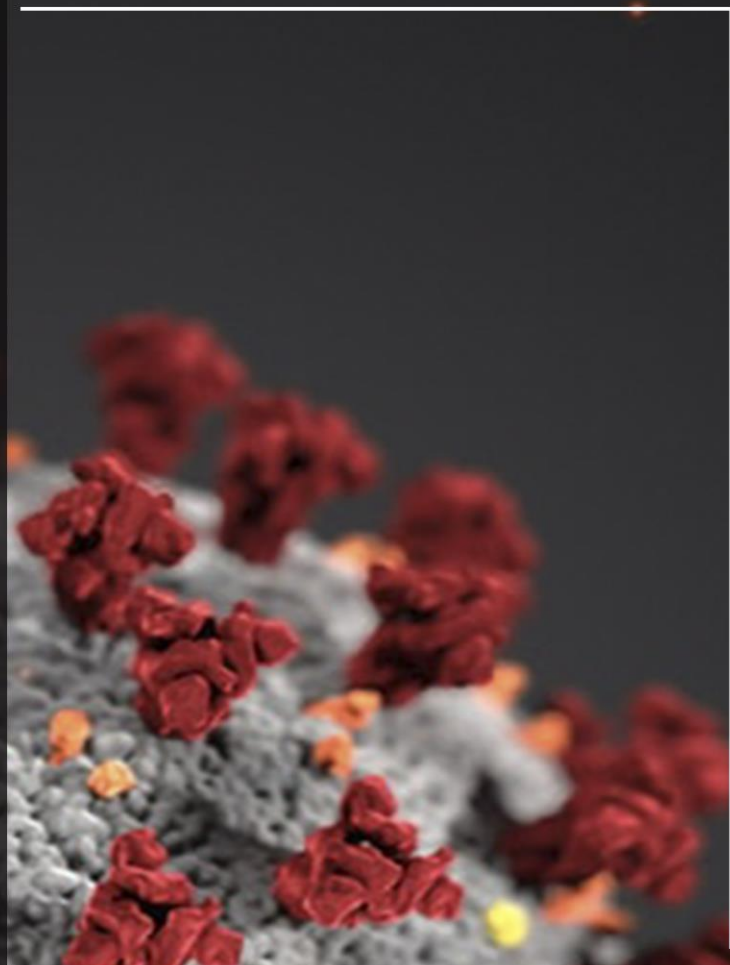


**HUMAN RIGHTS
SITUATION IN THE
REPUBLIC OF ARMENIA
UNDER THE STATE OF
EMERGENCY
ESTABLISHED FOR THE
PREVENTION OF
COVID-19 PANDEMIC**

(FROM 16.03.2020 TO 16.05.2020)



REPORT

Part 3

**Cases of violations of the absolute
right to be free from torture or
inhuman or degrading treatment
are worrisome**



Norwegian
Helsinki Committee



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The views expressed in this report are those of the HCA Vanadzor and may not necessarily reflect the views of the funding organization.

Vanadzor

2020

On 16 March 2020, by Decision No. 298-N the RA Government declared a one-month state of emergency in the whole territory of Armenia in order to prevent the spread of the new coronavirus (COVID-19). Taking into account the indicators of the spread of the new coronavirus disease, by the decision of the Government of the Republic of Armenia the state of emergency has been extended until 13.06.2020.

From 16.03.2020 to 16.05.2020, 8 citizens applied to the organization with cases of degrading treatment, physical and psychological violence, and torture by police officers.

1. In particular, one of the citizens, M.H., informed on 07.04.2020 that the Police officers stopped his car and demanded to show the movement permit and the ID. As he did not show the documents, the police officers started cursing him, due to which a quarrel started, and a group of policemen arrived at the scene and started using violence against him, his brother and his elderly father. We have submitted a report on the incident, on the basis of which a criminal case has been initiated in the RA Special Investigation Service.

2. In another case, citizen G. M. applied to HCA Vanadzor on 03.04.2020 and insisted that on 28.03.2020, the police, having a tense relationship with him and taking advantage of the state of emergency did not allow him to go to the shop and started beating him, even they broke the door of his car, and illegally brought him to the police station, where he was subjected to psychological pressure, as a result of which his condition worsened.

3. In another case, the couple Sh.M. and A.M., who suffered from the behavior of the police officers, applied to the Organization and informed that on 20.03.2020 a police officer called them to the police station to give an explanation. When they criticized the actions of the police department under the state of emergency, a number of officials of the police department started beating, pushing, throwing the couple on the ground and showed inhuman, and degrading treatment.

4. Another citizen, S. S., stated in her application on 28.03.2020, that on 25.03.2020, her husband's mother visited the RA General Prosecutor's Office within the framework of the criminal case relating to her son, where for some problems they insulted the 57-year-old woman and took her to the police station, where she was illegally detained for more than 8 hours. For some unknown reasons, she was taken to a psychiatric hospital. According to the citizen, who reported, and the aggrieved, the police showed inhuman treatment towards the 57-year-old woman.

