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**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Armenia**

**Addendum**

**Replies from the Government of Armenia to the list of issues  
(CCPR/C/ARM/Q/2) to be taken up in connection with the  
consideration of its second periodic report (CCPR/C/ARM/2) \***

[24 April 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## **Constitutional and legal framework within which the Covenant is implemented (article 2)**

1. Provisions of the Covenant have been invoked before the courts of the Republic of Armenia (RA) both in civil and criminal cases mainly on judges' initiative. In criminal cases the provisions concerned the retroactivity of law, juvenile justice and exemption from criminal liability for contractual obligations, whereas in civil cases they were related to the equality of all before the court. Exceptions include 3 civil cases in which the provisions of the Covenant were invoked by the plaintiffs.
2. Response will be provided by the Office of the Ombudsman.

## **Principles of non-discrimination, minority rights and equality between women and men (articles 2, 3, 26 and 27)**

3. Following the submission of the report of the RA to the Committee, a number of legislative acts were adopted in 2010-2012, enshrining the relevant human rights and prohibiting any discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The referred legislative acts include:
  - Electoral Code of the Republic of Armenia of 26 May 2011;
  - Law of the Republic of Armenia "On state pensions" of 22 December 2010;
  - Law of the Republic of Armenia "On freedom of assembly" of 14 April 2011;
  - Law of the Republic of Armenia "On public service" of 26 April 2011.
4. No cases of crimes committed on the ground of race were reported in Armenia during the recent years.
5. The gender equality issue and its legal guarantees among the questions which receive instant attention of the Government of Armenia. For states which take as a matter of priority principles of democracy and the rule of law, the general principle of equality should become an important part of country legal system. In accordance with Article 1 of the Constitution "The Republic of Armenia is a sovereign, democratic, social state governed by rule of law". This constitutional norm gives a whole characteristic to the purpose and essence of the social state.
6. Taking into account high social value of motherhood and a role of woman in family, the society must create special guarantees for implementation of women/human rights, and the declaration of the equal rights for men and women should be supplemented not only by actions on elimination of discrimination against women, but also by the creation of an effective system which will guarantee protection of their rights and freedoms. And the first step should be the establishment of an effective judicial system and independent courts which can protect women and men against any forms of discrimination.
7. The reform process of the criminal justice system initiated in Armenia in 1998 is underway. In 2003 with the adoption of the new Criminal Code the new phase of reforms started aiming at the humanization of criminal executive system, its demilitarization and enrichment of the Armenian criminal legislation by best practices and standards of international criminal law.
8. Armenia has taken a number of legal and institutional steps to strengthen the protection of women's rights. The adoption of constitutional amendments in a referendum

held on 27 November 2005 paved the way toward increasing the impartiality of judiciary. Subsequent legislative and institutional measures have been taken by the State to improve the status of women in society, including by means of eliminating all forms of discrimination and effecting true equality between men and women. The principle of the equality of men and women is formulated in articles 18, 19, 20, 30 and 35 and in many other articles of the Constitution guaranteeing protection of fundamental human and civil rights and freedoms.

9. The Electoral Code of the RA was adopted on 5 February 1999 and amended on 26 December 2008. The Code establishes a 15-percent quota for women to be chosen from proportional lists instead of the former 5-percent quota, and at least one out of every 10 candidates on the list must be a woman.

10. The new family Code, adopted in 2004, takes into account equally the interests both men and women.

11. A gender focus has also been included in the Labour Code that took effect in June 2005.

12. In a number of cases involving work such as overtime work, night work, and inter alia, watchman's work, pregnant women and women with children are allowed to do such work, but only if the employee herself consents to do so, that is, only if she is afforded the opportunity to freely make the choice herself. Absolutely new is the provision prohibiting violations of the equal rights of women and men and sexual harassment of co-workers and subordinates: under Article 221, such behavior is regarded as a gross violation of labour discipline and entails sanctions.

13. The Law on civil service, which regulates relations pertaining to the main principles of civil service in Armenia, including the legal status of civil servants, entered into force in November 2002. The law establishes the right of every citizen of the country to hold a civil service position regardless of sex (Article 11), defines protective mechanisms with regard to when civil servants who are on pregnancy leave or who have a child under the age of 3 undergo attestation (Article 19), prohibits officials from being dismissed from their job in connection with a staff reduction or absence from work for a lengthy period if they are pregnant or have a child under the age of 3 (amended Article 33) and establishes equal pay for equal work without any discrimination (Article 29).

14. On October 2003 the Law on Human Rights Defender was adopted; it entered into force on 1 January 2004. According to Article 83.1 of the new Constitution, the ombudsman shall be elected by the National Assembly for a period of 6 years. This Article also underlined that the Human Rights Defender is an independent official, who implements the protection of the violated human/women rights by state and local self-government bodies, and their officials.

15. On October 2001 the law on diplomatic service was adopted, which "regulates relations pertaining to the principles underlying the organization of the diplomatic service of the Republic of Armenia.

16. In 1999, the National Assembly of the RA approved the Law on education, thereby promoting the development of the education system. This law also ensured equality of men and women. The State Programme for Educational Development for the Period of 2001-2005, the aim of which is to lay the groundwork for the development of education and to ensure socio-economic development was approved in 2001.

17. The Law on higher and postgraduate education was adopted in 2004. The law defines principles of State policy in the area of higher education such as accessibility of education in terms of capabilities, competitiveness, transparency, etc.

18. In accordance to Civil Code, the capacity to have civil rights and to incur obligations (civil legal capacity) is accorded in equal measure to all citizens.
19. The Judicial Code of the RA was adopted on 21 February 2007 and entered into force on 18 May 2007.
20. A new strategy and effective policy instruments have been elaborated as a result of gender analysis of existing legislation and practice.
21. The resolution of the Government of the RA No. 550-A, of 25 September 2002, created an interministerial commission headed by the Deputy Minister of Social Security (the Ministry is now the Ministry of Labour and Social Issues) to develop a National programme for the improvement of women's status.
22. On 8 April 2004, the decision of the Government of the Republic of Armenia No. 645-N approved the National Programme to Improve the Status of Women and to Enhance Their Role in Society in the Republic of Armenia for the Period 2004–2010. On May 2011 the Government approved Gender policy strategic paper for 2011-2015. The Programme establishes the principles, priorities and basic directions of the current State policy for resolving women's issues. It is based on relevant provisions of the Constitution and is geared to fulfilling the commitments called for by the Convention on the Elimination of All Forms of Discrimination against Women.
23. With a view to coordinating efforts aimed at tackling women's issues in the RA, the Council on Women's Affairs by the Prime Minister was established under the Prime Minister's decree N. 862 of December 29, 2000.
24. Among the recent achievements of our country we should underline the inclusion of the principle of gender equality in the Government Programme of Activity for 2008-2012 as a matter of priority.
25. On February 11, 2010 the Government approved "Gender equality policy" concept paper which is being initiated to elaborate 2011-2015 Strategic programme in the field.
26. Among the Government new initiatives it is important to mention the establishment on 30 March 2010 of inter-ministerial commission aimed to coordinate the efforts on fight against violence.
27. With the invigoration of Council on Women's Affairs headed by the Prime Minister himself and including relevant ministries, non governmental organizations active in the field and professional women associations, it is envisaged to entrust the Council with monitoring functions as national machinery. We are confident that under the current leadership and increase attention to women issues in general in the country, combined with strong commitment of the government and political will to implement and support international in gender equality, this body would become an important tool for promotion and protection of women's rights and their full enjoyment.
28. Article 8 of the Penitentiary Code of the RA stipulates that procedure and conditions for serving the sentence shall extend to all the convicts irrespective of gender, race, colour, language, religion, political or other opinion, ethnic belonging, national or social origin, birth, property or other status.
29. However, homosexual convicts, for their own safety, as well as very often at their own request, are kept in separate cells. Penitentiary servants have been instructed to carry out particularly severe control measures to prevent any ill-treatment of such persons by the convicts.

**Right to life, prohibition of torture and cruel, inhuman or degrading treatment, trafficking in persons, and conditions of detention (articles 6, 7, 8, 10)**

30. Results of investigation into unjustified use of force by the security officers during the mass disorders, which took place in Yerevan on 1-2 March 2008 and in the course of implementation of the Decree of the President of the Republic of Armenia on declaring a state of emergency.

31. Investigation carried out within the scope of a criminal case instigated with regard to the mass disorders, which took place on 1-2 March 2008 in Yerevan, disclosed 2 cases of unjustified use of force by police officers during the mass disorders, as well as in the course of implementation of the Decree of the President of the RA of 1 March 2008 on declaring a state of emergency, and 4 people were held criminally liable for those actions.

32. Thus, preliminary examination of the criminal case disclosed that in the morning of 1 March 2008 individuals gathered in the Freedom Square, having split into different groups, marched through Mashtots Avenue, Northern Avenue, and Abovyan street of Yerevan to the area adjacent to the French Embassy in Armenia situated in Grigor Lusavorich street, meantime occasionally breaking the public order and continuing to throw stones and other objects at the police officers and swearing at them.

33. Police officers of the Patrol Service of Yerevan Administration of Police followed the wrongdoers for the purpose of preventing infringement of law by them and maintaining the public order. Although police officers tried to protect themselves from the repeated attacks of the individuals armed with stones and other objects with the help of shields, some of them suffered bodily injuries.

34. Near the Republic Square, in front of the building of the National Gallery, Gegham Harutyunyan, Hovhannes Ghukasyan and other police officers tried to prevent violence applied against them and ensure the maintenance of public order. A man, whose identity was not established, did not obey the numerous verbal requests and warnings to stop throwing stones at the police officers, coming very close to the rows of police officers, continued hitting the latter with stones and swearing at them, and then running to the taxi parked near the fountains of the Republic Square tried to escape, but the police officers caught him and took him out of the car.

35. Gegham Harutyunyan and Hovhannes Ghukasyan, reaching the citizen already rendered harmless, upon absence of grounds for using physical force and special means defined by Articles 29-31 of the RA Law "On police", instead of apprehending the referred citizen and by tarnishing the reputation of police, intentionally carried out actions accompanied by violence which were obviously in excess of powers vested in them in that situation, hitting the referred citizen with a rubber truncheon, a special means distributed to them ex-officio.

36. Gegham Harutyunyan and Hovhannes Ghukasyan were charged with Article 309(2) of the Criminal Code of the RA for carrying out actions, accompanied by use of rubber truncheon, considered a special means, as well as by violence, and obviously in excess of their powers, and were both convicted.

37. On 1-2 March 2008, mass disorders took place in the area adjacent to Myasnikyan Statue and the municipality of Yerevan, on Gr. Lusavorich, Mashtots, Leo and Paronyan streets accompanied by use of firearms, ammunition, explosive substances and devices, during which resistance was demonstrated to the police officers acting on behalf of the authorities, to servicemen of the Police Forces of the RA; 187 servicemen of the Police Forces of Armenia and 32 civilians suffered bodily injuries of different degrees; intentional

breaking, destruction, damaging and stealing of property (covert and overt theft of property, destruction and damaging of property) caused damage of AMD 25 980 093 to the Police of Armenia, AMD 69 288 760 to the city of Yerevan and Kentron community, AMD 339 954 886 to legal persons; 92 transportation means were burnt and damaged, and as a result the Police of the RA, citizens and transportation companies sustained a total damage amounting to AMD 70 854 525.

38. During the mass disorders 10 people died from bodily injuries.

39. At 23:00, 1 March 2008, the Decree of the President of the Republic of Armenia Robert Kocharyan on declaring a state of emergency in the city of Yerevan to prevent dangers threatening the constitutional order and to protect the rights and legitimate interests of the population, was pronounced. Despite this, mass disorders, including resistance of representatives of authorities, breaking and destruction of shops, public establishments, damaging and arson of vehicles, theft of property, still continued.

40. For the purpose of maintaining public order during the continued mass disorders, as well as preventing cases of thefts from the vehicles and nearby shops damaged during the mass disorders, Gegham Grigoryan, police officer of 1st platoon of 5th Battalion of the Patrol Service of Yerevan Department of Police of the Republic of Armenia, Arthur Khachatryan, commander of 1st platoon of the 5th Battalion of the Patrol Service of Yerevan Department of Police, and his assistant, Andranik Manukyan, drove through central streets of Yerevan in VAZ 2121 model car, with the plate number of 13 LU 213, belonging to Vruyr Gabrielyan, senior inspector of the Patrol Service of the same Department.

