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Ensuring the Right to Freedom from Torture for Persons Brought before the Military Police as Suspects and Witnesses in Criminal Proceedings on Incidents Recorded in the Armenian Armed Forces

Report

Editorial team:

Project Director: Edgar Khachatryan
Project Coordinator: Mane Grigoryan
Project Expert: Mushegh Shushanyan
Editor: Vahagn Antonyan
Translator - English version: Lusine Poghosyan

Cover Design by Alexey Iorsh,
Moscow, Russian Federation
https://issuu.com/ersh

Address: Apt. 40, 12 Myasnikyan str., 2002, Vanadzor, Armenia, Peace Dialogue Office

Tel.: +374 (322) 21340;
Mob.: +374 (55) 820 632; (93) 820 632

E-mail: ekhachatryan@peacedialogue.am; mailbox@peacedialogue.am

Web: http://www.peacedialogue.am; http://www.safesoldiers.am

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VANADZOR, 2020

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Abbreviations

PD	Peace Dialogue non-governmental organization
UN	United Nations
RA	Republic of Armenia
MoD	Ministry of Defense
MP	Military Police
AF	Armed Forces
ECHtR	European Court of Human Rights
ECHR	European Convention on Human Rights
CAT	Committee against Torture
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Foreword

Issues related to human rights protection in the Armed Forces (AF) have always been a specific focus of watchdog groups. In recent years, NGOs in this field have often reported that human rights and fundamental freedoms, as outlined in both international and domestic legal acts, have been grossly violated in the army. Peace Dialogue NGO's longstanding experience in the human rights advocacy field shows that servicemen and civilians detained in Military Police (MP) solitary confinement cells are more vulnerable in terms of legal protection: particularly in the context of ensuring the right to freedom from torture.

Since 2012, Peace Dialogue NGO (PD) has provided legal assistance during pre-trial and trial stages to a number of families of servicemen killed in the AF in non-combat situations. It has also provided representation and advocacy to citizens in criminal proceedings on human rights violations recorded in the army. As with aforementioned criminal cases, the organization noted that criminal prosecution authorities often failed to ensure one of the most important criteria for effective investigations: **witnesses in the case and other trial participants were subjected to cruel, inhuman or degrading treatment.**

Torture, inhumane or degrading treatment of persons brought before the MP as suspects or witnesses during criminal proceedings has been used to extort confessions or put pressure on servicemen when making statements in order to obtain desired information or testimonies. These persons were subjected to physical and mental pain. Issues related to the individual cases of torture of servicemen by RA MP officials were also raised in reports compiled by the RA Human Rights Defender (Ombudsman).

Experience shows that criminal cases involving torture only rarely reach the courts. This is also due to the difficulty (or nearly impossibility) of providing proof. In many cases, due to mistrust of judiciary institutions, citizens prefer to remain silent about torture cases. The accused believe that raising such issues may worsen their situation. Moreover, vicious practices show that they are the ones who have to prove that they have been subjected to torture. It is sufficient to note that no official in Armenia has yet been held responsible for ill-treatment and torture of another person: even in cases where torture and ill-treatment was recognized by the European Court of Human Rights (ECtHR). As of January 2020, only one case of a violation of a citizen's right to freedom from torture had been registered by an RA court. On 8 January 2019, the RA Court of Appeals made an unprecedented ruling recognizing the violation of Arthur Hakobyan's right to freedom from torture[1]. He had been dismissed from the army in 2015 on grounds of mental illness. Despite the Court's decision, so far, no defendant has been called in the case.

1. The Court of Appeals recognized the violation of this serviceman's right to freedom from torture. The article is here: https://www.azatutyun.am/a/29697753.html (in Armenian).

The problem is further complicated by the fact that low levels of public awareness have not created intolerance towards acts of torture, ill- or degrading treatment by the general public (both in official circles and among citizens). People find these phenomena quite understandable or somewhat acceptable. They have a tolerant attitude towards them.

As early as in 2015, the RA Government acknowledged that the current Law on Military Police did not stipulate MP functions/roles in such penal institutions as disciplinary battalions, disciplinary garrisons and solitary confinement cells[2]. Despite the fact that a Law on Making Additions and Amendments to the RA Law on Military Police (adopted in 2017) had attempted to bring some clarity to MP functions as concerns solitary confinement, a new law regulating the field has not been adopted. As a result, there is still uncertainty about the MP's role and its nature.

In addition to the lack of clear legislative regulation, the sector's reform has also been hampered by the system being closed. As a structure of the Ministry of Defense, the MP is not subject to public scrutiny. PD is aware of cases where lawyers were not able to access the MP Department to protect a citizen's interests in a criminal case. Moreover, the Ombudsman's staff was once even denied access to the MP Department by Military Police officers[3].

In January 2019, PD started implementing the project **"Ensuring the right to freedom from torture for persons involved in criminal proceedings on incidents recorded in the AF."** The project aims at preventing torture, inhuman or degrading treatment towards persons involved in criminal proceedings at MP Departments of the Republic of Armenia AF.

In order to achieve the stated goal, PD sought to identify gaps in existing domestic legislation regulating the field in terms of protecting citizens from torture. It also looked to identify these legal acts' inconsistencies with international documents ratified by the Republic of Armenia and recommendations submitted by international organizations. In addition, based on analysis of cases known to PD that involve torture of persons in criminal proceedings at MP Departments of the Republic of Armenia AF, the project attempted to identify existing problems, their causes, provide suggestions for possible solutions and present them to responsible persons in the field.

This report has been developed due to actions carried out as part of this project. The goal is to raise public awareness of the topic and to promote positive changes in law enforcement practice.

2. RA MoD solitary confinement cells have been replaced with disciplinary garrisons since 2012; however, there are solitary confinement cells at Military Police stations.
3. The soldier was taken to Noyemberyan for investigation. The article in Armenian is on hetq.am. https://tini.to/43X

Project Methodology

Project activities were carried out in four stages:

I. LEGAL DOCUMENT ANALYSIS

At this stage of the project, the following documents have been studied and analyzed:

- Domestic legislative acts as concerns RA international obligations;
- ECtHR judgements where the Court recognized violations of applicants' right to freedom from torture and an effective investigation of their cases;
- Reports by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (from various years) where the Committee touched upon issues concerning the freedom from torture issue;
- Annual communications and reports by the RA Human Rights Defender.

II. DATA COLLECTION

Information was collected from all available open sources on all cases of torture against citizens in the MP Departments.

Since 2012, PD has been providing legal assistance to legal successors of soldiers killed in non-combat situations. The organization's expert Ruben Martirosyan has been involved in a number of criminal cases as a representative of victims' successors. PD became aware of some of the cases as a result of criminal investigations.

The rest of the materials were provided to PD staff by Mushegh Shushanyan, a project expert and a lawyer, who has been involved as a representative of victims' successors, and has also been involved in representing and defending citizens in court proceedings on human rights violations as part of other AF criminal cases.

III. INTERVIEWS

After organizing and reviewing materials obtained, project staff attempted to contact several citizens or their representatives in cases involving torture, inhuman or degrading treatment. This was so as to obtain more detailed information from the initial source. To this end, a questionnaire was developed for interviewing persons who had been brought as a witness or a suspect in criminal proceedings and subjected to torture and degrading treatment. Project staff made extensive efforts to identify and meet these individuals. Given the fact that victims of torture, inhuman or degrading treatment generally avoid speaking out about what happened to them or just try to forget it, only one person has given consent for an interview. That person took part in an interview explaining what happened to him. Project staff was also able to obtain desired information due to facts provided by lawyers who had given legal assistance or had been soldiers' authorized rep-

resentatives in a number of cases.

IV. BASED ON THE STUDY'S RESULTS, A SET OF RECOMMENDATIONS FOR SECTOR REFORM HAS BEEN PUT TOGETHER

Having studied and analyzed possible causes of the situation described above, including legislative regulatory gaps and problems with law enforcement, project staff has developed recommendations for putting in place safeguards to ensure the right to freedom from torture for military servicemen taken to the MP. At the end of the project, these recommendations will be provided to sector officials so as to initiate reforms and prevent torture and inhuman or degrading treatment of persons involved in criminal proceedings by the RA MP.

International legal mechanisms to ensure the right to freedom from torture

The ban on torture and other cruel, inhuman or degrading treatment is enshrined in a number of international documents referring to human rights and humanitarian law. The ban is a fundamental principle of International law. It is absolute and is a fundamental value of democratic societies. According to international standards, there shall be no deviation from the ban: even during states of emergency. Circumvention of the ban cannot be justified or based on interests of a state's national security or the need to fight crime and terrorism.

Prohibition of torture and other cruel, inhuman and degrading treatment is specifically mentioned in:

- Article 5 of the Universal Declaration of Human Rights[4], adopted on 10 December 1948,
- Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms[5] (European Convention on Human Rights (ECHR)), adopted on 4 November 1950,
- Article 7 of the International Covenant on Civil and Political Rights[6], adopted on 16 December 1966,
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment[7], adopted on 26 November 1987.

