

ARMENIA

Armenia is a constitutional republic with a population of approximately 3.2 million. The constitution provides for an elected president and a unicameral legislature (the National Assembly). The country has a multiparty political system. The significantly flawed February 2008 presidential election and violent break-up of ensuing protests that resulted in 10 deaths continued to fuel a political crisis that remained largely unresolved during the year and resulted in numerous human rights abuses. In April 2008 Serzh Sargsian of the Republican Party of Armenia (RPA) was sworn in as president, replacing Robert Kocharian. In the National Assembly, the RPA continued to dominate the ruling coalition, which decreased from four parties to three on April 27, when the Armenian Revolutionary Federation (Dashnaktsutiun) resigned from the coalition citing differences over the conduct of foreign policy. Civilian authorities generally maintained effective control of the security forces, although some members of the security forces continued to commit human rights abuses with impunity while under the direction of civilian leadership.

Authorities restricted the right of citizens to freely change their government in mayoral elections in Yerevan. During the year authorities subjected citizens, particularly those considered by the government to be political opponents, to arbitrary arrest, detention, and imprisonment for their political activities; lengthy pretrial detention also continued to be a problem. Authorities continued to use harassment and intrusive application of bureaucratic measures to intimidate and retaliate against political opponents. Authorities used force to disperse political demonstrations and constrain citizens seeking to publicize them. Police beat pretrial detainees and failed to provide due process in some cases. The National Security Service (NSS) and police acted with impunity in committing alleged human rights abuses. In spite of renovations and new construction, prison conditions remained cramped and unhealthy. Authorities denied citizens the right to a fair trial. News outlets, especially in the broadcast media, practiced a high degree of self-censorship, and authorities continued to restrict media pluralism, including through a moratorium on renewal of broadcasting licenses. There were multiple attacks against journalists, and the government rarely identified or prosecuted perpetrators. Authorities restricted freedom of assembly, rejecting numerous applications filed by political opponents to hold demonstrations at requested venues, and often prevented

spontaneous assembly by citizens. Corruption remained widespread, and authorities did not make determined efforts to combat it. Authorities and laws restricted religious freedom. Violence against women and spousal abuse, trafficking in persons, and discrimination against persons with disabilities and homosexual individuals was also reported.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, a military officer was arrested for causing the September 2 death of a conscript soldier.

During the year authorities opened two sets of criminal proceedings against eight police officers for criminal offenses allegedly committed during the March 2008 clashes between security forces, looters, and protesters disputing the February 2008 presidential election results. The clashes resulted in the deaths of eight civilians and two police officers.

According to official information, on August 28-29, authorities opened criminal proceedings against four police officers who were accused of improperly using teargas against demonstrators in the March 2008 events. The four officers allegedly fired teargas grenades at demonstrators from dangerously close distances, resulting in the deaths of three civilians and the injury of three others.

On January 23, Samvel Nikoyan, head of the ad hoc parliamentary commission investigating the March 2008 postelection violence, called on the government to open criminal proceedings against the four police officers for mishandling riot equipment that resulted in three deaths. On June 24, the Parliamentary Assembly of the Council of Europe (PACE) issued a resolution expressing concern about the lack of concrete results of the prosecutor general's investigation into the deaths and called for the investigation to be satisfactorily concluded without delay. Relatives of some of the persons killed in the clashes criticized the official investigation and the leniency of charges against the officers. At year's end the criminal proceedings were still in the investigation stage, and no police officer had been prosecuted for mishandling equipment.

On September 16-17, approximately 16 months after its establishment, the ad hoc parliamentary commission released its findings on the March 2008 postelection events and 10 resulting deaths. The report stated that the commission was unable to shed more light onto the circumstances of the deaths and urged law enforcement authorities to do more to identify, track down, and prosecute individuals responsible for the deaths. Relatives of the civilian victims protested the commission's findings and demonstrated before the parliament for a full, objective accounting of the deaths.

The report blamed authorities, the opposition, and the media alike for escalating the election-related tensions that preceded the clashes. The report criticized electronic media for biased coverage in the period prior to the election, which added to the public's distrust of authorities. But the report assigned most of the blame for the violent unrest on the opposition, accusing presidential candidate and former president Levon Ter-Petrossian of poisoning the preelection period by sowing "hostility and intolerance" and planting "doubts about the legitimacy of the elections" before the campaign began. It also stated that the postelection protests by Ter-Petrossian supporters destabilized the country and disrupted public order. The report failed to shed light onto the circumstances of the deaths of the 10 citizens killed in the clashes. The opposition reacted harshly to the report's findings, accusing authorities of using it to cover up their responsibility for the violence and fatalities that occurred.

On December 21, while commending the commission for certain recommendations and analysis, the PACE Monitoring Committee lamented what it described as the commission's apparent aim "to avoid too overtly discrediting the official version of events or too harshly criticizing the authorities on their handling of them," noting such self-censorship undermined the credibility of the inquiry. PACE also characterized the report for its "one-sided, bordering on biased description of events" leading to the March 1-2 violence and "practically total lack of discussion and analysis of developments" that followed the violence, "such as the arrest and prosecution of a large number of opposition supporters." PACE also deemed unsatisfactory "the lack of any concrete results from the inquiry into the 10 fatalities" that occurred during the March 1-2 events.

The government reported that, during the first 11 months of the year, there were 42 deaths registered in the army. Official

statistics varied on the number of soldiers who died in noncombat conditions due to alleged abuse and mistreatment, with the Ministry of Defense reporting seven and the military prosecutor reporting two deaths in this manner during the first 11 months of the year. The two sources also reported different statistics on the number of suicides and "induced suicides," with the Ministry of Defense reporting 11 suicides (two of which were "induced") and the military prosecutor reporting six (with two "induced"). It was unclear whether violence or hazing played a role in any of the remaining causes of death, such as "negligence" or "violations of breach of procedures of soldiers' relations."

On September 2, Aram Mkrtchian, an 18-year-old conscript, died in a hospital from beatings by his battalion commander, Captain Andok Galstian, at a military post in the Vayots Dzor region. According to reports, Galstian severely beat Mkrtchian several times during the morning hours of August 28. The conscript was subsequently taken in grave condition to the military unit's first aid center and was hospitalized only several hours after losing consciousness. The media quoted Mkrtchian's cousin as stating that, after being beaten, Mkrtchian was left without aid for approximately four hours and that experts told the cousin that it would have been possible to save his life if he had been transported to the hospital in time. Forensics showed that Mkrtchian had multiple wounds over his entire body. Andok Galstian was arrested on charges of abuse of power causing grave consequences due to carelessness, punishable by three to eight years in prison. The deputy commander of the military unit, Major Mamikon Vardanian, was charged with insulting a soldier in the same criminal case, which continued at year's end.

In June 2008 families of soldiers who died during military service between 2005 and 2008 issued a statement accusing authorities of systematically conducting false investigations into the deaths of soldiers and destroying or tampering with evidence in order to disguise homicides as accidents, suicides, or the results of sniper attacks.

In June 2008 a trial began regarding the 2007 death of Tigran Ohanjanian, a soldier serving in the Karjaghbuir military unit in Vardenis. His death was officially attributed to accidental electrocution, and two fellow soldiers, Rustam Asatrian and Karen Tovmasian, were charged with negligence. The family believed, however, that Ohanjanian was killed. According to an August 26 report by the online Hetq news agency, an expert examination showed that the voltage in the military unit was not

strong enough to kill. The trial continued at year's end and according to Ohanjanian's family was marred with numerous procedural violations aimed at concealing the true cause of their son's death and those responsible for it.

On February 23, Captain Viktor Aslanyan was convicted and sentenced to seven years' imprisonment for inducing the 2007 suicide of Hovhannes Meltonian, who served under Aslanyan's command in the Koghb military unit in the Tavush region.

On April 7, Avetis Avetisyan was convicted in connection with the May 2008 death of Narek Galstian, who was reportedly found dead in a gasoline tank operated by his military unit. Avetisyan was convicted of official forgery and breach of guarding or patrolling regulations and sentenced to a fine and one year of imprisonment. On August 9, an appeals court ruled that Avetisyan qualified for a general amnesty declared on June 19 and ordered his release. The concerns of the Galstian family, who maintained their son was murdered, remained unaddressed.

On September 1, Henrikh Grigoryan was convicted and sentenced to 15 years' imprisonment for the 2007 murder of Gegham Sergoyan, a soldier under his command. Grigoryan was also convicted of abuse of authority.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Land mines placed along the border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the first 11 months of the year, government sources reported that three military personnel were killed and two injured by landmine explosions. There was one report of a civilian incurring injuries caused by land mines.

According to official information, during the first 11 months of the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict resulted in 26 casualties on the Armenian side, including the death of six military personnel and the wounding of 18 military personnel and two civilians.

On the evening of February 3, Colonel Gevorg Mherian, a deputy chief of the national police, was shot and killed outside the entrance to his home in central Yerevan. A former presidential anticorruption adviser promoted into his new job by President Sargsian in July 2008, Mherian at the time of his death was

reportedly still actively involved in high-level anticorruption efforts. On February 5, President Sargsian convened a meeting regarding the killing with the chief of police, the head of the National Security Service, the prosecutor general, and other law enforcement officials. He called Mherian's death an assault on the country's law enforcement system and alluded to Mherian's recent anticorruption activities as a possible factor in the crime. At year's end the killer had not been identified and the investigation continued.

There were no developments reported in the cases of the 2007 killing of Albert Ghazarian, the chief prosecutor of the Lori region, or the 2007 attack on Gyumri mayor Vartan Ghukasian and his entourage that resulted in the deaths of three bodyguards and a driver.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the law prohibits such practices, they were regularly employed by members of the security forces. Witnesses continued to report that police beat citizens during arrest and interrogation while in detention. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment continued to go unreported because of fear of retribution. Human rights groups continued to report that many individuals transferred to prisons from police detention facilities alleged torture, abuse, or intimidation while in police custody and that the main purpose of the torture and physical abuse was to extort confessions.

During 2008 the European Court of Human Rights (ECHR) issued judgments in which it found three violations by the country of the prohibition on cruel or degrading treatment under the European Convention on Human Rights.

There were no updates in investigating the alleged torture of former deputy prosecutor Gagik Jhangirian and his brother Vardan during their February 2008 arrest and detention (see section 1, Political Prisoners and Detainees).

Throughout the year numerous witnesses called to testify against opposition figures arrested in connection with the March 2008

presidential elections and ensuing violence reported to observers, the media, and courts that they had been tortured or intimidated by law enforcement bodies into providing false testimony against these figures.

On May 6, Yasha Melkonian, a witness in the criminal case against then-member of parliament (MP) and opposition supporter Sasun Mikaelian, recanted at a court hearing his pretrial testimony against Mikaelian, stating that he had provided the written testimony under physical duress by investigators. Melkonian also stated that, before he was taken to the Prosecutor's Office, he was beaten by masked men at the Hrazdan police station and that the beating was overseen by Sergey Markosian, the head of Hrazdan police investigation department. On May 8, the Special Investigative Service (SIS) launched a criminal case into Melkonian's allegations; however, according to the Prosecutor General's Office, Melkonian subsequently recanted his allegations, and the SIS case was dismissed.

According to media reports, on May 19, Henrik Hartenian retracted his pretrial testimony in 2008 against Miasnik Malkhasian, a member of parliament and one of the seven well-known opposition leaders arrested after the March 2008 violence and charged with attempting to stage a coup and organizing mass riots accompanied by murder. Hartenian told a Yerevan court that he had provided the false testimony after he was beaten and detained by police. Hartenian reportedly stated that an investigator threatened his life if he did not provide the false testimony that police wanted. Hartenian also claimed that police in his home town of Ashtarak had recently harassed him and his family to ensure he did not retract his testimony.

According to media reports, on May 19, Gagik Avdalian, another witness in the case against Miasnik Malkhasian, told a Yerevan court that he falsely incriminated Malkhasian after being severely beaten by masked men while in police custody in March 2008. Moments before he was due to testify, Avdalian claimed he was forcibly taken to the Inspectorate General of Criminal Investigations at the national police; Avdalian claimed that the head of the unit there, Colonel Hovannes Tamamian, promised to free his brother, who was imprisoned for a criminal offense, if he maintained his initial testimony against Malkhasian.

Similar allegations of torture and degrading treatment by the authorities in order to coerce testimony against opposition figures, as well as subsequent harassment to ensure that they

did not retract their initial testimony, were made by Mushegh Antonian, Rafael Balbabian, Aristakes Vardanian, and others.

On May 29 the Prosecutor General's Office distributed a press release stating that five criminal cases had been opened in connection with allegations that law enforcement officers and others intimidated witnesses during the criminal trials of three then-members of parliament--Hakob Hakobian, Myasnik Malkhasian, and Sasun Mikaelian--plus Grigor Voskerchian, Alexander Arzumanian, and Suren Sirunian. Four of the five cases were opened as a result of the allegations of mistreatment made by the witnesses, which included that of Yasha Melkonian (mentioned above). The fifth case was opened after some witnesses in cases against opposition figures reportedly approached law enforcement agencies and courts for protection after unidentified individuals allegedly pressured them to retract their initial testimony against opposition supporters. The opposition denied the claims directed against them. According to the Prosecutor General's Office, it dismissed the case of witness Gevorg Muradyan after determining there had been no wrongdoing by investigators. In the case of the witness Edik Khachatryan, the Prosecutor General's Office said Khachatryan recanted his allegations of abuse. The Prosecutor General's Office dropped the allegations of intimidation and abuse by witness Arsen Mkrtchian because of a lack of proof, and by Yasha Melkonian because he reportedly recanted the allegations. The Prosecutor General's Office did not provide information on other cases of witnesses who alleged that they had been coerced or threatened into providing false testimony against opposition members.

On November 20, the SIS announced that it had charged the former police chief of Gyurmi with abuse of power "accompanied by the use of violence" for allegedly beating and illegally keeping a citizen in custody in July who had come to him with a complaint. The former police chief, Shirak Shahnazarian, was removed from his office in early November for unspecified reasons.

In April 2008 Thomas Hammarberg, the Council of Europe's commissioner for human rights, published a report that expressed concern over police mistreatment of persons during detention, which appeared to be widespread and aimed at extracting confessions.

On September 8, the Group of Public Observers--also known as the Civil Society Monitoring Board (CSMB)--released its annual report for 2008 on conditions inside the country's prisons. According to the report, while prisoner mistreatment reportedly

has declined since 2001, violence including torture continued to be applied as punishment for noncompliance and escape attempts. The report singled out a particular trend of violence, largely unreported, that appeared to occur in connection with deployments of the Rapid Response Division (RRD) of the Justice Ministry's Penitentiary Department to penitentiaries.

According to a CSMB report issued in December 2008, six of its members visited the Nubarashen prison and the Hospital for Convicts following reports of abuse of incarcerated opposition figures. During the visit, they learned that the RRD had carried out a search at the prison during which violent incidents towards inmates occurred in various cells, including degrading treatment, slapping, and insults. During a search of opposition figure Grigor Voskerchian's cell, Voskerchian was reportedly slapped and kicked when members of the RRD discovered his opposition political affiliation.

According to the report, the main violence during the RRD's visit to Nubarashen prison occurred in cell 36 in building 3, where 13 convicts were being held. According to various sources, there was a clash during the search that resulted in injury to Zorik Arzumanyan, the RRD's leader. Subsequently, RRD members allegedly assaulted all of the convicts in the cell for an extended period. The convicts sustained broken noses, lacerations, and bruises on their faces, heads, backs, legs, and arms. The CSMB concluded that the RRD members had gravely violated the principle of proportionate use of force and had abused their official position. In view of the length and scale of the operation, the CSMB considered the violence tantamount to torture.

The CSMB filed an urgent report with the Ministry of Justice concerning the RRD visit to Nubarashen prison, which the ministry referred to the prosecutors for further investigation. The Ministry of Justice also opened an internal investigation into the matter. On January 9, based on its internal investigation, the Ministry of Justice reprimanded RRD Captain Artur Yeghiazarian for conduct unbecoming an officer for assaulting Grigor Voskerchian. According to the Ministry of Justice, on June 18 Artur Tonoyan, an inmate in cell 36 when the alleged RRD violence occurred, was convicted to five years in prison for using violence against a representative of authorities.