41. They had stopped noticing the individuals gathered in front of the produce market on Mashtots Avenue; many of those gathered escaped, while three others whose identity was not established stayed where they were. Arthur Khachatryan, Gegham Grigoryan and Andranik Manukyan approached the latter and offered them to get into the car with the purpose of bringing them to police on suspicion of theft, as well as for establishing their identity. One of them obeyed the request of the police officers, while the two others refused on different reasons and engaged in a wrangle with the policemen. Andranik Manukyan and Gegham Grigoryan, when getting these persons into the VAZ 212 model car with the plate number of 13 LS 213, upon absence of grounds for using physical force defined by Article 29 of the Law of the Republic of Armenia "On Police", and obviously in excess of their powers, applied violence against these two individuals, kicking and punching them a few times.

42. Gegham Grigoryan and Andranik Manukyan, when bringing the individuals to police on suspicion of infringement of the law, by tarnishing the reputation of police, intentionally carried out violent actions obviously in excess of powers vested in them in that situation, causing significant damage to the individuals and to the legitimate interests of the state. Gegham Grigoryan and Andranik Manukyan were charged with Article 309(2) of the Criminal Code of the Republic of Armenia and conviction judgements were made with regard to them.

43. On 2 March 2008 a criminal case was instituted in the RA Special Investigative Service under the elements of part 2 of Article 235 and part 3 of Article 225 of the RA Criminal Code, upon the fact of organisation and instigation of mass disorder accompanied with violence, pogroms, arson, destruction or damage to state, public and private property, clear illegal taking, armed resistance to the representative of the authorities, using fire-arms, explosives or explosive devices, different objects fitted to be used as a weapon, murder, which happened in Yerevan from the period of 1 March to 2 March 2008.

44. That is, the criminal case was instituted also under the case of mass disorder accompanied by murders. From the first day of the institution of the same criminal case full

and multi-sided examination has been conducted upon the fact of death of 10 persons during the mass disorder.

45. Later, on 18 March 2009, the RA Law “On making amendments and supplements to the RA Criminal Code” was adopted by the RA National Assembly and on 23 March, 2009 was put into effect, according to Article 3 of which part 3 of Article 225 of the RA Criminal Code — the organisation of mass disorders accompanied by murders or the direct execution of such actions — was repealed. According to Article 1 of the same Law, part 2 of Article 104 of the RA Criminal Code was supplemented with a new point 10.1 which establishes criminality for the murder committed during mass disorder by its participants.

46. Based on the aforementioned, upon the materials of the criminal case, a new criminal case was instituted under the elements of Article 104 of the RA Criminal Code, taking into consideration at the same time that the cases of inflicting death during mass disorders on 1 March and 2 March 2008 were joined to a single proceedings.

47. 10 persons who died during the mass disorders are as follows.

**1. Armen Vachagan Farmanyanyan - (born on 25 November 1974 in Yerevan, previously convicted for assault related to robbery, unemployed, non-partisan)**

48. At about 22:00 on 1 March, the corpse of A.Farmanyan was transferred to the morgue of the RA Republican Scientific and Practical Centre of Forensic Medicine, with gunshot wound on the head.

49. An examination of the corpse of Armen Farmanyanyan was carried out at the morgue of the RA Republican Scientific and Practical Centre of Forensic Medicine, with the participation of a forensic doctor, after which the clothes which were on A. Farmanyanyan at the time of the event were seized.

50. According to the conclusion of the forensic examination of the corpse, a contused wound with a bone tissue defect was found on A. Farmanyanyan’s corpse, in the parietotemporal area of the left side of the head, head’s hair covered internal surface, temporal muscles, brain soft and hard membranes, brain, brain lateral ventricula and bleedings of internal side of upper and lower eyelids, compound fractures of meninx and basal bones, crush injury of and efflux from brain, which were in an immediate causal relationship with his death.

51. During autopsy, foreign objects were removed from the cranium, which were seized.

52. According to the conclusion of the forensic ballistic examination, the plastic and metal items retrieved from A. Farmanyanyan’s body are from a gas grenade of a fired “Cheremukha-7” type factory-made cartridge, separated by a single plug. The shot traces on the plug are typical of the special means “KS-23” carbine. The distortion and avulsions of the upper part of the plug might be caused by a collision with any solid item or passing through any obstacle.

53. Decipherments of incoming and outgoing calls of A.Farmanyanyan’s cellular phone number has been received and examined based on the relevant decision of the court.

54. By the preliminary investigation it was found out that A.Farmanyanyan, with the involvement and financing of the RA National Assembly Deputy Hakob Hakobyan, had recruited groups of persons for certain monetary reward, ensured their participation to the public events which were happening with the breach of order established by law, as well as to mass disorder during which he brought metal bars and bottles filled with inflammable substances and distributed to the participants of mass disorder, thus directing their actions. At around 21:00, A.Farmanyanyan was wounded and died on Paronyan street, in front of school No 24. A.Farmanyanyan’s fellow Ashot Vardanyan and a group of people unidentified by the

case placed the corpse of A.Farmanyan on the roof of the car of UAZ 2109 model with 09 OL 237 state registration number, belonging to Bagrat Uzunyan and demanded from the latter to transfer the corpse to a hospital. Bagrat Uzunyan, accompanied by Ashot Vardanyan and others, transferred the corpse to the front of 7 Leo building, the mentioned persons placed the corpse of A.Farmanyan into the “Shtap Ognutyun” [Emergency Medical Service] CJSC number 003 brigade ambulance van which transferred the corpse to the morgue.

55. The mentioned circumstance was revealed by the testimonies of around 15 interrogated persons, including Ashot Vardanyan, Bagrat Uzunyan, the driver of the ambulance of No 003 brigade Lyova Khojoyan, doctor Marianna Alikhanova, nurse Anna Mkhitaryan, through the protocol of presenting for photo identification of Anna Mkhitaryan, by the examination protocol of the location where the corpse of A.Farmanyan was placed into the ambulance car.

56. A.Farmanyan’s father Vachagan Farmanyan was recognised as the victim's legal successor and testified that after the death of his son he learned from Anna Eloyan who was in factual marital relations with A. Farmanyan, that the latter had periodically participated in the public events which took place with the breach of the order established by law, but Anna Eloyan did not state anything about the circumstances of appearance of A.Farmanyan at the location of mass disorders, getting injuries there and his death.

57. Vachagan Farmanyan was introduced the conclusions of the appointed expert examination with respect to which he did not file any petitions.

58. Instructions were given to the RA Police and the National Security Service to detect the witnesses to the wounding of A.Farmanyan, find out the identity of the guilty person and to take operational measures to detect him.

**2. Hovhannes Gharib Hovhannisyan – (born on 13 March 1964 in Yerevan, had no previous conviction, non-partisan, had no permanent employment, was engaged in the repair of sanitary equipment)**

59. At around 21:40 on 1 March 2008, the corpse of H.Hovhannisyan was transferred by unidentified persons to Yerevan No 2 medical centre, with the gunshot wound, from where he was transferred to the morgue of the RA Republican Scientific and Practical Centre of Forensic Medicine. An examination of the corpse of H.Hovhannisyan was carried out at the morgue of the RA Republican Scientific and Practical Centre of Forensic Medicine, with the participation of a forensic doctor, after which the clothes which were on H. Hovhannisyan at the time of the event were seized. According to the conclusion of the forensic medical examination of the corpse, a blunt gunshot bullet wound in the front surface of the left part of the chest was detected on H. Hovhannisyan’s body. The death happened due to internal haemorrhage caused by the blunt gunshot wound of the chest. During the autopsy, one bullet of 5.45 mm calibre was removed from H. Hovhannisyan’s body. According to the conclusion of the forensic ballistic examination, the bullet removed from H. Hovhannisyan’s body is a fired bullet belonging to a factory made 5.45 mm service cartridge. The bullet of this kind is typical of bullets fired from “AK-74” submachine guns and their modifications. According to the complex forensic ballistic and forensic chemical medical expert examination, the wounds discovered on the clothes of Hovhannes Hovhannisyan are blunt gunshot bullet entrance wounds which form the continuation of each other, and where inflicted by one gunshot of 5.45 mm bullet containing copper.

60. Decipherments of incoming and outgoing calls of Hovhannes Hovhannisyan’s cellular phone number have been received and examined based on the relevant decision of the court.

61. Conducted preliminary investigation revealed that H.Hovhannisyan was near the Myasnikyan monument at around 20:00, after consuming alcohol, with the beer bottle in his hand. At around 21:00, with the participants of the mass disorders and brandishing wooden stick in this hand, he went to the intersection of Mashtots avenue and Gr. Lusavoritch street where he received gunshot wound and died. The resident of Echmiatsin Hrant Hakobyan, with an unidentified woman, transferred the corpse of H.Hovhannisyan to Yerevan No 2 medical centre in his VAZ-2103 model car with 12 TT 664 state registration numbers.

62. The mentioned circumstances were revealed by the testimonies of around 20 interrogated persons, including Hrant Hakobyan, witnesses to the wounding of Hovhannes Hovhannisyan — Gegham Petrosyan and Karapet Hovhannisyan, through the protocols of examination of the location where Hovhannes Hovhannisyan received bodily injury.

63. H.Hovhannisyan's wife Lilia Minasyan was recognised as the victim's legal successor and testified that Hovhannisyan had left home at 19:00 on 1 March 2008, after which he did not phone and did not return home. In the morning she was informed that her husband had died. Lilia Minasyan was introduced the conclusions of the appointed expert examination, after which she did not file any petitions.

64. Instructions were given to the RA Police and the National Security Service to detect the witnesses to the wounding of H.Hovhannisyan, find out the identity of the guilty person and to take operational measures to detect him.

**3. Tigran Hovsep Khachatryan - (born on 30 January 1985 in Yerevan, had no previous conviction, non-partisan, unemployed)**

65. At around 22:00 on 1 March 2008, the corpse of T.Khachatryan was transferred to the RA Republican Scientific and Practical Centre of Forensic Medicine. An examination of the corpse of T.Khachatryan was carried out at the morgue of the RA Republican Scientific and Practical Centre of Forensic Medicine, with the participation of a forensic doctor, after which the mobile phone and clothes which were on T.Khachatryan at the time of the event were seized. According to the conclusion of the forensic medical expert examination of the corpse, a contused wound with a bone tissue defect was found on Tigran Khachatryan's corpse in the left occipital area of the head, bleedings of right upper eyelid, sclerotica of the right eyeball, internal surface of the pia matter, left temporal muscle, hard and soft brain membranes, grey matter, brain lateral ventricula, compound fractures of meninx and basal bones, crash injury of the brain, which were in an immediate causal relationship with his death. The death happened from serious disorder of vitally important functions of the brain, resulting from the brain injury. During the autopsy, a piece of metal was retrieved from T. Khachatryan's skull. According to the conclusion of the forensic ballistic examination, the piece of metal removed from T. Khachatryan's body was a gas grenade of a factory-made "Cheremukha-7" type fired cartridge. The plastic plugs of the gas grenade were probably separated due to collision with a solid body or passing through an obstacle.

66. Decipherments of incoming and outgoing calls of Tigran Khachatryan's cellular phone number have been received and examined based on the relevant decision of the court.

67. Conducted preliminary investigation revealed that T.Khachatryan had gone to the location of mass disorders at around 19:00 with his friend Artyom Abovyan. At around 20:00, they were separated due to the confusion, after which T.Khachatryan, with a group of participants of the mass disorder, went to the intersection of Paronyan and Leo streets where he was wounded and died near the arch adjacent to the intersection.

68. The mentioned circumstances were revealed by the testimonies of around 20 interrogated persons, including Artyom Abovyan, Stella Karapetyan, the driver of No 43 brigade ambulance car Nver Sahakyan, doctor Lilit Nazaryan, nurse Anna Movsisyan, through the protocol of presenting for photo identification, by the examination protocol of

the location where the corpse of Khachatryan was placed to the ambulance car with participation of Lilit Nazaryan, and other materials of the criminal case.

69. T.Khachatryan's mother Alla Hovhannisyanyan was recognised as the victim's legal successor and testified that he had gone to Artyom Abovyan's house at around 17:30 on 1 March 2008 and did not return. At around 21:00, she called to her son, but the latter did not respond to the calls. They began to look for him and at around 04:00 they found the corpse in the morgue. She has no information on the circumstances of T.Khachatryan's death. Alla Hovhannisyanyan was introduced the conclusions of the appointed expert examination, after which she did not file any petitions.

70. Instructions were given to the RA Police and the National Security Service to detect the witnesses of the wounding of T. Khachtryan, find out the identity of the guilty person and to take operational measures to detect him.

