACE), is in two parts. The first part contains a summary of Amnesty International's concerns and recommendations with regard to political prisoners in Azerbaijan. The second part of this document raises cases of political prisoners and prisoners of conscience in Armenia and also contains Amnesty International's recommendations to PACE.

Azerbaijan

POLITICAL PRISONERS: AZERBAIJAN'S FAILURE TO MEET ITS COMMITMENTS AS A MEMBER STATE OF THE COUNCIL OF EUROPE

Upon accession to the Council of Europe on 25 January 2001, Azerbaijan committed itself to honour the recommendations adopted by PACE on 28 June 2000. With regard to political prisoners, PACE recommended Azerbaijan *"to release or to grant a new trial to those prisoners who are regarded as 'political prisoners' by human rights protection organizations, especially Mr Iskander Gamidov, Mr Alikram Gumbatov and Mr Raqim Gaziyeu".*¹ Iskander Gamidov, Alikram Gumbatov and Raqim Gaziyeu are still imprisoned. There were reports shortly before the opening of the first part of the 2002 Plenary Session of PACE that a retrial was underway in the cases of the three prisoners. There were reports that the review process would take place behind closed doors. However, a retrial of the three prisoners is not enough to live up to all the commitments Azerbaijan has undertaken as a member state of the organization and to improve significantly respect for human rights in the country.

¹ Opinion No. 222 (2000), iv. b. The document is available on the following website:
<http://stars.coe.fr/ta/TA00/eopi222.htm>

Out of the 17 "pilot cases" that have been identified as "political prisoners" by the independent Experts, appointed by the Council of Europe's Secretary General to provide an opinion on cases of alleged political prisoners in Azerbaijan and Armenia based on objective criteria, 11 are still in prison.² Six were released under a presidential amnesty on 17 August 2001,³ and the prison term of one prisoner was reduced by presidential decree on 29 December 2001.⁴ Amnesty International is not aware of any retrial in any of these cases.

In his report entitled *Political prisoners in Azerbaijan*, Georges Clerfayt, Rapporteur of the Committee on Legal Affairs and Human Rights, highlighted the authorities' persistent denial of the existence of political prisoners in the country, as well as the lack of political will of the Azerbaijani authorities to resolve the problem of political prisoners.⁵ Amnesty International believes that the Council of Europe can play a vital role in the protection of human rights and the rule of law, as well as in supporting the NGO community in Azerbaijan, by consistently urging the country to fulfil its obligations as a member state of the organization.

IMPORTANCE OF A CONSISTENT FOLLOW-UP OF THE EXPERTS REPORT

² The following people, considered to be political prisoners by the Experts, are currently imprisoned: Iskander Gamidov (Case No.1), Alikram Gumbatov (Case No.2), Raqim Gaziyeu (Case No.3), Elchin Amiraslanov (Case No.5), Natig Efendiyev (Case No.7), Nariman Imranov (Case No.14), Arif Kazymov (Case No.15), Qalib Abdullayev (Case No.16), Suret Guseynov (Case No.17), Ilgar Safikhanov (Case No.18), Gusynbala Guseynov (Case No.25).

³ The following people considered to be political prisoners by the Experts were released under the 17 August 2001 amnesty: Adil Hadjiyev (Case No.8), Siyavush Mustafayev (Case No.9), Israyl Akberov (Case No.20), Anatoliy Sisoyev (Case No.22), Elhan Abbasov (Case No.23), Rafik Agayev (Case No.24).

⁴ Nariman Imranov (Case No. 14) had been sentenced to life imprisonment. His sentence was reduced to 15 years under the 29 December 2001 amnesty.