In June the Helsinki Citizens Assembly of Vanadzor NGO (HCAV) released a report on incidents of police torture and violence

inflicted on citizens in the Lori region from late 2008 through May. No criminal investigations were opened into any of the nine cases presented by HCAV of alleged illegal police actions, which included illegal deprivation of freedom, humiliating treatment, torture, psychological pressure, and threats.

According to the HCAV report, on January 10 Suren Ayvazian and Harutyun Galstian, two minors, were taken to the Bazoum police department of Vanadzor without a stated reason. At the police station, police allegedly subjected Ayvazian to humiliating treatment, slapped him multiple times, and threatened to place him on an electric stove unless he provided false testimony about Galstian. Ayvazian stated that he witnessed police officers beating Galstian and another young man in a different room. Following the HCAV report, an internal investigation was opened which concluded that the reported events had not occurred; police also stated that the boys had denied the allegations.

According to the same HCAV report, on February 9, Vanadzor resident Artur Vardumian was taken to a police station under suspicion of criminal activity and was reportedly beaten by several officers. His injuries were recorded in the Vanadzor prison registry after his transfer from the police station. The official response to the inquiry from HCAV was that Vardumian had inflicted the numerous injuries upon himself while hitting his head on a table and wall during his detention.

On April 11, the office of the ombudsman reported a case of abuse that allegedly occurred on April 10 at the police station of the Arabkir community of Yerevan involving five detained individuals. The abuse included beatings, withholding of medical aid, illegal deprivation of liberty, humiliating treatment, and denial of food and sleep. The ombudsman's application to the SIS to conduct an inquiry into this case was not acted on by year's end.

On April 16, the SIS terminated the investigation into the suspicious 2007 death in police custody of the restaurant owner Levon Gulian, citing lack of evidence that a crime had been committed. On December 2, a first instance court rejected the appeal of the family against the termination of the case, and the family took the case to the appeals court, where it was pending at year's end. The SIS, which took over the initial investigation from the Prosecutor General's Office in 2007, had previously closed the criminal case in March 2008, claiming that Gulian, an alleged witness to a homicide, fell to his death from

a second-story police station window while trying to escape. Gulian's family and human rights activists stated at the time that the investigation was neither credible nor transparent and that Gulian had died as a result of police abuse. On May 12, the Paris-based International Federation of Human Rights released a joint statement with the human rights NGO Armenian Civil Society Institute that expressed deep concern about the yet-unsolved death of Gulian.

There were no developments in the allegations of torture and abuse reported by Karen Dodoyan and Ashot Ghukasian, witnesses in the 2007 murder case of former Lori prosecutor Albert Ghazarian. There were also no further developments in the 2007 cases of alleged abuse of a detainee at Nubarashen prison nor of Artavazd Simonian.

Customs within the military, the impunity of military commanders, corruption, and substandard living conditions in the armed forces continued to contribute to mistreatment and injuries in the armed force that were unrelated to military operations. Although no reliable statistics were available on military hazing, soldiers reported to human rights NGOs that the practice continued. The families of soldiers claimed that corrupt officials controlled military units. Human rights monitors and the ombudsman reported that soldiers were conscripted into army service despite having serious disqualifying health conditions. According to the military prosecutor, during the first 11 months of the year, 38 military personnel were convicted of hazing and related violations and 45 more cases were under trial.

On May 27, the ombudsman released an ad hoc report on human rights violations in the military in 2008. The report singled out misconduct and hazing of conscripts by their commanding officers and fellow soldiers and a lack of accountability for such actions. The report also highlighted the failure to register hazing offenses committed in the armed forces. According to the report, only 15 to 20 percent of hazing incidents were officially registered. The report cited 171 cases of beatings and hazing over the first nine months of 2008, 38 of which were related to beatings of conscripts by commissioned officers. The report also discussed the arbitrary application of humiliating and degrading treatment to servicemen in the course of disciplinary actions and noted the continued recruitment of persons with preexisting health conditions that make them unfit for military service.

On June 16, the Ministry of Defense announced that it had established a special task force to develop recommendations for improving disciplinary regulations that would bring the country into conformity with international standards. At year's end no recommendations had been made.

In May 2008 Ashot Voskanian was drafted into the army despite a serious preexisting medical condition affecting his legs. According to reports, almost immediately after Voskanian began service, he required crutches and later underwent several surgeries due to the worsening condition of his legs. Voskanian's parents made numerous, unsuccessful attempts to exempt him from service. After numerous media reports and interventions by human rights activists, the minister of defense met with Voskanian on July 7, following which he was hospitalized once again, his future service depending on the final outcome of the treatment. According to official information Voskanian underwent a medical examination on October 8 and was found fit for noncombat service and returned to service.

Prison and Detention Center Conditions

According to a September 8 report by the CSMB, the country made progress during the year to reform penitentiaries and detention centers and bring them into compliance with international human rights standards. Despite this progress, which came about mainly through the renovation of older facilities or the construction of newer ones, the group stated in its report that improvements in prison facilities and treatment of detainees were still needed.

According to the report, shortcomings included continued overcrowding of cells, inadequate conditions for personal hygiene, insufficient heating, insufficient medical staff, exercise time that was lower than legally prescribed, and food quality that remained poor. The report singled out continuing violence against inmates by the RRD and found the decision-making process for early release of convicts to be subjective and controversial.

On March 25, several human rights NGOs released a statement expressing concerns about the activities of the commission on early release. In particular the NGOs expressed their concern about the absence of strict criteria for the commission's decision making, the lack of an appeal mechanism, and the fact

that most members of the commission were representatives of law enforcement structures.

According to observers, most instances of abuse of prisoners and detainees by law enforcement authorities continued to occur in police stations, rather than in police detention facilities, which are subject to human rights monitoring.

Corruption in prisons continued to be a problem, exacerbated by low salaries for prison administration employees, as well as poor and sometimes dangerous working conditions. In certain facilities prisoners bribed officials to obtain single occupancy cells and additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends seeking to deliver meals to inmates.

The NGO Helsinki Committee reported an account of a former prisoner at Nubarashen prison who claimed that the prison was ruled by a clandestine organized criminal system, with rampant corruption affecting the prisoners and involving the administration; secrecy, blackmail, gambling, torture, psychological pressure, intimidation, and inducing inmates to commit suicide were prevalent practices. The account alleged that bribes had to be paid for legally prescribed privileges, such as visits, telephone calls, and receipt of packages.

The government generally permitted local NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in prisons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities generally permitted CSMB personnel to visit prisons without giving advance notice.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice authorities continued to arrest and detain criminal suspects without warrants. Authorities continued to arbitrarily detain individuals due to their opposition political affiliations or political activities.

Role of the Police and Security Apparatus

The national police are responsible for internal security, while the NSS is responsible for national security, intelligence activities, and border control; the heads of both organizations

are appointed by the president. The police and the NSS continued to lack training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that law enforcement bodies did little to investigate allegations of abuse. As a result, impunity remained a serious problem.

Corruption remained a significant problem in the police and security forces. In spite of efforts to further reduce bribe-taking by traffic police, citizens continued to report being solicited to pay bribes to the police, although less than in previous years. There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. According to official information, during the year the police conducted 32 internal investigations into citizens' complaints of police misconduct and brutality against detained or arrested persons, witnesses, or citizens. Twenty-eight of the cases were considered as not substantiated by proof; in two cases six police officers received a strict reprimand; and the remaining two cases were suspended until the SIS could review the case materials.

During the year the SIS conducted 77 investigations into alleged crimes by police officers, with 16 of these related to official abuse of authority; 11 to exceeding of authority; 10 to bribe taking; 11 to inflicting bodily harm of various degrees; five to fraud; four to hooliganism; three to divulging the data of inquiry or investigation; two each to theft, illegal weapons possession, and improper safekeeping of weapons; and one each to murder, illegal entrepreneurship, tax evasion, negligence in keeping a weapon, illegal turnover of narcotics for the purpose of sale, illegal turnover of narcotics without the purpose of sale, giving a bribe, official forgery, official negligence, forcing testimony, and improper handling of weapons. By the end of the year, 33 of the 77 cases against 40 persons had been sent to court, 16 of the 77 cases were dropped, six were suspended, three combined with other ongoing criminal cases, four were sent to a different body, and 15 were ongoing.

During the year the SIS investigated 24 cases against employees of various prisons, including 13 for distribution of illicit narcotics, three for inflicting bodily harm on civilians, two for exceeding official authority, two for abuse of official authority, and one each for providing improper medical aid, taking a bribe, official negligence and assisting a prison escape. Ten of these cases resulted in convictions.

In 2007 the Prosecutor General's Office opened a criminal case for exceeding official authority against the deputy director of Vardashen prison, Gagik Hovhannissian, and two members of the prison administration, Arsen Grigorian and Levon Hovakimian, for abuse of power and using violence against an inmate. On January 12, Hovhannissian was convicted and sentenced to two years' imprisonment; Grigorian and Hovakimian were convicted and given two-year suspended sentences.

By law detainees may file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations; however, detainees must obtain permission from police or the Prosecutor's Office to obtain a forensic medical examination needed to substantiate a report of physical abuse. Human rights NGOs continued to report that authorities rarely granted such permission or granted it days later, when signs of abuse were no longer visible.

The SIS was located in the building of the Prosecutor General's Office and headed by the former head of the prosecutor's investigative department and continued to function as the de facto investigative body of the Prosecutor General's Office, reversing the effects and purpose of earlier reforms to improve checks and balances in the judicial system.

In March 2008 the national police, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), began a pilot project on community policing designed to facilitate cooperation between police and the public. The project, which was located in Yerevan's Arabkir District, continued during the year. In November 2008 the OSCE office in the country and the police signed a memorandum on cooperation and assistance in the areas of democratic policing, community policing, police education in accordance with international standards, and development of skills in maintaining public order.

Arrest Procedures and Treatment While in Detention

Prosecutors and police investigators must obtain a warrant from a judge to detain an arrested suspect in excess of 72 hours. Judges rarely denied police requests for detention warrants. At times police arrested individuals and held them for up to 72 hours on the pretext that they were material witnesses to a crime (not suspects); observers contended that the police would avoid labeling them as suspects so that their subsequent rights as suspects/defendants would not be triggered.

The law provides for a bail system; however, in practice most courts denied requests for bail, ordering instead either continued detention or release of defendants on their own recognizance pending trial. In the latter case, defendants were sometimes required to surrender their passports and to sign statements promising not to leave the country or, in some cases, city limits.

The law requires police to inform detainees of their right to remain silent, to make a telephone call, and to be represented by an attorney from the moment of arrest, including by public defenders provided in the case of indigent detainees. In practice police did not always abide by the law. They often questioned and pressured detainees to confess prior to indictment and in the absence of counsel. Police sometimes restricted the access of family members and lawyers to detainees. The practice of detaining individuals as "material witnesses" before being designated as suspects resulted in the questioning of individuals without the benefit of a defense attorney.

Local and international human rights groups reported procedural and other violations during the arrest and detention of persons during the year.

On January 27, PACE issued a resolution in which it regretted that only limited progress had been made by authorities with regard to the release of persons deprived of their liberty in connection with the events of March 2008. Many of these individuals were detained on seemingly artificial or politically motivated charges. At the time, authorities justified the arrests as necessary to prevent attempts to initiate mass disorders and usurp power by extraconstitutional means. While the majority of these detainees were released without charge after several hours' detention, dozens of opposition supporters were detained for up to 16 months, through the end of June, either after being convicted of crimes or pending the conclusion of their trials. PACE noted that a significant number of prosecutions and convictions of opposition supporters were based solely on police testimony, without substantial corroborating evidence.

On June 5, police detained and arrested Arshaluis Hakobian, a member of the local NGO Helsinki Association, for allegedly assaulting a police officer while being delivered a summons to appear in connection with the official complaint of electoral fraud that he filed as an accredited election observer during

the May 31 Yerevan mayoral election. On October 16, November 20, and December 21, the judge postponed the court hearings on the case in response to the prosecution's requests for more time to conduct an investigation into the actions of the police officers who detained and arrested Hakobian. Hakobian stated that the police pressured him to sign the summons for him to appear in connection with his electoral fraud complaint and beat him on the way to and at the police station. Court hearings had yet to resume at year's end (see section 5).

On July 5, police arrested the youth opposition activist Tigran Arakelian and charged him with "hooliganism." Arakelian's arrest followed reported July 1 clashes between plainclothes police officers and youth activists from the opposition Armenian National Congress (ANC) in downtown Yerevan, where the latter were distributing leaflets announcing the holding of an ANC rally on July 2. Arakelian was held in pretrial detention until October 8, when authorities released him due to his worsening medical condition, which Arakelian alleged was the result of head injuries inflicted by police. On December 15, the criminal case against Arakelian and two other youth activists also charged in connection with the July 1 incident was dropped due to a lack of evidence (see section 2.b.).

Lengthy pretrial or preventive detention remained a problem. In practice authorities generally respected the provision of the law stipulating that pretrial detention could not extend beyond 12 months. However, the law does not set any limits for detention of defendants once their case is sent to the court. Although the law requires a well-reasoned decision to justify grounds for an extension of custody, judges routinely prolonged custody on seemingly unclear grounds. According to official information, during the year the average prison population comprised 3,728 inmates, of which pretrial detainees totaled 422 persons, and 305 were detainees whose trials were in progress.

In July 2008 the ombudsman published his observations on the government's practice of placing persons under detention and on extending the pretrial detention of persons arrested in connection with the March 1 events. The ombudsman found that authorities presented insufficient accounts of alleged crimes to the court, that judges did not--as required by law--substantiate their conclusions that a detainee posed a flight risk, and that judges failed to consider alternatives to detention, such as release on bond.

The government declared a general amnesty on June 19 that resulted in the early release of 329 people, including 30 of the approximately 44 opposition supporters still in prison as of the date of the amnesty. Most individuals were released in June and July, after the amnesty, with the most prominent opposition supporters released after the conclusion of their trials. Individuals were ineligible for the amnesty while they were still under investigation, if the articles they were charged with could result in a sentencing not covered by the amnesty, had been charged or convicted of certain crimes, or sentenced to prison terms exceeding five years. Five of the persons who qualified for the amnesty included progovernment loyalists convicted of vote fraud during Yerevan's May 31 mayoral election, and one was a member of the ruling Republican Party of Armenia (RPA) who admitted shooting to death a fellow RPA member prior to the election but whose crime was downgraded to causing death by negligence and illegal weapon possession

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, courts remained regularly subject to political pressure from the executive branch, and judicial corruption was a serious problem.

Following the abolishment of "specialized courts" in January, the court system was organized into basic trial courts, an administrative court, civil and criminal appellate courts, the Court of Cassation, and the Constitutional Court.

The review courts are considered final courts for examination of a case's merits. The Court of Cassation has discretionary review authority as a highest judicial body over nonconstitutional matters. The 2008 judicial code assigned new roles to the Court of Cassation, including the provision of uniform application of law, its correct interpretation, and support in the development of legislation. The Constitutional Court rules on the constitutionality of legislation, provides its opinion on the constitutionality of signed international agreements prior to their ratification by the National Assembly, and rules on election-related questions.

Citizens have the right to appeal to the Constitutional Court, with 283 persons lodging appeals during the year.

The Council of Justice recommends candidates for judgeships, who are then appointed by the president, who continued to retain a highly influential role over judicial branch personnel. The

council also nominates candidates for the chairmen of courts on all three levels and their chambers and subjects judges to disciplinary proceedings for misconduct. The president and the National Assembly each appoint two scholars to the council, and the General Assembly of Judges elects the remaining nine members by secret ballot.

In 2007 the Constitutional Court ruled that sending back criminal cases for additional investigation by pretrial bodies was unconstitutional and voided the relevant provisions of the criminal procedure code. As a result, trials must end either by acquittal or guilty verdicts, effectively ending the practice of holding defendants indefinitely for "additional investigation" when underlying cases are weak. Despite the ruling, the National Assembly subsequently enacted a law in late 2007 allowing a trial judge to suspend a trial and apply to the Prosecutor General's Office for reconfirmation of the indictment protocol to include new aggravated charges. This statutory authority effectively undermined the presumption of innocence and potentially favored the prosecution in such trials.

