

ARMENIA

@Allegations of ill-treatment: an update

In November 1995 the United Nations Committee against Torture in Geneva will examine the Initial Report of the Republic of Armenia under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture). In a report issued in October this year (*Armenia: Comments on the Initial Report submitted to the United Nations Committee against Torture*, AI Index: EUR 54/04/95), Amnesty International expressed concern at continuing allegations of ill-treatment and examined the issue in the light of existing legislative measures in Armenia. This brief report outlines several specific allegations of ill-treatment and beatings that have been made to the organization in 1995, especially in the light of further details obtained by Amnesty International delegates during a visit to Armenia from 14 to 24 October.

Amnesty International is concerned not only about a number of allegations of beatings and ill-treatment and beatings in custody, but also about allegations that several opposition journalists, lawyers and members of religious minorities have been physically assaulted by persons they strongly believe have links with official structures, and in incidents they feel have not been sufficiently rigorously investigated by the police.

Allegations of ill-treatment and beatings in detention

Amnesty International has received a number of allegations of ill-treatment and beatings in detention. In some cases it is alleged that beatings were carried out intentionally to obtain information or a confession, in others the motivation is said to have been intimidation or coercion. In many cases it has been difficult to corroborate these allegations for a variety of reasons. Some detainees in pre-trial detention, for example, are denied access to family members while the investigation is continuing and have also reported great problems in obtaining full and prompt access to a defence lawyer of their own choice. This reduces the opportunities for an independent examination of alleged injuries. Many detainees are also said to fear reprisals if they make an official complaint, or to have no faith in the will of the authorities to conduct an impartial investigation, thereby reducing the possibilities of an official inquiry to confirm or deny allegations. Many alleged victims then at liberty were also not willing to meet Amnesty International delegates during their visit in October, for those reasons.

One instance in which beatings are alleged to have been used to force confessions is that of the so-called "Dro" case (known officially as case No. 62200395), in which 17 men are currently detained on a variety of charges from withholding information to murder. They have been accused of membership in a clandestine terrorist group known as "Dro" within the opposition Armenian Revolutionary Federation party. Eleven of the men are standing trial at the time of writing, and some of the charges carry a possible death sentence.

At least three prisoners in the so-called "Dro" case have reported that they were ill-treated and beaten in pre-trial detention at the premises of the Ministry of Security in

Yerevan, in order to force confessions. They are *Mikael Manukian*, said to have been beaten in February 1995, *Armen Momijan*, who is said to have sustained a broken jaw as a result of ill-treatment in detention, and *Arsen Artsruni* who was reportedly beaten on 27 December 1994, 9 January 1995 and 22 April 1995. In court Arsen Artsruni repudiated any testimony implying his guilt, on the grounds that it had been extracted under duress. At that time his lawyer also stated that he had requested a medical examination of his client on 26 April, but Amnesty International does not know the outcome of this request. Also, to Amnesty International's knowledge, none of the confessions alleged to have been extracted under duress in this case has been excluded as evidence in the trial.

The organization's concern about these allegations was heightened by the difficulties reported by lawyers in gaining access to the defendants, especially during the period of pre-trial detention¹.

In another instance, Amnesty International has expressed its concern about allegations that 14 men were beaten in June 1995 by, among others, a state minister after they were detained by people they believed to be officers of the Special Purpose Police Unit (commonly referred to as OMON from its initials in Russian).

According to reports, at a meeting on 19 June a group of retired Interior Ministry officers decided to revive the activity of the Charitable Organization of Former Officers (COFO) and to support those colleagues who had registered as candidates in the forthcoming elections to the National Assembly of Armenia. On 21 June at around midday a group of men in masks and with dogs are said to have entered the COFO premises in central Yerevan (the Armenian capital) and begun a search. Fourteen men were subsequently detained, including 11 members of COFO of whom three were parliamentary candidates. The other three men detained were reportedly not members of COFO and were in the office by chance.

The men say they were taken in a closed bus to the Botanical Gardens area of Yerevan, which they believed was an OMON training base, and that later a state minister arrived together with three Interior Minister investigators. The detainees were reportedly questioned without being informed of the charges against them, and taken into separate rooms where they were beaten by the minister, his chauffeur and an unknown person.

During the night of 21 to 22 June the 14 detained men were transferred out of Yerevan to the Martuni district where they were held in preliminary detention cells of the district Department of Internal Affairs. Questioning continued for two days, after which on 23 June the men were transferred once more, to the Interior Ministry building in Yerevan. Eleven were released, but three were transferred to the investigation-isolation prison. They were subsequently released in August.

¹ See for example the Amnesty International report *Concerns in Europe: January - June 1995*, AI Index: EUR 01/02/95

Amnesty International has raised these cases, among others, with the Armenian authorities in writing on several occasions this year, and again during the visit in October. In a meeting on 21 October 1995 the Armenian Prosecutor General informed delegates that investigations by his office had failed to substantiate the allegations of ill-treatment.

One continuing case in which charges have been laid in connection with alleged police brutality is that of *Rudik Vartanian*, who died in police custody on 21 January 1993, aged 21.

According to unofficial sources Rudik Vartanian died as a result of injuries inflicted during a severe beating. He had been detained early in the morning of 21 January by police investigating a case of theft from an apartment and taken to Spandaryansky district police station in Yerevan. He was searched, and a quantity of narcotics was allegedly found on him. Rudik Vartanian is said to have denied possession of the drugs, and is then said to have been beaten by seven police officers. A post-mortem examination is said to have revealed three fractures to the skull, along with numerous other injuries.