⁵ Doc. 9310; paragraphs 7, 14, 38, 166; issued on 11 January 2002. The report can be found on the following website: <http://stars.coe.fr/doc/doc02/EDOC9310.htm>

Human rights violations have not only occurred in the cases of those political prisoners that were selected as "pilot cases" by the Experts. Indeed, it has been indicated in the Experts Report that "the experts conclusions would apply, *mutatis mutandis*, to the other cases" and that "other persons held in the same or similar circumstances are also political prisoners".⁶ Amnesty International urges PACE to ensure effective and prompt follow-up of the work of the Experts to ensure implementation of the recommendations to release or retry each person already identified as a political prisoner by the Experts and to ensure that other cases are reviewed and appropriate remedy is granted. Doing so will help to ensure that Council of Europe human rights standards are not only applied to a selected number of historical cases, but that they will be applied consistently and on an ongoing basis to improve overall the human rights situation in Azerbaijan.

REPORTS OF UNFAIR TRIALS, TORTURE AND ILL-TREATMENT, AND HARSH PRISON CONDITIONS IN CASES OF POLITICAL PRISONERS

In many of the cases of political prisoners⁷ in Azerbaijan, Amnesty International has received reports alleging serious violations of international human rights standards, including violations of the right to a fair trial, torture and ill-treatment in custody, and the detention or imprisonment of such persons in conditions which are so poor that they amount to inhuman or degrading treatment or punishment. In addition, Amnesty International has received information alleging that relatives of political prisoners have been subjected to undue pressure.

1) Violations of international fair trial standards

⁶ SG/Inf (2001)34; 24 October 2001; III.2.16. The report is available on the following website:
[http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Informations%5Fdocuments/2001/SGInf\(2001\)34E.asp#TopOfPage](http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Informations%5Fdocuments/2001/SGInf(2001)34E.asp#TopOfPage)

⁷ Amnesty International regards as "prisoners of conscience" all those who are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status. Amnesty International works towards the unconditional and immediate release of prisoners of conscience. Amnesty International uses a broad interpretation of the term "political prisoner" so as to cover all cases with a significant political element, for example criminal offences committed with a political motive or within a clear political context. Amnesty International does not call for the release of all political prisoners within this definition, nor does it call on governments to give political prisoners special conditions. Amnesty International works to ensure that all political prisoners receive a fair trial in accordance with international standards, and Amnesty International opposes the use of torture and cruel, inhuman or degrading treatment in all cases - both criminal and political - without reservation.

Case example:

*Iskander Gamidov*⁸, former Interior Minister under President Elchibey, who was a member of parliament at the time of his arrest, was reportedly detained without the necessary prior permission of parliament; it was granted only the following day. It was also alleged that his lawyer was detained on fabricated charges a month before the trial began, and so was unable to represent his client. Iskander Gamidov was sentenced to 14 years' imprisonment at a Supreme Court trial in September 1995, without the right to appeal the conviction. According to the Experts, there "are strong indications that the judgement is biased". After the trial, Iskender Hamidov was kept for some 15 months in solitary confinement in the prison of the Ministry of National Security, rather than transferred to the less strict regime of a corrective labour colony, as required by the Code of Criminal Procedure. Relatives and unofficial sources alleged that this was being done deliberately, in order to limit Iskander Hamidov's contact with the outside world.⁹

2) Torture and ill-treatment in pre-trial detention

Case example:

*Suret Huseynov*¹⁰ told his lawyer when they met on 13 January 1999 that he had been held in solitary confinement for three days for reportedly insulting a prison official, and that he had been beaten before and during this time. The lawyer alleged that he could see bruises on his

⁸ Iskander Gamidov is also known as Iskender Mejid oglu Hamidov. His case is described in the Experts Report, SG/INF (2001)34 Addendum I, Case 1, p. 27.