During 2008 the ECHR issued judgments in which it found four violations by the country of the right to a fair trial as provided under the European Convention on Human Rights.

Trial Procedures

The law generally requires that trials be public but permits exceptions, including when a trial's secrecy is in the interest of "morals," national security, or for the "protection of the private lives of the participants." Juries are not used. A single judge issues verdicts in courts of first instance (except for cases on crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants generally have the right, and are generally required, to be present at their trials. They have the right to counsel of their own choosing, and the government is required to provide them with defense counsel--public defender--upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Reportedly, defendants would at times refuse their public defenders because of the perception that the public defenders colluded with prosecutors.

Under the law, defendants may confront witnesses and present evidence, and they and their attorneys may examine the government's case in advance of the trial. In practice, however,

defendants and their attorneys had very little ability to challenge government witnesses, particularly police officers. Under the law, police officers are prohibited from testifying at trial in their capacity as a police officer, unless they are testifying as a witness or victim in the case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no capacity to challenge the findings of these official reports, which were generally considered by courts to be unimpeachable.

Defendants, prosecutors, and the injured party have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was frequently violated.

According to court statistics, the courts rendered only seven acquittals out of a total of 2,407 verdicts handed down during the year, for an acquittal rate of approximately 0.3 percent.

There continued to be reports of prosecutors and police using confessions that were obtained through methods that some NGOs characterized as torture and inhuman treatment. Defense lawyers may present evidence of torture to overturn improperly obtained confessions; however, defendants, their attorneys, and NGOs often stated that judges and prosecutors refused to admit such evidence into court proceedings, even when the perpetrator could be identified.

Courts at all levels did not give proper consideration to claims by defendants or witnesses that they had undergone torture in the course of the investigation. Judges often did not respond to such claims, gave them little credence, or rejected the claims outright and issued guilty verdicts in cases where witnesses had alleged torture.

On December 10, the UN Development Program, in close collaboration with the Office of the Ombudsman, published the results of its research on the implementation by courts of the UN Convention against Torture. The research concluded that often, when there were objective indications that a party to the trial had been subjected to torture, the courts did not raise the issue for discussion. In rare instances, when it was officially recognized that evidence had been obtained as a result of an act of torture, evidence was still admitted.

On January 19, a Yerevan court sentenced an 18-year-old soldier, Karen Hayrapetian, to one year in prison for perjury in retracting the incriminating testimony he gave in June 2008 against the opposition MP Myasnik Malkhasian and his driver Arman Shahinian. Malkhasian and Shahinian were arrested following the postelection violence in March 2008. Based on Hayrapetian's original testimony, Shahinian was sentenced to 18 months in prison for allegedly assaulting a police officer during the clashes. The verdict was primarily based on a pretrial deposition by Hayrapetian, which he subsequently claimed police had tricked him into signing shortly before being drafted into the army in June 2008. The court trying Shahinian ignored Hayrapetian's claims and found Shahinian guilty based on the deposition. In October 2008 authorities began prosecuting Hayrapetian for perjury; Hayrapetian responded by disputing authorities' use of his false testimony, arguing he could not have witnessed the postelection violence because he was not in Yerevan the day the alleged assault took place, a claim backed by 20 of the residents of his village.

According to local legal and human rights observers, the courts did not ensure equal rights for the defense and the prosecution. They cited as evidence the courts' continued refusals of defense motions, illicit editing of proceedings records in the criminal court, hindering the activities of journalists who were covering the trials, and general favor toward the prosecution. Diplomatic observers witnessed numerous cases in which convictions were rendered on the basis of highly questionable police evidence and testimony that was persuasively disavowed by the reputed witnesses in open court. According to local judicial observers, it was common for witnesses in criminal cases to disavow their prior statements to the police, either because witnesses feared retribution from the defendant or because their initial statements were made under police pressure. As this was common in criminal cases, the courts routinely relied on a witness's initial statement to find an accused person to be guilty.

During the year many advocates complained that trials for criminal cases were a formality, with verdicts decided by judges before the trials started. Defense attorneys claimed that this put them in a difficult situation in which they were present at the trial but not able to defend their client. In protest, some defense attorneys left courtrooms to illustrate that the trial could go on without them. At year's end there were criminal cases pending against attorneys Artur Grigorian, Diana Grigorian, Ara Zakarian, and Mushegh Shushanian for showing

disrespect towards the court by leaving during the proceedings. These four advocates were active in the defense of individuals detained in connection with the disputed March 2008 election and its aftermath. According to reports, a court official offered to close the cases, which were launched on September 3, without a formal acquittal, but the attorneys refused the offer.

In response to such cases, the ombudsman in June responded to a request from the Chamber of Advocates (defense bar) by applying to the Constitutional Court to declare unconstitutional the statute on disrespectful treatment of a court, as it applies only to witnesses, victims, and defense attorneys but not to prosecutors. Some local judicial observers interpreted the investigation into the defense attorneys' actions as a punitive measure to control zealous defense advocates and make an example of them. In November 2008, in reaction to the prosecutions, approximately 20 lawyers came out publicly in defense of their colleagues and refused to provide civil or criminal legal services to judges, prosecutors, investigators, or members of their families. At year's end the criminal proceedings against the four defense attorneys were still underway, and the Constitutional Court had yet to rule on the constitutionality of the statute.

In practice the vast majority of criminal cases that were sent to trial resulted in convictions. Observers reported this was because many judges felt it was their job to work with the prosecutors and return guilty verdicts. Furthermore, many judges feared they would face retribution should they return an acquittal on a sensitive case that was important to authorities. Notwithstanding that many weak cases resulted in convictions, the high conviction rate could also be attributed to police investigators weeding out weak cases and not sending them to court.

On December 25, the ombudsman issued a public ad hoc report, "Ensuring Right to a Fair Trial in the Republic of Armenia," that assessed the country's administration of justice. The report concluded that violations of the right to a fair trial were systematic and stemmed from the fact that courts continue to be influenced by, and side with, the prosecution of cases by the state. The ombudsman noted that the violations of the right to a fair trial distorted the role of the courts as an impartial arbiter, keeping public confidence in administration of justice very low.

Political Prisoners and Detainees

Of the hundreds of persons detained around the time of the March 2008 political events and violence, approximately 150 were held for a significant period and more than 100 were charged with a crime. Most or all of these arrests appeared politically influenced to varying degrees. Some were charged under broadly defined criminal charges of "usurpation of state authority" or "mass disorders." Others were charged with selectively enforced weapons possession charges or with resisting arrest. Authorities continued to deny the presence of political prisoners in the country and maintained that the political opposition planned the postelection violence in an attempt to seize power extraconstitutionally.

At year's end approximately 13 individuals jailed in connection with the 2008 presidential election and postelection unrest remained incarcerated, either in pretrial detention or postconviction incarceration. Most of these prisoners were supporters or members of the political opposition that disputed the outcome of the February 2008 presidential election and/or participated in postelection demonstrations. The opposition ANC claimed that in addition to these individuals, a fourteenth person was also arrested and convicted for politically motivated reasons stemming from his participation in postelection protests.

According to the political opposition, as of year's end, there were 15 persons in custody whom the opposition deemed "political prisoners," including 14 persons detained in connection with the February 2008 presidential election or postelection unrest, and the remaining person serving a sentence handed down in a previous year.

On January 27, PACE issued a resolution criticizing authorities for limited progress in responding to its demands in 2008 concerning the release of opposition supporters who had been detained in connection with the events of March 2008. PACE criticized the arrest and continued detention of these supporters on "seemingly artificial and politically motivated charges" and urged authorities to release all persons who did not personally commit any violent acts or serious offences. In the resolution PACE also noted that "a significant number of prosecution cases and convictions were based solely on police testimony, without substantial corroborating evidence. In the majority of these trials, the sole witnesses or alleged victims were police officers, whose testimony was often inconsistent. In some instances the same police officers were involved as

witnesses in several different cases against different opposition supporters." PACE's resolution also noted that authorities had not "availed themselves of the possibility to use all other legal means available to them, such as amnesty, pardons, or the dropping of charges" to release persons detained in connection with the events in March 2008 who did not commit acts of violence.

On June 24, PACE issued another resolution that welcomed amendments made to two articles of the criminal code and their impact on the then-ongoing court cases of persons detained in connection with the March 2008 events; however, PACE criticized authorities for not applying the amendments to "the cases of persons charged, or convicted, solely on the basis of police testimony, without substantial corroborating evidence." PACE also noted President Sargsian's June 16 proposal of a general amnesty, adopted on June 19 by the National Assembly, which provided for the early release of persons detained in connection with the March 2008 events who either were not charged with violent crimes or were not sentenced to prison terms exceeding five years.

The June 19 general amnesty resulted in the early release of an estimated 30 of the approximately 44 opposition supporters still in prison. Most were released in June and July, with the most prominent opposition supporters released after the conclusion of their trials. At year's end approximately 13 opposition supporters remained in detention or prison, technically ineligible for the amnesty either because they were still under investigation, charged under articles that could result in a sentencing not covered by the amnesty, or had been charged or convicted of certain crimes, or sentenced to prison terms exceeding five years. Opposition supporters constituted a small fraction of the 329 prisoners released under the amnesty.

On March 23, Gagik Jhangirian, a dismissed deputy prosecutor general who had publicly stated his support for opposition candidate Levon Ter-Petrossian during the February 2008 presidential election, was sentenced to three years in prison for resisting police. He was subsequently released on June 23, qualifying for early release under the general amnesty of June 19. Jhangirian appealed his conviction on the grounds that it had been unlawful and unsubstantiated by evidence, but an appeals court on May 20 upheld the original ruling. Jhangirian had been relieved of his duties shortly after the disputed presidential election by then-president Kocharian, and he and his brother were stopped in their vehicle and arrested.

Jhangirian was convicted of resisting police even though a senior police officer admitted in court in February that Jhangirian did not offer any resistance during his arrest.

On April 1, after the National Assembly enacted amendments to the criminal code on March 18, prosecutors dropped the charge of attempting to usurp state power, i.e., staging a coup, against seven of the most prominent opposition supporters. Prosecutors left in place lesser charges of inciting mass disorder; the original charge of organizing mass disturbances had carried an aggravating factor of being "accompanied by murder," which was removed with the amendments. By dropping this aggravating factor in the case of the seven opposition supporters, authorities effectively rescinded their original claim that the seven were responsible for the deaths of 10 individuals killed as a result of the March 2008 clashes, a claim for which no evidence had been produced. The seven opposition supporters included Alexander Arzumanian, a former foreign minister who served as Ter-Petrossian's campaign manager in the February 2008 presidential election, MP Hakob Hakobian, and opposition members Grigor Voskerchian, Suren Sirunian, and Shant Harutiunian--all of whom were originally charged with inciting mass disorder leading to deaths and usurpation of state authority extraconstitutionally. In addition to these charges, the charges against the remaining two defendants, MPs Myasnik Malkhasian and Sasun Mikaelian, included being an accomplice to violent resistance against representatives of the state (for Malkhasian) and possession of illegal weapons and ammunition (for Mikaelian).

On May 13, approximately 13 months after his arrest in April 2008, Shant Harutiunian was freed after the court determined that he was not of sound mind during the postelection clashes. The court dropped both of the prosecution's charges against Harutiunian, organizing mass disturbances accompanied with murder and attempting to usurp state power extraconstitutionally. The ruling came after a court-ordered medical and psychological evaluation. Harutiunian complained to media after his release that authorities invented his alleged mental condition as a pretext to keep him from appearing in open court, which he contended would have embarrassed authorities.

On June 22, four of the seven--Alexander Arzumanian, Suren Sirunian, Hakob Hakobian, and Myasnik Malkhasian--were freed at the conclusion of their trials and after receiving convictions that qualified them for early release under terms of the amnesty. All received five-year sentences but Sirunian, who was

given a four-year sentence. Sasun Mikaelian, the other member of parliament on trial, was sentenced to eight years in prison for illegal weapons possession and causing mass disorder, thus making him ineligible for amnesty. Grigor Voskerchian, the remaining prominent opposition supporter from the "trial of the seven," was released on July 10 after being convicted and sentenced to two years in prison, thus qualifying for amnesty. The majority of the seven had served 16 months in jail.

On December 11, a Yerevan court convicted and sentenced to three years Arshak Banuchian, an opposition supporter and the former deputy director of the Matenadaran ancient manuscripts museum, for embezzlement and tax evasion. Banuchian rejected the verdict, denied the alleged crimes, and denounced the case against him as politically motivated retaliation for his support of the opposition ANC. Banuchian qualified, however, for the general amnesty declared on June 19. Banuchian had originally been arrested after the March 2008 postelection unrest, charged like other opposition supporters with inciting and participating in mass disorders.

According to official information, as of December 30, 94 cases against 117 persons had gone to court in connection with the March 2008 events. Courts had rendered verdicts in cases against 116 persons. Of the 116 persons tried, 38 persons received suspended sentences, five were fined, 65 were given prison sentences from six months to nine years, six were acquitted, one case was dropped due to an amicable settlement with the defendant, and one case was dropped after a court found the defendant not of sound mind while committing the alleged crime. According to official information, of 116 persons convicted, 28 were granted pardons. On June 19, when the amnesty was announced, there were 28 persons connected with the March 2008 events who were still in prison at the time, of which 19 were released. According to the opposition ANC, as of June 19, 24 opposition supporters remained in detention or prison as a result of March 2008-related charges or convictions, with 16 of these being subsequently released as a result of the amnesty. In addition, the ANC declared that as of June 19, 20 of their supporters remained in detention or prison as a result of charges or convictions stemming from the 2008 presidential campaign or election itself, with 14 of these being subsequently released as a result of the amnesty.

At year's end charges remained in place against Nikol Pashinian, editor in chief of a leading opposition daily, and MP Khachatur Sukiasian, a prominent businessman. Both remained accused of

organizing mass disorders during the March 2008 postelection unrest, with Pashinian additionally charged with resisting "representatives of state authorities" for an alleged altercation with police in 2007 while publicizing an upcoming presidential campaign rally by Levon Ter-Petrossian.

In March 2008 police arrested on tax evasion charges Anush Ghavalian, a waitress at a restaurant owned by businessman and MP Khachatur Sukiasian, a prominent backer of Levon Ter-Petrossian's 2008 presidential bid. Ghavalian and her supporters claimed her arrest was intended to pressure her to provide evidence against the director of the restaurant, Gevorg Safarian, who was detained in 2007 in a crackdown against the Sukiasian family businesses immediately after Sukiasian publicly backed Ter-Petrossian's presidential bid.

On April 7, Safarian was convicted for evasion of taxes and obligatory payments, and Ghavalian for complicity in a criminal act. They received three-year and four-year suspended sentences, respectively, and were released as a result of the June 19 amnesty. During their trial their first defense attorneys were subjected to a criminal investigation for their conduct; the three lawyers, Ara Zakarian, Artur Grigorian, and Diana Grigorian, resigned in protest from the trial after they discovered that an important court document had allegedly been forged by the judge presiding over the case. The attorneys unsuccessfully sought to have the actions of the judge investigated. The judge denied all defense motions to verify the accuracy of the document, and the attorneys walked out of the courtroom in protest. The three attorneys were subsequently charged in late July with "disrespectful treatment of the institution of a court," an offense that could carry a one-month jail sentence and result in the loss of their licenses to practice law. Police investigated the conduct of the attorneys, but there was no investigation into the conduct of the judge. Formal court proceedings against the three lawyers began on September 3 and continued at year's end. After the walk-out by the three attorneys, Safarian and Ghavalian went to trial with substitute attorneys.

