

ARMENIA

HUMAN RIGHTS DEVELOPMENTS

The trauma of the October 27, 1999, murders in the Parliament continued to dominate politics and public debate in Armenia. The government did little to improve on human rights practices, as torture, abuse in the army, and persecution of religious minorities continued, and growing poverty, combined with corruption, also led to rights abuses. The Council of Europe admitted Armenia in January.

The trial of Nairi Hunanian and other members of the group alleged to have killed the prime minister, speaker of Parliament, and six other deputies during the 1999 shootings began in February. After the opposition voiced suspicions that groups close to the president masterminded the assassinations, Parliament formed a commission to examine the criminal investigation. In July, at the commission's request, forensic experts examined the corpse of suspect Norair Yeghiazarian, who died in pretrial detention in September 2000. They concluded that an electric shock followed by a heart attack killed him. Cellmates claimed that he had an accident with an electric heating device.

Other suspects in the case claimed they were ill-treated or tortured during interrogation. In September journalist and former detainee Nairi Badalian alleged that military prosecutors kept him standing for twelve days and poured hot and cold water over him, to induce him to implicate a presidential adviser in the organization of the shootings.

The flawed criminal procedure code and the willingness of judges to admit coerced evidence abetted the routine police practice of extracting confessions through beatings and other forms of torture. In October 2001, Parliament legislated a minor improvement to the code, reducing from four to three days the time police could detain a person without charge.

An egregious case in September demonstrated the impunity security officials apparently enjoyed in cases of physical abuse. The beaten corpse of Pogos Pogosian was found in the restroom of a Yerevan jazz club, after a visit by President Robert Kocharian accompanied by singer Charles Aznavour. Pogosian was reported to have greeted Aznavour and then made an impertinent remark to President Kocharian, resulting in an assault by the president's bodyguards, who took him away. The bodyguards were suspended, but as of this writing no criminal charges were filed.

Armenian courts continued to deliver death sentences, although the government pledged to adopt a new criminal code abolishing the death penalty within a year of Council of Europe accession. A moratorium on executions remained in place. However, reflecting widespread public calls for the execution of the perpetrators of the October 1999 Parliament killings, Parliament failed to adopt the new draft criminal code, which also would decriminalize consensual homosexual relationships between adults.

Widespread torture, beatings, and noncombat fatalities of soldiers in the army

continued. In January, Defense Minister Serge Sarkisian claimed that the number of soldier deaths had declined compared to previous years, with seventy-two fatalities in 2000, eight of which were attributed to border skirmishes with Azerbaijan. Military investigators attributed many soldier deaths to suicide, allegedly doing so to cover up fatalities under a range of circumstances. Physical abuse of new conscripts by officers and older conscripts continued to be systematic. Superiors extorted money or personal belongings from conscripts, abusing those who refused to comply.

In July, the Presidential Commission on Human Rights issued the first challenge by an official body to the widespread practice of torture in the detention facilities under the military procuracy's direction and to the latter's role in fostering impunity for grave human rights abuses in the army. It called also for the suspension of chief military prosecutor Gagik Jahangirian. The commission raised cases in which military police and prosecutors allegedly tortured Mikael Arutiunian by crushing his fingers with pliers and beat another detainee repeatedly on an open foot wound. However, it notably failed to address the wider problem of brutality in army units.

In early September, a special investigating commission established by Prosecutor General Aram Tamazian confirmed several allegations of abuse by the military procuracy, including the case of Suren Grigorian, who was permanently crippled when a group of officers allegedly beat him shortly after he was conscripted at the end of 2000. Military prosecutors had declined to pursue the case and pressured medical staff to misreport his injuries. However, by choosing to reject most allegations the special commission signaled that the military procuracy need not answer for systematic abuse.

In June, Armenia partially implemented a Council of Europe requirement to pardon all sentenced conscientious objectors, by pardoning and releasing thirty-seven Jehovah's Witnesses. However, the authorities flouted the requirement by continuing to arrest, detain, and imprison conscientious objectors. Armenia did not adopt a law on alternative service.