⁹ For further information on this case, refer to:
- *Concerns in Europe*, July - December 2000, (AI Index: EUR 01/001/2001), available at:
<http://web.amnesty.org/ai.nsf/Index/EUR010012001?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Political Prisoners")

¹⁰ Suret Huseynov is also known as Suret Davud oglu Guseynov. His case is described by the Experts in their report, SG/Inf (2001)34 Addendum I, Case 17, p. 67.

client's stomach and legs at their meeting. Amnesty International had previously raised allegations that Suret Huseynov had been ill-treated in 1997 following his forcible return from Russia to Azerbaijan in March that year. At that time the authorities told the organization that the injuries had been minor, and caused by attempts at suicide. The trial, at which at least one other defendant testified that he had been tortured in order to obtain testimony, ended on 15 February 1999 with Suret Huseynov sentenced to life imprisonment for treason, among other charges. Reportedly, a commission was set up to investigate the allegations of ill-treatment, but the investigation was said not to have been impartial.¹¹

3) Prison conditions amounting to cruel, inhuman and degrading treatment

Case example:

Iskander Gamidov, Alikram Gumbatov and Raqim Gaziyev have alleged being subjected to increased pressure since their cases were given higher international profile. *It was also reported* that a number of other political prisoners who had been vocal about their cases, or had appealed to international bodies such as the Council of Europe, were subjected to a range of disciplinary punishments as a way of exerting pressure on them in connection with these protests. These punishments included periods in solitary confinement, or transfer from a corrective labour colony to the stricter regime at Gobustan prison, with fewer privileges. *Reports suggested that conditions of detention in Gobustan strict regime prison, where many political prisoners are detained, amounted to cruel, inhuman and degrading treatment.*

¹¹ For further information on this case, refer to Amnesty International's document:
- *Concerns in Europe*, July - December 1998, (AI Index: EUR 01/01/99), available at:
<http://web.amnesty.org/ai.nsf/Index/EUR010011999?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Political prisoners and possible prisoners of conscience")
- *Concerns in Europe*, January - June 1999, (AI Index: EUR 01/02/99), available at:
<http://web.amnesty.org/ai.nsf/Index/EUR010021999?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Alleged ill-treatment in detention")

For example, according to his lawyer, **Alikram Gumbatov**¹² was being held in a cell with no ventilation, and with an electric light which was permanently switched on, resulting in temperatures in his cell reaching 44 degrees centigrade. His health appeared to be particularly at risk, as he was reportedly suffering from pulmonary tuberculosis and has suffered two heart attacks. He had been transferred from Bayilov prison to Gobustan prison on 5 January 2001. In October 2000, it was reported that parcels from relatives containing food were not regularly passed on to **Alikram Gumbatov**, which were particularly important to him because of his reported poor state of health. Many prisoners depend on such parcels to supplement their food.¹³

4) Harassment, arbitrary arrests and ill-treatment of relatives of political prisoners

Case example:

Amnesty International received reports that in a number of instances, undue pressure was exerted on relatives of political prisoners. For example, in the case of former Minister of Defence under former President Abulfaz Elchibey, **Raqim Gaziye**¹⁴, who was sentenced to death in absentia in May 1995, several of his relatives including a brother and two cousins were said to have been beaten severely after they were detained in August 1995. Sources have alleged that the charges against them were fabricated, and were brought as a means of exerting pressure on Raqim Gaziye to give himself up. Raqim Gaziye escaped from the prison of the Ministry of National Security in 1994, and was subsequently detained in Russia in 1996 and handed back to Azerbaijan.¹⁵

¹² Alikram Gumbatov is also known as Alakram Alakbar oglu Hummatov. His case is described by the Experts in their report, SG/Inf (2001)34 Addendum I, Case 2, p. 31.