Two of the seven officers allegedly involved, Samvel Dzhaginian and Artur Atabekian, were arrested on a charge of murder on 3 June 1993 and subsequently stood trial in late 1993. The Supreme Court sent the case back for reinvestigation, however, on the grounds of insufficient evidence, and the two police officers were released from custody. In February 1994 they were detained once again, this time on a charge of negligence. It was alleged that Rudik Vartanian's injuries had been sustained when he threw himself down stairs after attempting to escape as he was being transferred to his cell, and that the two police officers had not taken sufficient care to ensure he was properly guarded during this transfer. The trial on this charge began in September 1994, but the case was again sent back for reinvestigation by the Supreme Court.

A third charge was then brought against the two officers for negligence in relation to alleged incidents involving other detainees which occurred prior to the death of Rudik Vartanian. The trial lasted from 1 December 1994 to 6 February 1995. One officer was sentenced to four years' imprisonment, and the other to three years and six months' imprisonment. Although both were released later in 1995, apparently under an amnesty, they were again arrested in September and charged once more with the murder of Rudik Vartanian. The trial is expected at the end of November 1995.

Amnesty International has written to the Prosecutor General expressing concern at the allegations of police brutality in the case of Rudik Vartanian, and asking to be kept informed of the outcome of the trial of the alleged perpetrators.

Allegations of beatings by persons linked with official structures

Amnesty International has also received a number of allegations that several opposition journalists, lawyers and members of religious minorities have been physically assaulted by people they strongly believe have links with official structures, and in incidents they feel have not been sufficiently rigorously investigated by the police. They claim the incidents were carried out at the instigation of, or with the consent or acquiescence of, a public official or

other person acting in an official capacity, with the aim of punishment, intimidation or coercion.

For example, at least three lawyers connected with the so-called "Dro" case prisoners have been assaulted since the beginning of 1995. In one case two lawyers were assaulted on 21 March 1995 in the office they rented at the Republican Stomatological Centre on Tumanyan Street, Yerevan. According to reports *Rafael Safarian* and *Zhora Khachatryan* were in their office at around 3.40pm when 10 to 12 men wearing general military uniform burst in, carrying radios, and asked for a lawyer who was not present. On learning that he was not there one uniformed man is said to have left the office to radio for further instructions, and to have received the reply "Do it, then come back" over the radio. The uniformed men then closed the central entry to the office, locked in the head doctor who occupied one room off the reception area, and proceeded to beat the lawyers who occupied the second room. The beatings were said to have lasted around half an hour, and to have involved punching and kicking. *Rafael Safarian* is said to have suffered facial damage and injuries to his ribs and arm, and *Zhora Khachatryan* to have sustained broken teeth, damaged vocal cords and contusions over the whole of his body.

About an hour and a half earlier a group of some 15 men in uniform is said to have entered two other premises looking for lawyers involved with the "Dro" case, but left without incident on learning that they were not there. A criminal case was opened into the beatings, but subsequently closed as no suspects were identified.

In April 1995 a number of religious minorities reported that their members and/or premises had been attacked, but that the police appeared extremely reluctant to pursue any rigorous enquiries in order to identify the perpetrators. A member of the Hare Krishna movement, for example, told AI delegates how he and fellow devotees were assaulted in their temple in a private house in Yerevan on 18 April. Eleven men, four women and four children were present in the temple, he recounts, when some 20 to 25 men burst in. Some were in non-specific military fatigues, others in civilian clothes. At first they began beating people indiscriminately, then separated out the women and children in order to concentrate on the men. The men were beaten with iron bars, and all subsequently received hospital treatment. Equipment including a fax, telephone, computer, television, tape recorder and video was stolen, and other items not taken were smashed on the three floors of the temple building. It is claimed that the attackers said openly that they were acting on orders from the Ministry of Defence, and that they believed (mistakenly, according to devotees) that the Hare Krishna religion obliged devotees to refuse compulsory military service.

The Hare Krishna devotee who spoke to Amnesty International delegates explained how he had gone to the Arapkir district police station before receiving medical treatment in order to request assistance, but that officers there had told him they were short-staffed and asked him to come back later. At this stage he was still bleeding from a head wound, which required six stitches at the hospital. He described how a concerted investigation had begun only some two to three weeks after the event, and how the case had been passed between various departments without result. He claims an investigator had told him that it was

common knowledge that the Ministry of Defence was involved, and so the perpetrators of the attack would not be brought to justice.

A number of journalists working for opposition publications have also been physically assaulted in 1995, in attacks during which nothing was actually stolen from them. One of them, *Gagik Mkrtchian*, is a journalist with the opposition Russian-language newspaper *Golos Armenii* (*Voice of Armenia*). He reports that he was set upon by three young men at the entrance to his apartment block in Yerevan at around 9 -10am on 23 September 1995. He was badly beaten, he reports, suffering a broken nose, concussion, and severe bruising, as a result of which he had great difficulty moving and had to stay at home for a week.

Gagik Mkrtchian told AI delegates that he did not report the assault to the police as he had no faith in their will to investigate the incident thoroughly. Two days after the attack he was rung by the police, who were following up press reports of the incident, and who asked him to report the assault at his local police station. Gagik Mkrtchian asked them to call back later as he felt too unwell to travel to the police station, but as of 17 October, when AI delegates met him, the police had still not followed up on the incident.

Amnesty International is concerned about reports alleging the collusion of official structures in either the commission of such attacks as outlined above, or in ensuring that any investigations into the reports are not sufficiently rigorous, prompt and impartial. Amnesty International is urging the authorities to take all necessary steps to ensure that competent officials conduct such investigations, with the results made public and any perpetrators of ill-treatment identified and brought to justice, in line with Armenia's commitments under the Convention against Torture.