The governmental Council for Religious Affairs continued to deny official registration to the Jehovah's Witnesses and other non-Orthodox Christian faiths. The authorities continued to prosecute a Jehovah's Witnesses organizer, Levon Markarian, for holding "illegal" religious meetings. They charged him under article 244(1) of the criminal code: "infringement of individual and civil rights and freedoms." Because families with children were present at these meetings, the procuracy charged him with enticing children into meetings of an unregistered religion, for which the penalty was a prison sentence of up to five years. A court acquitted him in September, but the prosecutor appealed the decision. Article 244 of the criminal code was a remnant from Khrushchev's antireligious campaign of the early 1960s.

Although Armenia reported its seventh successive year of economic growth, the majority of the population remained in poverty. Disparities of wealth increased, as in previous years, with a small elite exercising much control over resources and political power. The government announced an anticorruption drive, yet corruption investigations remained highly selective and often appeared to be politically motivated. A high-profile case was brought against Ashot Bleian, an opponent of

the government and a former presidential candidate, who had mounted a legal challenge on President Kocharian's eligibility to stand for the presidency. In December 2000, a court sentenced Bleian to seven years of imprisonment for embezzlement and abuse of office, although witnesses withdrew incriminating statements in court, claiming that prosecutors obtained them by intimidation or blackmail. Two of Bleian's colleagues were also imprisoned. His sentence was reduced to five years on appeal in May; he was released in July.

In several cases, newspapers and journalists publishing articles critical of the authorities received telephoned threats. Police and tax inspectors investigated the holding company of the newspaper *Fourth Estate* after it fiercely criticized the official investigation into the 1999 parliament killings. The authorities did not appear vigorously to investigate an arson attack on the workshop of freelance journalist Vahan Gukasian, another critic of the official investigation into the 1999 parliament killings. The authorities reacted identically to two antigovernment demonstrations—on October 30, 2000, and September 7, 2001—as police arrested and sentenced the respective organizers to administrative detention, and confiscated journalists' cameras or videotapes. Authorities cut the power to an independent television station's transmitter to prevent the broadcast of news footage of the arrest of October 2000 demonstration organizer Arkady Vartanian.

In a December 2000 report on the state's failure to respond to domestic violence, Minnesota Advocates for Human Rights noted that there was a high degree of social acceptance of domestic violence and that the government did not keep statistics on it. The research, conducted in Yerevan and Gyumri, indicated that the authorities did not view domestic violence as a significant problem and that police often attempted to dissuade women from pressing charges against violent partners. The report cited a Ministry of Internal Affairs official who claimed: "If women are assaulted in their homes, it is not considered a crime. According to Armenian tradition, a man has a right to beat his wife in his home."

Prisons were overcrowded, poorly supplied, and neglected. In June, Parliament approved a general prison amnesty, releasing or reducing the sentences of one-third of the country's estimated 6,000 convicts and detained suspects. The authorities planned to implement the transfer of prisons from the jurisdiction of the Ministry of Internal Affairs to the Ministry of Justice by the end of 2001, as mandated by the Council of Europe, in order to reform and demilitarize the system. However, the transfer of pretrial facilities run by the Ministry of Internal Affairs and the Ministry of National Security, mandated to take place within eighteen months of Council of Europe accession, appeared to be stalled.

DEFENDING HUMAN RIGHTS

There were no reported cases of harassment of human rights defenders in 2001.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In November 2000, the Committee against Torture reviewed Armenia's second periodic report. It criticized the report for concentrating overly on projected reforms, such as the draft criminal code, rather than the existing situation, and for failing to respond to the committee's 1996 recommendations. It recommended legislative and practical reforms to address violations of the rights of detainees, particularly regarding access to lawyers, family, and doctors; poor prison conditions; hazing in the army; lack of effective compensation for people tortured by state officials; and the draft criminal code's inadequate definition of torture.

