

HELSINKI CITIZENS' ASSEMBLY - VANADZOR

REPORT

ON POLICE OFFICERS' ILLEGAL ACTIONS IN MARTS VILLAGE OF LORI PROVINCE

Vanadzor 2021

The report has been prepared in the frame of the project “Establishment of responsible Police based on the values of Human rights as a guarantee of public trust”. The Project is being implemented by Helsinki Citizens’ Assembly-Vanadzor with financial support of Norwegian Helsinki Committee.

Opinions expressed in the report are those of HCA Vanadzor and do not necessarily reflect views of the funding organization.

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The RA Government's decision N 638 - L, of 23 April 2020 approved the Republic of Armenia Police Reforms Strategy and its 2020-2022 Action Plan.¹ One of the aims of the Strategy is to create a new image of Police, as the Strategy reads, “**conscientious and respectable police officers**, intolerant towards crimes, sensitive to human rights protection and concerned about public safety issues”.

However, alongside implementation of the action plan, cases of police officers using violence and degrading citizens persist. This is evidenced by the results² of Helsinki Citizens' Assembly-Vanadzor (HCA Vanadzor) monitoring of human rights violations by Police as well as the Organization's fact-finding mission.

Such fact-finding mission was conducted – based on the relevant report - on 18 August 2021 in Marts village of Lori Province.

In particular, on 14 August 2021, a Ford car crashed while being chased by a police car. As a result, two persons died. The next day, the RA Investigative Committee made a statement about the incident, where they also mentioned that citizens had used violence against police officers, as well as damaged and set fire to police cars.³

The statement is noteworthy in two aspects. First, the publication mentions violence used against policemen and the respective criminal case initiated, however, the publication does not address police officers' illegal actions and use of violence, about which a number of citizens reported to HCA Vanadzor. Besides, due to urgent and voluminous investigative and procedural measures, it was possible to **establish the identity of four of the persons who used violence against police officers and detain them, however, they did not manage to establish identify of the third person, who did not die.**

With regard to the police officers' actions following the incident, according to the residents, “measures” taken by the Police and Investigative Committee to establish identities of participants were accompanied by violence, degrading treatment and disrespect. As a result, natural flow of life in Marts village was compromised, the residents are intimidated, those apprehended to police divisions were in a grave mental state and avoid speaking up about the violence and degrading treatment

¹ <https://www.arlis.am/documentview.aspx?docID=141877>

² See, for example, Report on human rights violations by Police, 2020, HCAV, available at <https://hcav.am/police-report-2020/>

³ See Violence against police officers of RA Police Tumanyan division, a criminal case was instituted, four persons were detained (video, photos)

<https://www.investigative.am/news/view/vostikanneri-nkatmamb-brnutyun-lori-tumanyan.html>

manifested towards them in the police division, as they are afraid that their relatives and they might again be subjected to violence.

Armed and masked police officers invaded the residents' houses, including bedrooms, at night, and used violence and intimidated persons in front of minor children. It is not clear how they assessed necessity and proportionality of such actions carried out during the night. It should be mentioned that the RA Criminal Procedure Code clearly establishes the procedure of investigative actions, whereas police actions were accompanied by numerous gross violations of the Code. In particular, according to the Code,

→ Apprehending is carried out based on a reasoned decision of the investigation body conducting the proceedings, investigator, prosecutor or Court. The suspect, accused, defendant, convict as well as witness and victim should inform the body that invited them of any acceptable reason hindering them to show up for the invitation at the time established (Article 153 clause 2).

According to different data, 20-30 persons were apprehended in Marts village. Not only those present at the incident place, but also their relatives were apprehended. Moreover, they were not provided with any decision/notification on the ground for apprehending and their status. Furthermore, the same person was apprehended for two-three times, which generated an atmosphere of fear and tension among the residents. Some are afraid to leave their houses, others are afraid to stay the night indoors.

→ While conducting investigative actions, it is inadmissible to use violence, threats and other illegal actions against participants of preliminary investigation, as well as to create conditions dangerous for their life and health (Article 188¹ clause 2).

1. According to the data obtained, on the night of August 15, police officers, masked and armed, broke into Marts village residents' houses, bedrooms and without introducing themselves, used violence to apprehend them.

2. Half an hour after the third victim came home from hospital, more than ten armed police officers, using their weapon to push him, apprehended him and did not allow his wife and son help him get dressed – as he had injuries – instead requiring from them to go into the room and close the door.

3. The police officers forced one of the apprehended young boys' parent into their car and threatened not to let him go until his son came out of the house.

4. Those persons were held in the police division for 13-16 hours, and at least one of them had health problems after leaving the division and was taken to hospital.

→ It is prohibited to extort testimony from the suspect, accused, defendant, victim, witness and other participants of the criminal procedure by using violence, intimidation, deception, violation of their rights, as well as other illegal actions.