The Convention[8] against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (also known as the UN Convention against Torture - UNCAT) is an international human rights treaty that aims to prevent torture and other cruel, inhumane or degrading treatment or punishment around the world. Article 2, Paragraph 1 of the Convention, adopted on 10 December 1984, obliges the state-parties (signatories) to take legislative, administrative, judicial or other effective measures to prevent torture in any territory within their jurisdiction. Article 1 of the Convention defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on

4. Universal Declaration of Human Rights, adopted on 10 December 1948: https://www.un.org/en/universal-declaration-human-rights/
5. Convention for the Protection of Human Rights and Fundamental Freedoms, adopted on 4 November 1950: https://www.echr.coe.int/Documents/Convention_ENG.pdf
6. International Covenant on Civil and Political Rights, adopted on 16 December 1966: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
7. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment, adopted on 26 November 1987: https://rm.coe.int/16806dbaa3
8. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984: https://www.ohchr.org/en/professionalinterest/pages/cat.aspx

discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

According to the article, the "key elements" of the concept of "torture" are:

- **Intentional infliction of severe pain or suffering, whether physical or mental, on a person by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.**
- **There is a specific purpose. The torture is carried out for a specific purpose, i. e. to obtain information, punish or scare.**

It should be noted that it is sometimes difficult to define the boundaries of the concepts of "torture" and "other cruel, inhuman or degrading treatment or punishment." Thus, the specific circumstances of each case are taken into account.

Inhuman or degrading treatment or punishment refers to the ill-treatment that is inflicted without a specific purpose, but in a deliberate way, putting the person in conditions that lead to ill-treatment or are abusive in their nature. Degrading treatment can cause less severe pain or suffering than torture or cruel treatment, but it offends and humiliates the victim.

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the RA in 1993, sets out clear obligations for Member States.

Along with other requirements, the Convention states that:

- **First of all, states must refrain from torture and take all measures to prevent it.**
- **States should ensure that torture, including participation and incitement to torture, is qualified as a crime by their criminal law.**
- **States must undertake effective, objective and comprehensive investigations of cases involving torture.**
- **The Convention stipulates that allegations as a result of torture cannot be used as an evidence unless it is evidence in a statement against a person accused of torture.**
- **States are obliged to provide training on the prohibition of torture and other cruel treatment to law enforcement bodies, medical personnel and all persons involved in work related to detention spaces, interrogation or related to detained people in any other form.**
- **Rules of inquiry and detention conditions should be reviewed regularly to ensure that torture and other forms of cruel treatment are prevented.**
- **States are required to investigate cases of torture or cruel treatment, even if no formal complaint has been filed. Individuals have the right to lodge complaints on torture or other cruel treatment, investigation of the complaints and protection from further threats or ill-treatment.**

Provisions also apply to cases of cruel, inhuman or degrading treatment or punishment that are not qualified as torture but are also prohibited. In this respect, **Article 16 of the Convention specifically states that each State**

Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

The UN Convention against Torture also defines a body named the Committee against Torture (CAT), which aims to monitor the implementation of the Convention and is composed of 10 human rights experts nominated by States Parties. The Committee Against Torture establishes a procedure whereby it elaborates and submits questions to the Governments of Member States. The answers are included in periodic reports on the implementation of the UN Convention against Torture. The list of questions[9] for the Republic of Armenia was last published on 9 December 2019. The list includes a number of questions, for example:

- **Have any steps been taken to impose a ban on pardon, amnesty or establishing a prohibition on release from criminal liability through any other such means, both by law and in practice?**
- **Has the RA Criminal Procedure Code been amended to include mandatory audio and video recording of all criminal interrogations, and are all the interrogation rooms in the police stations equipped with audio and video recorders?**

For the purpose of establishing a system of independent international and national bodies for regular visits to places of detention to prevent torture and other cruel, inhuman or degrading treatment or punishment, the UN adopted in 2002 the **"Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment"**[10] (OP-CAT). The Protocol entered into force on 14 October 2006. It called on participating states to set up national bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. In addition, the Protocol called on States Parties to have public authorities (by its order or provocation, by its consent or permission) allow visits to any place under their jurisdiction, where persons are deprived of or may be deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

In 1999, a document entitled the **"Istanbul Protocol"** was recognized as an official set of guidelines by the UN. The Istanbul Protocol sets out universal principles for effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment. These principles establish minimum standards for states to ensure effective documentation of torture. In fact, the document is an international guide to assessing torture and ill-treatment, investigating alleged torture cases, and submitting relevant conclusions to the judiciary or any other investigating body.

Legal mechanisms for the prohibition of torture and other cruel, inhuman or

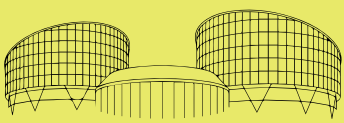
9. List of questions for the fifth periodic report of the Committee against Torture: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%-2fARM%2fQPR%2f5&Lang=en
10. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx

degrading treatment are also clearly outlined in the **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**. The prohibition of torture or inhuman or degrading treatment or punishment is set out in Article 3 of the Convention. Armenia ratified the Convention on 26 April 2002. **The European Court of Human Rights** (ECtHR), which enforces the European Convention with its precedent decisions, guarantees respect for the rights enshrined in the Convention by its Member States.

The Court's precedent decisions have binding force on the CoE Member States[11] that have ratified the Convention and they are obliged to comply with them. The CoE Committee of Ministers is responsible for supervision of the implementation of the judgments. It decides whether the States, under whose jurisdiction violations of the Convention have been found to have occurred, have taken sufficient mitigating measures to comply with the Court's specific or general judgments. In conjunction with the Parliamentary Assembly of the Council of Europe (PACE), the Committee of Ministers upholds the Council's fundamental values and monitors fulfillment of Member States' commitments.

The notions of "torture", "inhuman" and "degrading" have been revealed in a number of judgments by the European Court. The differentiation of these terms depends largely on the varying degrees and nature of the severity of the suffering caused intentionally. According to the ECtHR's interpretation, in cases of "torture" it is necessary to prove there is an ill-treatment and a specific purpose. In cases of "other forms of treatment" (inhuman, degrading) there is no such requirement.

For instance, in the case of Grisha Virabyan[12] v. Armenia (Application No. 40094/05), the ECtHR recognized the violation of the applicant's right per Article 3 of the ECHR (no one shall be subjected to torture or to inhuman or degrading treatment or punishment).



In 2004, Grisha Virabyan actively participated in mass protests. In the same year, the applicant was "invited" to the Ararat police station, where, according to Virabyan, several police officers tortured him.

The ECtHR found that the applicant had been subjected to particularly severe ill-treatment, which had caused him severe physical and mental pain and suffering. Given the nature, extent and purpose of the ill-treatment, the Court found that it could be characterized as torture.

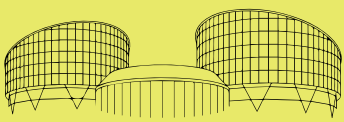
11. The Republic of Armenia has been a member of the Council of Europe since 2001.
12. Grisha Virabyan v. Armenia (Application No. 40094/05): http://hudoc.echr.coe.int/eng?i=001-113302

It is more complex to distinguish the terms "inhuman" or "degrading treatment." The European Commission on Human Rights and the European Court of Human Rights have tried to define them and identify their distinctive features[13]. According to the Commission's definition, **the concept of "inhuman treatment" encompasses an attitude that, deliberately, without a specific purpose, causes severe physical or mental suffering. The attitude or punishment can be considered "degrading," if it humiliates the individual before others or drives the individual to act against his will or his conscience."**

According to the Court's definition "**'degrading' may be used to characterize the attitude that causes the victim's feelings of fear, anguish and inferiority capable of humiliating them and possibly breaking their physical or moral resistance.**[14]"

In recent years, the ECtHR has delivered a number of judgments against the RA. In these judgments, the Court particularly notes that the investigations of applicants' allegations of ill-treatment were not effective.

In the case of Araik Zalyan, Razmik Sargsyan and Musa Serobyan v. Armenia[15] (Application No. 36894/04 and 3521/07), in its verdict from 17 March 2016, the ECtHR found that there had been a procedural violation of Article 3 of the ECHR and domestic authorities had failed to carry out an effective investigation, including allegations of ill-treatment during their detention at the Military Police investigative isolation cells.



According to the ECtHR, the investigation of the applicants' allegations of ill-treatment was not effective because ...

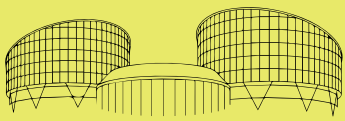
1. **Not only did the Prosecutor's Office not conduct an urgent investigation, but it also did not, in fact, conduct any investigation: no efforts were made to gather evidence, no medical examinations were scheduled, only one of the defendants was interrogated but no detailed questions were asked, and so on.**
2. **After the Court of Appeals' verdict was handed down on 22 December 2006, the alleged wrongdoers were not involved as suspects in the investigation of the criminal case. Rather, they continued to act as witnesses, raising doubts on whether the purpose of such an investigation was to conduct credible,**

13. The Greek case of the European Commission on Human Rights' report of 5 November 1969
14. Cases of Keenan v. the UK; Ireland v. UK
15. Case of Araik Zalyan, Razmik Sargsyan and Musa Serobyan v. Armenia: http://hudoc.echr.coe.int/eng?i=001-161408

thorough investigations into the applicants' statements in order to identify and punish the perpetrators. The credibility of the testimonies of the alleged perpetrators also raised doubts as both statements had the same content.