¹³ For further information on this case, refer to the following reports:
 - *Concerns in Europe*, July - December 2000, (AI Index: EUR 01/001/2001), available at: <http://web.amnesty.org/ai.nsf/Index/EUR010012001?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Political Prisoners")
 - *Concerns in Europe*, January - June 2001, (AI Index: EUR 01/003/2001), available at: <http://web.amnesty.org/ai.nsf/Index/EUR010032001?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Political Prisoners")

¹⁴ Raqim Gaziye is also known as *Rahim Hasan oglu Qaziye*. His case is described by the Experts in their report, SG/Inf (2001)34 Addendum I, Case 3, p. 35

¹⁵ For further information on this case, refer to the following report:
 - *Concerns in Europe*, July - December 2000, (AI Index: EUR 01/001/2001), available at: <http://web.amnesty.org/ai.nsf/Index/EUR010012001?OpenDocument&of=COUNTRIES\AZERBAIJAN>

N (see section under Azerbaijan heading entitled "Political Prisoners")

ONGOING HUMAN RIGHTS CONCERNS

Human rights violations such as the ones mentioned above have not been limited to the 17 "pilot cases" of political prisoners identified by the Experts but, according to information received by Amnesty International, they are far more widespread and have been of ongoing concern, both with regard to political as well as non-political cases. Indeed, Amnesty International believes that the issue of political prisoners can only be addressed appropriately by also examining the issues of freedom of expression, unfair trials, torture and ill-treatment, and conditions of detention and imprisonment. Examples of Amnesty International's concerns with regard to violations of freedom of expression, as well as the prohibition of torture and ill-treatment, are given below.

During 2001 human rights organizations raised serious concern about violations of the right of freedom of expression in Azerbaijan. *Criminal defamation charges were apparently used to intimidate and silence critics of the government.*

Example:

In September 2001 four journalists were convicted on criminal defamation charges. For example, Elmar Huseynov, publisher of *Bakinsky Bulvar* newspaper, was sentenced to six months' imprisonment, and Bella Zakirova, editor-in-chief, to a six-month suspended sentence, after publishing an article alleging racketeering by officials. Elmar Huseynov was released under a presidential pardon in October but investigations against Bella Zakirova, and at least one more journalist investigated in connection with this case, reportedly remained open.

Reports indicate that torture and ill-treatment of political as well as non-political prisoners, in particular in pre-trial detention, are systematic and widespread in Azerbaijan. In his 14 November 2000 report following his visit to Azerbaijan, Sir Nigel Rodley, the then United Nations Special Rapporteur on Torture, stated that "*torture or similar ill-treatment is widespread. Indeed, it is believed by so many to be automatic, that the mere threat or hint of adverse consequences for failure to comply with investigators' wishes (such as to sign a confession) is assumed to mean torture. For some, the mere fact of detention has the same implication.*"¹⁶

¹⁶ UN document: E/CN.4/2001/66/Add. 1; paragraph 114. The report can be found on the following website:
[http://www.unhchr.ch/huridocda/huridoca.nsf/2848af408d01ec0ac1256609004e770b/68cc85a382c5d9b9c1256a0300525614/\\$FILE/G0015832.doc](http://www.unhchr.ch/huridocda/huridoca.nsf/2848af408d01ec0ac1256609004e770b/68cc85a382c5d9b9c1256a0300525614/$FILE/G0015832.doc)

Case example:

Police ill-treatment allegedly resulted in at least one death in custody in the year 2001. Ilgar Javadov, a 28-year-old oil company engineer, died following his detention at police station No. 9 in Baku's Sabail District on 13 May 2001. His relatives reported that he died in the early hours of 13 May 2001 after being severely beaten by police officers and sustaining fractures to the right arm, ribs and spine, and bruising to the legs and body. His lawyer reportedly said that a forensic examination had proved the cause of death was the beating. Official police sources reportedly said that he fell while trying to escape through a second floor window of the police station and died before the ambulance arrived. Other reports indicated that three police officers were charged with incitement to suicide, later amended to "exceeding official powers with the use or threat of force", and that they were released from custody following a court hearing held at short notice in Sabail District. Requests by Ilgar Javadov's relatives for his body to be exhumed and for an autopsy to establish the exact cause of death had received no response by the end of 2001.¹⁷

