



MONITORING
RIGHT TO

FREE ASSEMBLY

**Country Report
2015-2017**

Armenia



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Brief Description of the Initiative

There is an increased number and intensity of protests and violations around them in the Western Balkans and Eastern Partnership region. To ensure that freedom of assembly rights are better understood and advocacy efforts are strengthened, the European Center for Not-for-Profit Law (ECNL) works with local experts from nine countries (Albania, Armenia, Belarus, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Kosovo, Serbia) on mapping the existing environment for assembly in their respective countries. This assessment is a brief overview of topical issues and recent developments related to freedom of assembly in **Armenia**.

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SUMMARY

In the Republic of Armenia the right to freedom of assembly is regulated by the Armenian Constitution and the Law on Freedom of Assemblies, which on the whole meets international standards and does not place any obstacle for conducting assemblies because it proceeds from the logic of the procedure for notification about assembly but not for getting permission. The Law also includes types of assemblies that do not require submission of notification, viz. spontaneous and urgent assemblies and assemblies with up to 100 participants. One of the most important provisions of the Law in terms of securing freedom of assembly is Article 32 which states that regardless of the type of an assembly it is incumbent on the police to support the assembly, if the assembly is peaceful.

Helsinki Committee of Armenia has been periodically conducting monitoring of peaceful assemblies. The assemblies that were conducted in 2015-2017 demonstrated that in the Republic of Armenia the application of the Law is problematic. Even though most of the assemblies conducted within the above-mentioned period of time, the police presence at assembly venues was disproportionate. In many instances at assembly venues there were plainclothes police officers, the police used unprovoked, disproportionate force and violence against assembly participants and reporters as well as forcibly took and held them for hours on end not only in police departments but also in places not intended for forcibly bringing individuals there. The police officers who took disproportionate actions have not so far been held accountable in any way. Even though the Special Investigation Service that has been carrying out an investigation of crimes committed by the police and instituted several criminal cases, the investigation has been very slow and proceedings are often terminated, while complaints lodged with the Prosecutor's Office and courts yield no results.

One of the important problems in the administration of the right to freedom of assembly is a fact that police in the Republic of Armenia is not in the Government but is de facto dependent on the RoA President as are the Special Investigation Service, Prosecutor's Office and court system. The results of the investigation of the cases of assembly participants and organizers and of the police officers who committed acts of violence demonstrate that the court system is guided not by laws but by instructions given by the authorities.

BACKGROUND INFORMATION

The right to freedom of assembly is regulated by the Armenian Constitution, a number of international documents ratified by the Republic of Armenia (RoA) and the RoA Law on Freedom of Assemblies adopted in 2011. The said Law draws a distinction between the assemblies that in order to be conducted require notification and spontaneous assemblies, urgent assemblies and assemblies with up to 100 participants that are exempt from the notification procedure. There is an established form for written notification, which the assembly organizer can submit to the authorized body by mail or in person within a required period of time, viz. no later than 7 and no earlier than 30 days prior to conducting the assembly. The assembly organizer must state in the written notification the assembly venue, the approximate time of the assembly start and end, the purpose of the assembly, the expected number of participants, the objects to be used for conducting the assembly (posters, loudspeakers, etc.), the planned number of stewards, in case of a march, the march route and schedule as well as the assembly organizer's passport data and contact information. No Government duty is levied for submission of an assembly notification, however, an administrative fining may occur in case the organizer makes changes regarding the details of the submitted notification and fails to inform the authorized body in due time. The Head of a given community is the authorized body that reviews the notification and makes a decision. Immediately after logging in the notification the Community Head sends it to the Police for receiving the opinion on the assembly in question. In case the assembly is planned to be conducted in the vicinity of historical-cultural monuments, the authorized body seeks also an opinion of the RoA Ministry of Culture. If the authorized body intends to apply limitations on the assembly or to prohibit the assembly or if such an opinion was presented by the Police or by the Ministry of Culture, the authorized body conducts a hearing. If it becomes clear from the submitted notification or from other information available to the authorized body that the conducting of the assembly may directly lead to a disproportionate restriction of the constitutional rights of other persons or of the public interests, the authorized body may propose to the organizer the conditions concerning the time, venue or mode of conducting the assembly. Those limitations, however, may not distort the purpose of the assembly or lead to spatial isolation of the assembly participants or significantly reduce its potential impact on the public audience targeted by the organizers or in any other way result in de-facto prohibition of the assembly.

The law currently in force enables the authorized body, in case there are adequate grounds, to impose limitations on or to prohibit only those assemblies that require notification in order to be conducted. The assembly is prohibited if the purpose of the assembly is to forcibly overthrow the constitutional order, to incite ethnic, racial, or religious hatred, or to advocate violence or war or if the person who wishes to organize an assembly does not have the right to do so. Besides the above-mentioned instances, an assembly can be prohibited if it is planned to be conducted at such a distance from the residence of the President of the Republic, the seats of the National Assembly, the Government, the courts or correctional facilities as well as from the Nuclear Power Station and the ground satellite station that would jeopardize their smooth operation. In that case the security services that ensure safety of relevant entities or facilities can submit to the authorized body their opinion concerning danger. This provision has become an object of mutually exclusive interpretations because as per the Law the prohibition procedure applies only to the assemblies that require submission

of notification and the RoA Law on Freedom of Assemblies does not entail the application of an analogy. Nevertheless, in practice the Police invoke this provision when terminates or in some other way restricts the assemblies not requiring notification or conducted without notification in the vicinity of the residence of the country's President. The Law states that if the assembly is conducted in violation of the notification requirements but is peaceful, the assembly may not be terminated. However, the participants of such an assembly may be held liable as per the law. In the event the assembly brings about disproportionate restrictions on the constitutional rights of other persons or on public interests and there is no other way to prevent that, the Police must at least twice demand by loudspeaker that the participants terminate the assembly, setting a reasonable time period for doing so . In case mass disturbances have already started at the assembly venue it is not incumbent on the Police to issue a warning.