3. **The fact that the investigation was conducted by the Military Prosecutor's Office investigators, i. e. by the investigators of the same body that allegedly mistreated the applicants, did not satisfy the requirement for an independent, impartial investigation.**

In the verdict from the case of Matevosyan v. Armenia[16] (Application No. 52316/09), the ECtHR also found a procedural violation of Article 3 of the ECHR as national authorities had failed to effectively investigate allegations of ill-treatment at the Military Police.



The ECtHR specifically concluded that ...

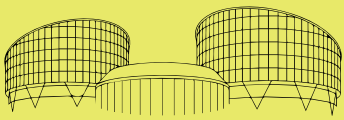
1. **The investigation did not satisfy the requirements for the independency principle. In organizational terms, the Military Police is a separate structure and is not subject to the Military Prosecutor's Office investigating an application. However, given the fact that the same officer investigating the applicant's criminal case also examined the applicant's complaint of ill-treatment by the MP officers (who were involved in the applicant's criminal case), the investigation of the complaint would have had compelling consequences for the admissibility of the applicant's evidence. Thus, the requirement for an independent investigation was not satisfied.**
2. **Without any justification, preference was given to the testimonies of the MP staff that the investigator relied on when rejecting the complaint.**
3. **Except for interrogating the three MP officers, who were in fact interrogated only three months after the complaint was filed, the investigator did not perform any other action: no medical examination, no confrontation, nor any other necessary action.**

16. The case of Matevosyan v. Armenia: http://hudoc.echr.coe.int/eng?i=001-176930

The ECtHR makes clear demands of the State in question (in this case, the Republic of Armenia) to take specific steps to prevent torture and other forms of cruel treatment.

In this regard, the ECtHR verdict from 24 November 2016 on the case involving the death of serviceman Suren Muradyan[17] (Application No. 11275/07) is noteworthy. The applicant, Suren Muradyan's father, alleged that his son, Suren Muradyan, conscripted on 26 June 2001, had died as the result of ill-treatment by three superior officers and a subsequent lack of proper medical care. He also believed that the authorities had failed to conduct an effective investigation into those circumstances.

The ECtHR has mandated that the State provide a credible explanation of the injuries sustained while in custody or of the death. By the way, in this specific case the term "in custody" concurs with "in military service".



According to the ECtHR,
"... as in the case of detainees, conscripts are also in the hands of the state, and only the authorities are fully or largely aware of what is happening in the army. For this reason, the state is also required to provide a sufficient and convincing explanation for injuries sustained or the death in the army." In its verdict, the ECtHR notes in particular that the question of liability under the Convention's Article 2 (Right to Life) and Article 3 (Prohibition of Torture) otherwise inevitably arises.

The ECtHR also notes that the allegation of ill-treatment was not properly investigated even after the authorities involved in the criminal case had obtained evidence that at least two of the three officers involved in the case were linked to the alleged violence against serviceman Muradyan. The ECtHR also noted that the Criminal Court of Appeals, which had re-examined the case as it related to the doctors in the military unit and had decided to sentence them to prison, subsequently ruled to release them by act of amnesty.

It should be noted that the CoE Committee of Ministers, in response to the application of the verdict by the RA Government for the case of Muradyan v. Armenia, recommended the following:

a) it called on the authorities to make all efforts possible to avoid the loss of evidence or factual, case-related data, given the considerable time that had passed after the investigation of the events of the case;
b) it encouraged the authorities to take into account the concerns and recommendations raised by local and international human rights organizations;

17. The case of Muradyan v Armenia: http://hudoc.echr.coe.int/eng?i=001-168852

c) it urged the authorities to provide statistics and detailed information on investigations and prosecutions under the law banning torture;
d) it encouraged the authorities to ensure new guarantees for the prohibition of torture stipulated by the RA Criminal Code; and
e) it welcomed the work done by the authorities to establish a ban on the use of amnesty for persons convicted of torture and called on adopting the draft law as soon as possible.

Summarizing the above, it should be noted that the ban on torture is a fundamental principle of International law and is enshrined in a number of legal documents. Decades of human rights experience and the regular development of international practices set out universal standards for the prevention and prohibition of torture cases and other cruel, inhuman or degrading treatment that should be enshrined in the laws of the Member States in order to guarantee the banning of torture by the Member States. These standards are also intended to develop national mechanisms for the proper documentation of torture cases and other cruel, inhuman or degrading treatment and the effective, objective and comprehensive investigation thereof.

Reports and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, adopted on 26 November 1987, encouraged CoE Member States to agree to the establishment of a Committee for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment (CPT). The Committee examines, through visits, the treatment of persons deprived of their civil liberties so to strengthen, if necessary, to protect against torture and inhuman or degrading treatment or punishment.

CPT delegations make regular visits (usually once every four years) as well as additional special (ad hoc) visits as needed. After each visit, the CPT submits a detailed report to the State. States are obliged to answer the questions found in the report.

The first visit by the CPT delegation to Armenia took place on 6-17 October 2002. The visit report[18] had recommendations directed at institutions under MoD jurisdiction; specifically referring to MoD detention facilities that were still in operation. This related to the conditions of the detention facilities and guarantees for preventing the ill-treatment of detainees. As concerns PD's current report, in the final CPT report (from 28 July 2004) on its delegation's visit (6-17 October 2002), the Committee recommended that the competent authorities send a clear message to staff responsible for detainees in Military Police solitary confinement cells about all forms of ill-treatment: including prohibition of humiliation and verbal abuse.

Though the report[19] on the 2-12 April 2006 visit does not include a section on **Military Establishments**, in the **Police Institutions** section the CPT delegation noted that during its visit, CPT representatives received numerous reports about the ill-treatment of persons who had been recently detained or arrested by the MP.

18. CCPT delegation report on its visit to Armenia on 6-17 October 2002: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680667a9e
19. CPT delegation report on its visit to Armenia on 2-12 April 2006 (in English): https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066d074

In the **Military Establishments** section of the CPT delegation report[20] on its visit to Armenia from 10-21 May 2010, the CPT recommends that the RA authorities should transfer detainees to a prison establishment at the earliest opportunity possible. After having them transferred, the interrogation of the detained servicemen should be carried out by the MP at the detention facilities. In the same report, the CPT noted that representatives of Armenian civil society were allowed access to these sites in the framework of a specific monitoring program. However, the MP had been notified of their visits beforehand. At the same time, the report's authors considered it necessary to stress that monitoring group visits should be of a frequent nature and carried out without any prior notification in order to achieve full effectiveness. As regards this matter, in paragraph 44 of the report from the 2011 visit (published on 17 August 2011), authors noted that the delegation received no reports of ill-treatment of persons held in the MP facilities. However, the delegation expressed its wish to obtain more detailed information from the RA authorities:

- **about the number of complaints of ill-treatment by MP officers;**
- **about the number of criminal and disciplinary proceedings initiated based on these complaints;**
- **as well as, about the application of criminal and disciplinary proceedings against the MP in general.**

In its response to the report[21] on the periodic visit to Armenia in May 2010, the RA Government did not actually respond to these questions raised by the delegation.

In relation to the issue of torture, the report's section on **Military Detention Facilities**[22] following the CPT delegation's visit to Armenia on 5-15 October 2015, report authors drew the RA authorities' attention to two main issues:

1. **A serviceman spent six months in an MP solitary confinement cell in Yerevan.**
2. **There was a punishment cell in the solitary confinement cell.**

As for the first issue, the delegation expressed its concern about the practical use of a solitary confinement cell as a detention facility. The MoD claimed that according to the RA Criminal Code only servicemen whose situation fits the following conditions are held in RA MoD disciplinary isolation cells: those arrested for a crime (held for up to 72 hours); those for whom detention has been chosen as a precautionary measure or who are sen-

20. CPT delegation report on its visit to Armenia on 10-21 May 2010: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806844cd
21. The RA Government response to the CPT Delegation report on its periodic visit to Armenia in May 2010: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806844cc
22. CPT Delegation report on its visit to Armenia on 6-17 October 2002: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806bf46f

tenced to detention (held for anywhere between 15 days to 3 months).
In relation to the second issue, the delegation sought to obtain detailed information on procedural safeguards that may apply to persons arrested or to detainees in case of detention (e.g. obtaining legal assistance, providing a copy of the decision, notifying servicemen of their right to appeal, etc.). It should also be noted that the CPT delegation visited Armenia in 2019. However, as of the date of this report's publication, the CPT's report on its visit was still being prepared.

Annual reports and communications from the Republic of Armenia's Human Rights Defender (Ombudsman)

The institution of the RA's Human Rights Defender (Ombudsman) has been operating since 21 October 2003, i. e. immediately following the adoption of the RA Law[23] on Human Rights Defender.

Following constitutional amendments in 2015, there was the need to adopt a new law **on the Human Rights Defender**. On 16 December 2016, the **RA's Constitutional Law on the Human Rights Defender**[24] was adopted. Article 2 of the Law stipulates that the Defender is an independent official who monitors the protection of human rights and freedoms by public and local self-government bodies and officials, and in cases prescribed by this law, also by organizations. **The Defender facilitates the restoration of violated rights and freedoms and ensures improvement of normative legal acts related to rights and freedoms.** The second part of the aforementioned article of the Constitutional Law entrusts the Defender with the mandate of a National Preventive Mechanism provided by the Optional Protocol (adopted on 18 December 2002) to the 1984 **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**.