**4. Zakar Saribek Hovhannisyanyan, born on 30 August 1977 in Yerevan, previously not convicted non-partisan, unemployed.**

71. At 2:00, on 2 March 2008 Z. Hovhannisyanyan was brought by unknown persons to Yerevan Clinical Hospital No3 in an unconscious state with a gunshot wound in the abdomen. Z.Hovhannisyanyan died during the surgery at 02:55 and was brought to the morgue of Scientific and Practical Centre of Forensic Medicine of the RA Ministry of Health. With the participation of a forensic doctor, a post-mortem examination on Z.Hovhannisyanyan's body was carried out at the morgue of Scientific and Practical Centre of Forensic Medical Examinations of the RA Ministry of Health, following which the clothing worn by the latter at the time of the accident was seized from morgue. According to conclusion of the forensic medical expert examination of the corpse, a gunshot entrance wound on the front surface of the abdomen in the epigastric region was detected on Z.Hovhannisyanyan's dead body, perforating wounds of the liver, diaphragm and the left lung lower lobe, psoas, the haemorrhage of the posterior surface of the left half of the lumbar region, which resulted from a gunshot fired from a firearm charged with a bullet. The death of Z.Hovhannisyanyan was caused by acute blood loss. During the autopsy, one 9 mm calibre bullet was removed from Z.Hovhannisyanyan's body. According to the conclusion of the forensic ballistic expert examination the bullet removed from Z.Hovhannisyanyan's body was a fired bullet belonging to a factory made 9 mm calibre cartridge. These types of cartridges are intended for "PM" and "APS" pistols. The traces of shooting present on the bullet are typical of traces of a shot fired from a "PM" pistol. According to the conclusion of complex forensic ballistic and forensic chemical expert examination the damages to the clothing of Z.Hovhannisyanyan represent a blunt gunshot bullet entrance wounds being continuation of each other caused by a bullet of 9mm calibre containing copper fired from a weapon by one gunshot.

72. Detailed bills of incoming and outgoing calls of Zakar Hovhannisyanyan's cellular phone number were received and scrutinised based on the relevant decision of the court.

73. The conducted preliminary investigation revealed that at around 23:00, on 1 March 2008, Z.Hovhannisyanyan and his friend Armen Avetisyan with nickname "guyuni" in a state of drunkenness went to the site where mass disorders occurred. At around 00:00-01:00, Z.Hovhannisyanyan, together with participants of the mass disorder was not far from Mashtots Avenue, where he received the gunshot wound, and Armen Avetisyan, leaving him in a helpless state, ran away from the scene of the accident. Z. Hovhannisyanyan was brought to hospital by persons not identified by investigation.

74. Although Armen Avetisyan, who was avoiding to present himself to the preliminary investigation body for one and a half year, denied the fact of going with Z.Hovhannisyanyan to the site where mass disorders occurred, as well as witnessing the latter's receiving the injuries, this was substantiated by testimonies of about 15 persons interrogated, including

those of the husband of Z. Hovhannisyan's sister Vardan Sosyan, his friends Norayr Melkonyan, Vachagan Eghiazaryan, the father of the latter Azat Eghiazaryan and Armen Avetisyan's friend Grigor Movsisyan, as well as by other materials of the criminal case.

75. Z.Hovhannisyan's sister Mariam Hovhannisyan was recognized as the legal successor of the victim and gave a testimony saying that she had no information about the circumstances of his brother's death. Mariam Hovhannisyan became familiar with the conclusions of expert examinations ordered with regard to the criminal case, after which she filed no motion.

76. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons witnessed the incident of Zakar Hovhannisyan being wounded, revealing the identity of the perpetrator and detecting thereof.

77. According to operational intelligence data Zakar Hovhannisyan was involved in the commitment of mass disorders by Armen Farmanyan.

**5. Gor Sargis Kloyan, born on 15 December 1979 in Yerevan, previously not convicted, non-partisan, unemployed**

78. At about 21:30, on 1 March 2008 G. Kloyan was brought — by unknown persons — to “Clinical Hospital No3” CJSC in Yerevan with a gunshot wound in the inguinal region. A piece of metal was removed from G. Kloyan's body during the surgery. At about 04:30 Kloyan died. The foreign body removed from G. Kloyan's body and the clothing worn by the latter at the time of the accident were seized from Yerevan “Clinical Hospital No 3” CJSC. With the participation of a forensic doctor, a post – mortem examination of G. Kloyan's body was carried out at the morgue of Scientific and Practical Centre of Forensic Medical Examinations of the Ministry of Health of the RA. According to the conclusion of the forensic medical expert examination of the corpse, a crushed fragment wound in the left iliac region was detected on G. Kloyan's corpse. He died of acute blood loss caused by a crushed fragmentation wound in the left iliac region. According to the conclusion of the forensic ballistic expert examination the object removed from G. Kloyan's body was a factory made “Cheremukha-7” type fired cartridge case, *i.e.*, a gas grenade with its plastic plugs. The traces of shooting on the plugs were typical of “KS-23” carbines considered as a special mean. Distortion and avulsions were found on the plug, which could be caused by collision with any solid body or passing through any obstacle. According to the conclusion of complex forensic ballistic and forensic chemical expert examination the damages to the clothing of G.Kloyan represent a blunt gunshot bullet entrance wounds being continuation of each other, which could be caused by a gas grenade of “Cheremukha-7” type fired cartridge fired from a weapon by one gunshot.

79. The conducted preliminary investigation revealed that G.Kloyan went to the site where mass disorders occurred at around 20:00. Together with a group of participants of mass disorder he went to the crossroads of Gr. Lusavorich Street and Mashtots Avenue at about 21:30, where he received a bodily injury, following which persons not yet disclosed by the investigation transported him from the scene of the accident by a gray taxi car of GAZ-31 model. The aforesaid fact was substantiated by testimonies of about 15 persons interrogated, including those of Vardan Andriasyan and Karlen Arakelyan, by the protocol of presenting for identification by a photograph with the participation thereof, as well as by other materials of the criminal case.

80. G. Kloyan's father Sargis Kloyan was recognised as the legal successor of the victim and gave a testimony that Gor Kloyan left home at around 20:00, on 1 March. At around 20:30, he had called home and informed that he was on Gr. Lusavorich Street, after which he no longer answered to phone calls. At around 22:00 a woman answered his phone call

and informed that the owner of the phone, *i.e.* his son, was on the surgical table. Detailed bills of incoming and outgoing calls of G.Kloyan's cellular phone number were received and scrutinized based on the relevant decision of the court. Sargis Kloyan, as the legal successor of the victim, became familiar with the conclusions of expert examinations ordered, filed no motions.

81. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons who witnessed the incident of Gor Kloyan being wounded, revealing the identity of the perpetrator and detecting thereof.

82. According to operational intelligence data Gor Kloyan was involved in mass disorders by Armen Farmanyanyan.

**6. Grigor Hovhannes Gevorgyan, born on 30 May 1980, Yerevan, previously not convicted, non-partisan, worked at "SPS" petrol station as a shift supervisor**

83. At around 21:00 on 1 March 2008 G. Gevorgyan's corpse was brought to the morgue of Scientific and Practical Centre of Forensic Medicine of the Ministry of Health of the RA with a gunshot wounds in the region of head. With the participation of a forensic doctor, a post – mortem examination on G. Gevorgyan's body was carried out at the morgue of Scientific and Practical Centre of Forensic Medical Examinations of the Ministry of Health of the RA, following which the cellular phone and the clothing worn by the latter at the time of the accident were seized from the morgue. According to the conclusion of the forensic medical expert examination of the corpse, a gunshot entrance wound of 0.5 x 0.4cm in size in the back area of the nose, an exit hole in the left front-parietal area, as well as multi-fragment fractures of the bones of the nose, skull base and calvarium, smash of medullary substance with cephalocele, injury of dura matter was detected on G.Gevorgyan's corpse, which resulted from a gunshot fired from a firearm charged with a bullet. Death was caused by acute disorder of vitally important functions of the brain.

84. Detailed bills of incoming and outgoing calls of G. Gevorgyan's cellular phone number were received and scrutinized based on the relevant decision of the court.

85. The conducted preliminary investigation revealed that G. Gevorgyan received a gunshot wound at around 21:00, on 1 March 2008 in front of a shoe repair shop located near the crossroads of Leo and Paronyan Streets, following which persons not yet disclosed by the investigation transported him to Zakyan Street, and afterwards the corpse was transferred to the morgue by ambulance.

86. The aforesaid fact was substantiated by testimonies of about 20 persons interrogated, including those of the driver of the ambulance Martin Martirosyan, the nurse Donara Zakaryan, as well as G. Gevorgyan's acquaintance — a resident of the same district — Robert Simonyan, by the protocol of presenting for identification by a photograph, by the protocol of inspection of the scene, with the participation of Martin Martirosyan, where G.Gevorgyan's corpse was placed into the ambulance.

87. At the same time, by the testimonies of G.Gevorgyan's wife, the legal successor of the victim, Varduhi Baghdasaryan and her brother Romik Baghdasaryan revealed that at around 20:00 G.Gevorgyan together with Romik Baghdasaryan went to the site where mass disorders occurred, however, at around 21:00 lost each other and the corpse was later found in the morgue. The legal successor of the victim Varduhi Baghdasaryan became familiar with the conclusions of expert examinations ordered.

88. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons witnessed the

incident of G.Gevorgyan being wounded, revealing the identity of the perpetrator and detecting thereof.

**7. David Afrent Petrosyan, born on 16 April 1975, Yerevan, previously not convicted, non-partisan, was engaged in jeweller's art.**

89. At around 22:30, on 1 March 2008, D. Petrosyan, was brought to Yerevan No. 2 Hospital, then taken to the Hospital named after Margaryan by unknown persons with a gunshot wound in the back, where he died and at around 24:00 was brought to the morgue of Scientific and Practical Centre of Forensic Medicine of the Ministry of Health of the RA. With the participation of a forensic doctor, an inquest on D. Petrosyan's body was carried out at the morgue of Scientific and Practical Centre of Forensic Medical Examinations of the Ministry of Health of the RA, following which the clothing worn by the latter at the time of the accident was seized from the morgue. According to the conclusion of the forensic medical expert examination a gunshot bullet entrance wound on the back surface of the right half of the chest, perforating wounds of the right kidney, liver, diaphragm and of lower and middle lobe of the right lung, intercostal muscles 5<sup>th</sup> from the right, injuries of pectoralis major and minor, haemorrhage of the anterior surface of the right half of the chest were detected on D. Petrosyan's corpse, which were caused during the life time, resulted from a gunshot fired from a firearm charged with a bullet. The death was caused by acute blood loss as a result of the injury. One bullet of 0.9 mm calibre was removed from D.Petrosyan's body during the surgery. According to the conclusion of the forensic ballistic expert examination the bullet removed from D. Petrosyan's corpse was a fired bullet belonging to a factory made 9 mm calibre cartridge. These types of cartridges are intended for "PM" and "APS" pistols. The traces of shooting on the bullet were typical of traces of shots fired from a "PM" pistol. The scratch deformation on the bullet was a result of collision with a solid body; it might possibly be a result of a ricochet or passing through an obstacle. According to the conclusion of complex forensic ballistic and forensic chemical expert examination the damage found in the clothing of D. Petrosyan's coat represented a blunt gunshot bullet entrance wound caused by a bullet of 9 mm calibre containing copper fired from a weapon by one gunshot.

90. Detailed bills of incoming and outgoing calls of David Petrosyan's cellular phone number were received and scrutinized based on the relevant decision of the court.

91. The conducted preliminary investigation revealed that D.Petrosyan went to Gr. Lusavorich street, the site of mass disorders at around 20:00 together with his brothers-in-law Vahe and Karen Dalaloyans and his maternal cousin Narek Vardumyan.

92. At around 21:00, David Petrosyan took photos with his cellular phone next to the building No 2 on Paronyan street. Meantime, for a short period of time he parted from Narek Vardumyan and Vahe and Karen Dalaloyans. After a while, the latter found David Petrosyan with a bodily injury, and brought him to the hospital by a car not yet revealed by the investigation, where he died.

93. The aforesaid facts were substantiated by testimonies of about 15 persons interrogated, including those of D.Petrosyan's mother, the legal successor of the victim, Jemma Vardumyan, his wife Lilit Dalaloyan, Narek Vardumyan, Vahe and Karen Dalaloyans, by the conclusion of the computer forensic expert examination, by the protocol of inspection of the scene, with the participation of Narek Vardumyan, where D.Petrosyan received the bodily injury, as well as by other materials of the criminal case. Jemma Vardumyan became familiar with the conclusions of expert examinations ordered, filed no motions with regard thereto.

94. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons witnessed the

incident of David Petrosyan being wounded, revealing the identity of the perpetrator and detecting thereof.