During the year authorities attempted to confiscate and sell one of the companies of opposition supporter and MP Khachatur Sukiasian. In late 2008 authorities seized the assets of his Bjni mineral water company to collect a 4.5 billion dram (\$14 million) fine, ostensibly for tax fraud and misappropriation of state-owned water resources; local observers viewed the exorbitant fine as punishment of Sukiasian for supporting Ter-

Petrosian's 2008 presidential bid. Authorities put the company's assets up for auction in December 2008 but failed to find a buyer. They then put the assets up for auction again on February 5 and found a buyer, progovernment MP and businessman Ruben Hayrapetian. On March 19, the Administrative Court reversed the auction of Bjni, ruling that the company had to pass through bankruptcy proceedings before its assets could be auctioned. The company was finally sold, on December 24, again to Ruben Hayrapetian, for 4.3 billion drams (approximately \$11.4 million). Throughout the year Sukiasian's representatives insisted that the original penalties had no merit and constituted heavy-handed retaliation against Sukiasian for his support of Ter-Petrosian in 2008.

After 17 months as a fugitive, Sukiasian surrendered to authorities on September 1 and was immediately taken into custody. On September 4, Sukiasian was released from custody pending the investigation into his criminal charges, which he considered politically motivated. Along with the members of parliament, Sukiasian had originally been charged with organizing mass disorder accompanied with murder and attempting to seize power extraconstitutionally in March 2008; in April, however, his charges were reduced to organizing mass disorder without any aggravating factor. On September 7, he relinquished his seat in the National Assembly in protest of the chamber's stripping his parliamentary immunity as well as the immunity of the three other members who supported Ter-Petrosian's presidential bid. At year's end the SIS investigation into Sukiasian's alleged crime continued, and Sukiasian remained at liberty.

On August 4, Arman Babajanian, editor of the opposition newspaper *Yerevan Zhamanak*, was released from prison where he was serving a sentence for a 2006 conviction on charges of forgery and evasion of military service. At the time local observers interpreted the sentence as overly harsh punishment for the crimes and an example of selective prosecution of government critics.

Civil Judicial Procedures and Remedies

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation. However, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had

access to the Ombudsman's Office as well as to the Constitutional Court, in the latter case to challenge the constitutionality of legislation.

There was no progress during the year in the cases of Yerevan residents whose property was razed on eminent domain grounds, despite the Constitutional Court's ruling in 2006 that the 2002 government decision authorizing such demolitions violated the constitution. In June the ECHR delivered a verdict in the Minasian and Semerjian v. Armenia case, ruling that the state had violated the property rights of both citizens when expropriating their property. However, the court did not rule on the compensation, instead giving the parties three months from the date of the judgment, September 23, to reach agreement on the amount of the compensation. At year's end an agreement on the compensation had not been reached.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications. However, the government violated these rights in practice.

By law judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence; during the year judges arbitrarily granted permission, and searches without warrants and other appropriate procedures took place as well.

According to the political opposition and local human rights observers, police in 2008 conducted wide-scale searches in the homes of opposition supporters, election proxies, and campaign staff both before and after the February 2008 presidential election. These searches were reportedly carried out with procedural violations, intimidation, and threats.

There was no progress in the July 2008 complaint filed by Artak Zeynalian, member of the opposition Republic Party, who alleged police employees had called the cell phones of Ter-Petrosian supporters, various opposition party leaders, and media representatives to verify their phone numbers. Zeynalian had filed the complaint with the police to identify and punish those responsible for the calls; he also filed a subsequent complaint to the courts. Zeynalian submitted the case to the ECHR on July 7.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and freedom of the press; however, the government did not always respect these rights in practice. There continued to be incidents of violence, intimidation, and self-censorship against and in the press throughout the year. The media, in particular television, continued to lack diversity of opinion and objective reporting. September 2008 amendments to the Law on Television and Radio imposed a de facto two-year moratorium on the issuance of new television and radio broadcasting licenses, hindering prospects for greater media pluralism.

Individuals could generally criticize the government publicly and privately without fear of retaliation; however, media outlets feared reprisal for reporting that was critical of the government. These reprisals included the threat of losing a broadcast license or of a selective tax investigation, as well as loss of revenue when advertisers learn that an outlet is in disfavor with the government. This fear of retribution led to a high degree of self-censorship.

Most newspapers were privately owned, with the exception of government-sponsored *Hayastani Hanrapetutiun* and its Russian-language version, *Respublika Armenii*. The print media generally expressed a wide variety of views without restriction but remained influenced by economic or political interest groups or individuals.

Greater plurality of opinion existed in online publications, although the readership of online media remained limited, especially outside Yerevan.

Newspaper circulation remained very limited, as was the audience for the country's 20 radio stations, of which three were public stations and two broadcast from abroad. According to official information, 82 television stations, of which three were public and four broadcast from abroad, operated during the year. All but the three public television stations were privately owned, and half of all of the television stations operating in the country were small broadcasters based in outlying regions. Only the state-owned Public Television (H1) had nationwide coverage, although several stations were able to broadcast to most of the country, and some stations were able to extend beyond Yerevan. Most stations were owned by progovernment politicians or well-

connected businessmen, factors that continued to prompt journalists working for these stations to practice self-censorship. Major broadcast media outlets generally expressed progovernment views and avoided editorial comment or reporting critical of the government.

Unlike the February 2008 presidential elections, when state-controlled and progovernment media showed a distinct bias in favor of the official candidate and eventual winner, then-prime minister Serzh Sargsian, media outlets were more neutral in their coverage of the campaign for Yerevan's city council and mayoral elections on May 31. According to the monitoring of media coverage of the election campaign conducted by the Yerevan Press Club (YPC), 96 percent of all references to the political parties/bloc contesting the election were neutral during the election campaign. Nevertheless, the YPC stated in its media monitoring report that certain television channels gave clear preference to one or another candidate and party.

After the August 31 joint announcement by the foreign ministries of Armenia, Turkey, and Switzerland on two protocols to establish and develop relations between Turkey and Armenia, local electronic and print media extensively covered the public debate on the protocols, permitting the expression of wide-ranging viewpoints that were both in favor and in opposition to the documents.

During the year journalists continued to be targets of violent attacks. In his July 2 report, Miklos Haraszti, the OSCE representative on freedom of the media, criticized the attacks on journalists in Armenia and called on authorities to conduct swift investigations into and hold accountable those responsible for the attacks. According to Haraszti and other media observers, the government's failure to prosecute alleged attackers fostered an atmosphere of impunity and served to provoke further attacks against journalists. On May 25, during a celebration marking the fifth anniversary of the establishment of his institution, the ombudsman Armen Harutiunian stated that journalists were the least protected "layer" in Armenia and that there was no tolerance or respect for freedom of speech.

On March 13, security guards at the Yerevan State Linguistic University (Brusov) severely beat photojournalist Gagik Shamshian after he entered the state university without authorization. Shamshian was subsequently hospitalized with severe injuries to the groin and internal bleeding. Brusov's provost issued a statement in which he expressed regret for the

journalist's injuries but nevertheless maintained that Shamsian had provoked the incident. The ombudsman decried the beating, citing a "climate of intolerance in Armenian society" that encouraged impunity with respect to attacks against journalists. On March 14, police launched a criminal investigation into the incident. According to official information, Shamsian entered the university without authorization, refused to obey the demands of a university guard, and did not identify himself as a journalist. In spite of Shamsian's claims that he had presented credentials, the investigative body found that university security guards did not attempt to hinder his journalistic activities; they found one of the guards guilty, however, of attacking Shamsian but suspended the case in light of the guard's eligibility for the June 19 general amnesty.

On April 17, a court of first instance found Shamsian guilty of contempt of court for an incident that reportedly occurred during one of the March 2008-related trials held in August 2008 and fined him 350,000 drams (approximately \$950). On May 14, a separate court convicted Gohar Vizirian, a reporter for the opposition *Chorrord Ishkhanutyun* newspaper, for contempt of court during the same August 2008 trial and fined her the same amount. According to media reports, the verdicts were based solely on the testimony of marshals of the court present at the trial. Under the terms of a general amnesty adopted by the National Assembly on June 19, the fines against both reporters were dismissed.

Violent attacks occurred in the period prior to Yerevan's May 31 municipal election. In a statement issued on April 9, several media outlets condemned the attack by police officers against the A1Plus journalist David Jalalian while he was covering an opposition gathering in downtown Yerevan on April 8. The independent A1Plus online news agency reported that Robert Melkonian, the head of the police patrol service, personally initiated the attack, which other police officers subsequently joined. Jalalian's photographs published following the attack showed that he suffered injuries to his abdominal area, and he was hospitalized after the attack. On April 14, the investigative Hetq online news agency reported that, according to the police, Jalalian had provided testimony that he was not beaten but was pushed by police and fell on his back. The news report also claimed that two police officers visited Jalalian at his home and threatened him after the attack.

On April 30, Argishti Kivirian, an attorney and the editor of two online media outlets, survived an apparent murder attempt

when three unknown assailants attacked him with wooden batons and tried to shoot him in the entryway of his apartment building as he returned home from work in the early morning. Kivirian was hospitalized in grave condition with severe injuries and cuts on his head and body and was placed in intensive care. The bullet casings visible in photographs reportedly taken immediately after the attack by the photojournalist Gagik Shamshian disappeared following the arrival of police at the scene. The police initially launched a criminal case on charges of "infliction of light damage to health" but after a public outcry upgraded the charges to "attempted murder by a group of people." On July 8, the National Security Service that carried out the investigation arrested two of the attackers, Gurgen Kilikian and Vladik Merabian, charging them with attempted murder. At year's end they remained in custody pending the investigation, and authorities were reportedly searching for additional suspects.

In the early hours of May 7, Nver Mnatsakanian, a news anchor and talk show host for the private Shant TV television station, was attacked and beaten by unknown assailants on his way home from work. He suffered injuries to his head, foot, and hand and required treatment in a hospital. Mnatsakanian claimed that the attack was linked with his professional activity but did not attribute the attack to anyone in particular. Some media reports speculated that an influential businessman and MP ordered the attack in retaliation for an unflattering interview Mnatsakanian conducted with him prior to the attack. On August 21, police chief Major General Alik Sargsian announced that two young men had turned themselves in and been charged in connection with the case. According to Sargsian, the two men claimed that they had mistakenly attacked Mnatsakanian for another intended target, a claim that Mnatsakanian publicly dismissed as "ridiculous." According to official information, the subsequent investigation showed that the two individuals had no involvement in the attack, and they were released. Accordingly, on September 7, police suspended the case since the perpetrators remained unknown and at large.

Instances of violence against journalists and obstruction of their activities occurred during Yerevan's May 31 municipal elections. On election day, violence and abuse directed at journalists often occurred in the presence of police and election officials, who did not intervene to either prevent or stop it. Reporter Armine Avetian from the pro-opposition *168 Zham* newspaper was assaulted by unidentified individuals in a voting precinct in Yerevan's Malatia-Sebastia District in the presence of election officials and police. Her colleague, Lilit

Tadevosian from the Tert.am online news agency, was also accosted. Nelly Grigorian, a reporter for the independent *Aravot* daily, was also assaulted in a voting precinct in Malatia-Sebastia and had her camera confiscated as she tried to photograph a violent altercation initiated by local persons against the female proxy of the opposition Armenian National Congress bloc contesting the election.

In a voting precinct located in the Kentron District of Yerevan, MP Levon Sargsian of the ruling Republican Party and his bodyguards allegedly assaulted Gohar Vezirian from the opposition *Chorrord Ishkhanutyun* daily newspaper and Tatev Mesropian from the opposition *Hayk* newspaper and reportedly also confiscated the audio recorder of Marine Kharatian, a reporter for the opposition *168 Zham* newspaper. According to official information, on May 1 a criminal case of hooliganism was launched in response to the media report that Sargsian's guards attacked Vezirian; according to law enforcement authorities, the guards claimed that Vezirian had made "hooligan" statements towards them. The disposition of this case remained unknown at year's end, and no official information on the alleged attack by the bodyguards was provided. Also, at year's end no criminal charges had been leveled against the guards, and there were no known investigations launched into the other cited attacks on reporters (see section 3).

On June 23, Karen Harutyunian was convicted to five years in prison for his role in the violent November 2008 attack on the investigative journalist Edik Baghdasarian. Known for his reports exposing corruption, Baghdasarian suffered serious head injuries during the attack and was hospitalized for several days. Police failed to apprehend the two other perpetrators of the attack and suspended the case on October 19. Baghdasarian suspected that Vardan Ayvazian, a member of parliament and former minister of nature protection, was behind the attack, since Baghdasarian had published numerous articles alleging illegal activities by Ayvazian when he was minister of nature protection.

There was no progress in the investigation of the January and March 2008 attacks against the Gyumri-based Asparez Journalists Club (AJC). The AJC received threatening telephone calls, and their office was targeted with arson in January 2008 by unknown individuals. In March 2008 a fire bomb destroyed the AJC president's car. Nobody was injured in the attack.

There was no progress during the year in resolving numerous cases of intimidation and violence against journalists and damage of their property during the February 2008 presidential election. Likewise, no progress was made in the numerous cases of widespread harassment and intimidation of reporters during the February/March 2008 postelection protests. No one was prosecuted in connection with these incidents, except in one case of a voting precinct chairperson who was fined for restricting the rights of observers and one journalist at the polling place.

On July 1, Nikol Pashinian, the editor in chief of the pro-opposition *Haykakan Zhamanak* daily and a leading opposition figure who went into hiding shortly after a state of emergency was imposed in March 2008, surrendered to authorities. Similar to other leading opposition supporters, Pashinian had been originally charged with attempting to usurp power and inciting mass disorders accompanied by murder, only later to see the coup charges dropped. He was also charged for resisting representatives of state authority stemming from a 2007 clash in Yerevan between police and a small opposition crowd that was publicizing the first campaign rally for opposition candidate Levon Ter-Petrossian in Yerevan. After his voluntary surrender, Pashinian appealed to authorities to remain at liberty while his case was pending; authorities rejected the appeal, and he was remanded into two months of pretrial detention. On August 27, authorities renewed the pretrial detention, and Pashinian remained in detention until year's end. In an October 2 letter to President Sargsian, the World Press Freedom Committee registered its concern about Pashinian's treatment, questioning why he was being punished for exercising his right to free expression during a peaceful political rally. During this rally, which was preceded in the morning by the use of force by hundreds of security forces to disperse approximately 2,000 peaceful protesters from Freedom (Opera) Square, Pashinian alternately urged protesters to remain peaceful and to collect debris to protect themselves against an attack by security forces. The court case against Pashinian began on October 20, at which Pashinian denounced the trial against him as "the continuation of political repressions" he said authorities initiated against the opposition in late 2007 for their support of Ter-Petrossian. On December 22, state prosecutors demanded that Pashinian be sentenced to eight years for his crimes, a sentence that would disqualify Pashinian from a general amnesty that was declared on June 19. Pashinian's trial continued at year's end.

According to the Eurasia Partnership Foundation, in mid-July the Yerkir Media television station, affiliated with the Armenian Revolutionary Federation-Dashnaktsutiun political party (which was part of the ruling coalition for the last decade, through the end of April when it left the coalition over foreign policy differences), refused to broadcast the documentary "Armenia Minus A1Plus" and organize a talk show around the movie. The documentary was the work of director Tigran Khzmalian, a prominent opposition supporter. According to local observers, the move was an act of self-censorship taken by Yerkir to avoid problems with authorities.

During the year the GALA television station based in Gyumri continued to operate and broadcast in spite of continuing legal disputes with authorities that began in late 2007 when GALA aired a speech by former president Levon Ter-Petrosian before he announced his candidacy for the 2008 presidential election. The showing of the speech prompted an aggressive tax audit that resulted in GALA having to pay 26 million drams (\$85,000) in back taxes, fines, and late fees in March 2008. On March 13, GALA applied to the ECHR to dispute the penalties leveled against them.

The independent A1Plus television news company remained without a broadcasting license or frequency at year's end for the seventh year in a row, but it continued to operate as an online news agency. A1Plus had applied for a broadcast license 12 times since 2002, when it was removed from the air after not being granted a new license; authorities rejected the company's applications without official explanation. In June 2008 the ECHR ruled that the country had violated article 10 (freedom of expression) of the European Convention on Human Rights by failing to give a written explanation for refusing a broadcast license to A1Plus. The ECHR's decision stated that "a procedure which did not require a licensing body to justify its decisions did not provide adequate protection against arbitrary interference by a public authority with the fundamental right to freedom of expression." The ECHR awarded, and the government paid, 30,000 euros (approximately \$42,900) to A1Plus' parent company, Meltex, Ltd. In December 2008 A1Plus applied to the Cassation Court to revise its former decisions to comply with the ECHR judgments. In February the Cassation Court refused to reopen the A1Plus case, following which the company subsequently applied to the Constitutional Court. The application was admitted, and the trial was scheduled to begin on December 15; on the day it was set to start, however, the trial was postponed until early 2010.