According to Article 31 of the Constitutional Law, the Defender shall present to the Republic of Armenia's National Assembly an annual communication on its activities carried out during the previous year. It includes an update on the state of protection of human rights and freedoms, as well as an annual report on activities undertaken during the previous year as part of the **National Preventive Mechanism**. The Human Rights Defender may also prepare special public reports or communications.

He has been publishing annual reports since 2004; it has also been publishing annual communications since 2015[25].

PD has studied carefully the annual/special reports and communications published by the Human Rights Defender since 2010 for the purposes of this project. It should be noted that in six of them, the institution referred to the issues of torture, inhuman and degrading treatment in the MP.

23. RA Law on the Human Rights Defender, adopted on 21 October 2003 (in Armenian): https://www.arlis.am/DocumentView.aspx?docid=64341
24. RA Constitutional Law on the Human Rights Defender: https://www.ombuds.am/en_us/site/AboutConstitution/79
25. Annual reports and communications of the Human Rights Defender (in Armenian): https://www.ombuds.am/am/site/SpecialReports

- In his 2012 annual report,[26] the Human Rights Defender Karen Andreasyan noted that MP officers had abused their official positions in the exercise of their functions. The MoD also received complaints about investigative activities carried out by MP staff; in particular, about the use of mental and physical pressure on persons to obtain information. Therefore, the Human Rights Defender offered to pursue prevention of abuses by the MP and to bring the perpetrators to justice.

- In its 2013 annual report,[27] it is mentioned that, as a result of visits to the police in Yerevan and Armenia's regions, to MP solitary confinement facilities and disciplinary battalions, the Ombudsman found that in a number of cases the MoD did not comply with time limits stipulated in the Constitution as relates to detaining and holding military servicemen. In detainees' record books there were significant hourly violations. For instance, although a maximum of 3 hours is prescribed by law, a detainee had been kept for up to 16 hours or more. Ombudsman K. Andreasyan suggested establishing a monitoring process for the proper filling in and archiving of record books on solitary confinement. The same issue is also mentioned in the interim report released in 2013.

- In the 2014 annual report,[28] the Ombudsman notes that there have been individual complaints about torture and other cruel treatment by MoD Military Police and by some officials in the investigative services. In 2014, in particular, two soldiers released from the RA Armed Forces reported to the Ombudsman about violence used against them by MP officers.

  One of the former servicemen said that MP officers had beaten him and other two servicemen, had demanded that they reveal the name of the person who had beaten another serviceman in their military unit, and had threatened to keep them in custody for days.

  According to another former serviceman, an MP officer repeatedly tapped on the serviceman's chest with his forefinger and middle finger throughout an interrogation related to an investigation into a crime committed in their unit. The former serviceman said he had not paid any attention to the police officer's blows to his chest at the time, as they had caused no pain. Two days later, however, the serviceman's chest began to ache so badly that he had trouble breathing.

In another case described in the same report, servicemen involved as witnesses in a criminal case on a soldier's murder reported that MoD investigator used violence towards them. They specifically pointed to the abusive investigator and described the latter's actions. However, based on materials prepared by the same investigative service, a decision was made to reject

26. 2012 Annual Report of the Human Rights Defender (in Armenian): https://www.ombuds.am/images/files/8457ae1e59323e9a6af27d41b365930d.pdf
27. 2013 Annual Report of the Human Rights Defender (in Armenian): https://www.ombuds.am/images/files/afe1e423a8f465a4fba32ccc27ef913a.pdf
28. 2014 Annual Report of the Human Rights Defender (in Armenian): https://www.ombuds.am/images/files/206d2af54f5149a560ed7a616830d107.pdf

the criminal case. The report states that, according to information provided by the Ministry, there were no complaints or reports on abuse of power in the exercise of functions or other unlawful activities by MP officers in 2014. No cases of torture and other cruel treatment were reported to the RA MoD Military Police.

Accordingly, the Ombudsman offered **to tighten control especially over MP officers' activities at the initial stage of the investigation of crimes, to encourage the practice of reporting torture and other cruel treatment in the AF, to take necessary measures to protect servicemen from possible revenge or discrimination, to introduce video-recording practices when interrogating servicemen by the MP and other investigative and procedural activities, and to organize regular trainings on the prevention of torture and other cruel treatment.**

- Human Rights Defender Arman Tatoyan's 2018 annual report[29] notes that during a visit to MP disciplinary isolation cells, it was found that persons entering the isolation cells were being medically examined in front of MP staff. Meanwhile, in accordance with point 10 (e) of the final observations in the RA Fourth Periodic Report by the United Nations Committee against Torture, the State shall take effective measures, in accordance with international standards for all persons deprived of their liberty and that from the moment of deprivation of liberty, to provide access to all fundamental legal safeguards to prevent torture cases. One such right is the right to be examined by an independent physician and for that exam to be performed out of the sight and hearing range of police staff; unless the physician requests otherwise.

- In the same year's communication[30] Ombudsman Tatoyan notes that a lawyer reported to the Ombudsman on the alleged cases of beating and unlawful custody by the Military Police and informed the Ombudsman that he had submitted a criminal report to the RA Prosecutor General's Office and the RA Special Investigation Service. In response to the Ombudsman's letter, the Prosecutor's Office provided information that the report on the crime submitted by the lawyer to the RA Prosecutor General and the Head of the RA Special Investigation Service was sent to the 4th Garrison Investigative Division of the RA General Investigative Department of the RA Investigative Committee. The latter was assigned to investigate the facts and circumstances in the application.

The Ombudsman's office also received another complaint about the beating of a soldier and his being forced to testify. The Ombudsman immediately addressed a letter to the RA Prosecutor General's Office asking that they check the circumstances in the criminal proceedings and provide information on the course of the proceedings, provided they had already been initiated. The

29. 2018 Annual Report of the Human Rights Defender (in Armenian): https://www.ombuds.am/images/files/159e14f47f7029294110998e75a5433f.pdf
30. 2018 Annual Communication of the Human Rights Defender (in Armenian): https://www.ombuds.am/images/files/8f03a4f279d0491fd510fca443f8f269.pdf

Ombudsman's Office was informed by the Prosecutor's Office that the criminal prosecution of the officer had been terminated following an objective, thorough and comprehensive investigation of the criminal case.

The Ombudsman considered the complaints disturbing and considered it necessary:

1. **to take precautionary measures in order to protect servicemen against torture or inhumane or degrading treatment in the Military Police. Special attention must be paid to protecting soldiers (mandatory military service) from violence,**

2. **to make information about any violence in the AF subject to objective, thorough and comprehensive investigation.**

In his 2018 Annual Report, Ombudsman Tatoyan expressed concern about cases involving beatings of servicemen and unlawful custody in the Military Police. The document highlights the importance of taking preventive measures to protect servicemen from torture or inhuman or degrading treatment in the AF.

Study of domestic legislation on the prohibition of torture

This section of the report speaks about domestic legislation that has been studied to find out what safeguards this legislation affords to ensure the prohibition of torture, inhuman or degrading treatment or punishment. It looks at the extent to which domestic laws ensure the right to freedom from torture of persons brought before the Military Police as suspects or witnesses in criminal proceedings on incidents recorded in the RA Armed Forces and to what extent these safeguards comply with the demands of international norms.

RA CONSTITUTION

Under RA domestic legislation, the prohibition of torture, inhuman or degrading treatment or punishment is addressed primarily by Article 26 of the RA Constitution,[31] according to which:

1. No one may be subjected to torture, inhuman or degrading treatment or punishment.
2. Corporal punishment shall be prohibited.
3. Persons deprived of their liberty shall have the right to humane treatment.

RA CRIMINAL CODE

The prohibition of torture or cruel, inhuman or degrading treatment of a person is also described in Article 11 (2) of the RA Criminal Code.[32] In this respect, it should be noted that the term torture (Article 309.1) in the Criminal Code was brought into compliance with requirements of the UN Convention against Torture (UNCAT) only five years ago: in 2015. According to Article 309.1 of the RA Criminal Code, **torture is "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession; punishing him for an act he or a third person has committed or is suspected of having committed; or intimidating or coercing him or a third person; or for any reason based on discrimination of any kind, where such pain or suffering is inflicted by, or at the instigation of or with the consent or acquiescence of, a public official or other person acting in an official capacity."**

The RA Criminal Code establishes criminal liability for

a. Torture by officials (Article 309.1),
b. Forced testimony or explanations (Article 341),
c. Abuse of authority or power (Articles 308 and 309).

31. RA Constitution: https://www.president.am/en/constitution-2015/
32. RA Criminal Code: http://parliament.am/legislation.php?sel=show&ID=1349&lang=eng

Thus, the torturer is subject to 4-8 years of imprisonment; and, in cases of severe consequences, 7-12 years of imprisonment and deprivation of certain rights. It should be noted, however, that the RA Criminal Code provides liability only for torture. The law does not establish criminal liability for inhumane and degrading treatment.

Nor does it stipulate that persons found guilty of torture, inhuman and/or degrading treatment may not be exempted from criminal liability on grounds of expiration of statutes of limitation and amnesty. This is because termination of prosecution on any of these grounds is incompatible with and contradicts the obligations of the State to respect and protect said rights; since as a result, the public interest in criminal prosecution and conviction, also recognized by the ECtHR, is ignored.