**8. Samvel Edik Harutyunyan, born on 5 December 1979, village Lusarat of Ararat marz, previously not convicted, non-partisan, unemployed, was engaged in farming**

95. At around 22:00, on 1 March 2008, S.Harutyunyan was brought – by unknown persons – to Yerevan Clinical Hospital No3, and later to "Armenia" Republican Medical Centre, in an unconscious state with an open craniocerebral injury, where, he died on 11 April without regaining his consciousness. According to the conclusion of the forensic medical expert examination an open, blunt, penetrating craniocerebral injury, a contused wound in the left parietotemporal area with avulsed defect of dura mater, a crush injury of and efflux from brain, multi-fragment fractures of the left parietal and temporal bones were detected on S. Harutyunyan's corpse. He died of general intoxication of the organism caused by open, blunt, penetrating craniocerebral injury, by purulent meningitis, double purulent pneumonia developed as a result of the latter.

96. Detailed bills of incoming and outgoing calls of Samvel Harutyunyan's cellular phone number were received and scrutinised, inspection of casebooks of "Armenia" Republican Medical Centre, forensic computer expert examination was ordered based on the relevant decision of the court.

97. The conducted preliminary investigation revealed that S. Harutyunyan went to the site of mass disorders at around 18:30 together with his friend Aram Barseghyan and cousin Gegham Gevorgyan. At around 21:30 S.Harutyunyan, parting from Aram Barseghyan and Gegham Gevorgyan, went to the crossroads of Mashtots Avenue and Gr. Lusavorich Street of Yerevan city together with a group of participants of mass disorders and moved forward throwing stones, during which he received a bodily injury and was brought to the hospital by persons not identified by investigation.

98. The aforesaid fact was revealed by testimonies of about 20 persons interrogated, including those of Aram Barseghyan and Gegham Gevorgyan, Karlen Arakelyan and Vardan Andreasyan witnessing S. Harutyunyan's receiving the bodily injury, S.Harutyunyan's father, the legal successor of the victim, Edik Harutyunyan, by the protocols of presenting for identification by a photograph with the participation of Karlen Arakelyan and Vardan Andreasyan and of investigative experiment carried out with the participation of the latter, as well as by other materials of the criminal case. S.Harutyunyan's father Edik Harutyunyan concealed the reality, didn't provide any information concerning persons with whom S. Harutyunyan went to the site where mass disorders occurred. The aforesaid fact was revealed only through the scrutiny of the detailed bills of incoming and outgoing calls of S.Harutyunyan's cellular phone number and as a result of carrying out additional investigative actions.

99. The legal successor of the victim Edik Harutyunyan became familiar with the conclusions of expert examinations ordered with regard to the criminal case, filed no motions.

100. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting other persons who witnessed the incident of Samvel Harutyunyan being wounded, revealing the identity of the perpetrator and detecting thereof.

**9. Hamlet Aghas Tadevosyan, born on 15 May 1976, Yeghvard town of Kotayk marz, not convicted, non-partisan, served in Unit No 1032 of the Police Troops of the Republic of Armenia as a commander of the 1<sup>st</sup> company of the motor rifle battalion**

101. At around 19:00 H. Tadevosyan was in service within Unit No 1032 of the RA Police Troops on Gr. Lusavorich Street in Yerevan with the aim to maintain public order and prevent mass disorders. While preventing another armed attack of the participants of the mass disorders, at around 21:15, owing to the explosion of an explosive device thrown by a participant — not yet identified by the investigation — of mass disorder occurring in front of the building No17 on Gr. Lusavorich Street, he received many fragmentation injuries in the regions of the lower and upper pairs of extremities, hips, abdomen, and genitals and was brought to the Yerevan Clinical Hospital No3, where he died at 03:00. With the participation of a forensic doctor, a post-mortem examination on H. Tadevosyan's body was carried out at the morgue of Scientific and Practical Centre of Forensic Medical Examinations of the RA Ministry of Health, during which three metal fragments were removed and seized from the corpse. Hamlet Tadevosyan's clothing, protective devices and bulletproof jacket were seized from Yerevan "Clinical Hospital No3" CJSC. The conducted inspection revealed that there were many holes thereon. Moreover, the inspection revealed a metal fragment on one of H.Tadevosyan's military boots. According to conclusion of the forensic medical expert examination of the corpse, H. Tadevosyan's death was a result of hemorrhagic-traumatic shock, which was caused by several explosion fragmentation wounds to the upper and lower parts of the left eyelid, abdomen, perineum, scrotum, testicles, penis, both arms, left forearm, both thighs, calves, and nail phalanx of the first toe of the right foot. According to the conclusion of an ordered forensic ballistic expert examination the 3 metal fragments detected from H.Tadevosyan's both calves were fragmented as a result of an explosion; one of them was a fragment of the upper part of the connecting bushing of a factory made "UZRGM" type fuse intended for firing factory made "F-1", "RGD-5", and "RG-42" type grenades, whereas the other two fragments were not determined owing to the absence of identification features thereon. According to the conclusion of complex forensic ballistic and forensic chemical expert examination the damages to H.Tadevosyan's clothing were of fragmentation nature, caused by the explosion of an explosive device with rigid casing - subject to fragmentation - which exploded near H.Tadevosyan's feet, probably by a factory made "UZRGM" type fuse, and the metal fragment found on one of the short boots was fragmented as a result of an explosion; it was a fragment of the upper part of the connecting bushing of a factory made "UZRGM" type fuse intended for firing factory made "F-1", "RGD-5", and "RG-42" type grenades. According to the conclusion of forensic biological expert examination of H. Tadevosyan's clothing and bulletproof jacket, the presence of blood was confirmed thereon which could belong to H.Tadevosyan. According to the conclusion of complex explosion and technical, forensic chemical expert examination the superficial and penetrating damages found from the bottom upwards direction present on Hamlet Tadevosyan's bulletproof jacket were caused by the explosion of an explosive device with a rigid metal casing — subject to fragmentation — whereas metal fragments removed from the bulletproof jacket were fragments of an exploded explosive device filled with disruptive explosive of "trotyl" type. The specific type of the explosive device was not revealed by expert examination owing to the absence of sufficient identification features on damages present on the bulletproof jacket, as well as on fragments removed therefrom.

102. On the written proposal of members of the Fact-Finding Group of experts established by the Executive Order of the President of the Republic of Armenia of 23 October 2008, aimed at confirming the fact that the clothing and bulletproof jacket subjected to complex forensic ballistic, forensic biological, explosion and technical and forensic chemical, expert examination belonged to H.Tadevosyan, a genetic expert examination was ordered according to the conclusion thereof DNA was released from traces of blood present

on H. Tadevosyan's clothing and bulletproof jacket the genetic traits thereof correspond with 9 loci to the genetic trait of the DNA released from dry blood sample of his corpse. About 25 persons were interrogated, including Hamlet Tadevosyan's fellow officers, the testimonies thereof revealed that they were located in front of the building No 17 on Gr. Lusavorich Street at around 21:15 in order to prevent mass disorders and maintain public order, when someone from the number of participants of mass disorders threw an explosive device to their direction, as a result of the explosion of which H. Tadevosyan died and many of them received fragmentation wounds. H. Tadevosyan's father Aghasi Tadevosyan was recognized as the legal successor of the victim and gave a testimony as a witness, that at around 10:00, 2 March 2008, while in Moscow, he was informed that his son was wounded in his feet and was hospitalized. Upon his return to Yerevan he learnt that on the night of 1 to 2 of March H. Tadevosyan died owing to the explosion of a grenade thrown by the participants of the mass disorders occurred in the capital.

103. Aghasi Tadevosyan became familiar with the conclusions of expert examinations ordered with regard to the case, filed no motions.

104. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons who had witnessed the incident of Hamlet Tadevosyan being wounded, revealing the identity of the perpetrator and detecting thereof.

**10. Tigran Edik Abgaryan, born on 17 March 1983, in village Taperakan of Ararat marz, previously not convicted, non-partisan, served in the Unit No 1033 of the Police Troops of the Republic of Armenia as a fixed term military servant**

105. At around 19:00 T. Abgaryan was in the service within Unit No 1033 of the Police Troops of the RA on Gr. Lusavorich Street in Yerevan with the aim of maintaining public order and preventing mass disorders. At around 23:00, near the shop "Svin" on Leo Street, he received a perforating gunshot bullet wound to the neck from a gunshot fired by a participant of mass disorder — not yet identified by the investigation — and was brought to the hospital, where he died on 11 April 2008 without regaining his consciousness. According to the conclusion of the forensic medical expert examination T. Abgaryan's death was a result of disorder of vitally important functions of the spinal cord caused by a perforating gunshot wound to the neck, which had a front-to-back direction. The military winter jacket worn by T. Abgaryan at the time of the accident was seized from Unit No 1033 of the Police Troops of the RA. T. Abgaryan's medical records were seized from the hospitals. According to the conclusion of complex forensic trace evidence, forensic ballistic and explosion and technical expert examination, the 19x9 mm damage present on the back of the collar of T. Abgaryan's military winter jacket was that of a firearm, had a bullet nature, was caused by a bullet containing copper and as a result of at least one shot done in front-to-back direction; it was an exit damage.

106. About 30 persons had been interrogated, including T. Abgaryan's fellow officers, the testimonies thereof revealed that on 1 March 2008, at around 23:00 they were located on Leo Street within their subdivisions, when T. Abgaryan received a wound in the region of neck from a shot, fired towards their direction from the corner of Gr. Lusavorich street, near shop "Svin" by one of the participants of mass disorder, he was brought to the hospital and on 11 April died without regaining his consciousness.

107. T. Abgaryan's mother Ruzanna Harutyunyan was recognized as the legal successor of the victim and gave a testimony as a witness, that after learning that a great number of servicemen received wounds as a result of unrestrained atrocities of participants of the mass disorder, she went to the military unit at around 09:00, on 2 March 2008 to obtain some information about her son's state and was informed that her son was wounded and was in "Erebuni" Medical Centre. In the hospital she was informed that her son had received a

wound in the region of neck from a shot fired from the crowd on Leo Street. The medical measures taken to save her son's life didn't have any positive effect and on 11 April 2008 he died without regaining his consciousness. Ruzanna Harutyunyan became familiar with the conclusions of expert examinations ordered, filed no motions.

108. The Police and the National Security Service of the Republic of Armenia were given instructions on taking operational measures aimed at detecting persons who had witnessed the incident of T.Abgaryan being wounded, revealing the identity of the perpetrator and detecting thereof.

109. To clarify the circumstances of the death of the aforesaid 10 persons several dozens of persons were interrogated, forensic medical, forensic ballistic, complex forensic ballistic and forensic trace evidence, forensic biological and computer forensic expert examinations were ordered, inspections of the scene of the accident were carried out, a lot of instructions were given and a number of operational intelligence measures were taken aimed at revealing the identity of the perpetrator and detecting thereof.

110. The police officers and military servants of units of the Police Troops of the RA involved in the measure aimed at preventing the mass disorders on 1 March 2008 were also interrogated. All the log books of acceptance of weapons were seized from the relevant units of the Police Troops, all the records made therein were scrutinised and all the weapons taken out of the arsenals were cleared up.

111. The firearms and special devices attached to police officers and military servants in the service at the site of the mass disorders, as well as weapons taken out of the arsenal for the internal service of the relevant units of the Police Troops were seized and were undergone forensic ballistic expert examination. All the copies of all the aforesaid documents were attached to the materials of the criminal case.

112. The bullets removed from Davit Petrosyan's, Hovhannes Hovhannisyan's and Zakar Hovhannisyan's bodies were compared with the bullet cases found at the scene of the accident, as well as with the bullets registered in the republican bullet and cartridge inventory and the bullets fired from firearms attached to police officers and military servants of units of the Police Troops of the Republic of Armenia involved in the measure aimed at preventing the mass disorders. No matches were confirmed and the firearms from which the shots were fired are not yet identified.

113. Taking into account the fact that, according to the conclusion of forensic ballistic expert examination, the traces of shooting present on fragments of a gas grenade "Cheremukha-7" removed from Gor Kloyan's, Tigran Khachatryan's and Armen Farmanyan's bodies were unsuitable for identification of a specific weapon, therefore, it was not yet revealed the specific type of the weapon from which the shot fired caused the wounds and deaths of the aforesaid persons. Expert examinations were ordered also at "Special Equipment and Communication" Research and Production Association State Institution and "Criminal Expertise Centre" of the Ministry of the Interior of the Russian Federation in order to get clarifications with regard to those and other questions essential to the criminal case. The conclusions of the aforesaid expert examinations also recorded that the gas grenades "Cheremukha-7" removed from the bodies of dead and wounded citizens were not possible to identify with the weapons which fired them.

114. The movement of persons who used special devices, the number of shots fired thereby, the sections of the scene of the accident, wherefrom shots were fired, as well as the directions thereof were revealed, to the extent possible, through interrogations. The mentioned circumstances are collated with the sites where the dead persons were wounded, as well as the circumstances of the death thereof.