¹⁷ For further information on this case, refer to Amnesty International's publication: *Concerns in Europe*, January - June 2001, (AI Index: EUR 01/003/2001), available at: <http://web.amnesty.org/ai.nsf/Index/EUR010032001?OpenDocument&of=COUNTRIES\AZERBAIJAN> (see section under Azerbaijan heading entitled "Deaths in custody")

Amnesty International's recommendations to the Parliamentary

Armenia

Amnesty International has confirmed that Armenia has not honoured the commitments it made upon joining the Council of Europe on 25 January 2001, outlined in PACE Opinion No. 221 (2000).¹⁸ For example, Amnesty International is concerned that in spite of Armenia's pledge to international human rights standards, at least 25 conscientious objectors have been imprisoned since the country's accession to the Council of Europe. In addition, Amnesty International continues to be concerned at allegations of serious violations of international human rights standards, including political prisoners in Azerbaijan by regularly reminding the

Azerbaijani authorities of the commitments the country undertook when joining the Council of Europe as part of the post-accession monitoring procedures with respect to Armenia and Azerbaijan. Indeed, on identifying cases of political prisoners in Armenia.¹⁹ However, as they stated, their assessment could only be based on the material referred to them, that is, the cases of Ashot Byevan and Arkady Vardanian.

The current document gives an overview of cases of prisoners whom Amnesty International considers to be prisoners of conscience or political prisoners and ends with a list of Amnesty International's recommendations to the Parliamentary Assembly.

prisoners who are regarded as 'political prisoners' by human rights protection organizations ... (PACE Opinion No. 222 (2000), iv. b);

- ensure close and independent observation of any retrials of political prisoners to monitor their compliance with international fair trial standards;

- carry out effective and prompt follow-up to the work of the independent Experts appointed by the

Council of Europe's (2000). The document is available on the following website:
<http://star.secreta.coe.int/221.htm>

ensure implementation of PACE recommendations October 2001. The report is available on the following website:
[http://www.release.org/Secretary%5Fgeneral/Documents/Informations%5Fdocuments/2001/SGInf\(2001\)34E.asp](http://www.release.org/Secretary%5Fgeneral/Documents/Informations%5Fdocuments/2001/SGInf(2001)34E.asp)

as a political prisoner by

THE 1999 ATTACK ON PARLIAMENT²⁰

On 27 October 1999 a group of five armed men burst into the chamber of the Armenian parliament, the National Assembly, and opened fire on

²⁰ For further information on Amnesty International's concerns relating to this case, please refer to the following reports:

- *Armenia: Torture and Ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture* (AI Index: EUR 54/02/00), available at:

<http://web.amnesty.org/802568F7005C4453/O/F166B3D1835D61D6802568C50051AFE8?OpenDocument&of=COUNTRIES\ARMENIA> (see sections 3.1.1., 3.1.2., 3.1.3.)

- *Concerns in Europe, January - June 2000* (AI Index:~EUR 01/003/2000), available at:

<http://web.amnesty.org/ai.nsf/Index/EURO10032000?OpenDocument&of=COUNTRIES\ARMENIA> (see section under Armenia heading entitled "Arrests following parliamentary assassinations -- allegations of torture and violations of due process")

- *Concerns in Europe, July - December 2000* (AI Index:~EUR 01/001/2001), available at:

<http://web.amnesty.org/ai.nsf/Index/EURO10012001?OpenDocument&of=COUNTRIES\ARMENIA#ARM> (see section under Armenia heading entitled "Arrests following parliamentary assassinations -- allegations of torture and violations of due process")

- *Concerns in Europe, January - June 2001* (AI Index:~EUR 01/003/2001), available at:

<http://web.amnesty.org/ai.nsf/Index/EURO10032001?OpenDocument&of=COUNTRIES\ARMENIA#ARM> (see section under Armenia heading entitled "Arrests following parliamentary assassinations -- allegations of torture and violations of due process")

senior officials. A total of eight men died, including the Prime Minister, the Speaker of Parliament, and the latter's two deputies. The armed men took hostages, but surrendered the following day. Five men (Nairi Unanian, his brother Karen Unanian, their uncle Vram Galstian, Derenik Bezhdanian and Eduard Grigorian) were arrested at the parliament building following the shootings, and further arrests of alleged accomplices followed. Charges brought against them include terrorism (Article 61 of the Criminal Code) and premeditated murder (Article 99 of the Criminal Code), both of which carry a maximum sentence of death. The trial opened on 15 February 2001 in the court of first instance of Yerevan's Tsentr and Nork-Marash communities. Of the original 13 accused, currently only seven are on trial, namely the five men mentioned above, and two others, Ashot Knyazayn and Gamlet Stepanyan. The other six men, who had been charged with lesser offences in connection with the incident, were released in June 2001 under the terms of an amnesty.

There have been a number of fair trial concerns relating to those detained in connection with the armed attack, including allegations of torture and ill-treatment, difficulties in access to defence lawyers, lack of access by families and no access to independent medical practitioners.

Ill-treatment in detention

Nairi Unanian, former journalist, and his younger brother Karen Unanian were part of the group of armed men arrested after the October 1999 attack on the Armenian parliament. Nairi Unanian, alleged to have been the leader of the group of armed men, told the press that the reason for the shootings was to draw attention to "the miserable situation of the Armenian people. The people are starving. In Armenia, there is no positive movement or evolution at

all." After their arrest on 28 October 1999, the two brothers were brought to the investigation-isolation prison of the Ministry of National Security in Yerevan. Both were allegedly beaten and threatened by the investigators and as a result gave false testimonies which, among other things, named people who were subsequently arrested as alleged accomplices.

In May 2000 Nairi and Karen Unanian wrote to President Robert Kocharian, retracting their testimony against Aleksan Arutiunian, Arutiun Arutiunian, Nairi Badalian, and Musheg Movsisian on the grounds that the statements about these four people had been extracted as a result of duress. The criminal cases against these four men were subsequently dropped and they were released from pre-trial detention in June 2000. The criminal proceedings against Nairi and Karen Unanian continued.

In July 2000, the Chairman of the Presidential Human Rights Commission, Paruir Airikian, was quoted as saying that there were "serious grounds to presume that the law-enforcement agencies engaged in torture" during the pre-trial investigation in this case, and that the commission had asked the prosecutor's office to look into the allegations of torture.

While giving testimony during the trial on 17 April 2001, Nairi Unanian is reported to have repeated his allegations that he was tortured during the pre-trial investigation. According to Nairi Unanian, a formal statement he had made on 8 June 2000, describing how he was tortured during the pre-trial investigation, had not been included in the material placed before the court. During the court hearing the next

day, the prosecution reportedly submitted to the court Nairi Unanian's formal statement of 8 June 2000. The prosecution apparently explained that on 1 June 2000, Nairi Unanian had filed a complaint regarding the method of investigation, in response to which an intra-departmental investigation was opened. The investigation reportedly concluded on 30 June 2000 with a decision not to initiate criminal proceedings, for lack of sufficient evidence. Karen Unanian has on several occasions also alleged to the court that he has been ill-treated while in detention. He claimed that investigators from the office of the military procurator and officials from the Ministry of Interior Affairs threatened to kill him, and tortured and beat him.

Some of the accused in this case reportedly lodged complaints against their treatment with the authorities, alleging ill-treatment in pre-trial detention. However, Amnesty International has received a number of reports that raise concern about the degree of impartiality and thoroughness with which the authorities dealt with these complaints. According to unofficial sources, no criminal proceedings have yet been opened against anybody alleged to have participated in the ill-treatment.