5. In another case, citizen S. E, who applied to the organization on 26.03.2020, claims that on 21.03.2020 he was taken to the police station by the police for wrong parking, was deprived of the rights to make a phone call and have a lawyer during his stay in the police station, and was tortured by the police officers during the whole period, in particular, was subjected to physical and psychological violence.

6. On 23.04.2020, A. S. informed the Organization that on 20.04.2020, he was taken to the General Department of the RA Criminal Police, where he was beaten in order to admit that he had committed a crime, which he had not. They forced him to admit "...his guilt by beating him with a water bottle, a stool" as a result of which the citizen acquired serious health problems.

7. On 31.03.2020, G. K. informed the Organization that since 24.03.2020, the Police of the Stepanavan Department have been constantly harassing him, and the state of emergency was not an exception. After being discharged from the hospital in critical health condition, he was taken to the police department on his way to Stepanavan for not having the movement permit, where a group of police officers subjected him to physical and psychological violence, and then made an administrative act for charging him 250 thousand drams.

8. A.Ch., a citizen who applied to the Organization on 07.05.2020, reported that on 28.03.2020, about a month ago, her husband was taken to the Bazum Department of the RA Police, where he was subjected to physical violence – "... they beat him, hit him on the head, injured his eye, broke his ribs and demanded to admit his guilt", after which her husband was transferred to "Vanadzor" penitentiary of the RA Ministry of Justice, where the latter is in a very serious condition, has constant pain, due to which he faints, and several injections a day do not give any results.

In accordance with part 1, Article 3 of the RA Constitution the human being shall be the highest value in the Republic of Armenia.

In accordance with part 1, Article 26 of the RA Constitution no one may be subjected to torture, inhuman or degrading treatment or punishment.

In accordance with Article 3 of the European Convention on Human Rights no one shall be subjected to torture or to inhuman or degrading treatment or punishment.

In accordance with part 1, Article 309.1 of the RA Criminal Code "intentionally inflicting severe physical pain or severe mental suffering on the person by an official or other person acting in an official capacity, or by his or her instigation, in order to obtain information or confession from that person or a third party; or to punish for the act which that person or the third party has committed or is suspected of committing or being accused of, as well as for intimidating that person or that third party or forcing him/her to commit an act or to refrain from an act committed, or for any reason based on any form of discrimination

is punishable by imprisonment for a term of four to eight years, with deprivation of the right to hold certain posts or practice certain activities for up to three years."

Part 2 of the same article envisages the aggravating circumstances of the given crime, in particular, point 1, part 2 envisages the same act against two or more persons

as an aggravating circumstance, and point 4 envisages committing that crime by a group of persons as an aggravating circumstance.

It should be noted again that the right to freedom from torture and degrading treatment is an absolute human right, which cannot be restricted under any circumstances, including in a state of emergency or war.

The alleged torture of the above-mentioned citizens who applied to the organization took place by the RA Police officials. That is to say, in the above-mentioned cases, the persons who allegedly tortured, being police officials, are special subjects of the above-mentioned crime. In a number of cases, the police officers subjected people to "physical and psychological suffering." In particular, in a number of cases, citizens were subjected to severe physical pain, which required urgent medical care, and in several other cases, people at the police station were subjected to such inhuman, moral and psychological suffering that their condition became worse. The police officials tried to make the citizens refuse from filing complaints about the illegal actions through intimidation, and in some other cases, taking advantage of the state of emergency, and given the wide powers given to them, tried to impose disproportionate punishment against the persons and tortured them.

Summing up the actions of the police under the state of emergency in the context of fundamental human rights and freedoms, it should be clearly stated that some police officers, without a clear understanding of the scope of their powers and without realizing that the **principal mission of the police system is to protect persons' rights** (especially under a state of emergency), have gone beyond their authority and violated the fundamental rights of individuals – subjected people to physical or psychological violence, thereby exacerbating the situation of people.

We believe that such a practice is unacceptable. Moreover, the state should take all measures to exclude such behavior of police officials, as it is still unclear how long the state of emergency will last given the indicators of the spread of coronavirus. The police officers must immediately stop this behavior, practice and stop violence and degrading treatment against people."

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It is noteworthy that the number of cases of torture by police officers during a state of emergency exceeds the number of cases recorded during the last year prior to the state of emergency.

Thus, it should be noted that some police officials, taking advantage of the expansion of the scope of police powers under the state of emergency for objective reasons and the temptation of the "**new toolkit**" given to them, abuse a wide range of powers, which results in grave violations of human rights. If such practice continues, the Armenian police may soon lose the level of public confidence gained after the revolution.

The leadership of the RA Police should have constant control, should implement necessary instructions and trainings for the police officers aimed at developing approaches and capacities to be guided by the principles of respect for human rights when dealing with citizens under the state of emergency.