115. Also, a new criminal case was instituted in connection to breaching the rules of handling weapons - special means of "KS-23" type while preventing mass disorders, as a result thereof negligently causing death of 3 persons and also causing bodily injuries of different severities to another 3 persons, by the instruction of the prosecutor conducting procedural guidance over the criminal case being investigated in connection with mass disorders occurred in Yerevan city on 1 and 2 March 2008, the cases were combined into one unified proceeding.

116. The conducted preliminary investigation with regard to the criminal cases revealed that weapons of different types and calibre and "KS-23" type carbines considered as firearms for special purposes were used during mass disorders and at the time of the prevention thereof by the participants of disorders, as well as by the military servants of the Police Troops of the Republic of Armenia; explosive devices of different types, including also ball grenades were used against police officers and military servants of the Police Troops.

117. The bullets and different types of foreign bodies removed from the bodies of citizens who died or received different bodily injuries during mass disorders underwent forensic ballistic examination. The conclusions received recorded that gas grenades fired from cartridges of "Cheremukha-7" type and the plastic plugs thereof were removed from bodies of 3 dead citizens and 3 citizens who received bodily injuries. In particular, gas grenades of "Cheremukha-7" type cartridge with their plastic guiding caps were removed from Gor Kloyan's, Armen Farmanayan's corpses and a gas grenade of "Cheremukha-7" type cartridge- from Tigran Khachatryan's corpse.

118. Meanwhile, it was already revealed that on 1 March 2008 4 non-commissioned officers of the Police Troops of the Republic of Armenia used "KS-23" type carbines— considered as firearms for special purposes — in Mashtots, Gr. Lusavorich, Leo and Paronyan Streets of Yerevan city.

119. The expert examination carried out at "Special Equipment and Communication" Research and Production Association State Institution of the Ministry of Interior of the Russian Federation revealed that the use of "Cheremukha-7" type cartridges in an open space is not prohibited but firing it directly at a human being is prohibited. Fire may be opened against sites or objects around the offenders taking into account the direction of the wind that provides the spread of the fume cloud over the offenders.

120. Through the expert examination carried out at the Department of Criminal Expertise of the Police of the Republic of Armenia it was substantiated that there were extraneous traces-distortions, avulsions, traces of contact and touch on the plastic plugs of gas grenades of "Cheremukha-7" type cartridges, removed from the corpses and bodies of wounded citizens, which were caused by a collision with solid bodies or passing through any obstacle. The same conclusion was also recorded that in case of ricochet after having collided with a wall or any other obstacle, as well as after passing through any obstacle, gas grenades of "Cheremukha-7" type cartridges might, depending on the collision angle and characteristics of the material of the obstacle, cause injuries- including lethal - to a human being.

121. Non-commissioned officers of the Police Troops of the Republic of Armenia were charged with breaching the rules of handling weapons- special devices of "KS-23" type - while preventing mass disorders occurred in Yerevan city on 1 and 2 March 2008, as a result thereof negligently causing death of 3 persons and also causing bodily injuries of different severities to another 3 persons.

122. Moreover, Thomas Hammarberg, Council of Europe Human Rights Commissioner, during his visit to Yerevan on 19-24 November 2008 — at the meeting with the Prosecutor General of the Republic of Armenia — recommended an Irish expert Colin Burrows as a person possessing respective knowledge and experience in the application of special devices

and technical equipment. The latter was invited to Yerevan at the expense of the Armenian part to assist the relevant expert examination for the purpose of identification of gas grenades removed from the corpses with the specific firearms, which applied a special device of “Cheremukha-7” type, by the military servants of the Police sending through an electronic mail all the necessary information and photocopies of documents. Studying the presented materials and issues that needed clarification Colin Burrows stated that he considers making such identification impossible. .

123. Taking into account the interest of the Armenian and international community in the preliminary investigation being conducted with regard to the criminal case instituted in connection with mass disorders occurred in Yerevan city on 1 and 2 March 2008, and, particularly, in revealing the circumstances of the death of 10 persons, as well as emphasizing the transparency of the preliminary investigation and the rights of the public to receive verified, unbiased and objective information, since 2 March 2008 — from the very first day of the preliminary investigation — the investigation findings have always been made available to the public through mass media and the materials have regularly been submitted to Thomas Hammarberg, Council of Europe Human Rights Commissioner, the Human Rights Defender of the RA, NGOs and international organizations. Regularly updated information was placed on the websites of the General Prosecutor’s Office of the RA and the Special Investigation Service of the RA ensuring the availability thereof to all the persons interested in the issue.

124. The preliminary investigation of the criminal cases instituted in connection to the mass disorders occurred in Yerevan city in the period of 1- 2 March 2008 and of cases of death of 10 persons is pending with regard to which the President of the Republic of Armenia has given instruction to the law-enforcement agencies to make the investigation more active, particularly, the actions aimed at revealing the circumstances of the death of 10 persons, review the evidence obtained, consider all the possible versions for revealing the cases.

125. A conference was convened at the Special Investigation Service of the RA with the participation of the investigation group on fulfillment of requirements of the instruction made by the President of the RA; new actions and extra work to be carried out were planned; the investigation group was instructed to review the evidence obtained with regard to the criminal case, verify— one more time— the sources thereof, review the testimonies of the legal successors of victims, those of the victims, witnesses, examine thoroughly the conclusions of all expert examinations, order additional or new expert examinations as necessary, give new instructions to operational services aimed at revelation of cases.

126. The investigation group under the instruction was recruited again with new investigators possessing high professional knowledge, with proven experience in investigation of serious and complex cases.

127. Materials of the criminal case of several hundreds of volumes and exceeding 100,000 sheets of papers, hundreds of conclusions of expert examinations, video materials lasting several dozens of hours, as well as other evidence of the case were examined and reviewed thereby.

128. The examination results have been discussed regularly, the investigation plan is supplemented. More than 500 new witnesses were interrogated, about 150 additional interrogations conducted, 4 video recordings, complex video recording and forensic ballistic expert examinations ordered. More than dozens of instructions were given on carrying out various operational-investigative activities, particularly, aimed at revealing specific circumstances of the 10 cases of death recorded. As a result of examination of video records and photographs it was instructed to establish the identity of a number of persons — who possibly witnessed the causing of bodily injuries dangerous to life, were at the scene of the

accident — and present them to the investigation. Motions were filed to the court with a request for receiving the detailed bills of phone calls made from around 20 phone numbers and — upon a court permission — the detailed bills of the mentioned phone numbers were obtained, scrutinized and worked out. As a result of activities carried out it was intended to additionally interrogate more than 500 persons.

129. During the preliminary investigation the Special Investigation Service of the RA has repeatedly issued statements through mass media requesting those persons possessing any information concerning crimes committed at the time of mass disorders occurred in Yerevan city on 1-2 March 2008 — and mostly concerning the circumstances of the death of 10 persons— to present themselves to the Special Investigation Service of the RA. However, the preliminary investigation body has not received any responses, not even any motions from the representatives of legal successors of victims to supplement the preliminary investigation so far.

130. Taking into account that experts were unable to provide exhaustive answers — by expert examinations carried out — to a number of questions essential for the case, in order to get those answers the Prosecutor General of the RA —through the Ministry of Foreign Affairs — has addressed his request on involvement of relevant experts to the Ambassador Sergey Kapinos, Head of the OSCE Office in Yerevan, Silvia Zehe, Special Representative of the Secretary General of the Council of Europe to Armenia, John Prescott and Axel Fischer, Co-rapporteurs of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE), Dafina Gercheva, United Nations Resident Coordinator, UNDP Resident Representative in Armenia, Thomas Hammarberg, Council of Europe Human Rights Commissioner assuring that all the conditions necessary for the implementation of activities of experts will be ensured to carry out expert examinations in the Republic of Armenia, as well as abroad. Specialists were not provided by certain international organizations on the grounds of lack of experts with such experience, as well as lack of experts who possess similar cooperation practice.

131. Clarifications are provided to the Human Rights Commissioner with regard to the issue. At the request of the latter additional data are sent concerning the issues subject to clarification.

132. For the purpose of raising the effectiveness of public awareness with regard to the criminal case, instituted in connection with the mass disorders and cases of murders in the central streets of Yerevan city on 1-2 March 2008, the Special Investigation Service was seized of, the head of the investigation group and the prosecutors conducting procedural guidance over the criminal case investigated by the instruction of the RA Prosecutor General met the representatives of mass media twice a month. Separate interviews are also conducted, written answers, comments are provided to the written enquiries.

133. The preliminary investigation is pending, all the necessary investigative actions, operational-investigative activities aimed at detecting the perpetrators of crime are undertaken.

**11. Results of examination of cases of torture and ill-treatment of suspects and the accused in the criminal case during arrest and detention**

134. No cases of torture or ill-treatment in arrest and detention facilities of suspects and the accused in the criminal case instigated with regard to mass disorders having taken place on 1-2 March 2008 were reported, no such information was received. Despite this, when apprehending suspects or the accused in the criminal case, as well as when finding bodily injuries upon receiving them at the arrest or detention facilities, proper, i.e. complete, comprehensive and fair investigation was carried out within the same criminal case, forensic medical expert examinations were assigned, suspects and accused with bodily injuries, as

well as the police officers having brought them, officers of remand detention and detention facilities admitting them and the eye witnesses were examined, but the examination revealed no single case of abuse of power or excess of power by the police officers.

135. 7. On 6 February 2002, the RA Law "On treatment of arrestees and detainees" was adopted. The law, in compliance with the Criminal Procedure Code of the RA, defined the general principles, conditions and procedure for keeping the arrestees under arrest, and the detainees under detention, the rights of arrestees and detainees, safeguards for ensuring those rights, their obligations, as well as procedure for dismissing them from arrest. It is prohibited to apply physical violence, as well as inhuman or degrading treatment against arrestees or detainees. Basis for keeping the person in arrest facilities is the arrest protocol drawn up pursuant to the Criminal Code of the Republic of Armenia or the decision of the criminal prosecution authority on arrest.

136. Adoption of the Law has significantly improved general conditions for keeping arrestees under arrest. Among other things, rights granted to arrestees include the right to receive information in language they understand, resort to mass media and international organisations in case of infringement of their rights, meet the defence attorney or close relatives, be examined by the doctor they choose, receive legal assistance, communicate with the outside world, participate in civil and legal transactions. Besides, information on rights and obligations of the arrestees has been placed in each cell and police control room.

137. In compliance with actions arising from the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, relevant amendments and supplements were made in the RA Law "On treatment of arrestees and detainees", granting broader rights to the Human Rights Defender; 2.5 sq m floor space designated for each arrestee was increased to 4 sq m; the arrestee was granted the right to undergo an examination at his or her own expenses by the doctor of his or her choice and request to conduct a forensic medical expert examination.

138. Quality of food provided to arrestees has also improved; the Decision of the Government of the RA No 587 of 15 May 2003 defined the list of food provided for free and the minimum portion thereof.

139. Persons kept in arrest facilities are allowed unimpeded visits by the defence attorney, with no limit of number or length of such visits. Visits by the lawyer that is the defence attorney of the case are allowed. At least one visit of 1 hour with the close relatives of the arrestee is allowed. The arrestee, when being under arrest for 72 hours, may receive up to 20 kg of family parcels immediately or in parts. To ensure the contact of arrestee kept in arrest facilities with their family and the outer world, meeting rooms, centres for using possible means of communication and conditions making it possible to use mass media have been established.

140. Improved material conditions for female and juvenile arrestees kept in arrest facilities have been established; they enjoy the right to daily walks of no less than two hours, during which they have an opportunity to exercise.

141. Exercise of some of the rights of arrestees may be suspended in emergency situations: right to receive parcels and family parcels, packages, money transfers, right to visits, as well as other measures defined by law and not defying their right to protection.

142. In order to modernize arrest facilities of the Police of the RA in compliance with standards of the European Council, the Government of the RA allocated financial means and reconstruction works were carried out in 35 arrest facilities of the Police of the RA. During reconstruction works special attention was paid to sufficient natural lighting, air-conditioning of cells, and other housing and utilities issues.

143. In compliance with Article 10 of the Law, Decision of the Government of the RA No 574-N of 5 June 2008 approved internal regulations of the arrest facilities functioning within the system of the Police of the RA - defining the conditions for keeping arrestees, the daily routine, the list of objects arrestees are allowed to have, logistics, procedure for visits and receiving family parcels, record books of the arrest facilities, forms and procedure for the maintenance thereof, procedure for personal search, as well as for medical examination in case of discovery of bodily injuries or obvious signs of an illness, or in case of a health complaint.

144. A separate chapter of the RA Law "On treatment of arrestees and detainees" defines the procedure for carrying out judicial, departmental, prosecutorial and public supervision over the activities of the arrest facilities. For this purpose, an order of the Chief of the RA Police approved the procedure for activities of public observers in the arrest facilities of the RA Police and the composition of the group of public observers, which was later periodically changed.

