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January 23, 2013

Arman Mkrtumyan
President
Court of Cassation of the Republic of Armenia
5 Vazgen Sargsyan Street
0010 Yerevan
Armenia

Your Honor,

Please accept my greetings on behalf of Human Rights Watch. As you may know, Human Rights Watch is an independent, international human rights organization that advocates respect for human rights in some ninety countries worldwide, including Armenia.

We are writing to express our profound concern regarding the lack of effective investigation into allegations of ill-treatment relating to the case of Armenian National Congress activists Tigran Araquelyan, Artak Karapetyan, Sargis Gevorgyan, and Davit Kiramijyan, accused of disorderly conduct and violence against government representatives during an encounter with Yerevan police in August 2011.

On July 20, 2012, the Court of General Jurisdiction of Kentron and Norq-Marash administrative districts of Yerevan sentenced the four men to between two to six years in prison on charges of violent resistance or threat of violence against government authorities and hooliganism. On August 20, the defense filed an appeal based on substantive and procedural violations in the activists' case. On November 13, the Court of Appeal rejected the appeal.

We are aware that you are at this time determining whether to hear the cassation complaint submitted on December 23, 2012 concerning these cases and that you will issue a decision by January 27. Irrespective of whether the Cassation Court ultimately decides to hear these appeals, we urge you to consider the serious and credible allegations of ill-treatment of these four men immediately prior to their arrest and while in police custody on August 9, 2011.

Detention and alleged ill-treatment

On August 9, 2011, Tigran Araquelyan and Artak Karapetyan approached two police officers who were questioning two young men on Teryan Street in Yerevan. Araquelyan and Karapetyan asked the police what they were doing and why. Karapetyan believed that the men were afraid of the police officers, who were using abusive language. The activists offered to serve as witnesses for the men being questioned.

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According to statements Araqelyan made to his lawyer, Vahe Grigoryan, the police recognized Araqelyan and Karapetyan as opposition party activists. The conversation between the police and the activists intensified, and one police officer allegedly punched Araqelyan. Over 30 other police officers arrived and began to get involved in the altercation. Five other activists, including the other two defendants in the case, Sargis Gevorgyan and Davit Kiramijyan, approached and tried to aid Araqelyan and Karapetyan. All seven activists allege they were beaten by police until a senior officer ordered their arrest and transfer to a nearby police station.

None of the arrested activists were informed about the reasons for their arrest and the destination of their transportation.

According to Grigoryan, while being transported to the police station, Araqelyan alleges that he was held on the lap of a police officer with his head pressed into the front seat of the police car for several minutes. When the policeman freed Araqelyan's neck and head, Araqelyan quickly moved his head back to get air. The police officer later testified during the trial against Araqelyan and other activists that Araqelyan struck him in doing so and broke his nose.

When two of the defendants' lawyers, Vahe Hovsepyan and Stepan Voskanyan, arrived at the police station to meet with their clients, they saw signs of beatings on their clients' bodies. Later that night when the police were holding the defendants in separate rooms, Hovsepyan stated that he heard screams from the room where police were holding Karapetyan. A police officer tried to hold Hovsepyan back from checking on Karapetyan. When Hovsepyan got to the room, Karapetyan was attempting to get up from the floor. The defendants later complained to the prosecutor's office that they had been ill-treated by police officers in custody. During the July 2012 trial, the defendants testified before the court and prosecutor about their ill-treatment just prior to and at the moment of their arrest. Araqelyan testified to the alleged ill-treatment during his transfer to the police station.

Grigoryan told Human Rights Watch that the prosecutor's office did not conduct any investigation into the serious allegations of ill-treatment. Neither the Court of General Jurisdiction nor the Court of Appeals ordered an investigation into the alleged ill-treatment. Both courts stated that no torture or ill-treatment had taken place and that the activists' testimony was simply designed to evade criminal responsibility.

We are very concerned about the allegations of ill-treatment of the four defendants and the lack of an effective investigation into these allegations.

International treaties to which Armenia is a party, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment all strictly prohibit inhuman or degrading treatment or punishment. This includes the right to a timely, impartial, effective investigation capable of leading to identification and prosecution of perpetrators. The failure to uphold these standards would constitute serious breaches of Armenia's international obligations.

Your honor, we hope that the Court of Cassation will be fully mindful of the above information as it relates to the case, and that it reviews all aspects of the case in accordance with Armenia's binding human rights obligations.

Human Rights Watch believes that it is very important that given the credible allegations of ill-treatment in this case, and Armenia's obligations to do so, that a prompt and thorough investigation into the allegations be conducted.

Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Denber', with a stylized, flowing script.

Rachel Denber
Deputy Director
Europe and Central Asia Division
Human Rights Watch