

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: AL
ARM 1/2015:

3 July 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged excessive use of force by the police to disperse a peaceful demonstration in Yerevan, and the subsequent arrest and detention of demonstrators, journalists and human rights monitors.**

According to the information received:

In the evening of 22 June 2015, thousands of people took to the streets in Yerevan to peacefully protest against an increase of electricity prices. The demonstrators marched from Freedom Square to Tumanyan Street, and then proceeded to Baghramyan Avenue where they were blocked by a cordon of riot police officers. They then sat down, playing musical instruments, shouting slogans and chanting patriotic songs. The police deemed the march unlawful as it had not been authorized by municipal authorities. They ordered on several occasions the demonstrators to disperse and warned them that force would be used to clear the street. They then switched off the street lights. A few hundreds of demonstrators, mostly youth, refused to move.

After a nine-hour stand-off, the police then surrounded the peaceful crowd and proceeded with dispersing it, using a powerful water cannon, and beating protestors with truncheons and shields, or suffocating them with their arms. They also threw protestors on the ground violently and pushed them against fences,

columns and walls. They chased running protestors and pushed dozen of them down the stairs at Freedom Square. It is reported that the protestors did not show any sign of resistance during the police intervention.

Police officers also assaulted a dozen of journalists present on the site, and destroyed their equipment, including cameras and mobile phones used to record the police operation.

It is reported that 22 individuals were brought to hospital to receive medical treatment, including one person who suffered serious head injuries. Six people were treated on site by medical personnel.

The police arrested 237 protestors, as well as journalists and human rights monitors. Some of them were tested for drugs and alcohol and then immediately released. Others were questioned and later released on 23 and 24 June 2015. Some may be called for further questioning in the coming days. It is reported that the Office of Armenian Prosecutor General has opened a criminal case for acts of ‘hooliganism’.

On 23 June 2015, the Ombudsman reportedly sent questions to the Head of the Police, seeking clarification about the aforementioned incidents.

Serious concern is expressed about the alleged excessive use of force by the police against peaceful protestors and journalists, as well as the arrest and detention of demonstrators, journalists and human rights monitors.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Has a complaint been lodged by the victims or on their behalf?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the full details of any prosecutions which have been pursued in relation to the cases. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate any remedial action to be taken vis-à-vis the victims aforementioned.
6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
7. Please kindly indicate what measures have been taken to ensure that human rights defenders and journalists are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of the alleged violations and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer to the articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) that Armenia acceded in 1993, which guarantee the right to freedom of opinion and expression and the right to freedom of peaceful assembly.

- We would also like to draw the attention of your Excellency's Government to resolution 25/38 of the Human Rights Council, in which the Council "[r]ecalls that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations... (OP2); [c]alls upon all States to pay particular attention to the safety of journalists and media workers covering peaceful protests... (OP8); [u]rges all States to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force (OP9); [r]ecognizes the importance of documenting human rights violations and abuses committed in the context of peaceful protests... (OP18); and [u]rges States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms... and to provide victims with access to a remedy and redress, including in the context of peaceful protests" (OP19).

In addition, we would like to draw the attention of your Excellency's Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, "[l]aw enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms." Furthermore, Principle 5 provides that, "[w]henver the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment" (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, article 5 (a), which provides for the right to meet or assemble peacefully; and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of

everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials. The former Special Representative also underlined in his 2007 report to the GA (A/62/225, paras. 91 and 93), the importance of human rights monitors during demonstrations in providing an impartial and objective account of what takes place and in deterring human rights violations.

Finally, we would like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12), which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”