On February 29, the Armenia-based NGO Committee to Protect Freedom of Speech issued a report stating that, while the increasing frequency of attacks on mass media coincided with the aggravated political situation in the country, 2008 was nevertheless unprecedented, both in terms of the number of violations of the rights of journalists and media outlets as well as the imposition of censorship on mass media. The media NGO registered 18 cases of violent attacks on journalists in 2008.

On April 28, the National Assembly enacted changes to the law regulating the media, some of which responded to longstanding concerns over executive branch interference in the media. According to the Yerevan-based Internews media organization, however, the changes failed to ensure the independence of regulatory bodies long sought by independent domestic media and were made with little public discussion. A July 2 report by the OSCE representative on freedom of media nevertheless acknowledged positive changes regarding the criteria to grant a broadcasting license, sponsorship of television and radio programs, and preventive measures before suspending broadcasters. However, the report expressed lingering concerns that presidential selection of some candidates to national media regulatory bodies would constrain freedom of expression and noted that financing of public broadcasting and regulatory bodies would depend on the political will of the parliamentary majority. The report concluded that the changes in the law were incompatible with the notion of the "independent public broadcaster" and "independent regulator."

On December 9, the National Assembly elected four new members to the National Commission on TV and Radio (NCTR), which is responsible for regulating television and radio broadcasting and granting or revoking broadcasting licenses. Opposition parliamentarian Stepan Safarian complained after the vote that "not all candidates clearly meet the requirements laid out by the law" and that virtually no prominent media experts or civil society representatives took part in the selection process.

In September 2008, with essentially no prior notification or public discussion, the National Assembly amended the Law on Television and Radio to impose a moratorium on the issuance of new television broadcasting licenses until July 2010. The amendment was passed in an unannounced, evening extraordinary session. The moratorium was enacted shortly before a call for bids on several television frequencies that were due to become

available based on expiring licenses. The amendment also gave existing stations the right to extend their licenses to January 2011. Authorities insisted at the time that the moratorium was necessitated by their plans for converting the country's broadcasting format from analog to digital by 2015. Through the end of the year, the government did not conduct any new tenders for television or radio broadcast licenses. Authorities had initially stated that there were no frequencies available for new licenses. However, on June 30, Ishkhan Zakarian, the head of the Control Chamber of Armenia, denied that there were no more television frequencies available for broadcasting, refuting earlier government claims.

On September 2, various regional television stations and media watchdogs wrote to the ombudsman expressing their concern about the unclear situation created after the moratorium was imposed, particularly the fact that the government had yet to issue the concept paper or launch public discussions on the introduction of digital broadcasting that it had stated it would do by June. Much of the concern was based on fear that regional television stations would be unable to prepare technically or financially for the new broadcasting requirements if the stations were not provided sufficient time to prepare prior to the tenders. Stations were also concerned that digitalization could force them off the air if they were unable to swiftly make conversions once tenders were announced. On September 18, the ombudsman wrote to Nerses Yeritsian, the minister of economy, asking for clarifications about these problems. Subsequently, on October 22, the National Assembly's Committee on Science, Education, Culture, Youth, and Sport held hearings on the issue of the country's conversion to digital broadcasting. Minister Yeritsian presented the draft of the concept at the hearing, which the government adopted on November 12. Local observers expressed concerns about the concept, saying that it did not answer any of the concerns voiced by television companies and did not show that the government was ready to cope with the technical challenges of conversion or prepared to address the financial challenges that conversion would present to media companies and the general population. Media watchdogs observed that the draft concept did not contain clear measures to prevent antimonopolistic activities.

On August 20, Hovik Abrahamian, the speaker of the National Assembly, established new procedures for accrediting journalists covering the chamber's activities. According to some journalists, the new procedures were excessively restrictive and hindered their reporting on the National Assembly.

During the year authorities did not bring charges against any media outlet or state body for violating the law during coverage of the 2008 presidential campaign. In March 2008 the Constitutional Court ruled that the Central Electoral Commission neglected to exert "effective control over preelection promotion" and that the NCTR displayed a "formalistic approach" to complying with the law with respect to the biased and distorted media coverage of the opposition during the campaign. The court found that no sanctions or remedies were warranted because the candidates were able to present their platforms to voters by other means of preelection promotion.

On August 4, Arman Babajanian, the editor of the opposition newspaper *Yerevan Zhamanak*, was released from prison where he was serving a sentence for a 2006 conviction on charges of forgery and evasion of military service. At the time, local observers interpreted the charges against Babajanian as overly harsh punishment and an example of selective prosecution against critics of the government. During the year Babajanian was diagnosed with a brain tumor, which remained untreated. Following significant public and international pressure, and after his health had abruptly worsened and he was losing his sight due to the illness, Babajanian was released. At the time of his release, Babajanian had served almost his entire sentence, despite previous attempts to gain his early release on grounds of good behavior. Local observers considered the government's denial of requests for early parole politically motivated.

Internet Freedom

During the year there were no reported cases of the government deliberately blocking independent and pro-opposition news Web sites, as it had done during the March 2008 state of emergency. Some individuals and groups reported suspected government interception of e-mail or Internet chat conversations, although they were unable to provide evidence to substantiate their suspicions.

Internet cafes were widely available in the cities, although local Internet service provider connections were often extremely slow, thus limiting their effectiveness. Some Internet cafes also operated outside urban areas. According to International Telecommunication Union statistics for 2008, approximately 6 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were a few anecdotal reports during the year of schoolteachers and university students being dismissed due to their political views. According to religious minority groups, teachers belonging to a minority faith were dismissed from work for their religious views. There were also reports that individuals applying for public school teacher positions were routinely denied if their affiliation with a minority religious group was known.

On February 25, the media reported that the administration of the Yerevan State Engineering University cancelled a prearranged concert of the Hima Band, a musical group of the pro-opposition Hima youth movement that conducted numerous protest actions to dispute of the outcome of the 2008 presidential election.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, authorities restricted this right in practice, particularly the assembly of individuals considered by the government to be political opponents.

Prior to the enactment of a state of emergency in early March 2008, the Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations stipulated that groups may peacefully assemble without obtaining a permit as long as they provided prior notification to the relevant authorities. In response to postelection protests disputing the result of the February 2008 presidential election, then-president Robert Kocharian issued a state of emergency decree in March 2008 for the city of Yerevan, which prohibited any type of public gathering. The prohibition was rigorously enforced by police. During the state of emergency, the National Assembly changed the Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations to impose measures that significantly limited persons' rights to peaceful assembly. Although further amendments to the law in June 2008 relaxed the strict provisions that gave authorities broad discretionary powers to prohibit political rallies and protests, in practice authorities continued to restrict freedom of assembly through an arbitrary interpretation of the law and, on many occasions, denied opposition applications to hold rallies at requested venues. Authorities also restricted spontaneous,

smaller-sized gatherings that did not require prior notification.

According to the local NGO Helsinki Committee of Armenia human rights, there were numerous instances of restricting freedom of assembly during the first six months of the year. Many of these involved authorities denying requests to hold rallies or demonstrations and marches in venues initially requested by organizers. Many of these requests were submitted by the political opposition.

The Helsinki Committee of Armenia also reported that during the year it was difficult for organizers of rallies to inform the public about upcoming demonstrations, since television stations generally refused to accept even paid announcements of demonstrations. As a result, demonstration organizers usually tried to inform the public through independent or opposition media and through hand-to-hand dissemination of flyers and leaflets.

On February 19, police prevented a youth organization called Special Regiment from holding a protest demonstration to mark the anniversary of the disputed 2008 presidential election. Representatives of other opposition youth groups participated in the protest, which organizers planned to hold outside the Central Electoral Commission (CEC). According to media reports, police did not allow the demonstrators to approach the CEC building and dispersed the demonstration, with police officers reportedly confiscating demonstrators' placards.

On March 1, the ANC and Heritage party held a rally on the grounds of the Matenadaran manuscript museum to commemorate the one-year anniversary of the violence following 2008 presidential election. Municipal authorities initially prohibited the rally and a march through downtown Yerevan that was planned after it, posting their decisions on the city's Web site and suggesting organizers hold the rally at an alternative venue. Organizers disputed the prohibition, claiming that authorities had not responded to their notification to hold the rally and march within the 72-hour timeline provided by the law, which stipulates that, in the absence of a response in this time period, rallies may proceed as planned. On February 17, the Council of Europe expressed concern over the rally's prohibition and called on authorities to fully respect the principle of freedom of assembly and not place undue restrictions on peaceful opposition rallies. Following negotiations between ANC officials and police on March 1, police permitted the rally and march, and

both proceeded peacefully. However, there were a number of credible reports of police efforts to prevent protesters from the regions from traveling to the capital. Diplomatic observers noted a number of police checkpoints along major highways, and there were reports of pressure on bus and taxi drivers not to transport anyone to Yerevan on March 1.

Police regularly used force to break up the daily gatherings of supporters of opposition leader Levon Ter-Petrossian in downtown Yerevan. On April 10, police detained Vahagn Gevorgian, an 18-year-old activist from the youth movement HIMA (NOW) and son of the acting editor in chief of the pro-opposition *Haykakan Zhamanak* daily newspaper, Hayk Gevorgian. Vahagn Gevorgian had been participating in the regular evening "political promenades" on Northern Avenue, a major pedestrian thoroughfare adjacent to Freedom Square, as well as the site of protests in February 2008. After his arrest Gevorgian was charged with insulting and assaulting one of the police officers involved in breaking up the promenades. Gevorgian denied the charges and claimed that video footage taken by opposition activists during the promenade disproved police claims. The court refused to examine the footage, however, and instead based its verdict on police testimony. On September 12, Gevorgian was found guilty and sentenced to one year in prison and a fine of 80,000 drams (approximately \$210); Gevorgian avoided jail, however, under the terms of the June 19 general amnesty adopted by the National Assembly.

On April 21, the ombudsman issued a statement disputing the police's explanation for prohibiting the evening "political promenades" in downtown Yerevan. In 2008 police had periodically used force to disperse the assembled crowds and temporarily detained dozens of protesters, a practice that continued during the year. The ombudsman rejected the police rationale that the "promenades" were disrupting local commerce, stating that complaints from businesses were insufficient grounds for prohibiting gatherings. The ombudsman told the media that the police actions, some of which involved brief detentions of opposition activists, contravened the law on rallies and demonstrations. Police began disrupting the "promenades" on April 8, dispatching scores of officers and sometimes using force. In some instances diplomatic observers witnessed police officers pushing activists hundreds of yards away from the avenue. The police actions also resulted in citizens' access to the pedestrian area being restricted or cut off during evening hours.

On May 1, the eve of the start of the official campaign for Yerevan's municipal elections, the ANC held its second rally of the year, which authorities sanctioned but subjected to a heavy security presence. Authorities refused organizers' request to hold a postrally march through downtown Yerevan. In spite of the prohibition, police permitted the march. Both the rally and march proceeded peacefully. There were a number of credible reports of police efforts to prevent protesters from traveling to the capital, and the opposition complained of police roadblocks on major highways. According to media reports on May 2, roads leading into Yerevan the day before had been blocked, and public transportation temporarily halted until after the rally. Police denied that the roadblocks had been posted to restrict travel to Yerevan, claiming that they were conducting routine searches for illegal weapons. The roadblocks were instituted after police had announced a month-long special campaign against illegal weapons, which correlated almost exactly with the month-long period of the campaign for Yerevan's municipal elections. Some local observers viewed the weapons search as a pretext for suppressing the opposition's election campaign.

On May 10 and 11, a group of unidentified persons assaulted several ANC members in the Avan District of Yerevan as they were distributing materials related to the Yerevan municipal elections. The three ANC members, Ofelia Margarian, Astghik Aghegian, and Amalia Poghosian, were subsequently hospitalized after sustaining bodily injuries. On May 11 police launched a criminal case into the attack, which they subsequently ended on August 26 after failing to identify the perpetrators.

On June 1, the day after the disputed Yerevan municipal elections, the ANC held a rally that authorities sanctioned. There were credible reports of police roadblocks ahead of the rally on major highways leading into Yerevan. Diplomatic observers confirmed the roadblocks and police actively stopping buses, minibuses, and private vehicles. A media report cited one police officer as denying that transport to Yerevan was only restricted ahead of opposition protests, citing the special operation to search for weapons and drugs. There were no reports of police roadblocks on days when no opposition rallies were planned.

On July 1, plainclothes police officers clashed with ANC youth activists on Abovian Street in downtown Yerevan when the latter were distributing leaflets announcing the holding of an ANC rally on July 2. Several youths were injured and required

hospitalization. The youth claimed they were punched, kicked, and pistol-whipped by police. Police claimed that the officers themselves came under attack during the incident, when they tried to stop an alleged brawl involving 40-50 youths. Police stated that three officers were injured during the incident.

One youth, Tigran Arakelian, was arrested on July 5 and subsequently charged on July 8 with hooliganism and resisting officials in connection with the July 1 incident. In early September Arakelian began a hunger strike while in a prison hospital to demand his release. He was transferred to the hospital on July 15 after complaining of serious health problems, which he alleged were a result of head injuries inflicted by police. On September 7, Arakelian claimed his continued detention in spite of his deteriorating health was proof that he was being persecuted for his political views. On August 31, Arakelian's pretrial detention was extended after his initial two-month pretrial detention was about to expire. On September 28, police brought additional charges of assaulting a public official against Arakelian, which increased his possible prison sentence, if convicted, from five years to 10 years. On October 8, authorities released Arakelian from detention, citing that most of the investigation into his case had been completed and that Arakelian would not obstruct the inquiry if freed. The Prosecutor General's Office also cited Arakelian's need for medical treatment as a reason for his release. On July 11 and July 13, respectively, two other youths, Sahak Muradian and Herbert Gevorgian, were also similarly charged in connection with the July 1 incident. On December 15, the criminal case against all three youth activists was dropped due to a lack of evidence. According to official information, the three police officers involved in the July 1 incident were not charged for the physical injuries they caused to the youths because their actions were determined to be within the scope of the law.

At times during the year the government continued to restrict citizens' rights to hold closed-door meetings, a practice started after the postelection events in 2008. In December 2008 a group of local NGOs issued a statement stating that civil society groups had repeatedly been denied the right to conduct meetings or events on social or political problems. According to the NGOs, some hotels had stated that they were instructed by authorities not to rent halls for any event that might be considered political and to check with designated officials on a case-by-case basis. These claims were corroborated by employees of several hotels. The alleged restriction on closed-door meetings continued during the year. On March 9, the Open Society

Institute Assistance Foundation - Armenia (OSIAFA) stated that on March 6, a local hotel suddenly reversed its written decision to rent OSIAFA space for a planned human rights conference. The conference eventually took place at a local university and included representatives of the government, civil society, and international organizations. On another occasion a local hotel twice rejected meeting space requests by OSIAFA for the holding of a roundtable discussion it planned to discuss a European Commission report. Three hotels also rejected OSIAFA's request for meeting space for a planned one-day conference on the theme of strategic litigation.

There were other numerous instances in which authorities restricted freedom of assembly.