Council of Europe

The Council of Europe did not sufficiently monitor Armenia's observance of the obligations it assumed upon membership, and failed to condemn the ongoing imprisonment of conscientious objectors in violation of Armenia's pledges. The three-year deadline it set for the adoption of a law on alternative service was too lax. A group of experts appointed by the secretary-general visited Armenia in May to investigate cases of alleged political prisoners, concluding that there were none.

In July the Venice Commission of the Council of Europe published its report on the revised draft Armenian constitution, which the government intended to put to a referendum. The commission gave a generally positive assessment of the constitution's treatment of human rights, and proposed further revisions, such as incorporating the abolition of the death penalty.

United States

The State Department's *Country Reports on Human Rights Practices for 2000*, published in February, provided a full and telling portrayal of the human rights situation in Armenia.

International Financial Institutions

The World Bank and the Armenian government co-hosted an international donors' meeting in July, and the bank published its Country Assistance Strategy (CAS). The report emphasized a need for generating conditions for poverty reduction through job creation. The paper cited corruption and outward migration as hampering the business and investment environment. It called for expanded budget allocations to education, health, and to targeted social assistance for vulnerable sectors of the population. In August, President Kocharian publicly took issue with the CAS, disputing its assessment that growth had done nothing to reduce poverty levels. The International Monetary Fund and the World Bank oversaw the government's development of an Interim Poverty Reduction Strategy, for which they earmarked loan credits. In May the World Bank granted U.S. \$300,000

for an anticorruption program, to be managed by the Yerevan office of the Organization for Security and Cooperation in Europe.

AZERBAIJAN

HUMAN RIGHTS DEVELOPMENTS

Azerbaijan became a member of the Council of Europe after staging parliamentary elections that the international community and local observers branded as “fraudulent.” Having secured its firm grip on the political process and its entrée to European institutions, the government harassed the independent media and political parties and cracked down against protesters with social and economic demands. It resisted pressure to release more than a few dozen political prisoners.

The Council of Europe had conditioned Azerbaijan’s admission on, among other things, “free and impartial elections,” and delayed its final decision on admission until after the vote. The Azerbaijani authorities failed this requirement spectacularly. The November vote gave the ruling party, Yeni Azerbaijan (New Azerbaijan) a majority in Parliament, again delivering President Heidar Aliiev a compliant legislature. Opposition parties such as Musavat, the National Independence Party, and the Democratic Party of Azerbaijan, which enjoy significant support, were virtually excluded.

Repeat elections in eleven of the one hundred districts, urged by the Council of Europe, did not affect the overall result. After a campaign period marred by government interference and intimidation, election officials manipulated turnout figures, falsified vote tallies, and stuffed ballot boxes. The level of fraud prompted the Council of Europe observer mission to comment, “[T]he scale of the infringements doesn’t fit into any framework. We’ve never seen anything like it.”

Exploitation of oil and gas resources allegedly secured benefits for a small ruling elite. Transparency International rated Azerbaijan one of the world’s five most corrupt countries. The president of the state oil company, SOCAR, twice sued opposition leader Etibar Mamedov for claiming that officials exported one and a half million tons of oil surreptitiously, making it allegedly the country’s biggest source of corruption. The broader economy was denuded of government attention and investment. President Aliiev’s August decree, ordering SOCAR to pay \$190,000 per month to assist some of the 800,000 Azeris still displaced by the Nagorno Karabakh conflict, appeared to offer implicit acknowledgement of a link between a small elite’s control over oil and gas wealth and poverty in society at large.

Opposition parties’ protests against the presidential elections combined with local anger about unemployment and electricity and gas shortages. In November 2000 police clashed with demonstrators in Sheki, and reportedly beat and detained hundreds. In July, a court tried twenty-seven of the protesters, mostly from opposition parties, sentencing most to prison terms of four to six years on charges of instigating public disorder, using violence against police officers, and destruction