145. Arrest facilities are the relatively transparent police facilities visited regularly on observation missions by the International Red Cross, Human Rights Defender of the Republic of Armenia, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) other organisations; during the regular visit by European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) the president of the Committee, Mauro Palma, expressed his satisfaction with the general conditions of the arrest facilities.

146. 8. The issue of sexual and physical violence used against women, including domestic violence, is constantly in the centre of attention and under control of law-enforcement authorities.

147. Each case of domestic violence as well as violence against women is in a prescribed manner registered in the territorial division of the Police. It is followed by data collection and separate registration at the Information Centre of the Police of the Republic of Armenia. It is worth mentioning that 528 cases of domestic violence were reported during 2011.

148. In accordance with the legislation of the Republic of Armenia violence is regulated by a number of legal acts, particularly by Criminal Code, Civil Code and Family Code. Pursuant to these legal acts, violence is not differentiated as of sex of the victim. Any violence irrespective of sex is criminally punishable. Crimes accompanied by violence, that may be committed also in a family, are criminally punishable. It is worth mentioning that pursuant to certain articles violence used against pregnant women and minors is deemed as an aggravating circumstance.

149. The representative of the Republic of Armenia has been engaged in the works of CAHVIO of the Council of Europe in respect of drafting of the Convention on preventing and combating violence against women and domestic violence and of the memorandum adopted by Council of Europe's Committee of Ministers and is currently open for signature.

150. In 2011 an interagency working group was established upon the proposal from a police officer — a member of the National Interagency Committee to Combat Gender-Based Violence which is currently developing the Draft Law "On domestic violence".

151. In 2011, training courses were organised and held for around 80 employees in the cities of Yerevan and Vanadzor in respect of issues concerning women subjected to domestic violence, jointly with Women's Rights Centre NGO, with the purpose of enhancing the professional knowledge of the inspectors of police juvenile service and of territorial inspectors.

152. The state of prosecutorial oversight over the inquest and preliminary investigation of crimes against family and child's interests committed during 2010, the practice of pursuing

charges in courts have been examined and summarised in the General Prosecutor's Office of the RA, the results whereof were discussed on 29 June of 2011 at the sitting of the Collegium of the Prosecutor's Office of the RA.

153. Upon the decision adopted at the referred sitting of the Collegium of the Prosecutor's Office of the RA, the heads of the subdivisions of the Prosecutor's Office of the RA were assigned, for the purpose of preventing domestic violence and ensuring efficient criminal policy implemented thereagainst, to examine every case of such nature, irrespective of the degree of gravity, to instigate immediately criminal proceedings in case of a complaint at the moment of reporting thereof, to reveal all the circumstances of the case, the frequency of such incidents in the family, to disclose properly all the conditions and reasons contributing to each case, to undertake all the measures defined by law to eliminate such conditions and reasons. Where the victim withdraws the complaint or reconciles with the accused, it is necessary to verify the underlying reasons thereof and only then to proceed with case proceedings.

154. For the purpose of initial prevention of crimes, the prosecutors of marzes [regions] and administrative districts were assigned to require also the territorial authorities of the Police to keep sight of the families at variance, the persons previously convicted for abuse against person's life, health, sexual freedom and inviolability, or addicted to drugs and alcohol, or demonstrating antisocial conduct in daily life.

155. According to part 2 of Article 137 of the Criminal Procedure Code of the RA, the detained person may not be kept in the arrest facility for more than 3 days, except for the cases where the transfer from the arrest facility to investigatory isolation ward or other relevant detention facilities in compliance with the requirements of law is impossible due to lack of means of transportation. Furthermore, pursuant to Article 6 of the RA Law "On holding arrested and detained persons", in case of impossibility of transferring the detained person every day from the location of the detention facility, the detained person may, in respect of conducting investigative actions, upon the decision of the investigator, prosecutor or the court, be transferred to the arrest facility for a period of up to 3 days.

156. According to point 3 of Article 13 of the RA Law "On holding arrested and detained persons", the arrested or detained person has the right, both personally and through the defence counsel or legal representative thereof, file applications, complaints relating to violations of rights and freedoms thereof with the administration of the arrest facility, the superior bodies thereof, court, prosecutor's office, Human Rights Defender, state and local self-government bodies, non-governmental associations and political parties, mass media, as well as with international bodies or organisations for protection of human rights and freedoms.

157. According to Article 18 of the RA Law "On holding arrested and detained persons", the arrested person may submit the recommendations, applications and complaints every day, both in writing and orally. Bodies and officials considering the recommendations, applications and complaints of the arrested person shall be obliged to consider them and notify the applicant thereon under the procedure and within time limits defined by the legislation Armenia. Recommendations, applications and complaints filed in respect of the decisions and actions of the administration of the arrest facilities shall not suspend the enforcement of those decisions and carrying out of those actions. Recommendations, applications and complaints addressed to the prosecutor, judge, Human Rights Defender, bodies exercising oversight over arrest facilities, shall be forwarded to the addressee in a sealed package within one day.

158. Any type of persecution of the arrested persons in case of filing recommendations, applications and complaints relating to violations of their rights and legitimate interests shall

be prohibited. Persons carrying out such persecution shall be subject to the liability provided for by law.

159. Oversight and supervision over the activities of the arrest facilities operating within the system of Police of the RA are carried out by courts, prosecutor's office, superior departmental body and social observation group established by the head of the authorised body, within the scope of their powers.

160. During 2011, 20 applications–complaints were received from 5215 persons kept in the arrest facilities of the Police system of the Republic of Armenia, which were forwarded to addressees within one day. Moreover, complaints were not related to the administration of the arrest facilities; they were related to bodies administering criminal proceedings.

161. Judges have never refused accepting applications on ill-treatment; moreover, the RA Court of Cassation in its decision with regard to Arayik Gzoyan emphasized the absolute nature of the prohibition of torture, inhuman or degrading treatment or punishment and delivered its position to the effect that if the person makes a reliable statement in the court in respect of being subjected to torture, the court shall be obliged to file a motion with the prosecutor on instigating a criminal case on the occasion of that fact.

162. Increase in prison population in penitentiary institutions of the Armenia has not been registered; currently the total number of prisoners is 4812, 825 wherefrom are under detention, 432 prisoners are awaiting the rendering of judgment by the court, 393 prisoners are under preliminary investigation.

163. On 26 May 2011, the RA National Assembly adopted a decision on granting amnesty in connection with the 20<sup>th</sup> anniversary of the Independence of the Republic of Armenia, as a result of which more than 469 prisoners were released and the term of imprisonment of more than 70 prisoners was reduced.

164. Prosecutor General's Office of the RA has examined and summarised the state of prosecutorial control carried out over preliminary investigation of criminal cases instigated in 2010 and 2011 with regard to human trafficking and the practice of protection of prosecution, and the results were discussed at the meeting of the Board of the Prosecutor's Office on 23 December 2012. A number of issues were raised in the aftermath of examinations and discussions; prompt solution to these issues will significantly enhance the efficiency of the fight against trafficking. For that purpose, in January 2012, certain steps were taken by the Prosecutor General's Office of the RA. Particularly, for the purpose of preventing involvement of minors via internet in prostitution and trafficking within the territory of the Republic of Armenia, in manner defined by the decision of the Board, a letter was forwarded to the head of the Police of the RA on the necessity to strengthen the activities carried out by the relevant subdivisions of the Police of the RA in the sphere of crimes committed with the use of modern information technologies, through periodically examining suspicious websites and resolving the issue on subjecting the delinquent to criminal liability in a manner prescribed by law where any such fact is revealed.

165. Furthermore, for the purpose of enhancing the fight against involving children in panhandling and vagrancy and coordinating the activities of other interested bodies, prosecutors of Yerevan and of administrative districts were commissioned with the task of taking under special control each such case, and in addition to placing the children in relevant facilities, of finding out the identity of persons involving the child in panhandling and properly examining the presence of trafficking in their actions. At the same time, for the purpose of raising the awareness of trafficking among the minors, a letter was forwarded to the Minister of Education and Science of the Republic of Armenia, first on introducing all the programs concerning the issue in all the schools, improving the actual state of teaching of those topics, as well as taking measures to introduce such educational programs at all secondary professional and higher education institutions irrespective of their specialisation.

166. For the purpose of ensuring a more efficient protection of victims of human trafficking in the Republic of Armenia, the Decision of the RA Government approved the "National trafficking victim referral mechanism", defining the cooperation system through which the public administration bodies jointly with the civil society carry out their obligations with regard to the protection of rights of victims of trafficking. The purpose of this referral mechanism is to define an efficient procedure for supporting victims of human trafficking, including ensuring access to accommodation, professional medical and psychological assistance, consultation, education and training.

167. The decrease of the number of victims of human trafficking in 2010 as compared to 2009 is due to the fact that in 2009 one criminal case revealed 24 victims. In general, in 2010 the number of victims of trafficking is equal to the average number of victims revealed during the previous years.

168. Division of Fight Against Trafficking of the General Department of Fight Against Organised Crime of the Police of the Republic of Armenia is a specialised department in the sphere of fight against trafficking and carries out relevant activities for the fight against trafficking, as well as related crimes.

169. In the reporting period, the RA Police in 2011 revealed 16 cases of crimes involving elements of Articles 132 and 132(2) of the RA Criminal Code with 5 instigated criminal cases, and 13 cases in 2010, with 11 instigated criminal cases. Out of the referred cases, 22 cases were revealed by the General Department of Fight Against Organised Crime.

170. In 2011, the Police of the RA revealed 2 cases with elements of Article 168 of the RA Criminal Code (Purchase of child with the purpose of undertaking the care of the child or selling of the child with the purpose of placing a child under care of the undertaker), 1 case in 2010, where 1 of the cases was revealed by the General Department of Fight Against Organised Crime.

171. In 2011, 45 cases involving elements of Articles 261 and 262 of the RA Criminal Code were revealed (Engaging another person in prostitution for mercenary purposes and Promoting prostitution), and 43 cases were revealed in 2010, 51 out of which were revealed by the General Department of Fight Against Organised Crime.

172. Furthermore, close cooperation is implemented with the non-governmental organisations engaged in protection of victims of trafficking. The referred organisations include "UMCOR-ARMENIA" and "Hope and Help (Huys ev Ognutyun)" non-governmental organisations. In reporting period, in compliance with National Referral Mechanism for Victims approved by the Decision of the Government of the Republic of Armenia No 1385-A of 20 November 2008, 16 victims were referred to the mentioned organisations by the General Department of Fight Against Organized Crime, as "A" persons initially identified as victims of trafficking.

173. For the purpose of improving cooperation with the territorial bodies, Division of Fight Against Trafficking drafted the Order of the Head of Police of the RA No 1978 of 21 July 2009, Instruction No 148g of the Head of the General Department of Fight Against Organised Crime of 27 January 2010 and a circular letter No 148g of 2 February 2012, according to which all the territorial subdivisions are obliged to report to the General Department of Fight Against Organised Crime when obtaining information on trafficking and related crimes, on persons involved in them, victims of trafficking, persons involved in prostitution abroad, and take further measures jointly with the General Department of Fight Against Organised Crime.

174. In 2010-2011, a number of measures aimed at improving the fight against trafficking were taken by the Police of the RA.

175. Jointly with non-governmental and international organisations, under the coordination and with direct participation of around 159 police officers, trainings on issues related to trafficking were organised. Lectures by officers of the division were held for officers undergoing training in the Police Academy of the RA. For lecturers teaching to law-enforcement bodies 8 modules and didactic materials were drawn up with the assistance of International Labour Organisation and OSCE, which were presented on 26 October 2011. Modules were presented to the lecturers of the Police Academy, School of Prosecutor's Office, as well as to 40 employees. It was included into the education process.

176. Active support was provided to the work related to the draft Law of the Republic of Armenia "On making amendments and supplements to the Criminal Code of the Republic of Armenia". The latest amendments and supplements entered into force on 9 April 2011. The 2010-2012 National Action Plan on Combating Trafficking in Human Beings in the RA has been implemented and coordinated.

177. Following structural and organisational changes by the General Department of Fight Against Organised Crime of the Police of the Republic of Armenia, the Division of Fight Against Trafficking ceased to function within the Department of Illicit Traffic in Narcotic Drugs and now functions within the newly established Department of Fight Against Crimes Committed in the Sphere of High Technologies, Trafficking, Illegal Migration and Terrorism. The Division comprises 7 officers.