Nevertheless, it should also be noted that Article 7 of the RA Law on Amnesty[33], adopted on 7 March 2018, stipulates that a person convicted of a crime or torture against peace and human security, provided for in the RA Criminal Code, shall not be pardoned.

In order to determine what legislative arrangements are in place to ensure the right to freedom from torture (this report's topic) for persons brought before the Military Police as suspects and witnesses in criminal proceedings on incidents recorded in the RA Armed Forces, one must first study the RA Criminal Procedure Code. The procedure for proceedings set out in the Code is mandatory for courts, investigative bodies, pre-trial investigation and prosecution institutions, as well as for trial participants.

CRIMINAL PROCEDURE CODE

Prohibition of torture or other cruel, inhuman or degrading treatment of a person during a criminal proceeding is provided for in Article 11 (7) of the **RA Criminal Procedure Code**.[34] It stipulates **that in the course of criminal proceedings, no one shall be subjected to torture, unlawful physical or mental violence: including the use of drugs, starvation, exhaustion, hypnosis, deprivation of medical aid, or any other cruel treatment. The same article prohibits the use of force, threats, fraud, violation of rights, or other unlawful methods while trying to obtain testimony from the suspect, the accused, the defendant, the injured party, the witness, and/or other persons participating in criminal proceedings.**

The Criminal Procedure Code provides that **in connection with a criminal case, no person may be arrested, searched, detained, convicted, taken into custody, or subjected to any other measure of procedural compulsion or conviction or other restriction of his rights and freedoms other than on grounds and by procedures prescribed by law** (Article 7).

It should be noted that, in accordance with international requirements, **Article 105 (1.1) of the Criminal Procedure Code stipulates that in criminal proceedings facts obtained by force, threat, fraud, violation of dignity and/**

33. RA Law on Amnesty (in Armenian): https://www.arlis.am/documentView.aspx?docID=120597
34. Criminal Procedure Code: http://www.parliament.am/legislation.php?sel=show&ID=1450&lang=eng

or other illegal actions cannot be used as evidence or as a basis for proof.

The Criminal Procedure Code defines the status of persons involved in criminal proceedings.

According to Article 62, the suspect is a person

1) who is detained upon suspicion of having committed a crime;
2) with regard to whom a resolution on the selection of a precautionary measure is
adopted.

According to Article 131 of the Criminal Procedure Code, a record of arrest is drawn up within three hours after bringing the suspect to the investigating body, investigator or prosecutor. The following shall be indicated in the record: the time (day, month, year, hour, minute), the time of arrest, the place, the basis and purpose of the arrest, the article of the RA Criminal Code based on which the arrested person is suspected of committing the crime, the results of his/her personal search and other circumstances, as well as statements and petitions made by the victim.

The law stipulates that the prosecuting body cannot detain a suspect for more than 72 hours, and the person ceases to be a suspect upon release from detention, suspension of the precautionary measure used against him or following the prosecution's decision to involve him as a defendant.

Article 211 of the same Code states that the detained suspect is entitled to the presence of a lawyer when being interrogated. **If it is impossible to provide for the immediate participation of a lawyer, the investigator must provide such participation within 24 hours of detention. Prior to the beginning of the interrogation, the investigator presents the person the crime for which he is charged and explains his rights, including the right to refuse to testify, the right to interrogation in the presence of an attorney, or the right to refuse an attorney** (with the exception of cases where a defense attorney is mandatory).

The Code also stipulates that a witness is also entitled to the right to appear with an attorney in a criminal proceeding. According to the Code, a witness is a person summoned by a party or a criminal prosecution to testify and who may be aware of any circumstances relating to the case.

The Criminal Procedure Code also specifies the duration of interrogations. **According to Article 205 of the Code, an interrogation cannot last for more than four hours in a row. It may continue after the interrogated person is given a break of at least an hour to rest and eat. The total length of an interrogation may not exceed eight hours during a single day.**

Taking into account the specificities related to a suspect's or witness' compulsory military service and the consequences thereof, securing an attorney becomes a priority in cases of interrogation. **As per Article 69 of the current RA Criminal Procedure Code, the presence of an attorney for a criminal proceeding is mandatory for compulsory servicemen who have the status of the accused. The same is not mandatory, per currently valid legislation, in**

cases where compulsory servicemen have the status of suspect or witness.

Practically, however, for servicemen involved in proceedings as a witness or a suspect, there is limited opportunity to exercise their right to an attorney. This is due to a number of circumstances:

(a) servicemen under interrogation are often unaware of this right;
(b) prosecuting authorities fail to inform interrogated servicemen of their right to be interrogated with an attorney present;
(c) prosecuting authorities ignore the interrogated person's demand to conduct an interview with an attorney present, **often stating that it is not an interrogation but rather a conversation.**

The RA Criminal Procedure Code does not contain any safeguards to ensure the security of soldiers undergoing mandatory military service brought before an investigative body (the MP) as a witness or as a suspect. There are also no regulations which would restrict an MP officer from taking unlawful action against a serviceman.

In the context of criminal proceedings launched based on incidents recorded in the AF (specifically, as regards the issues related to protection of the right to freedom from torture for persons summoned/brought as suspects and witnesses to the MP), it should be noted that the law gives the MP a broad range of powers. This is due to the variety of issues the institution deals with. Subsequently, within criminal proceedings, the institution may act in different functional roles in different situations and stages of the process. Within the proceedings, the MP may act as:

- a body of inquiry;
- a structure to prevent and stop offenses planned or already committed by servicemen; or
- a structure ensuring oversight of solitary confinement facilities, garrison disciplinary isolations, etc.

Article 56 of the RA Criminal Procedure Code states that the RA Military Police is an inquiry body in cases assigned by law. Article 57 of the Code defines the powers of the MP as a **body of inquiry**. As a body of inquiry, among other functions, the RA Military Police executes the following:

- it undertakes the necessary operative-investigatory and criminal procedure measures for detection of crimes and the persons who committed them, and for the prevention and suppression of crimes;
- prior to filing of a criminal case, based on prepared materials, it examines the site of the crime, takes samples for examination, and it calls for expert inquiries, etc.

Moreover, the MP's powers and responsibilities are also defined by the RA Law[35] on Military Police, which has been in force since 2002. However, the description of the rights and responsibilities of MP officers at garrison solitary confinement facilities and the requirements for professional knowledge and

35. RA Law on Military Police (in Armenian): https://www.arlis.am/DocumentView.aspx?docid=30298

skills needed by MP officers have only recently been clarified in the Law[36] on Amendments and Addenda to the RA Law on Military Police, adopted on 20 December 2017.

LAW ON MILITARY POLICE

The wording of Articles 1 and 4 of the RA Law on the Military Police states, in particular, that the Military Police is a structure within the system of the RA MoD, which

a) implements AF inquiries into cases of military crimes, and also prevents, pre-prevents and suppresses planned alleged crimes or those committed by (or involving) servicemen;
b) guarantees the targeted operation and safety of AF vehicles;
c) oversees the activity of garrison isolators; and
d) participates in defending the Republic of Armenia as a separate military unit.

It follows from the above that functions carried out by the MP can be conditionally divided into two groups:

- legislative and public order functions in the Armed Forces (a-c), and a
- protective function (d).

If the circumstance of acting under the RA Ministry of Defense during the exercise of a ministerial function as a separate military unit is quite normal, then working under the Ministry while performing functions of criminal investigation, crime prevention and law enforcement as relates to crimes recorded in the RA Armed Forces is, on the contrary, problematic. When exercising these functions, the Military Police cannot be regarded as an independent body: due to its subordination and institutional linkage to the ministry. Thus, there is a risk that a conflict of interests may arise between ensuring legitimacy (for instance, the objective investigation of a recently-committed crime) and departmental or corporate interests (for instance, failure to disclose circumstances for a crime involving a high-ranking officer and falsification of evidence to depict a different version of events).

RA LAW ON HOLDING ARRESTEES AND DETAINEES

The general principles, conditions and procedures for detaining arrested and detained persons in accordance with procedures established by the RA Criminal Procedure Code, the rights of arrested and detained persons (safeguards, obligations), as well as procedures for release from arrest and detention are defined in the **RA Law**[37] on **Holding Arrestees and Detainees**.

The Law's second article states, in particular, **that arrestees or detainees**

36. RA Law on Amendments and Addenda to the RA Law on Military Police (in Armenian): https://www.arlis.am/DocumentView.aspx?docid=119031&fbclid=IwAR2AGgSRIeFTn7uibDbNTbEv-0S4G-kiaFo91bgdMYCj8UH9d66KHlXITHbw
37. RA Law on Holding Arrestees and Detainees: https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/Treatment%20of%20Arrestees%20and%20Detainees.pdf

shall be kept under arrest or detention on the basis of principles of legality, equality of arrestees or detainees before the law, humanitarianism, respect for human rights, freedoms and dignity, and in compliance with the RA Constitution, the Criminal Code and the Criminal Procedure Code, and the well-known principles and norms of International law.