According to official information, on August 20-25, the Prosecutor General's Office charged four police officers with "exceeding official authority" for their alleged assaults on citizens in March 2008, when security forces forcibly dispersed demonstrators from Freedom Square. Many of the demonstrators fled the square and regrouped in other downtown areas, with police in some instances chasing and pursuing demonstrators long distances as they fled. Two of the four officers were charged for applying force and hitting citizens with rubber clubs at Republic Square, approximately four blocks away from Freedom Square. On December 25, a Yerevan court convicted the two officers of "using disproportionate force" and sentenced them to two years' imprisonment. The court also ruled that the policemen qualified for the general amnesty declared on June 19 and would not be imprisoned but prohibited them from working for law enforcement or other state bodies for a year. The two other officers were charged after video records presented during the ad hoc parliamentary commission's inquiry into the events showed them assaulting citizens at the open-air market on Mashtots Avenue, also approximately four long blocks from Freedom Square. The Prosecutor General's Office began a search for the citizens assaulted by the police officers to ascertain whether the assaults occurred. Although the citizens assaulted in either case were never found, on December 17 a Yerevan court convicted the two officers of "using disproportionate force" and sentenced them to three years' imprisonment. The court ruled, however, that the policemen qualified for the general amnesty declared on June 19 and would not be imprisoned but prohibited them from working for law enforcement or other state bodies for a year.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected it in practice. However, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates that citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

c. Freedom of Religion

The constitution provides for freedom of religion; however, the law places some restrictions on the religious freedom of adherents of minority religious groups. The government generally did not enforce existing legal restrictions on religious freedom. The Armenian Apostolic Church is considered the national church and enjoys some privileges not available to other faiths. The law does not mandate registration of NGOs, including religious organizations. However, only registered organizations have legal status and may publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio, or officially sponsor visas for foreign visitors, although there is no prohibition on individual members doing so. There were no reports of the government refusing registration to religious groups.

The law prohibits but does not define "soul-hunting," a nonlegal term perceived locally to describe both proselytizing and forced conversion. The prohibition applies to all groups, including the Armenian Apostolic Church. Although the law prohibits foreign funding of foreign-based denominations, the authorities did not enforce the ban. Most registered religious groups reported no significant legal impediments to their activities during the reporting period.

Although the law provides for alternative service for conscientious objectors, the military services themselves administer the alternative service, and members of Jehovah's Witnesses continued to refuse the alternative program for that reason. According to lawyers for Jehovah's Witnesses, as of year's end, 76 of the group's members were serving prison sentences for evading alternative service.

Societal Abuses and Discrimination

According to observers, the general population expressed negative attitudes about minority religious groups. According to

local experts, however, these attitudes did not affect personal and neighborly relationships, but rather constituted a general perception of minority religious groups as undermining the social fabric of the state. Minority religious groups at times continued to be targets of hostile sermons by Armenian Apostolic Church clerics, and members of minority religious groups experienced societal discrimination and intolerance, including in the workplace. Television outlets disparagingly labeled denominations other than the Armenian church as "sects" in their broadcasting and aired negative programs about them.

The size of the country's Jewish population was estimated at between 500 and 1,000 persons. There were no reports of anti-Semitic violence or vandalism during the year.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, there were some restrictions in practice. The authorities cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year there were numerous credible reports that citizens residing outside of Yerevan were restricted from travelling to attend opposition rallies held in the capital.

In order to leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased within one day of application for approximately 1,000 drams (approximately \$3) for each year of validity. In October 2008 the government abolished the practice for emigrants to deregister themselves from the civil registry, which had widely been viewed as an onerous process that was subject to extensive corruption.

The law does not prohibit forced exile, but there were no reports that the government used it.

Internally Displaced Persons (IDPs)

During the country's war with Azerbaijan over Nagorno-Karabakh, authorities evacuated approximately 65,000 households from the border region, but most IDPs later returned to their homes or settled elsewhere. Of the remaining IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory. Other IDPs chose not to return due to socioeconomic hardships or fear of land mines. A 2005 mapping study conducted by the Norwegian Refugee Council, together with the Migration Agency under the Ministry of Territorial Administration, found that 8,399 IDPs resided in the country. There were no further studies to estimate current numbers of IDPs. In September 2008 the authorities approved a program to assist in the resettlement of 626 families that were displaced during the Nagorno-Karabakh conflict; however, there was no funding provided to implement the program, according to government officials.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

A new Law on Refugees and Asylum entered into force on January 24. It incorporates the basic principles of refugee protection established by the 1951 convention, as well as all specific developments that took place in this field after the ratification of the convention. It harmonizes most aspects of admission and treatment of asylum seekers and refugees in conformity with international standards, ensuring respect for the right to asylum and addressing national security concerns.

In practice authorities provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Authorities also provided temporary protection during the year. According to the Migration Service, a total of 66 persons applied for asylum during the year. During the year the government granted temporary asylum to 33 persons and refugee status to one person.

There was an established procedure for granting asylum that included amnesty for the illegal entry of an asylum seeker and access to the territory for individuals seeking asylum. However, some delays and difficulties with refugee processing at airports

and land borders arose due to frequent rotations of inexperienced border officials and little training on asylum procedures.

Due to a lack of institutional capacity, the authorities often struggled to integrate asylum seekers into society once they were granted permanent residency status. Temporary housing for refugees and asylum seekers was often inadequate in supply and in poor condition. Refugees faced the same social and economic hardships that confronted the general population.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the law provides citizens with the right to change their government peacefully, that right was restricted in practice due to repeated, significant flaws in the conduct of elections.

Elections and Political Participation

In accordance with changes made to the constitution in 2005, on May 31 the country conducted its first election of the Yerevan City Council (65 members) and the first, albeit indirect, election of the mayor of Yerevan (since independence in 1991, the president of the republic had appointed the mayors of the capital). According to the electoral code, the candidate heading the election list of the political party that wins at least 40 percent of the seats in the new city council automatically becomes mayor. Six parties and one bloc contested the proportional representation-based election on May 31, including the ruling Republican Party of Armenia (RPA), the ruling coalition partner Prosperous Armenia (PA), the ruling coalition partner Rule of Law (OY), the Armenian Revolutionary Federation-Dashnakstutiun, the ANC bloc, the People's Party, and the Socialistic Labor Party of Armenia.

The conduct of the election was significantly flawed. Problems included favorable treatment of the ruling coalition parties and candidates; unbalanced election commissions in favor of ruling parties; instances of ballot stuffing; reports of vote buying; attempts to bribe observers; busing into Yerevan of non-Yerevan residents to vote; voter intimidation; violence against and intimidation of reporters, observers, and opposition proxies; restriction of individual civil and political rights; management of the work at polling stations by unauthorized individuals or

candidates' proxies; cases of open and multiple voting; and suspiciously high turnout figures in some polling stations.

Prior to the election, President Sargsian on March 4 invoked his then-existing executive branch powers and replaced the incumbent mayor of Yerevan with Gagik Beglarian, an RPA party official and then-prefect of Yerevan's Kentron District. By selecting Beglarian to top the party's election list a few days earlier, the RPA effectively appeared to give its candidate for mayor the advantage of incumbency. Local political observers interpreted the president's preelection campaign appointment of Beglarian as a ploy to give Beglarian an advantage in the election, in light of well-established practices whereby incumbents use administrative resources at their disposal to support their campaigns.

In its preliminary June 2 statement on the election, the local NGO It's Your Choice (IYC), the largest election observation organization in the country, noted that "administrative resources were largely used during the campaign." The IYC found that "the campaign of the incumbent mayor of Yerevan Beglarian was accompanied by widespread, active, and quick asphaltting, garbage removal, and street lighting in all the communities of Yerevan. By doing this during the official campaign the candidates offered services to the voters." Prior to the start of the election campaign, the PA party provided free medical services to some in the general population. In an interview to the pro-opposition *168 Zham* newspaper, PA's mayoral candidate, Minister of Health Care Harutyun Kushkian, downplayed the allegations, stating that such services have become a tradition and are conducted periodically, regardless of elections.

Violence marred the election campaign, both before its official start on May 2 and after, with confrontations between progovernment and pro-opposition forces, as well as armed clashes between progovernment forces themselves.

Some local observers viewed the attacks against journalists Argishti Kivirian on April 30 and Nver Mnatsakanian on May 6 as connected with the Yerevan election, since Kivirian had published articles with pro-opposition views and Mnatsakanian had conducted what some viewers called an unflattering interview with an influential businessman active in the election campaign (see section 2.a.).

On May 10 and 11, unidentified men assaulted female opposition supporters as they were distributing campaign materials in the

Avan District of Yerevan, whose elected head at the time was an RPA party candidate who was elected deputy mayor after the election. A criminal case was launched into the assault but subsequently suspended due to a lack of evidence.

Based on its monitoring of media coverage of the election campaign, the YPC reported on June 1 that 96 percent of all references to the parties and bloc contesting the election were neutral during this period. The YPC noted that "in this regard, the elections to (the) Yerevan Council of Elders were quite different from the presidential elections of 2008." Nevertheless, the YPC noted that certain television channels showed clear preferences toward certain candidates and parties and that the paid broadcast time for the election campaign was fully used only by progovernmental parties, which the YPC indicated was reflective of excessive tariffs for political advertising that precluded a level playing field.

On April 21, the ANC filed an appeal with the Constitutional Court arguing that individuals should not be included on voter lists during local elections if they could not demonstrate at least one year of residential registration in their claimed locality. On May 8, the Constitutional Court essentially agreed with the ANC's argument. The ruling resulted in the invalidation of a clause invoked by the CEC on February 28 that, based on the CEC's interpretation of the election code, allowed the inclusion of individuals on voter lists without one year of residential registration at their claimed locality. The ANC had filed the appeal based on allegations that ruling parties had attempted to register non-Yerevan residents for the May municipal election.

Since 2007 approximately 70 citizens who used to live in homes appropriated by government in 2002 to make space for the construction of upscale apartments and office buildings on Northern Avenue in downtown Yerevan have claimed that they have been unable to vote in elections because of problems encountered in registering at temporary addresses. Although the law allows these citizens to reregister in their temporary locality and be included in voters lists, many of them claimed that they were unable to do so due to resistance by landlords who leased them apartments or by relatives who hosted them, since neither group wanted them officially registered at their addresses for fear of their own property rights being infringed.

Despite multiple changes to the electoral code in recent years, there were important shortcomings in election administration that diminished the integrity of the electoral process. Among

other deficiencies, progovernmental appointees--as in previous national and local elections--held the key leadership positions in an overwhelming majority of Yerevan's 439 local election commissions (voting precincts) that administered voting during the municipal election, threatening the independence and impartiality of the election and vote count process.

In the beginning of May, the opposition Heritage party, which did not participate in the election but had the right, by virtue of its representation in the National Assembly, to a seat on all election commissions, declared that its member on the territorial election commission (TEC) overseeing 28 local election commissions (voting precincts) in the Malatia-Sebastia District and five in the adjoining district of Shengavit had cooperated with progovernmental parties without the Heritage party's authorization. This development led Heritage officials to complain that its TEC member had been either pressured or bought off to allow the progovernmental parties to take over the seats belonging to Heritage in the TEC's 33 local election commissions.

During the election and vote count, widespread voting irregularities were observed and reported in Yerevan's Malatia-Sebastia District, a district perennially marred by pervasive cases, both observed and reported, of election fraud. Voting irregularities were also observed and reported in other Yerevan districts.

Some local NGOs that observed the election assessed its conduct as flawed. The IYC, which deployed observers to all of Yerevan's 439 voting precincts, noted in a preliminary June 2 statement that the election failed to restore the confidence of voters in election processes. Among other violations, the IYC reported observing instances of open voting; intimidation and limitation of the rights of proxies, monitors, and mass media representatives; and the presence of unauthorized persons in voting precincts. According to other local observers, unauthorized individuals and proxies representing progovernmental parties appeared to be managing the electoral process in many of the voting precincts.

The report issued by the local affiliate of the Transparency International (TI) anticorruption NGO cited numerous cases of voting irregularities. According to TI, in the TEC with jurisdiction over Malatia-Sebastia and a part of the Shengavit districts, their observers faced intimidation and pressure to leave in 16 of the TEC's 33 local voting precincts and attempts

to be bribed in four of the voting precincts. TI's observers also noted the presence of unauthorized individuals in 12 precincts, cases of ballot stuffing in 13 precincts, and open, multiple, directed, or substitutive voting in 17 precincts.

During election day and the vote count, some online media outlets reported numerous alleged violations. Cases of campaigning on election day, which is prohibited by law, were reported by local observers, media, and the opposition. Among other cases, the investigative online news agency Hetq reported open voting and campaigning for the ruling RPA.

There were reports of election day violence. The ombudsman criticized reported assaults of journalists as "a phenomenon that has become regular during every election." The ombudsman also stated that "assaults against Armine Avetian from the pro-opposition *168 Zham* newspaper and election observer from Transparency International Sona Ayvazian that took place on May 31 in the Malatia-Sebastia voting station were conducted in the presence of the head of the electoral commission and police officers." On the whole, observers and individuals who witnessed voting irregularities noted that police were passive in preventing violations and violence in and around polling stations.

At a voting precinct in the Kentron District of Yerevan, RPA MP Levon Sargsian and his bodyguards reportedly assaulted Gohar Vezirian from the pro-opposition *Chorrord Ishkhanutyun* newspaper and Tatev Mesropian from the opposition *Hayk* newspaper. The bodyguards also reportedly confiscated the voice recorder of the journalist Marine Kharatian from the opposition *168 Zham* newspaper. According to official information, on June 1 a criminal case of hooliganism was launched in response to the media report that Sargsian's guards attacked Vezirian; according to law enforcement authorities, the guards claimed that Vezirian had made "hooligan" statements towards them. The disposition of this case remained unknown at year's end, and no official information on the alleged attack by the bodyguards was provided. At year's end no criminal charges had been leveled against the guards, and there were no known investigations launched into the other cited attacks on reporters (see section 2).

According to the Prosecutor General's Office, three cases were launched during the year in regard to the election-related violence. Of those cases, one was dropped and two were suspended.

While the IYC reported an improvement in the accuracy of the voters list maintained by the Passport and Visa Department , many domestic observers expressed concern about the thousands of registered voters who no longer physically resided in Armenia and did not cast votes in elections. There were reports that the names of these physically absent, registered voters were fraudulently used for substitute voting.

Voting by military personnel during the election also proved controversial. According to a CEC decision, conscripts were barred from casting votes in the election. In spite of the decision, the ANC publicized some lists of names of conscripts that it alleged the Ministry of Defense had produced in order to organize the voting of conscripts in the election. The authorities rejected the allegations.

The only international organization accredited to observe the election, the Congress of Local and Regional Authorities of the Council of Europe, deployed 12 observers to monitor the vote. While the congress gave a generally positive assessment of the election at a press conference held on June 1, the head of its delegation stated that "our satisfaction in seeing the citizens electing their City Council has been tempered by deficiencies in the conduct of the vote."

According to the CEC, recount requests were filed regarding the results of 11 polling stations. Some recounts showed significant discrepancies and mistakes, and the results of six polling stations were invalidated. Additionally, eight criminal cases were opened into alleged or reported vote fraud, with five individuals charged and convicted to varying prison terms. All of these individuals were subsequently released, however, as the result of amnesty adopted by the National Assembly on June 19.

Election commissions reportedly refused to register election-related complaints in many instances and, in some cases, rejected requests without sufficient cause. The ANC claimed to have filed 18 election-related appeals to the Administrative Court responsible for adjudicating such complaints; of the 18, the ANC won only one appeal. The court ruled against the majority of the appeals and allegedly did not accept some. Local observers interpreted the rulings as politically motivated.

On June 6, the CEC officially reported the final results of the election, with 35 seats on the new city council going to the ruling RPA, 17 to its ruling coalition partner Prosperous

Armenia, and 13 going to the ANC led by former president Levon Ter-Petrossian. Two CEC members representing the opposition Heritage and Armenian Revolutionary Federation-Dashnaktsutiun (ARF) parties refused to sign the CEC's final election protocol. On June 8, the RPA's Gagik Beglarian was officially reinstalled as Yerevan's mayor.

On June 1, the ANC said it would boycott the city council after what Ter-Petrossian called "the ugliest election in Armenia's history." The opposition Heritage party, which did not contest the election, largely shared ANC's assessment and described the election as "disgraceful." The ARF also described the election as flawed and refused to recognize the legitimacy of the official results, noting that such elections risked becoming "a mere procedure for reproducing the authorities."

Dominated by government loyalists, the CEC assessed the election as largely free and fair, claiming that it had investigated and found most of the opposition allegations of vote fraud to be unsubstantiated. The Prosecutor General's Office also claimed to have investigated and found as unsubstantiated some of the charges of vote fraud leveled by the opposition. While many of the progovernment officials who commented on the election acknowledged deficiencies in its conduct, none said they were significant enough to affect the final outcome of the election.