178. In order to ensure compliance with Armenia's international and legal obligations and improving criminal and legal mechanisms of trafficking, the RA National Assembly adopted a package of amendments to the RA Criminal Code (HO-69-N), on 30 March 2011, which fully improved the legal grounds for the fight against trafficking and trade in human beings (especially among women and children). In particular, the Code was supplemented with a new article (Article 132.2), which criminalises trafficking or abuse of child or person deprived of the ability of conceiving the nature and significance of his or her actions, or controlling those actions, as a result of a mental illness. Furthermore, due to amendments, benefiting from services of an abused person shall be considered a crime and shall be punished by imprisonment for a term of two years.

179. On 24 October 2011, the Draft Law of the RA on making amendments and a supplement to the RA Criminal Code was included in the agenda of the National Assembly sessions, which was preconditioned by the necessity to approximate the *corpus delicti* of torture with the standards of international law, in particular with the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.

180. Adoption of the bill will bring the articles on torture of the RA Criminal Code fully in compliance with the international obligations assumed by Armenia and will have a more clear and comprehensive regulation framework.

181. For breaches of the statutory rules of relationships between servicemen in the Armed Forces, Article 359 of the RA Criminal Code provides for criminal liability, in the framework of which in 2011 around 243 criminal cases were instituted by the Investigation Service of the Ministry of Defence of the RA. 174 cases have already been forwarded to court, 32 cases were struck out under different articles of the RA Criminal Procedure Code, and the preliminary investigation for the rest of the criminal cases continues. Meanwhile, for the purpose of preventing and excluding breaches of statutory rules of relationships between servicemen, improving the legal consciousness of servicemen, as well as providing psychological and legal aid to servicemen, positions of military psychologists and officers on social-legal matters were introduced in military units.

182. Violence is crime by itself: be it at home or outside. The issue of including domestic violence in the Criminal Code as a separate type of crime will be discussed in the

framework of the Criminal legislation reforms. Meanwhile, it should be mentioned, that specific measures to prevent physical violence against children as a means of punishment are included in the renewed national programme for the protection of the rights of children, which is to be submitted for the approval of the Government of the Republic of Armenia by 30 May.

### **Right to freedom (article 9)**

183. By the policy of the criminal legislation, which is currently in development stage, judges are encouraged not to use maximum periods for deprivation of liberty. It is intended to establish a new probation service, which will be responsible for matters of alternative sanctions, paroles, and rehabilitations. The main purpose of this body will be the proper implementation of alternative sanctions and measures.

184. About 3608 criminal cases were completed by the Court of General Jurisdiction of the Republic of Armenia. Here, judicial acts were rendered with regard to 4874 people, 77 being acquitted. In the courts of general jurisdiction of the Republic of Armenia motions about imposing detention as a measure of restraint were examined with regard to 3262 people.

185. No such cases were recorded.

### **Right to fair trial; independent judiciary (article 14)**

186. 17. Consistent and continuous work has been done and is still being done aimed at ensuring the impartiality and independence of the judiciary and decreasing corruption risks. In this process, the technical capabilities of courts are widely used. Particularly, in the recent years a court sitting recording system has been introduced in all the courts of the Republic of Armenia, which has essentially increased the accountability of courts to the public. The creation of “DataLex” information program was aimed at the increase of accountability, which today makes information on each case examined in court and the progress of each case available for every person through Internet connection and legal-technical kiosks in courts.

187. In this regard, of particular importance is the fact that since 15 December 2011 the system of random (electronic) inscription of cases has been introduced in the courts of the city of Yerevan, and in marzes the programme is in its implementation process, taking into consideration the peculiarities of marzes’ courts, particularly the presence of residences, the number of judges and so on. By the introduction of this system not only the issue of decreasing corruption risks is solved, but also the institutional internal independence of judges is ensured.

188. Parallel to creating a bailiff service, the areas of administrative buildings of courts were divided into corresponding zones – open and close – which prohibited the interaction of citizens with judges.

189. A more effective move towards decreasing corruption risks were the events aimed at the financial security of the judiciary.

190. During the last three years around 80% of court buildings have been constructed and reconstructed, which was financed from the funds provided from the State Budget of the RA and the World Bank.

191. With regard to the fight against corruption, of particular importance are the steps aimed at increasing the responsibility of judges, as well. Particularly, in the recent years, the

number of cases of holding judges in disciplinary liability increased. This is aimed at increasing the vigilance and responsibility of judges towards their work. In 2010 the Council of Justice held 8 judges in disciplinary liability, and in 2011 the number changed to 15 judges. Inter alia, in 2011 the Council of Justice alone held 2 judges in disciplinary liability for not maintaining the presumption of innocence, and 2 judges were held liable for acting wilfully in a matter of detention, and one of them was dismissed from office. Besides, with regard to increasing the sense of responsibility of judges towards ethical matters, the activities of the Committee of Ethics of the Council of Court Chairpersons are of particular importance, which in 2010 alone examined applications about 12 judges, and in 2011 reports about 20 judges were examined.

192. The evaluations given by reputable international organisations are also a proof of the positive progress achieved in decreasing corruption risks.

193. 18. The analyses of issues that arose in the state government system, as well as the studies of international and non-governmental organisations became the grounds for the development and implementation of the strategy for fighting against corruption by the Government of the RA.

194. Researches have shown that a necessary condition for preventing corruption phenomena is the creation of a fair state system of government based on the rule of law. And the public trust towards the Government and its capability to overcome corruption always depends on the degree to which laws are enforced and the inevitability of liability. The implementation of liability mechanisms, aimed at overcoming corruption phenomena, suggests joint and harmonious work of the law enforcement authorities, which should be aimed at one common goal — the revelation and condemnation of corruption phenomena.

195. It should not be disregarded that parallel to strengthening measures of liability, it is also necessary to improve the mechanisms of revealing and preventing corruption phenomena, with a steady maintenance of the principle of rule of law and equality of all before the law.

196. For the purpose of executing the fight against corruption in a more regulated manner, at present there is a newly developed anti-corruption strategy programme.

197. The anti-corruption strategy programme is a comprehensive document, where the causes giving rise to corruption, as well as the directions for fighting against corruption are uncovered.

198. As part of the anti-corruption strategy, the events programme for the implementation of anti-corruption strategy of the RA is actually also a system of activities guaranteeing the implementation of the strategy programme. Laying down a chain of terminal and continual events, it is aimed at the gradual execution of all the points in the strategy programme. Each event has its responsible implementer, and may be supervised by the supreme authorities of the executive power and by the society.

199. In the fight against crimes, it should, *inter alia*, be taken into consideration that new economic and market relations also give rise to new legal relations and cause activeness of related crimes of other categories, with their new qualities. In this relation, certainly, manifestations of criminal acts cause disproportional changes in the dynamics of crimes of corruption nature as well, which in turn, requires that the fight against this kind of crimes be decisively enforced.

200. The intensification of the fight against crimes, combined with fair sanctions, first of all supposes a deep, comprehensive and objective examination of cases, detecting of criminal cases and all the participants of the crime, detecting and differentiating of all related criminal acts, increase in the exactingness towards the investigation, ensuring of the quality level of preventive works, clever and intelligent cooperation between different

interdepartmental services and all the law enforcement authorities, as well as disclosure of the causes that promoted the crime, and use of relevant counteractions, so that with their professional tricks and improvement they surpass the methods of committing crimes.

201. For the purpose of organising this work, introducing and developing options for cooperation between non-governmental organisations, the Order “On regulating the issues of participatory cooperation between the Prosecutor’s Office of the RA and non-governmental organisations” has been adopted.

202. Upon necessity to make a number of legislative changes, the legislative supplement to the chapter of the Criminal Code of the RA relating to the crimes against state services, with articles on holding public servants, as well, criminally liable for criminal acts of corruption nature, has become a good legal ground for also bringing to the criminal liability area the illegal actions that have been widespread through the sphere of public service. And already, a tendency for intensification of instigating criminal cases under those articles is observed.

203. By the Order of the Prosecutor General of the Republic of Armenia HA 82 of 19 November 2008, the list of corruption crimes was defined, which should be steadily followed when developing special programmes for the fight against those types of crimes and when conducting statistics.

204. The Republic of Armenia has acceded to the UN Convention against Transnational Organized Crime, adopted by the resolution of the UN General Assembly on 8 January 2001.

205. After acceding to the aforementioned Convention, Armenia adopted the international principles of the fight against transnational crime. In the RA Criminal Code adopted by the National Assembly in 2003, participation in organised criminal groups, laundering of the proceeds of crime, corruption, *etc.* were criminalised.

206. A crime is transnational in nature if:

1. it has been committed in more than one State;
2. it has been committed in one State, but a substantial part of its preparation, planning, direction, or control has taken place in another State;
3. it has been committed in one State, but involves an organised criminal group that engages in criminal activities in more than one State; or
4. it has been committed in one State but has substantial effects in another State.

207. It should be mentioned that for a more detailed examination of criminal cases instigated on the facts of corruption crimes, it is also required to disclose the facts of legalisation of the proceeds of crime and of money laundering. In the fight against transnational corruption, a strict supervision over legalisation of the proceeds of crime is of no less importance. Often, it is the use of money laundering mechanisms that takes corruption to an international operational level.

208. In accordance with the requirements of the UN Convention against Transnational Organized Crime, Armenia has made relevant legislative amendments according to which the following actions are considered to be punishable:

1. The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

2. The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

3. The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

4. Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences provided for by this Article.

In the fight against various manifestations of corruption, the revealing of the peculiarities of manifestations of corruption is extremely important.

209. After acceding to the UN Convention against Transnational Organized Crime, Armenia has instituted a comprehensive domestic regulatory and supervisory regime for financial organisations, as well as other bodies particularly susceptible to money laundering, within its competence, in order to deter and detect all forms of money laundering. By the way, such regime shall emphasize requirements for customer identification, record-keeping and reporting of suspicious transactions.

210. Armenia affords legal assistance to the States Parties to the aforementioned Convention, to the fullest extent possible, under the laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings of the criminal cases.

211. The fight against transnational organised crime requires more effective frameworks of international regulation and more efforts towards strengthening the potential of the State in the sphere of rule of law.

212. In the fight against corruption, the importance of cooperation with the civil society has always been stressed. In this regard, the Prosecutor's Office has periodically improved the mechanisms of cooperation with the civil society, trying to ensure the publicity and transparency of the work of the Prosecutor's Office, in implementing the Constitution of the Republic of Armenia and complying with the requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms, while observing the principles of the Criminal Procedure Code of the Republic of Armenia and the RA Laws "On the Prosecutor's Office" and "On freedom of information".

213. The average period for examination of criminal cases is three and a half months; requests by prosecutors to delay the examination of the cases are quite few, and these cases are conditioned to the necessity to study the evidence and prepare for the judicial speech. Thus, they do not affect the duration of the preliminary detention.

214. The procedures for judicial review of preliminary detention are regulated by Articles 287 and 288 of the Criminal Procedure Code of the RA; thus, according to Article 287, appeals by the prosecutor, the accused, his or her advocate or legal representative against the decision of the judge on imposing or not imposing detention as a measure of restraint, or on extending or denying to extend the period for keeping under detention, shall be filed to the Court of Appeal, in person or through the court which has rendered the decision, or the administration of the detention facility.

215. Receiving appeals addressed to the court, the administration of the detention facility shall be obliged to register and send them according to the jurisdiction, informing thereon the prosecutor who exercises oversight.

216. Upon receiving the appeal, the Court of Appeal shall immediately require the court decision and the materials substantiating the necessity for detention.

217. According to Article 288 of the RA Criminal Procedure Code, the judicial control over the lawfulness of and substantiation for imposing or not imposing detention as a measure of restraint, or extending or denying to extend the period for keeping under detention, shall be enforced by the Court of Appeal. The court shall exercise control over the lawfulness of and substantiation for the detention or for extending the period for keeping under detention within three days after receiving the materials attesting the lawfulness of and substantiation for the imposed measure of restraint. The judicial control shall be exercised in a closed court sitting, with the participation of the prosecutor and the advocate. Failure by one of the priorly informed parties to appear in the court sitting shall be no hindrance for exercising the judicial control. For the purpose of giving explanations, the court may summon to the court sitting the employee of the inquest body, the investigator as well as the victim. At the beginning of the sitting the presiding judge shall announce the type of the appeal to be examined, introduces the persons who have appeared in the court, and clarifies for them their rights and obligations. Then the applicant shall, if he or she is participating in the examination of the appeal, give substantiations for the appeal, after which other participants to the sitting shall be heard.

218. As a result of a judicial control, the court renders one of the following decisions:

1. On abolishing detention as a measure of restraint and releasing the person from detention;
2. On imposing detention as a measure of restraint or extending the period thereof;
3. On leaving the appeal not granted.