The RA Law on Holding Arrestees and Detainees also stipulates that **the use of physical violence towards arrestees and detainees, as well as inhuman or degrading actions, is prohibited**. As concerns this report's main topic, **the fact that this law does not refer to the prohibition of torture is disturbing.**

ACTION PLANS DERIVED FROM NATIONAL STRATEGY ON HUMAN RIGHTS PROTECTION

In order to have a more complete understanding of the Republic of Armenia's domestic legal framework on the prohibition of torture, it should be noted that efforts are being made by the RA Government to amend existing legislation and align it with international norms and requirements. Such actions aimed at improving legislation in this area have been included in the Action Plans of the National Strategy for the Protection of Human Rights in recent years.

Point 32 of the 2017-2019 Action Plan Derived from National Strategy on Human Rights Protection, established by RA Government Decision[38] No. 483-N adopted on 4 May 2017, stipulates that mechanisms should be established for activities of the monitoring group relating to checks of solitary confinement facilities (garrison isolation cells), while taking into account RA legislative requirements and international best practice. Based on requirements listed in point 32 of the 2017-2019 National Action Plan on Human Rights Protection, as well as in provisions in Article 21 of the RA Penal Code and Article 47 of the Law on Holding Arrestees and Detainees, the RA Minister of Defense issued, on 18 January 2019, Decree No. 1-N on approval of the public observers' group activities in monitoring RA MoD solitary confinement facilities (garrison disciplinary cells). However, it should be noted that there has been no announcement on the formation of such a group at the time of writing this report. To date, no such group has been formed.

In Annex 2 of the Decision to Establish a National Strategy for Human Rights Protection, as established by the RA Government Decision No. 1978-L issued on 26 December 2019, and its 2020-2022 Action Plan[39], the RA Government lists a number of actions it will take to reduce the number of torture cases in Armenia and to ensure the right to freedom from torture. Part of these actions concerns the right to freedom from torture for persons involved in criminal proceedings initiated on incidents recorded in the Armed Forces.

The 2020-2022 Action Plan provides (along with other actions) a framework for carrying out the following actions:

38. 2017-2019 Action Plan Derived from National Strategy on Human Rights Protection, established by RA Government Decision No. 483-N adopted on 4 May 2017: http://www.moj.am/storage/uploads/HRAP_ENG_.pdf
39. National Strategy on Human Rights Protection and its 2020-2022 Action Plan (in Armenian): https://www.e-gov.am/gov-decrees/item/33272/

- installing video/audio recording equipment in MP Departments;
- legally stipulating statutes of limitations for the crime of torture;
- developing guidelines for the interpretation and application of the terms “severe physical pain” and “mental suffering” and doing so in accordance with international standards;
- creating a mechanism for anonymous reporting on torture, inhumane or degrading treatment;
- providing training on what constitutes torture, inhuman or degrading treatment in accordance with international standards for police officers, Military Police, investigators, prosecutors, judges, psychiatrists, childcare workers, penitentiary staff and medical personnel.

Priorities in the National Strategy for Human Rights Protection, as established by the RA Government Decision No. 1978-L issued on 26 December 2019, are conditioned on the imperative that the Republic of Armenia fulfill its international obligations in the field of human rights. It is worth mentioning that most of the above actions stem from rulings by the European Court of Human Rights against the Republic of Armenia and requirements set out in decisions on the enforcement of said rulings by the Committee of Ministers of the Council of Europe. These actions also derive from questions raised by the UN Committee against Torture. Local human rights NGOs and international organizations have also contributed to the development of the actions. A number of questions and suggestions raised by human rights organizations, however, remain unanswered. One of them that is worth inclusion in the government agenda is that of raising public awareness of torture or cruel or inhuman treatment in order to boost the public’s refusal to tolerate such actions or behavior. Unfortunately, activities of this sort have not been included in the 2020-2022 Action Plan.

However, it can be assumed that, as a result of the proper implementation of the above actions and the improvement of the legislative framework regulating the field, it will be possible to reduce the number of torture cases and of other instances of cruel, inhuman or degrading treatment. This will require persistent, consistent efforts on the part of the government. Still, in many cases, problems in this area are not only legislative in nature, but also relate to law enforcement practices.

Some revealed facts on inhuman or cruel treatment or torture of persons brought before the Military Police

The following is a summary of the violations of the right to freedom from torture for persons involved in criminal proceedings relating to crimes recorded in the RA Armed Forces. These cases were recorded by PD for the project "Ensuring the right to freedom from torture for persons involved in criminal proceedings on incidents recorded in the RA Armed Forces." Reporting of these cases is aimed to draw attention to illegal acts committed by responsible authorities and their non-compliance with requirements stipulated in international regulatory guidance and national legislation.

1. On 5 November 2012, a fatal incident was reported in the RA Armed Forces. At approximately 12:30 am, private soldier S. S.'s body was found at the military combat base. A criminal case was initiated by the RA MoD Investigative Service per Article 110, Section 1 of the RA Criminal Code (causing someone to die by suicide). According to the official hypothesis, the recorded incident was a suicide. Two servicemen in the same unit, A. Kh. and A. M., were charged with causing S. S. to die by suicide.

Case description:

A. T., a witness to S. S.'s death, reported (after an inquiry by a lawyer) that after the incident he, along with other servicemen from the same military base, was taken to the Meghri MP Department. 4-5 days later they were taken to the Kapan MP solitary confinement facility. He was kept in a separate cell for 4 days. During that period, he was forced to give false testimony to the effect that A. Kh, who had arrived at their base on the eve of the incident, knew that S. S. ate sweets secretly, had cursed him, and had humiliated him; as a result of which S. S. died by suicide. The witness said that this was actually not true: he did not see that A. Kh. had cursed S. S.. However, he was forced to testify in that way after being threatened with prosecution. Even after that, the witness did not want to give false testimony. The head of Kapan MP Investigative Department hit him. After all of this, fearing that he might be prosecuted, A. T. gave the required false testimony. During those days, he saw his fellow serviceman T. M., whose face was red; he guessed that he had been beaten. On the 5th day, he and T. M. were placed in a single cell (they remained there for about 15 days). T. M. told him that he had been "given a proper beating." Military base senior lieutenant G. M. stated that during the legal inquiry at the Meghri MP Department, the head of the MP Department of the Syunik region hit different parts of his body. Later he was forced to give false testimony against innocent people under threat of criminal prosecution and pressure from the Kapan MP Department. During the trial, the victim's legal representative requested that the testimony and face-to-face interrogations of the above-mentioned three servicemen from one of the RA Armed Forces' Military Base be recognized as inadmissible evidence, since, according to those servicemen, the testimonies were extorted by force and violence. Nevertheless, the testimonies formed the basis for the indictment and for the verdict as well.

2. On 12 February 2011, 21-year-old T. S. died after shooting himself with a rifle. A criminal case was initiated per Article 110, Section 1 of the Criminal Code; causing someone to die by suicide or attempt death by suicide either by an unwilful act or by negligence, by means of threat, cruel treatment or regular humiliation.

Case description:

The key witness in T. S.'s death case A. A. renounced his pre-trial testimony given on 30 August 2012. He reported to the court that on

the day of the incident, 24 servicemen from T. S.'s battalion, including him, had been transferred to the Stepanakert MP Department. The witness was taken into custody and held for 7 days. Because of the unsanitary conditions in the solitary confinement cell, he got a skin disease and was transferred to a military hospital. According to the witness, during the first 4-5 days of his confinement, he was interrogated by a group of 8-10 people composed of MP officers and people in civilian clothes. He was frightened, beaten, tortured and forced to give obviously false testimony: some of which he never wrote. Nevertheless, the witness wrote 4-5 testimony statements during this period. However, only one of them was the basis for the criminal case: the one the witness renounced in court.

3. On 23 February 2012, at approximately 1:50 pm private soldier A. A. received a fatal gunshot wound to the head at one of the military combat base of the RA MoD units. The RA Ministry of Defense's 6th Garrison Investigative Department initiated a criminal case per Article 104, Section 1 of the RA Criminal Code. During the preliminary investigation, it was discovered and proven that the soldier was killed by a shot fired by his fellow soldier, private I. Y., who was also serving temporarily in the same unit.

Case description:
During the preliminary investigation into A. A.'s death, I. Y. testified that he had been beaten, tortured, and only afterwards had the authorities managed to obtain his confession. Despite the fact that neither the preliminary investigative body nor the court have conducted an investigation in this area, the forensic examination done by the Ijevan MP found a number of injuries to different parts of I. Y.'s body which he couldn't have caused himself. They occurred during the period indicated in his most recent testimony.

4. On 6 April 2016 at one of the firing points, the bodies of two private soldiers G. A. and S. A. were found with gunshot wounds. The RA Ministry of Defense's 5th Garrison Investigative Department launched a criminal case per Article 104, Section 2, Points 1 and 6 of the RA Criminal Code.

Case description:
D. D., the defendant in G. A.'s and S. A.'s death cases, reported that Vardenis MP officers had intimidated him and had obtained a false confession from him. The Military Police officers at the Vardenis station had coerced him to submit a guilty plea. In the latter, he spoke as if he had killed G. A. in front of the tent, then entered the tent, and shot S. A. to death from the entrance. Later, in the presence of a lawyer, D. D. withdrew his confession. To substantiate the false testimony, F. H. And H. S. were forced to prove what Dumikyan had written for the Vardenis MP using their false testimonies.

5. On 31 July 2013, at approximately 1:20 pm, private soldier M. M., who was serving in the Kanaker military unit, shot himself to death with the AKS-74 rifle he was carrying while on watchtower duty. A criminal case was launched by the RA MoD Investigative Service per Article 110, Section 1 of the RA Criminal Code (causing someone to die by suicide).