On December 27, four youth activists were accosted and beaten by more than 20 assailants in downtown Yerevan while distributing election-related materials on behalf of Nikol Pashinian, an opposition candidate in the National Assembly by-election scheduled for January 2010. Assailants reportedly used metal objects during the beating, and several of the youth activists incurred serious injuries that required hospitalization. Opposition officials alleged that supporters of another by-election candidate, Ara Simonian of the progovernment National Unity party, and the ruling Republican Party carried out the attack. Simonian denied the allegations. The police launched a criminal case of battery on December 29 that was underway at year's end.

There were 12 women in the 131-seat National Assembly, including one of two deputy speakers, as well as two women appointed to the government cabinet and one female governor. The new Yerevan City Council included six women; however, none of the 12 communities of Yerevan were headed by women.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively or evenly, and officials frequently engaged in corrupt practices with impunity. The authorities did not take any substantive measures to curb systematic corruption, although junior and mid-level officials were periodically prosecuted during the year for petty corruption, usually accepting bribes for services.

The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The World Bank managing director, in an October visit, publicly expressed concerns over the need to address corruption in government institutions.

Beginning in January, all public officials and their family members, as well as citizens with annual incomes exceeding eight million drams (approximately \$21,000), were subject to financial disclosure laws, according to which they had to file their asset declarations no later than April 15; however, to what extent officials and individuals with high incomes complied with the law remained unclear. According to local observers, the authorities lacked the will and technical capacity to verify the accuracy of the declarations, which were not fully accessible to the public, or to take action against persons who concealed their incomes.

Government programs to curb corruption continued to produce little tangible results. The activities of the governmental Anticorruption Strategy Monitoring Commission and Anticorruption Council continued to be viewed with skepticism. On October 6, the government approved the 2009-12 anticorruption strategy following two years of wide-ranging discussions in Yerevan and the regions and the posting of the strategy on the government's Web site. Local observers remained skeptical, however, that the newly adopted strategy contained adequate measures to genuinely strengthen anticorruption institutions and that indicators for monitoring implementation of the strategy were sufficient.

Civic groups working to address corruption stated that authorities continued to ignore media reports implicating government officials in corrupt practices. According to Transparency International's 2009 Global Corruption Barometer carried out between October 2008 and February, 43 percent of the individuals it surveyed in the country reported giving bribes during 2008. Respondents identified the police as the institution that demanded most bribes.

During the year authorities confiscated a company owned by MP and opposition supporter Khachatur Sukiasian. In 2008 authorities had seized the assets of his Bjni mineral water company to collect a 4.5 billion dram (\$12 million) fine, ostensibly for tax fraud and misappropriation of state-owned water resources; local observers viewed the action as retaliation for Sukiasian's support of Levon Ter-Petrosian's 2008 presidential bid. The company was ultimately sold on December 24 to a progovernment businessman (see section 1).

In a February 26 interview, Vahram Nercissiants, a top economic adviser to President Sargsian, stated that the holding of top governmental offices by affluent businessmen is unconstitutional. Nercissiants stated that although the constitution prohibits businessmen from holding public office, many state officials circumvented the law by registering their companies under the names of relatives while continuing to manage them personally. The adviser also noted that when affluent businessmen hold public office, their loyalties often shifted from serving the government to serving their private interests and that the country's business environment was adversely affected when such individuals used government office to set unequal business conditions and unfairly push competitors out of the market.

On March 13, an adviser to the minister for emergency situations was arrested for alleged fraud and bribery. The SIS stated that the official, Sanatruk Sahakian, was suspected of receiving a large bribe from the family of a young man seeking to enroll at the country's police academy. According to the SIS, Sahakian had convinced the family that he could arrange the young man's enrollment in exchange for the bribe. On November 9, Sahakian was convicted and sentenced to four years' imprisonment for fraud and attempted official forgery. The sentence was subsequently reduced by one-third to two years and eight months as a result of the June 19 general amnesty.

On April 16, President Sargsian urged the police to put an end to a spate of high-profile shootouts and illegal possession of weapons and ammunition that appeared connected to Yerevan's approaching municipal elections on May 31. Expressing serious concern at the shootings, the president stated he would toughen the response of law enforcement agencies in such instances, cautioning that authorities would take strict measures even if a relative of an official was involved.

In a number of high-profile cases of alleged or reported violence during the year that involved relatives or members of the ruling party, no investigation or criminal proceedings were conducted, prompting local observers to question whether these individuals used their political connections to the ruling party and authorities to avoid legal prosecution.

According to media reports, on June 30, Ishkhan Zakarian, chairman of the Control Chamber, an official auditing body that monitor's government budgetary activity, reported irregularities in the prices of public land sold to private individuals in the Armavir region. Zakarian stated that the Control Chamber discovered instances of land sales considerably below actual market value. Zakarian indentified one initial sale of 10 acres that went for 35,000 drams (approximately \$94) per acre; this land was then sold two days later for 3,900,000 drams (approximately \$10,500). Zakarian also reported the sale of land in Parakar village at below-market prices for the construction of casinos and furniture shops. The Control Chamber also stated that it had discovered irregularities in expenditures allegedly allotted to town planning in Armavir that amounted to 86 million drams (approximately \$232,000).

On October 7, Zakarian presented to the National Assembly the Control Chamber's 2008 report, in which the chamber registered financial violations and wasteful spending by government agencies during the year that totaled almost 8 billion drams (approximately \$21 million), of which approximately 6 billion drams (\$16 million) could be recovered. At year's end official sources did not provide information as to the progress of these cases involving wasteful spending.

During the year the Control Chamber published similar findings on gross violations and financial abuse in numerous state bodies; as in previous years, however, these cases were rarely prosecuted. According to the local affiliate of Transparency International, the government ministers and regional governors implicated by these reports simply returned some of the money to the budget and continued to work without any legal action being taken against them.

According to official statistics, authorities investigated 451 corruption cases during year. In the first nine months of the year, courts convicted 146 persons, including 63 officials. The majority of officials investigated or convicted worked in the police or the Ministry of Justice, and most of the officials were section heads or other low-level officials.

According to a May 25 media report, the local NGO Achilles Society for the Defense of Drivers' Rights identified corruption as permeating all departments of the traffic police. According to the NGO, bribes solicited by the traffic police ranged from 5,000 to 50,000 drams (approximately \$13 to \$130).

While the law provides for public access to government information, in practice many government bodies and officials were reluctant to provide such access. During the year the government still had not adopted the regulations required by, and supplementary to, the 2003 Freedom of Information Law, on the aspects of collection and provision of information. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts.

On July 6, in response to a claim lodged by the local NGO Freedom of Information Center, the Administrative Court for the first time imposed an administrative penalty of 50,000 drams (approximately \$130) on a regional official for failing to provide information to the NGO in accordance with the law.

According to the account of a former prisoner reported by the NGO Helsinki Committee, Nubarashen prison was ruled by a clandestine organized criminal system, with rampant corruption involving prison administration; blackmail, and gambling.

In April 2008 the Freedom of Information Center published the results of a survey on journalists' access to information, which cited access to official information as a serious problem. The survey claimed the main obstacle in obtaining official information was the mentality of officials, who viewed the information at their disposal as their private property. Other obstacles included the absence of formal procedures for storing and providing information as well as the low level of awareness of their rights among journalists.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, freely investigating and publishing their findings on human rights cases.

During the year independent local human rights organizations and local affiliates of international organizations operated in the country. The authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, and local matters. Authorities were usually unresponsive, however, to NGO allegations of mistreatment and abuse committed by law enforcement bodies. Authorities' general response in such instances was that they had investigated the allegations but could not corroborate them.

Since January a supervisory public council comprised of public figures reportedly served as a police watchdog. According to the September 2008 announcement of the council, the body's purpose was to help improve the transparency of police conduct and prevent human rights abuses. There were few reports during the year on the council's operations or its impact on the police. According to official information, the council dealt with such problems as the carrying of weapons, traffic regulations, loud honking by cars, fireworks regulations, and aggressive content in television shows.

On August 15, police charged Mariam Sukhudian, a youth environmental activist, with false reporting of a crime after she publicly reported instances of sexual and other abuse at a state-run boarding school for children with special needs in 2008. The activist and local human rights monitors criticized the charges as trumped-up retaliation for Sukhudian's bringing the abuses to light and called for an impartial investigation into the conditions at all state-run special needs schools. On October 21, police informed Sukhudian that the charges against her had been downgraded to slander, punishable by fine. At year's end the investigation of the criminal charges against Sukhudian continued.

On June 5, police detained and arrested Arshaluis Hakobian, a member of the local NGO Helsinki Association, for allegedly assaulting a police officer while being delivered a summons to appear in connection with the official complaint of electoral fraud that Hakobian filed during the May 31 municipal elections. According to reports, during the elections Hakobian, an accredited election observer, was evicted along with a colleague from a polling station in Yerevan's fraud-rife district of Malatia-Sebastia, barred from reentry, and threatened with physical harm. He subsequently filed the complaint with the SIS. Police claimed Hakobian assaulted them as they were delivering a summons for him to appear before the SIS investigating the

complaint. According to Hakobian, the police officers who visited his house on June 5 were aggravated by his refusal to sign the summons, which Hakobian claimed was illegitimate. Hakobian stated police pressured him to sign the summons, beat him on the way to and at the police station, and denied him access to a lawyer during the initial hours of his detention.

On June 11, CSMB members visited Hakobian in prison and reported numerous injuries on his body (legs, hands, back, and head). The police reportedly registered Hakobian's injuries in a medical folder upon his arrival at the prison. The government claimed to have investigated the claims of mistreatment and denied it occurred. On June 15, the Geneva-based Observatory for the Protection of Human Rights Defenders issued a statement of concern over the "arbitrary arrest" of Hakobian and condemned police mistreatment against him, which the organization charged was punishment for Hakobian's human rights activities.

After being charged on June 5 with assaulting a public official, Hakobian was remanded into custody for a two-month pretrial detention period. On August 5, authorities extended his pretrial detention for one month. On September 15, his case got underway. On October 16, the authorities released Hakobian from detention following a motion by the prosecutor requesting the court to postpone further judicial proceedings by one month; the prosecutor justified his motion by stating that the prosecution needed additional time to "change or complement" the original charges. The court granted the request and ordered Hakobian's immediate release from detention on the condition that Hakobian not leave the country while the case continued. On November 20 and December 21, the judge postponed the proceedings into the case in response to the prosecution's requests for more time to conduct an investigation into the actions of the police officers who detained and arrested Hakobian. On November 28, the SIS launched an investigation into the alleged abuse by the police officers that was subsequently dismissed on December 29 due to lack of evidence, and the proceedings against Hakobian had yet to be resumed by year's end.

On May 21, police dismissed charges against Tigran Urikhanian for criminally assaulting Mikael Danielian, the head of the local Helsinki Association NGO, in May 2008. Urikhanian, a marginal progovernment figure, and two accomplices reportedly carried out the assault. Despite numerous witnesses to the attack, police chose not to recognize Danielian as a victim and characterized the incident as hooliganism. Throughout the investigation, however, police could not corroborate the

hooliganism charges with supporting facts. While police assessed Urikhanian's actions as exceeding "legitimate self defense," they concluded that they did not constitute a crime since Danielian's injuries were not grave. Police did not press charges against the other two assailants, claiming that they had "repented" for their actions. Police also chose not to include in their case materials the testimony of Artur Sakunts, director of the human rights NGO Helsinki Citizens Assembly Vanadzor, who witnessed the attack. According to Danielian, throughout the investigation, the police investigator threatened him with possible arrest on charges of hooliganism if he did not reconcile with the offenders. Danielian appealed the decision to dismiss the criminal case in both the court of first instance and the court of appeals; on both occasions, the courts ruled against his appeals.

There were no developments in the investigation of the assaults against youth activists Arsen Kharatian in May 2008 and Narek Hovakimian in June 2008.

The government generally cooperated with international NGOs, permitting them to visit the country and issue reports.

A human rights defender (ombudsman) operated in the country, with a mandate to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments and their officials. During the year the ombudsman issued regular and ad hoc reports on various human rights problems in the country. The government was generally not responsive to these reports and did not answer questions raised in the ombudsman's April 2008 ad hoc report on the March 2008 postelection violence. During the first half of the year, the Ombudsman's Office received complaints from 2,602 citizens; the office resolved 42 of these complaints, with 94 persons reportedly receiving redress for their grievances.

On September 16-17, approximately 16 months after its establishment, an ad hoc parliamentary commission released its findings on the March 2008 postelection events and 10 resulting deaths. The report stated the commission was unable to shed more light onto the circumstances of the deaths and urged law enforcement authorities to do more to identify, track down, and prosecute individuals responsible for the deaths. Relatives of the civilian victims protested the commission's findings and demonstrated before the parliament for a full, objective accounting of the deaths.

Before the release of the report, President Sargsian on June 6 disbanded the bipartisan fact-finding group of experts he established in October 2008 to assist the ad hoc parliamentary commission in its inquiry. According to local observers, the disbanding of the fact-finding group was connected to the leaking of sensitive reports that assigned culpability to authorities for some of the 10 deaths. PACE regretted the disbanding of the fact-finding group due to "the insurmountable tensions between its members and the politicizing of its work by members of both sides"; declared that an independent, impartial, and credible investigation into the March 2008 events was still necessary; and stated that the final report by the ad hoc parliamentary commission would "determine whether the criteria of impartiality and credibility have been met and whether further investigations are necessary."

On December 21, the PACE Monitoring Committee criticized the commission's self-censorship for not sufficiently challenging the official version of events. It also deplored the report's one-sided description of events and lack of discussion on the postelection arrest and prosecution of a large number of opposition supporters.

The very low profile on human rights problems of the Standing Committee on Protection of Human Rights and Public Issues of the National Assembly led the local human rights community to view the committee with deep skepticism.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions.

Women

Rape is a criminal offense and carries a maximum penalty of 15 years' imprisonment. There are no explicit laws criminalizing marital rape. During the year authorities launched 23 criminal cases against 26 persons on cases of rape and attempted rape; however, social stigma continued to contribute to the underreporting of those crimes. Authorities convicted 10 of these 26 individuals for rape or attempted rape; the investigations into the remaining cases were continuing at year's end. According to official information, none of these reported cases constituted marital rape.

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was presumed to be widespread. In a 2007 survey commissioned by the Women's Rights Center, 66 percent of the respondents acknowledged that family members subjected them to psychological abuse, and 39 percent considered themselves victims of either moderate or severe physical abuse. Most cases of domestic violence were not reported to police because victims were afraid of physical harm, were apprehensive that police would return them to their husbands, or were embarrassed to make family problems public.

There is one NGO-operated shelter in the country, which offers refuge and assistance, including psychological and legal counseling, to victims of domestic violence. The NGO also operates a hotline that offers assistance to victims of domestic violence.

Police reported investigating 241 cases of domestic violence during the year, including 132 cases of battery and 100 cases of infliction of willful damage to health. The remaining cases included a murder attempt or threat thereof, hooliganism, and insults. The Prosecutor General's Office reported registering two instances of murder and two instances of attempted murder by spouses.

While prostitution constitutes an administrative offense punishable by a fine, operating a brothel and engaging in other forms of pimping are crimes punishable by one to 10 years' imprisonment. According to media reports, fewer than 5,000 women were involved in prostitution in the country, of whom approximately 1,500 were in Yerevan. Local observers claim that police and other security forces tolerated prostitution.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. While there was no public data on the extent of the problem, local observers believed sexual harassment directed against women in the workplace to be widespread.

According to law, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. In practice, however, especially in more traditional families, such decisions were often made by the male spouse and his parents. Access to

and information about contraception was low, especially in rural areas. Skilled attendance during childbirth was more accessible in large towns and population centers. Women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

There were reports that women, especially those in rural or remote areas, faced insufficient access to adequate general and reproductive health-care services. Observers noted that various efforts made to improve reproductive health care had not been effective.