219. If the materials attesting the lawfulness of and substantiation for imposing detention as a measure of restraint, as well as extending the period for keeping under detention are not presented in the sitting, the court shall render a decision on abolishing that measure of restraint and releasing the person from detention. The court shall send the copy of the decision to the prosecutor and the applicant, and in case of rendering a decision on releasing the person from detention, the copy shall be also sent to the administration of the detention facility, for immediate enforcement. If the appeal is left non granted, re-examination by the court of the appeal on the same case of the same person shall be permitted, as prescribed by this Article, in each case of extending the period for keeping under detention.

220. In recent years the Police of the Republic of Armenia have been actively working towards the development and realisation of the juvenile justice system, as well as towards preventing juvenile crimes, and creation of community rehabilitation centres for juvenile offenders.

221. Since 2007, 10 unprecedented community rehabilitation centres for juvenile offenders have been opened in 9 marzes of the Republic of Armenia.

222. The aforementioned centres are unprecedented in the sense that here not only police officers work with juvenile offenders, but also pedagogues, social workers, and psychologists. Police officers, social workers, psychologists and the volunteers involved in the work of the centres together carry out comprehensive work with juvenile offenders. The main objective of the centres is to move juvenile offenders to such an environment where principles of morality and human values, responsibility, accountability and the “civic sense” are emphasised. The effects of their own offences or actions on victims and the society should be shown to them. They should learn to sympathise with the victim, should be given the chance to acquire the skills necessary for being an effective member of the society.

223. For the purpose of development and realisation of the juvenile justice system, the Council of Chairpersons of the Courts of the RA has designated certain judges in all the

courts of first instance, who, besides general criminal cases, have also been specialised in criminal cases on juvenile defendants.

224. The number of juvenile convicts is not so large (in 2011 a total of 110 minors were convicted, 32 of them were 14-16 years old, and 78 were 16-18 years old) to create a separate juvenile court. Moreover, in each court of the Republic of Armenia there is one judge, who is specialised in juvenile cases and conducts those cases. In the preliminary investigation stage, a special department operates in the system of the Police of the RA, which is responsible only for juvenile cases. The RA Criminal Code defines special guarantees for juvenile cases.

225. Moreover, the new Criminal Procedure Code, which is currently under elaboration, attaches special importance to the proceedings on juvenile cases and to the peculiarities related thereto.

### **Freedom of speech, freedom of peaceful assembly and of association (articles 19, 21, 22)**

226. In 2011 the following cases of infringement against journalists and human rights defenders were reported:

227. On 10 November 2010 at around 15:30, in the building located at 6/5 Demirchyan street in the city of Sevan, Vladimir V. Baghdasaryan hindered journalists of “Shant” television company Arpi Artashes Sukiasyan and Eduard Hovhannes Petrosyan from their legal professional activities, i.e. he, using his hands, hit E. Petrosyan in the face and, demanding that they leave the building, he did not allow the journalists to do shootings. On 24 December 2010 in the investigation department of Sevan, a criminal case was instituted on this fact under Part 1 of Article 164 of the Criminal Code of the Republic of Armenia, and preliminary investigation is being conducted. On 15 February 2011, V. Baghdasaryan was involved as an accused and was charged under Part 1 of Article 164 of the Criminal Code of the Republic of Armenia, and personal recognizance not to leave was chosen as a measure of restraint.

228. On 23 February 2011, with a letter of accusation, the criminal case was sent to the Court of General Jurisdiction of Gegharkunik marz, which passed an accusatory judgment on 13 March 2011, by which V. Baghdasaryan was punished by a fine in the amount of two hundred-fold of the minimum salary in the Republic of Armenia, and the amnesty accepted by the RA National Assembly on 26 May 2011 applied for him, and he was from the punishment.

229. The judgment of the Court of General Jurisdiction of Gegharkunik marz was appealed in the Criminal Court of Appeal of the Republic of Armenia by the defendant and his advocates and, upon the Decision of the Criminal Court of Appeal of 11 December 2011, the judgment was left unaltered.

230. On 16 January 2012, a cassation appeal was filed by the advocates of Vladimir Baghdasaryan, which is in the process of examination.

231. On 8 December 2011 at around 21:10 Narek Zakaryan, driving a car of “Mercedes” model with 23 LS 294 plate numbers, in the driving part of the underground crossing of Charents and Heratsi streets of Yerevan, on the opposite side of the traffic, hit “Opel Vectra”, “VAZ 21134” and “VAZ 2106” model cars, after which, Vahram Zakaryan and Armen Yeghoyan, relatives of N. Zakaryan, who had arrived at the place of accident, together with a group of people undiscovered within the case, severely violating the public order, demonstrating obvious disrespect towards the citizens who had gathered at the place of accident, such as random passers, the drivers of the crashed cars and their passengers,

argued with Gagik G. Shamshyan, a photojournalist of “Aravot” (“Morning”) and “Chorrord Ishkhanutyun” (“Fourth Power”) dailies, who was taking photos at the place of accident; during this argument, they yelled out swearwords of sexual nature addressed to him, rowed with him and hit him with violence, gave him corporal injuries and hindered him from his legitimate professional activities.

232. On 9 December 2011, in the Central Investigation Department a criminal case was instituted on this incident under point 1 of Part 3 of Article 258 and Part 1 of Article 164 of the Criminal Code of the Republic of Armenia. On 9 December 2011, Armen Yeghoyan and Vahram Zakaryan were arrested. On 12 December 2011, a decision was rendered to involve the latter as defendants and they were charged under point 1 of Part 3 of Article 258 and Part 1 of Article 164 of the Criminal Code of the Republic of Armenia, and on the same day, detention for two months was imposed by the court against A. Yeghoyan as a measure of restraint, and for V. Zakaryan bail out was imposed as an alternative measure of restraint, and the latter was released from detention.

233. During the preliminary investigation, victim Gagik Shamshyan testified that he works for “Aravot” (“Morning”) and “Chorrord Ishkhanutyun” (“Fourth Power”) dailies as a photojournalist. On 8 December 2011 he was taking photos of the car accident in the driving part of the underground crossing of Charents and Heratsi streets of the city of Yerevan. At that moment, a group of youngsters rowed with him, cursed and hit him, hindering his professional activities of a journalist.

234. The case substantiates that journalist Gagik Shamshyan was also present at the place of the aforementioned accident, and that he was taking photos. At that moment a group of youngsters began to cursing, rowing and hitting G. Shamshyan, so that the latter could not take photos. The aforementioned persons were apprehended to the Marash Police Department.

235. On 12 March 2012, with an approved bill of indictment, the case was sent to court.

236. On 18 May 2010, the RA National Assembly adopted the RA Law "On making amendments and supplements to the Civil Code of the RA" (HO-97-N), which clearly defines the meaning of the terms “insult” and “slander”. Particularly, the Code was supplemented by a new Article 1087.1, according to which, an “insult” is a publicly made expression, which is aimed at compromising one’s dignity or business reputation, by means of speech, images, voice, symbols, or by other means. As for “slander”, it is the public presentation of such statements of facts, which are not true and compromise one’s pride, dignity, or business reputation. Besides, this supplement of the Code laid down the order and conditions for compensating damages to pride, dignity or business reputation (<http://www.arlis.am/#>).

237. The limitations related to the events of 1-2 March were executed within scope of limiting the rights and freedoms at times of emergency situations, which was decided in accordance with Article 44 of the Constitution of the Republic of Armenia.

### **Refugees, asylum seekers and internally displaced persons (articles 2, 13, 27)**

238. In the case of Armenia, internally displaced persons are those, who were forced to move deeper into the country, as a result of the bombings of the frontier lands of Armenia by Azerbaijan in 1992-1994. Their number is estimated at 72 000.

239. For the purpose of solving the issues of those people, the Government of the RA, upon the Protocol Decision No 39 of 25 September 2008, approved the program on “Organising the return of people, who were internally displaced from the frontier dwellings

of the Republic of Armenia, to their original dwellings”. The purpose of the program is to create conditions for the 1008 displaced families, to return to their previous dwellings. The total cost of the program is USD 38.5 million, which was expected to be received from the international donor community. Until today the program has not been implemented due to lack of funding.

240. And upon the Decision of the RA Government No 1856-A of 22 December 2011, one-time aid in the amount of AMD 708 million was provided for the purpose of solving the housing issues of those families that were forcefully displaced from Artsvashen community on 8 August 1992, as a result of military operations.

241. The number of ethnic Armenian refugees deported from Azerbaijan was over 360 000.

242. At present, from the issues of those people sheltered in Armenia, the accommodation issue is of importance due to its acuteness. Upon the Decision of the Government of the Republic of Armenia No 747 of 20 May 2004, a priority housing program was approved for most needy refugee families. In 2005-2009, funding of USD 3-4.5 million was annually provided from the State Budget of the RA for the housing of those people, which allowed 779 families to solve their housing problem.

243. Due to the global financial-economic crisis, since 2010 no financing has been planned from the State Budget of the RA for this purpose. Currently, 1175 families are still considered as beneficiaries of the aforementioned program, 860 of which in Yerevan and 315 in different marzes of Armenia. For the resolution of this part of the problem, according to estimations, financing of USD 46mln is required.

244. It is worth mentioning that the number of ethnic Armenian refugees from Azerbaijan, who do not have Armenian citizenship, is larger than the number of 2 000 of those with conventional refugee travel documents as mentioned in the survey. There are refugees, who have not even exchanged the Soviet type documents under their possession. Nevertheless, it is worth mentioning that all such individuals, based on their applications, have a chance to acquire citizenship of the Republic of Armenia within three working days, through a simplified procedure.

245. Since 1996, 86 000 ethnic Armenian refugees, who were deported from Azerbaijan, received citizenship of the Republic of Armenia.

### **Freedom of conscience and religious beliefs (articles 2, 8, 18 and 26)**

246. 26-27. The discussion of the aforementioned draft law is now suspended, taking into consideration the negative opinions of the civil society and religious organisations.

247. 28. The RA Law «On alternative service» adopted in 2003 envisaged alternative work service instead of mandatory military service (Article 2), which stipulates an alternative service for citizens, who refuse military service because of their religion and beliefs, through civil work at healthcare and similar organisations. According to the Law, alternative service is for those citizens, whose religion and beliefs prohibit taking on military service in military units, as well as to bear, keep, maintain and use arms. Switching from military service to alternative service is carried out on voluntary bases by a civil committee established by the RA Government, upon the application of the citizen (Articles 7- 8).

248. At the same time, currently a Draft Law of the RA “On making amendments and supplements to the Law of the RA “On alternative service”” is submitted to the National Assembly of the RA, which provides for the improvement of the order of discussing the applications for sending to alternative service, amending the time periods for alternative

service, envisaging the communities of the Republic of Armenia as places for alternative work service as well, establishing bodies responsible for alternative service and supervisory to the process of alternative service in the marzes of the Republic of Armenia (in the city of Yerevan it should be the Ministry of Territorial Administration of the RA).

249. As for the status of those people who, as prescribed by Article 327 of the RA Criminal Code, have refused mandatory military service or alternative service based on their religious beliefs and are taking their punishment, it should be mentioned that relevant supplements are planned in the RA Criminal Code, by which, people who have committed an action defined by Article 327 of the RA Criminal Code because of their religion and beliefs before 1 May 2012, are released from criminal liability or punishment, if before 1 August 2012 they submit an application about taking on an alternative service.

250. As compared with the second half of 2011, the number of detainees, who are Jehovah's Witnesses, has decreased from 70 to 40 at the penitentiary institutions of the Ministry of Justice of the RA.

251. According to the statement provided on 22 March 2012 by the Penitentiary Department of the Ministry of Justice of the RA, 26 convicts, who are Jehovah's Witnesses, are serving their punishment at the "Erebouni" penitentiary institution, another 4 are at the "Nubarashen" penitentiary institution, 3 are at the "Artik" penitentiary institution, and 16 are at the "Kosh" penitentiary institution.

252. On 26 May, the National Assembly passed the amendments of the Electoral Code, which regulate a number of election related issues. At the same time, in order to strengthen the supervision over elections and ensure a fair and independent process, several practical measures are also undertaken. In this regard, close cooperation is carried out with the OSCE Office for Democratic Institutions and Human Rights, whose instructions are in the implementation stage.

253. Relevant steps are taken for the purpose of ensuring that people with disabilities vote during elections. For this purpose, it is planned to build ramps that will allow people to enter polling stations with their wheelchairs without hindrance. Members of organisations concerned with issues of the disabled, together with members of local election committees, will participate in the research process, and will familiarize themselves with the requirements of the new Electoral Code. Voters with visual impairment will also receive special attention, and a relevant manual has already been developed, which will be published in the Braille alphabet. Besides, in the near future an audio version of the new Electoral Code will be published and provided to those NGOs, which are concerned with issues of people with visual impairment and will provide it to them.

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