Case description:

A. A., the witness to the M. M.'s death, testified in court that he did not know M. M. personally, and that the testimonies given during the preliminary investigation did not correspond to reality. He was dictated the testimonies by two Military Police officers; later he was pressured, beaten and threatened with a baton while at the Investigative Department. He wrote the pre-trial testimonies himself, but he did not insist on their accuracy and verity, because he had made them under pressure and fear. On 9 June 2015, the witness A. S. testified in court: stating that the information he provided during the preliminary investigation was not true. He said that when testifying earlier he suffered from depression due to the death of his grandfather and grandmother. At the time, he wrote what the investigator had dictated. He also said that he had been willing to withdraw his testimony when testifying for the last time, but the investigator told him that he would be held liable were he to do so. The witness was frightened and did not report this incident. On 18 June 2016, the Investigative Committee made a decision to refuse initiation of a criminal case based on A. A.'s allegations (i.e. as to his pre-trial testimony being made under pressure) made in court on 2 June 2015. A. A. explained that a Military Police officer had a baton in his hand during the conversation, which the officer used to threaten him, and the officer hit him once on the neck with his hand. A. A. refused to report the crime stating he had no complaints against anyone and did not want a criminal case to be filed.

Case description:

In connection with the death of the same serviceman (according to the official version, it was reported as death by suicide), Military Police officers contacted one of his classmates by phone and invited her to the Military Police office late in the evening. The female classmate claims to have been summoned to the Military Police station several times in connection with the case, but her visits were not registered: she didn't sign in anywhere when entering and leaving the Military Police station. During her first visit, she was accompanied to meet the "head" of the station. She spoke to (was interviewed by) five officers in the office: none of them introduced themselves. Despite it being late at night, the meeting lasted for 1.5-2 hours. All police officers in the room constantly asked the girl questions. Despite their polite attitude (they assured her that she was neither accused of, nor suspected of anything; they simply needed her help in connection with the case launched regarding her classmate's death), there were still some direct attempts to

pressure her. The young girl recalls that they constantly reminded her that her classmate had died by suicide; nevertheless, every second question was whether or not he could have died by suicide. They even claimed once to be aware that he died by suicide because of her. In following meetings, they claimed that the young man who had died by suicide called her on the day of the incident; they used that pretext to take her phone and examine it. The persecution by MP officers stopped only when she, after answering a phone call with a request to meet for a fourth time, demanded that a notice be sent indicating her status in the case.

Conclusions

The aforementioned legal analysis and examples given prove that there is still much work to be done in the Republic of Armenia in order to bring domestic legislation into compliance with international standards, which guarantee the prohibition of torture and inhuman or degrading treatment. It should be noted that especially, during the last five years, efforts have been made to include torture (including participation in and incitement to torture) in the legislative norms and qualify it as a crime and to improve the legislative framework in general. The extent to which these efforts, including current domestic regulatory mechanisms and authorities responsible in the field, have been effective in ensuring the enforcement of this legislation is another matter altogether.

First of all, it is important to consider that there are currently many problematic issues with effective, objective and comprehensive investigations into cases of torture and inhumane or degrading treatment. Serious problems and shortcomings have been noted in a number of ECtHR rulings against the Republic of Armenia. According to these rulings, the State has not made sufficient efforts to conduct effective, objective and comprehensive investigations of incidents recorded. The ECtHR issued a number of rulings in recent years in connection with criminal proceedings on incidents recorded in the RA Armed Forces, stating that the national authorities had not conducted effective investigations into complaints on ill-treatment at the MP. Even in cases where the ECtHR recognized facts of cruel or ill-treatment or torture of a citizen and that investigations into plaintiffs' allegations of ill-treatment against the State had not been effective, the RA Government still has not taken effective steps to identify and discipline officials responsible for the cases.

It should also be noted that, although the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) requires that each State Party is obliged, in any territory within its jurisdiction, to prevent cruel, inhuman or degrading treatment or punishment, the Republic of Armenia's Criminal Code does not recognize criminal liability in cases of inhuman and degrading treatment.

As set out in the UN Convention against Torture, states are obliged to investigate other cases of torture or ill-treatment, even if no formal complaint has been filed. Local examples show, however, that no appropriate steps have been taken to identify such cases: even in instances where a formal complaint has been made by an alleged torture victim. The facts presented in the RA Ombudsman's annual reports and communications from past years, as well as the factual data presented in the current report, prove this to be true. The problem is also demonstrated by the fact that no public official has been held responsible for torture or cruel, inhuman or degrading treatment since 1993: the year the Convention was ratified.

In general, it is worrying that, in some cases, the RA Government has yet to answer clear questions asked or to meet demands made by influential international structures. So far, the RA Government has not provided statistics

and detailed information on the investigations and prosecutions undertaken based on the law on torture. This was officially requested by the Committee of Ministers of the Council of Europe in the Muradyan v. Armenia case. Moreover, questions raised by the CPT as concerns the number of complaints of ill-treatment by Military Police officers, the number of criminal and disciplinary proceedings initiated based on those complaints, as well as criminal cases and enforcement of disciplinary proceedings against police officers in general still remain unanswered. On the one hand, the Republic of Armenia declares that it places great importance on work being done to combat torture. It also acknowledges that there is still work to be done in this regard. On the other hand, efforts have not been made to present official statistics which would enable to assess better the effectiveness of actions taken.

The UN Convention against Torture stipulates that statements (testimony) given as a result of torture cannot be used as an evidence. The RA Criminal Procedure Code also includes such restrictions. However, as can be seen in the examples presented in this report, in some cases testimony obtained from witnesses (according to citizens) as a result of alleged violence actually formed the basis for indictments: even the basis for court verdicts. According to some citizens, MP attempts to illegally obtain evidence were not aimed at revealing the real circumstances of committed crimes, rather they were meant to substantiate hypothetical versions of incidents (which had nothing to do with reality) using false testimony. Such assertions are also evidenced by facts presented in the RA Ombudsman's annual reports and communications over the years. As can be seen in the above-mentioned examples, in some instances pre-trial investigative bodies simply refused to file criminal cases based on witness statements made in court, e. g. where witnesses reported that they gave testimony under pressure. It was not even done after the RA Ombudsman's petitions and interventions.

In its reports, the Armenian Ombudsman suggested encouraging the practice of reporting torture and other ill-treatment in the Armed Forces. It also said measures should be taken to protect servicemen from possible revenge or discrimination. In this context, it can be positively assessed that the National Strategy for Human Rights Protection, adopted by RA Government Decision No. 1978-L issued on 26 December 2019, and its 2020-2022 Action Plan count on establishing a mechanism for anonymous reporting of incidents of torture, inhuman or degrading treatment. In this matter, however, there is a need to ensure the security of servicemen summoned as witnesses and brought forward as suspects, e. g. persons who report information on cases of alleged torture and other ill-treatment. **The RA Criminal Procedure Code does not contain any provisions stating that the investigative body (the Military Police) is obliged to ensure the security of compulsory servicemen engaged in criminal proceedings as witnesses or suspects.**

The UN Convention against Torture requires that interrogation rules and detention conditions be reviewed regularly. Factual data, obtained for the preparation of this report as a result of investigations of criminal cases in the RA Armed Forces, shows that much remains to be done in this area: both in the fields of legislation and law enforcement. In this respect, it is not just about conditions at garrison isolation cells. One must also consider the fact that there are no guarantees for servicemen summoned/brought before the Military Police as witnesses or suspects for interrogation; specifically,

with the right to have an attorney present. Moreover, experience shows that servicemen have limited opportunity to exercise this right. It is also worrying that the Military Police still have punishment cells; a fact recorded by the CPT delegation. The CPT reported a case where a Military Police garrison isolation cell was used as a detention facility. That contradicts requirements in international and RA domestic laws on the prevention of torture. At the same time, almost all case examples reviewed during the preparation of this report show that, in criminal cases initiated on incidents recorded in the Armed Forces, MP isolators/solitary confinement cells were often illegally used as detention facilities for the purpose of obtaining desired testimony by the investigating body. PD has repeatedly made statements on this issue, and nearly all cases in the examples were officially registered as criminal cases. However, the relevant authorities did not pay proper attention to this fact. No effective, objective and comprehensive investigation has been conducted, and perpetrators of alleged torture or ill-treatment have not been identified and punished.

The report from the CPT delegation's visit to Armenia on 10-21 May 10-21 states that although the monitoring program provided civil society representatives access to MP isolators/solitary confinement facilities, Military Police were notified in advance of their visits. The report's authors emphasized that for monitoring group visits to be fully effective, they should take place frequently and without warning. In order to prevent torture and other cruel, inhuman or degrading treatment or punishment in detention facilities, establishment of a system of independent international and national bodies for regular visits is also required in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). That document has been ratified by the Republic of Armenia. In this respect, it should be noted that although the Human Rights Defender has been recognized as an independent national preventive mechanism under OPCAT, the examples in the Ombudsman's report demonstrate that, in some cases, this mechanism has not been sufficiently effective. A striking example of this is the following quote from the Ombudsman's report: "**... The Defender's office noted information provided by the Prosecutor's Office that the criminal prosecution of an officer who allegedly tortured or mistreated servicemen has been terminated as a result of an objective, thorough and comprehensive investigation of the criminal case.**" That is to say, besides taking note of information about the termination of the prosecution, the Ombudsman did not take any further steps to investigate the circumstances of the alleged cases of beating and illegal detention by the Military Police.