Access to family and legal counsel

To Amnesty International's knowledge, by February 2000, only one of the accused being held in connection with the October 1999 attack had been given access to his family. That was Vram Galstian, said to have been allowed to see his wife after suffering what was described as a nervous collapse after his arrest. The lack of access of all the other accused to family members was especially worrying given allegations by some of the men that they had been subjected to ill-treatment. Nairi Badalian and Arutiun Arutiunian (both: now released) alleged that they were ill-treated while in detention and on occasion prevented from seeing their lawyers.²¹

Worrying in themselves, allegations of possibly unfair trials and of ill-treatment are of even greater concern considering that some of the accused in this case may face a death sentence if convicted. It is Amnesty International's opinion that international trial observers would make an important contribution towards ensuring that the Armenian authorities respect international standards in trials with a political element such as this.

THE "DRO" CASE

²¹ For further information, refer to sections 3.1.2 and 3.1.3 of *Armenia: Torture and Ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture, and Concerns in Europe, January - June 2000* (as above).

Arsen Artsruni was sentenced to death on 10 December 1996 for "complicity in premeditated aggravated murder", "complicity in premeditated murder", and "banditry". He was one of 11 men accused of membership of a clandestine group known as Dro within a major opposition party known as the Armenian Revolutionary Federation (ARF or Dashnak Party). His sentence was upheld on appeal. To the best of Amnesty International's knowledge, in the absence of specific information from the authorities regarding pardons by President Kocharian, Arsen Artsruni remains on death row. Amnesty International documented allegations of ill-treatment and fair trial concerns in this case.²²

Allegations of ill-treatment

²² For detailed information on the background to this case, please refer to:

- *Armenia : Comments on the Initial report submitted to the United Nations Human Rights Committee* (AI Index: EUR 54/05/98), available at: <http://web.amnesty.org/ai.nsf/Index/EUR540051998?OpenDocument&of=COUNTRIES\ARMENIA> (see section entitled "Article 14 -- the right to a fair trial", footnote 13)
- *Armenia : Summary of Amnesty International's Concerns* (AI Index: EUR 45/01/98), available at: <http://web.amnesty.org/ai.nsf/Index/EUR540011998?OpenDocument&of=COUNTRIES\ARMENIA> (see section entitled "The Dro Case", and subsequent sections ("The Trial of Vahan Hovanesian +30", "The 'September 25' Trials", "The Death Penalty"))
- *Armenia: Torture and Ill-treatment: Comments on the second periodic report to the United Nations Committee against Torture* (AI Index: EUR 54/02/00), available at: <http://web.amnesty.org/802568F7005C4453/O/F166B3D1835D61D6802568C50051AFE8?OpenDocument> (see sections 3.2 and 6)

Arsen Artsruni alleged he was beaten on 27 December 1994 and on 9 January 1995, as a result of which he made various statements. On 11 April 1995, however, he repudiated these statements in the presence of his new lawyer on the grounds that they had been extracted under duress. On 22 or 23 April he was reportedly again subjected to physical pressure - it is said with the aim of forcing him to retract his repudiation of 11 April and of getting him to implicate another ARF member named Vahan Hovanesian. On 26 April 1995, Arsen Artsruni's lawyer requested a medical examination of his client, but accounts differ as to when it took place. According to a letter from the Procurator General of Armenia received by Amnesty International on 5 November 1997, the medical examination was carried out on the same day, Arsen Artsruni stated to the medical expert that no physical violence had been used against him, and the conclusion of the examination was that Arsen Artsruni had suffered no bodily harm. Arsen Artsruni's lawyer, however, claims that the medical examination was conducted eight days after his original request, and without the lawyer being present, by which time traces of the alleged beatings were no longer visible. In court Arsen Artsruni repudiated much of his testimony, on the grounds that it had been extracted under duress.

Access to lawyers in the "Dro" case

While Amnesty International has not documented specific allegations of obstruction of access to a defence lawyer in the case of Arsen Artsruni, several of those originally held in the context of the "Dro" case reported great difficulties in meeting freely and promptly with a defence lawyer of their own choice, especially in the period immediately after their arrest

in late 1994 or early 1995.²³ In addition, at least three lawyers representing clients in the "Dro" case were also physically assaulted in the first half of 1995, by people they strongly believed had links with official structures. They indicated that the police did not investigate the incidents with sufficient vigour.²⁴

Other allegations of procedural violations

Lawyers in the "Dro" case alleged numerous procedural violations such as inaccurate custody records. For example, Arsen Artsruni was said to have been detained on 3 December 1994, although the protocol of the preliminary investigation records that he was detained two days later.