1. In the police division, 8-9 police officers regularly subjected the detained persons, including a young person with health problems, to violence and degrading treatment in order to extort testimony. They hit their head, throat, face, forced them to stand with their arms up and did not allow them to sit down for a long time.

2. In order to extort testimony, they also used psychological pressure and intimidated them (“they saw your face”, “they are giving a testimony against you”), threatened (“we will apprehend your parents if you do not confess”), gave directing questions (“How did you beat the policemen?” “How did you set fire to the car?”), used swear words.

→ Within three hours after the person suspected of committing a crime is brought to the investigating body, investigator or prosecutor, a protocol on detaining the suspect shall be made and its copy, with a signature, shall be provided to the detained person (Article 131¹, clause 1)

In at least one case, the person was in the division for more than 14 hours, was subjected to violence, degrading treatment, psychological pressure, he was not detained and did not sign any document/protocol when leaving the division. This means that the fact that he was in the division was not recorded in any way.

→ Items of value to the case must be confiscated with participation of attesting witnesses (Article 227 clause 1), based on a Court decision, which is presented to the relevant person and he/she shall give a signature (Article 227 clauses 1 and 2).

Police officers, without adhering to the established procedures, took the mobile phone of one of the detained persons’ wife without her knowledge, which is equal to seizing it.

The police officers also did not ensure proper medical aid to victims. Moreover, **they hindered Marts village residents’ right to medical aid**. Particularly, Alaverdi emergency medical aid car arrived at the scene in 1,5 hours, whereas it usually arrives in 40 minutes. Besides, on the day of the funeral of one of those who died, his relative called the emergency medical aid but this call was not recorded at the station, instead, they responded that “the cops do not allows us to come”, “call the police for them to allow us to come”.

Due respect was not paid to those persons’ loss and grief. Police officers were also present at the funeral of one of the young boys who died and they did not even express any condolences to his

relatives. Moreover, during the wake ceremony on the day after the funeral, police officers apprehended one of the victims' brother.

HCA Vanadzor employees recorded that Marts village residents are intimidated, there is an atmosphere of fear, police officers' illegal actions distorted the image of a policeman to residents, which should have been perceived as someone protecting human rights and preventing illegalities. According to the testimonies of some residents, the police car drove so fast through the village that it was almost hitting a child, some children were scared so much that they had fever and refused to eat.

“The children were in shock, they did not eat anything and could not speak for two days. Once the shock fades away and we want to bring the kids back to life, they come again”.

Those who were apprehended are in a grave psychological state caused by seeing the corpses, some did not take part in their close friends' funeral fearing they would be reminded of what they saw during the incident and prosecuted by the police. Most left the village in panic, especially families that had male offspring:

“Search the whole village now and you won't find a single man, all have fled, they come, take them and thrash them...and it's euphemism to say “thrash”.

Generally, the impression is that the priority goal of the Police was to intimidate residents and not to clarify circumstances of the case and hold the perpetrators liable. For example, according to one of the residents, on the night of August 17, four police officers “broke the door and entered the house shouting” to take his son. His son was not at home and overheard a policeman say, “Why should I bring the father?”. Previous incidents and context of the conversation allow assuming what “order” this citation is a response to.

Even those who were helping or were simply at the incident place without any participation were apprehended. This happened not only in Marts, but also in Lorut and Ahnidzor villages.

“There was even a person from another place, from Lorut, Ahnidzor, they used their network to find out his name, went and took him from his house, beat him almost to death and then learnt they had taken the wrong man”.

It is noteworthy that the police “VAZ 2106” car – which was set fire to - did not have a state registration plate.⁴



Source: www.shamshyan.com

Thus, analysis of the Ford car accident and the police actions following the accident shows that

- The police officers did not manifest the necessary professional skills to correctly assess the possible consequences and justification degree of the chase, thus creating emergency situations and threats to the life of the village children;
- The police officers did not manifest the necessary professional skills in dealing with persons in an emotionally tense state;
- Not only was those persons' right to medical aid not ensured, but it was also hindered;
- Actions and measures of investigation bodies were accompanied by gross violations of RA legislation;
- The police officers seized the residents' belongings;
- In the police division, those persons were tortured, subjected to violence, psychological pressure, threats, intimidation and swear words, in order to extort testimony;
- Natural flow of life was compromised in Marts village: the residents, including children, are in a grave mental state, they live in an atmosphere of fear and uncertainty and are afraid to speak up about illegal actions done to them by “law enforcement bodies”.

We call on the competent authorities to stop illegal actions and intimidations against RA citizens; immediately institute criminal cases against officers who used violence; respect human dignity and act exclusively in the frame of law; take measures to restore mental balance of Marts village residents; provide psychological support to minor children and persons directly affected by police officers' illegal actions, as well as their relatives, as necessary; ensure the relevant atmosphere and conditions for citizens to exercise their right to report, complain and give testimony regarding illegalities and violence used against them, without fear.

⁴ <https://m.shamshyan.com/hy/article/2021/08/15/1193758/>