Civic oversight of the sector is also important for ensuring the right to freedom from torture for persons brought before the Military Police as suspects and witnesses in criminal proceedings on incidents recorded in the RA Armed Forces. As for complying with international standards, civil society should also play an important role in this matter. Since 2019, Decree No. 1 has been issued on approving rules for the activities of the Public Group of Observers at RA MoD garrison disciplinary isolation cells. Nevertheless, as of the date of this report's preparation, no such group has been formed. Monitoring by civil society actors does not take place. New actions in this direction are not envisaged in the National Strategy for Human Rights Protection and its 2020-2022 Action Plan.

The UN Convention against Torture requires member states to provide training on the prohibition of torture and other cruel treatment to law enforcement agencies, medical staff and all persons involved in work related to detention spaces, interrogation or persons detained by any other means. Human rights NGOs have also repeatedly spoken about the issue. The RA Ombudsman K. Andreasyan also made a similar proposal in his report published in 2014. Although the RA MoD conducted some trainings as part of various programs, there is still a need to make sure they happen on a regular basis. It is also encouraging that the National Strategy for Human Rights Protection, established by RA Government Decision No. 1978-L issued on 16 December 2019, and in its 2020-2022 Action Plan envisaged providing training on torture, inhuman or degrading treatment for police officers, Military Police, investigators, prosecutors, judges, psychiatrists, persons working in the childcare sector, penitentiary officers, and medical personnel. However, there are no plans for activities to raise public awareness of the prohibition of torture. The latter is critical for establishing general public intolerance of torture as such.

It should be noted that the National Strategy for Human Rights Protection and its 2020-2022 Action Plan also include actions that derive from universal principles for the effective conduct and documentation of torture and other cruel, inhuman or degrading treatment or punishment as set out in the Istanbul Protocol. For instance, guidelines are intended to be developed for interpretation and application of the terms “severe physical pain” and “mental suffering.” It is expected that this action will reduce not only the number of such incidents, but also the number of baseless decisions to reject or dismiss criminal cases initiated on these incidents. Although the Convention clearly states that medical documentation of torture and cruel treatment is important in judicial proceedings, in human rights studies and monitoring, as well as in the entire process of rehabilitation of victims of torture, it should be noted that documentation of body injuries for persons subjected to torture and ill-treatment (according to the standards of the Istanbul Protocol) has not yet been secured in the Republic of Armenia. Moreover, the state does not provide rehabilitation services for victims of torture.

The expected installment of video cameras in MP Departments, as part of the National Strategy for Human Rights Protection and its 2020-2022 Action Plan, aims both to reduce the number of cases of torture and incidences where evidence is obtained in violation of order of conduct and of procedural laws. Video recordings will also be used as evidence in criminal cases. The representatives of civil society and the RA Human Rights Defender have been proposing that cameras be installed in MP Departments since 2014. However, in a report published that same year, Ombudsman K. Andreasyan also noted that there were significant hourly violations in the MP’s detainees record books and offered to establish control over the proper completion and maintenance of the record books in the solitary confinement cells. That is to say, on the one hand, mandatory video recordings of all investigative activities carried out involving servicemen who have witness or suspect status can be an effective tool for protecting their rights. On the other hand, to ensure the effectiveness of this safeguard, any person of any status entering the Military Police station should be required to sign in (e.g. the station should practice mandatory registration). Otherwise, it is possible that servicemen will be taken to the Military Police without registration; subjected

to torture, pressure and ill treatment for hours; and only after these actions will the person be registered and his "official" interrogation conducted and video-recorded. In that case, the video-recording of the investigative action will have no meaning.

In addition to the above-mentioned issues, the analysis presented in this report shows that there are also problems with the structure and subordination of the Military Police. This impacts their ability to ensure the right to freedom from torture for persons summoned/brought as suspects and witnesses in criminal proceedings initiated on incidents recorded in the RA Armed Forces. These problems can make even the most perfect legal mechanisms vulnerable: no matter whether or not legislative deficiencies have been addressed. The body investigating military crimes should not be part of the structure where the crimes are investigated. As the MP is a structural part of the Ministry of Defense, when investigating cases of legal violations by its staff or violations of human rights and freedoms by RA AF officers, conflict of interest may arise based on legality vs. interests conditioned by subordination or corporate interests.

Building on the analysis presented above, project staff for the "Ensuring the right to freedom of torture of persons involved in criminal proceedings on incidents recorded in Armed Forces" has developed a number of recommendations. These are set out in the next section of the report.

Recommendations for ensuring the right to freedom from torture for persons brought before the Military Police as suspects and witnesses in criminal proceedings on incidents recorded in the RA Armed Forces

Based on analysis of issues related to international and domestic legislation presented in the section "Conclusions," as well as the practical application of legislative mechanisms, project staff has prepared a set of recommendations meant to ensure the right to freedom from torture for persons brought before the MP as suspects and witnesses in criminal proceedings on incidents recorded in the RA Armed Forces. These measures are intended to help reduce the number of torture cases and, in general, improve work in this field.

It should be noted that, as can be seen from the analysis above, the RA Government is already aware of a significant part of the issues raised in the report. This can certainly be described as a positive shift. Judging by the content of the National Strategy for Human Rights Protection, established by the RA Government Decision No. 1978-L issued on 26 December 2019, combating cases of torture and ill-treatment is a priority issue for the government. The implementation of these actions, developed as a result of cooperation between local and international human rights organizations and government agencies, could have a positive impact on resolving some of the more serious issues in this field. However, the primary precondition for achieving intended changes is regular, consistent efforts on the part of all structures responsible.

There is still much to be done to address issues raised in ECtHR judgments and CoE CM decisions on their implementation. ECtHR judgments on incidents recorded in the RA Armed Forces already contain clear guidelines aimed at ensuring the right to freedom from torture in Armenia. Since there is no need to repeat the recommendations made in these judgments and decisions, we emphasize here that those statements outline all priority issues that require immediate resolution. Moreover, in order to improve

domestic legislation and the enforcement thereof, and bring them into line with international standards, it is of paramount importance at the State level to address issues raised by other influential international and local human rights organizations.

In addition to the above-mentioned, project staff recommends the following actions as part of efforts to ensure the right to freedom from torture for persons brought before the MP in criminal proceedings initiated on incidents recorded in the RA Armed Forces:

1. Assign criminal liability in the RA Criminal Code for manifestations of inhuman and degrading treatment.

2. The National Strategy for the Human Rights Protection, as established by the RA Government Decision No. 1978-L issued on 26 December 2019, and its 2020-2022 Action Plan provide for expiration of statutes of limitation for the crime of torture. However, given the absolute nature of the ban on torture, cruel, inhuman or degrading treatment and the fundamental importance of the right not to be subjected to such treatment, it should also be legally guaranteed that persons convicted of torture, inhuman or degrading treatment cannot be released from their liability through use of amnesties. The termination of criminal prosecution on this ground is incompatible with, and contradicts the obligations of the State to respect and protect the said right. Moreover, it ignores the public interest in criminal prosecution and conviction and the ECtHR's recognition of the crime as indisputable.

3. Stipulate the mandatory principle to have a lawyer present for servicemen called as suspects and witnesses by amending the RA Criminal Procedure Code.

4. Add "ensuring the security of compulsory servicemen" in the powers and responsibilities of Military Police officers in disciplinary battalions and MP garrison isolation cells as established in the RA Law on Military Police and the Law on Amendments and Addenda to the RA Law on Military Police.

5. Redefine the structural subordination of the Military Police as concerns functions of defense, legality and investigation of crimes by amending the RA Law on Military Police.

6. Ensure mandatory video-recording of all investigative activities involving soldiers (mandatory military service) as suspects and witnesses. At the same time, supervise proper completion and maintenance of record books at solitary confinement facilities.

7. Provide documentation on bodily injuries for persons subjected to torture and ill-treatment in accordance with Istanbul Protocol standards.

8. Provide a systematic, consistent approach to the development of public intolerance of torture and inhuman or degrading treatment starting at school age. Such intolerance can be achieved through long-term educational and informational programs that will promote public awareness of the phenomenon, as well as the formation of a consciousness of its unacceptability. Long-term educational programs will also encourage the practice of report-

ing torture and other ill-treatment in the RA Armed Forces (e.g. as stated in the 2014 report by the RA Human Rights Defender). In the long run, such a change can be achieved, for instance, by incorporating the subject of Human Rights into school curricula.

9. Conduct awareness raising activities on the prohibition of torture among conscripts.

10. Form a group of public observers at the MoD solitary confinement facilities as soon as possible and enable local human rights organizations to get involved in the group's activities.

11. Provide rehabilitation services to victims of torture.

Address: Apt. 40, 12 Myasnikyan str., 2002,
Vanadzor, Armenia, Peace Dialogue Office

Tel.: +374 (322) 21340;
Mob.: +374 (55) 820 632; (93) 820 632

E-mail: ekhachatryan@peacedialogue.am;
mailbox@peacedialogue.am

Web: http://www.peacedialogue.am;
http://www.safesoldiers.am