Uncertain situation of those on death row found to amount to "cruel and inhuman treatment"

²³ See *Armenia : Summary of Amnesty International's Concerns* (AI Index: EUR 45/01/98); see above.

²⁴ See *Armenia : Summary of Amnesty International's Concerns* (AI Index: EUR 45/01/98), see above.

Although there is a moratorium on executions in Armenia, Arsen Artsruni is thought to be one of at least 30 men on death row, and one of those believed to be under sentence of death for a number of years. The uncertain situation and lengthy imprisonment on death row, as well as the question of the abolition of the death penalty in general, were raised by the UN Committee against Torture in November 2000. Among other things, the Committee recommended that Armenia adopt as soon as possible the draft new Criminal Code, which abolishes the death penalty, "in order to resolve the situation of the many persons who have been sentenced to death and who are being kept in uncertainty amounting to cruel and inhuman treatment".²⁵

CONSCIENTIOUS OBJECTORS TO COMPULSORY MILITARY SERVICE IN ARMENIA

Amnesty International knows of at least 16 young men currently imprisoned in Armenia as a result of their conscientious objection to compulsory military service. All of them are Jehovah's Witnesses and their refusal to perform military service is based on religious grounds. Several of those imprisoned as a result of their conscientious objection have reported that they had been beaten in detention, because of their beliefs and refusal to perform military service. For example, Rafik Tononian, from the village of Vardenik in the Gegharkunik Region of Armenia, was arrested on 28 August 2000, when he voluntarily presented himself at the District Department of Internal Affairs in the city of Martuni. There

²⁵ UN document: A/56/44, paras.33-39; E, 39, g; 17 November 2000. The Committee's report is available on the following website:
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3d5565561c045110c12569a7003bb907?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d5565561c045110c12569a7003bb907?Opendocument)

Rafik Tononian was reportedly verbally abused and beaten by police officers, and subsequently suffered severe pain in his knee joints. He was then transferred to Sovetashen pre-trial prison in Yerevan. Rafik Tononian was sentenced to two years' imprisonment on 1 November 2000 by a court of first instance in Martuni, for refusing his call-up papers. He served half of this term of imprisonment in a corrective labour colony in Kosh, before being released on 10 July 2001. However, according to the Jehovah's Witnesses organization, he is still liable for conscription to military service. Nairi Ugurlian, also sentenced to some two years in prison in November 2000, reports that guards verbally abused him, and tore up religious literature and his Bible, while he was being transferred to Sovetashen prison. He was also released on 10 July 2001, having served one third of his sentence, and like Rafik Tononian, apparently remains liable for conscription.

While a number of conscientious objectors have been freed under the terms of an amnesty issued in June 2001, the organization understands that anyone sentenced under Article 255a of the military section of the Criminal Code for "desertion" would not be included as their crime is viewed as 'too serious'. Those individuals treated as "deserters" by the courts include conscientious objectors who have been forcibly conscripted and have subsequently escaped from the military unit. Worryingly, Amnesty International has recently received information that a number of Jehovah's Witnesses who were freed under the terms of the amnesty in June 2001 have been re-issued call-up papers. However, reportedly, they have not yet been rearrested.

**Amnesty International's
recommendations
to the Parliamentary
Assembly of the Council of
Europe on Armenia**

Amnesty International 20 January 2002

**Amnesty International urges the
Parliamentary Assembly to:**

regularly remind Armenia
of the recommendations
formulated by PACE
(Opinion No. 221 (2000))
and which Armenia as a
Council of Europe