International and local observers recommended during the year that the government continue to take measures to improve women's access to health care in general, and to reproductive health-care services in particular. During the year observers called on authorities to increase efforts to improve the availability of sexual and reproductive health services (including family planning), to mobilize resources for that purpose, and to monitor the actual access to those services by women. Further recommendations were made that the government widely promote family planning and reproductive health education to girls and boys with special attention to the prevention of pregnancies of underage girls, sexually transmitted diseases, and HIV/AIDS.

Men and women enjoy equal legal status, although gender and age discrimination were continuing problems in the public and private sectors. Women generally did not enjoy the same professional opportunities or wages as men and often were relegated to more menial or low-paying jobs. Women remained underrepresented in leadership positions in all branches of the government, national as well as regional and local.

Children

Citizenship is derived from one's parents. Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability. During the year, however, international donors worked with the authorities to address the situation with some success.

Severe disparities remained in both primary and secondary education in the country because of gender, regional location, and income. Numbers of dropouts after basic education remained substantial, especially among poor students.

Free basic health care was available to boys and girls through age 18 but often was of poor quality, and officials often required overt or concealed payment for services.

Statutory rape, defined in the law as sexual acts with a person less than 16 years of age, is punishable with a fine and imprisonment up to two years. Child pornography is punishable with a maximum imprisonment of six years.

At year's end a court case continued against the former deputy head of Special School No. 18, a facility for children with antisocial behavior, who allegedly forced two students to beg and sexually assaulted another student.

In November 2008 Armenian Public Television broadcast reports containing allegations of sexual and other abuse of students at Special School No. 11, a school for children with special needs, by the school's administration and staff. The alleged abuse came to light when a group of youth activists served as volunteers in the school. In their work and interaction with children, the volunteers observed and heard about multiple problems and abuses at that school, including poor food quality, poor sanitary conditions, exploitation of children by the school's director and staff for their household chores, severe punishments and beatings, and several instances of sexual abuse by a teacher. On August 15, the authorities opened criminal proceedings for false crime reporting, which police downgraded to slander charges on October 21, against the leader of the youth group who publicized the abuses, Mariam Sukhudian. On August 26, the Prosecutor General's Office stated its investigation into the allegations of sexual abuse proved them invalid. At year's end the investigation of the criminal charges against Sukhudian continued.

In February and March the human rights NGO Armenian Helsinki Committee monitored 12 special-education schools and four boarding institutions to assess the provision of care and protection of children enrolled in the establishments. The study, published in the *Ditord (Observer)* human rights journal, revealed frequent physical and psychological violence against children at the institutions. Many children indicated they had been slapped or beaten, shut in a classroom, or prevented from going home, among other forms of punishment. According to the study, some teachers admitted resorting to violence. The study also noted that most of the institutions lacked proper central heating and adequate sanitary and hygiene conditions.

The committee also studied children's rights in the 12 general education schools in the Syunik region during the February and March period. The study found various forms of physical or psychological violence regularly used as a means of punishing children. Violence often took the form of beating, slapping, pulling ears, and humiliating treatment. There was also unequal treatment of students at schools, depending on teachers' relations with students, whether students pursued private classes with a teacher, and whether students had influential parents. The Helsinki Committee conducted a similar study in 2007 and 2008 in 39 general education schools throughout seven regions of Armenia, collecting data. The results of the two studies were substantively the same.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reported cases of persons trafficked into, from and within the country.

The country is primarily a source for women and girls trafficked to the United Arab Emirates (UAE) and Turkey for the purpose of commercial sexual exploitation. NGOs reported that women were also trafficked to Turkey for the purpose of forced labor. Men and women were trafficked to Russia for the purpose of forced labor. During the year there were court cases involving internal trafficking of minors for sexual exploitation and forced begging and trafficking of Russian women to the country for labor exploitation. According to official data, at least 60 persons were identified as victims of trafficking.

Individual or small organized groups of traffickers using developed networks in source and destination countries typically recruited victims among the most socially vulnerable in the population, especially persons in the rural areas, through promises of high-paying jobs in the destination countries. In the case of trafficking for sexual exploitation, traffickers typically, but not always, targeted women already engaged in prostitution. The majority but not all of these victims were aware that they would end up in the sex industry in other countries; however, they were unaware of the traffickers' intent or the exploitative circumstances they would face abroad. Once in the destination country, traffickers deprived victims of their travel documents, confined them in hotel rooms, and told them they must "repay" their expenses. Traffickers reportedly encouraged victims to become recruiters, promising them future

proceeds earned by new victims or by promising them money they had already earned but been deprived of by their traffickers.

Amendments to the criminal code in November increased the criminal punishments envisaged by one of the two existing statutes pertaining to trafficking (increasing the punishments in one to match punishments in the other). As a result, both antitrafficking statutes envisage punishments for convicted traffickers from five to 15 years, depending on the aggravating circumstances. Changes to both statutes also stipulated confiscation of the trafficker's assets as a form of punishment, and exempted trafficking victims from criminal prosecution for crimes they were forced to commit as a result of their victimization, provided the victims supported the investigation of these crimes.

According to government figures, law enforcement agencies investigated 15 trafficking cases during the year, and the courts convicted 11 persons under the trafficking statute, compared with four persons in 2008.

On April 20, for the first time ever, a Yerevan court convicted four women of trafficking as an organized criminal group; their sentences ranged between one and 13 years in prison, the longest prison sentence ever handed down for trafficking in the country.

On December 18, a Yerevan court convicted another trafficker to 13 years in prison for exploiting women as prostitutes in the UAE.

In contrast with previous years, during the year courts delivered longer prison sentences to convicted traffickers, with none of the sentences being suspended. On April 2, a Yerevan court sentenced a male trafficker to seven years in prison for forcing five children into begging.

During the year the trial of two Russian traffickers who exploited victims as exotic dancers in local nightclubs continued. In cooperation with Russian law enforcement, police identified 11 more victims in this case (all of whom were already in Russia), bringing the total number of victims of the alleged traffickers to 24. The written testimonies of the newly discovered victims were used in court proceedings. The trial continued at year's end.

The Ministerial Council to Combat Trafficking in Persons, chaired by the deputy prime minister, was responsible for

implementing, coordinating, and monitoring the government's antitrafficking efforts. In 2007, following extensive discussions with foreign governments and NGOs involved in antitrafficking programs, the government approved a 2007-09 national action plan to combat trafficking in persons. The police, the National Security Service, and the Prosecutor General's Office were responsible for investigating and prosecuting trafficking cases. Authorities actively cooperated with several trafficking destination countries and regularly shared information with them.

No reports of official complicity in trafficking came to light during the year. At year's end, however, authorities had not yet prosecuted any officials in connection with the 2006 escape from the country of Anush Zakhariants, a convicted Uzbek trafficker of ethnic Armenian origin. The National Security Service located Zakhariants in Uzbekistan during the year. On December 14, the Prosecutor General's Office officially requested Uzbekistan to extradite Zakhariants to the country; at year's end the extradition request remained pending.

Upon their return to the country, trafficking victims feared social stigma and discrimination and were generally but not always reluctant to help locate and prosecute their traffickers. Government officials did not require victims to assist in pursuing traffickers but worked with those who were willing to do so. NGOs reported that judges' overall treatment of victims continued to improve.

Several NGOs assisted trafficking victims, many of whom were referred to them by authorities. Two hotlines were also available for trafficking victims. Antitrafficking NGOs operated without financial assistance from the government and depended on foreign government funding. In 2008 the government had approved national budget funds to be allocated for antitrafficking, including the cofunding of operating a trafficking victims' shelter. During the year the government primarily supported public awareness activities. Cofunding of the shelter fell through, however, due to technical problems between the government and NGOs that operated the shelter. The public awareness activities included the organization of a youth campaign against trafficking and the publication of 100,000 brochures containing legal advice for Armenian citizens who travel, reside, and/or work abroad.

The country's 2010 national budget adopted at year's end, like the 2009 budget, included multiple allocations devoted to its

antitrafficking efforts. In comparison with the 2009 budget, the 2010 budget allocated more money, specifically toward victims' assistance.

In November 2008 the government approved the national referral mechanism (NRM) for use by public officials to help refer trafficking victims for assistance. According to local observers, however, the NRM appeared to place disproportionate focus on helping law enforcement agencies locate and punish traffickers rather than providing assistance to victims. The level of assistance to the victim prescribed in the NRM depended on victims' level of cooperation with law enforcement agencies. On September 3, the government decided to include trafficking victims as a special category of socially vulnerable groups eligible for free medical aid.

Throughout the year NGOs, international organizations, and the government conducted trafficking prevention activities, mainly through educational and media programs to raise public awareness of the problem.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to these persons.

In its monitoring of mental health facilities in the Syunik and Shirak regions during the year, the human rights NGO Helsinki Citizens Assembly of Vanadzor (HCAV) reported encountering numerous problems in these facilities. The deficiencies included, among other things, poor hygienic conditions, poor alimentation, inappropriate buildings, use of outdated and ineffective medication, lack of professionally trained staff, instances of physical violence, and use of patient labor in health facilities. The HCAV also noted that there appeared to be systematic problems in the entire operation of mental health facilities, including an absence of a state policy on mental health, the lack of appropriate legislation for the proper

implementation of the law, the lack of standards and norms of conduct for staff, and insufficient funding of facilities.

In July 2008 the online news agency Armenianow.com published a HCAV survey of patients at the Vanadzor Neurological and Psychiatric Clinic. Patients there reported beatings, torture, and abusive narcotic sedation by clinic personnel and medical staff. Patients also complained of deprivation of privileges and insufficient food.

Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

The government, through the Ministry of Labor and Social Affairs, is responsible for protecting the rights of persons with disabilities but failed to do so effectively.

According to the local NGO Unison, which monitored the May 31 Yerevan municipal elections, persons with physical disabilities did not have access to the polls during the vote, and very few persons with disabilities participated in the vote.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

General societal attitudes towards homosexuality remained highly unfavorable. The country's endorsement of the UN December 2008 statement against discrimination on the basis of sexual orientation and gender identity caused a public outcry and increased the number of negative articles in the media about homosexuals. Society continued largely to view homosexuality as an affliction.

Persons who were openly gay were exempted from military service, purportedly because of concern that they would be abused by fellow servicemen. However, the legal pretext for the exemption was predicated on a medical finding of gays possessing a mental disorder, which was stamped in their documents and could affect their future. During the year there was at least one reported case of a young man, whose homosexuality was revealed during military service, being diagnosed and hospitalized with "homosexuality disease."

According to local human rights activists, lesbians, gays, bisexuals, and transgender persons experienced some of the most

humiliating discrimination in prisons, where they were forced to do some of the most degrading jobs and separated from the rest of the prison population.

Societal discrimination based on sexual orientation continued to be a problem with respect to employment, family relations, and access to education and health care for sexual minorities.

Other Societal Abuses and Discrimination

There were no reports during the year of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring job applicants to be between the ages of 18 and 30. While this discrimination appeared to be widespread, authorities did not take any action to mitigate it. After the age of 40, workers, particularly women, continued to have little chance of finding jobs appropriate to their education or skills.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, except for those serving in the armed forces and law enforcement agencies, to form and to join independent unions of their choice without previous authorization or excessive requirements. In practice, however, most workers were unable to exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. The Confederation of Labor Unions (CLU) estimated that as of February approximately 240,000 workers, or an estimated 20 percent of the workforce, were members of 24 trade unions. There were additional labor unions that did not belong to the CLU. Labor unions were generally inactive, with the exception of those connected with the mining industry. However, some mining enterprises, including some financed by foreign capital, discouraged employees from joining labor unions with the implied threat of loss of employment.

The law allows unions to conduct their activities without government interference. The law also provides for the right to strike except for members of the armed forces and law enforcement agencies, but workers rarely went on strike due to

the fear of losing their jobs. While the law prohibits retaliation against strikers, it occurred periodically.

b. The Right to Organize and Bargain Collectively

Although the law provides for collective bargaining, in practice it was practically nonexistent.

There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that women and girls were trafficked for commercial sexual exploitation and labor, and that men were trafficked for labor exploitation in the construction sector. A small number of boys and girls were trafficked internally for commercial sexual exploitation and forced begging (see section 6).

d. Prohibition of Child Labor and Minimum Age for Employment

The laws and policies protect children from exploitation in the workplace. The minimum age for employment is 16, but children may work from age 14 with permission of a parent or a guardian. Children less than the age of 18 are prohibited from working overtime, in harmful and dangerous conditions, at night, or on holidays; nevertheless, the authorities responsible for compliance with child labor law unevenly enforced the law.

According to local observers, many children, especially in rural regions, were involved in family businesses--mainly agriculture--as a result of the severe socioeconomic plights of their families. Observers also reported seeing children in Yerevan selling flowers and drawings and working in local markets after school hours. Children also worked in trade, construction, and car services, operated vehicles, and gathered waste metal and bottles. According to an October 2008 study by the UN Children's Fund on child labor, less than 5 percent of children between seven and 18 had paying jobs, not counting those involved in family farms or businesses. The survey also found that almost one-third of working children were below the legal working age, that almost all children worked without legal contracts, and

that some children were employed in heavy manual work as laborers and loaders.

e. Acceptable Conditions of Work

The government sets the minimum wage by decree. The monthly minimum wage of 30,000 drams (approximately \$80) as fixed by the state budget did not provide a decent standard of living for a worker and family.

During the year there were reports of numerous labor rights violations committed by a construction company. The firm had been awarded a government contract to construct housing in the city of Gyumri as part of a government rehabilitation project to rebuild the housing stock destroyed by the 1988 earthquake. Some of the reported violations included extremely low wages, working hours up to 65 hours per week, unpaid worker salaries, and work without contracts. In spite of numerous media reports on the violations, reportedly neither the State Labor Inspectorate nor any other state body investigated the reported conditions. In the absence of any labor unions, some of the workers reportedly took their cases to court but dropped the cases after reaching agreements with the company to recover only a fraction of the compensation owed them. According to some local observers, some of the workers were reluctant to speak out for their rights because of fear that they would lose their jobs.

The law provides for a 40-hour workweek, 28 days of mandatory annual leave, and compensation for overtime worked. In practice, however, the authorities did not effectively enforce these standards. Many private sector employees were unable to obtain paid leave and were required to work more than eight hours a day without compensation. According to representatives of some employment agencies, many employers also hired an employee for a "probationary" period of 10-30 days, during which the employee was not paid. Often these employees were subsequently dismissed and unable to claim payment for the time they worked because their initial employment was undocumented. Evidence also suggested that some private sector employers underreported the size of their staff to avoid paying taxes.

Occupational and health standards are established by government decrees. The authorities responsible for enforcing these standards did not always do so effectively, however, due to a lack of capacity, skills, and will. During the year the State Labor Inspectorate reportedly made little progress toward

implementing an inspection regime or enforcing the labor code, and its work was reportedly undermined by corruption.

Workers had the right to remove themselves from work situations that endangered their health and safety, but they were unlikely to do so because such an action could place their employment at risk. Work safety and health conditions remained substandard in numerous sectors, and there were two fatal workplace incidents during the year.

On May 14, four persons were killed and approximately 20 injured in two powerful explosions at the Nairit chemical plant in Yerevan. According to reports, before the explosions Nairit had periodically faced emergency situations that were not properly addressed; the plant's obsolete Soviet-era equipment and poor safety standards also were believed to contribute to the explosions. On the same day, the authorities opened an investigation to determine the precise cause of the explosions. On October 10, three employees of the chemical plant were charged with a second breach of safety rules that resulted in one person's death, and the case went to court on November 9. On December 14, at the request of the defense, a Yerevan court suspended the case against the three workers, exonerating them of the charges as provided by the June 19 general amnesty.

On June 17, four Chinese workers employed by the Chinese company HPCC-3 died in an accident at the construction site of a thermal power plant in the city of Hrazdan near Yerevan. The Emergency Rescue Service reported that the workers fell to their deaths after the platform that was holding them collapsed. The same day police launched a criminal investigation into the accident based on the alleged violation of workplace safety standards at a construction site. The case was dropped on August 8 after the investigation concluded that three of the deceased workers themselves had violated safety standards, and the fourth victim, who was their supervisor and responsible for his subordinates' safety, also perished in the accident.