According to the findings of the monitoring conducted by Helsinki Committee of Armenia in 2015-2017, 92% of the assemblies held in the country were conducted in the city of Yerevan. The most active organizers of assemblies are groups of individuals pursuing common social or legal interests and various civic and political initiatives. These initiatives organize assemblies to focus on social and/or environmental issues (protesting the rising fees charged for public services, exploitation of mines, etc.) as well as to put forward political and legal demands (demanding a release of individuals, who were deprived of liberty for political reasons, resignation of representatives of powers that be, etc.). A most popular venue for assemblies is Liberty Square, where 79 assemblies and sit-ins were conducted over the above-mentioned period of time. Among the main obstacles to the exercise of the right to freedom of assembly are police actions aimed to restrict the exercise of the right to freedom of assembly. For the most part it is the assemblies, which are organized by civic and political initiatives holding oppositional political views and by their members and activists that are subjected by police to restrictions and unnecessary interventions. On numerous occasions, police terminated assemblies without a good reason by forcibly taking assembly participants to police departments or by dispersing the assembly, even though an overwhelming majority of those assemblies were absolutely peaceful. Provisions of the Law on Freedom of Assemblies are frequently subjected by the Police to arbitrary interpretations resulting in various limitations of the rights of assembly participants. Almost in all instances, when assembly participants try to block streets or to stage a sit-in thereby stopping the street traffic, police officers qualify such actions as a disproportionate restriction of the constitutional rights of other persons and forcibly bring assembly participants to police departments or remove them from the roadway using brute force. Sit-ins are organized, as a rule, in connection with the events that draw considerable public attention. In 2015-2017, the largest sit-ins in terms of the number of participants were the sit-ins staged in the course of the assemblies conducted by the No to Robbery! Initiative against an electricity rate hike (a series of assemblies are also known as the Electric Yerevan movement). Those sit-ins, too, were terminated by police officers who considered there has been disproportionate restriction on the constitutional rights of other persons and on public interests.

During a sit-in that was organized in Liberty Square by civic activist Shahen Harutiunyan from 27 February through 6 March 2017, policemen periodically demanded that sit-in participants terminate the sit-in claiming that the noise level disturbs residents of nearby buildings. On the average, there were 30 participants of that sit-in who were constantly in the pedestrian section

of Liberty Square, in the vicinity of which there are no residential buildings. Sh. Harutiunyan stated that because he had organized assemblies threats were made against his father Shant Harutiunyan who serves a prison sentence. The police intervene most severely with those assemblies that are conducted in front of the RoA presidential palace. On 11 February 2015, a group of women was holding a peaceful assembly in front of the RoA presidential palace demanding that murderers of their sons whose deaths during military service were not combat-related be identified. Police officers announced that the assembly interferes with smooth operation of the Government entity in question and demanded that the participants conduct the assembly in another venue (i.e. move to the opposite sidewalk of the street). The assembly participants refused to comply with the police officers' demand, whereupon the police officers used brute force and drove the assembly participants away to the opposite sidewalk of the street. The assembly participant G.S. says that in the past they staged similar assemblies in the same venue but the police did not demand that they move away from that venue. Almost in all cases the marches that were planned to be held in the vicinity of the presidential palace or in nearby streets were blocked in advance by the police who formed a human chain and put up fences. On 30 July 2016, a march that was conducted in Baghramian Avenue was stopped by policemen who placed barbed-wire barriers.

OVERVIEW OF THE RIGHT TO FREE ASSEMBLY IN 2015-2017



Legislation and implementation

Have there been any changes (or proposals for change) to the law relating to freedom of assembly in the timeframe covered by this report?

Have there been any positive / negative developments in relation to how the law is administered (including policing of assemblies)?

The Law on Freedom of Assemblies that was adopted in 2011 has not been significantly amended after entering into force. In 2017, the RoA Ministry of Justice presented a draft law on amending the Law on Freedom of Assemblies, which was necessitated, according to its author, by the Constitutional amendments made on 6 December 2015. Among a number of stylistic and supplementary changes the Draft Law contains numerous provisions that give rise to certain concerns. First, as regards the assemblies which aim is a violent overthrow of the constitutional order, incitement to ethnic, racial and/or religious hatred or advocacy of violence or war, the Draft Law adds the “if there is a reasonable suspicion” phrase that the assembly has such a goal. Since it follows from the logic of the current version of the Law that the presence of one of the above-mentioned goals in the notification submitted by the assembly organizer gives grounds for prohibiting the assembly through the said procedure, the proposed amendment gives rise to uncertainty as to who voices the said suspicions and whether there are a necessity and a procedure to prove suspicions. The Draft Law includes a provision according to which an assembly cannot start until at least one organizer has made an appearance. This provision too arouses concern. If an assembly is not regarded as started, does that mean that it does not fall under the regulations of the Law on Freedom of Assemblies?

Another amendment deals with the provisions that regulate spontaneous assemblies, viz. any subsequent assembly, which is conducted in connection with the same phenomenon or event, shall not be considered spontaneous and shall have to be conducted in line with the established procedure of notification. This provision does not address the developments that are of an extended nature and that the necessity to respond to them may arise in the same or different groups of people over the entire period of unfolding of those developments or in different periods of time. Neither addressed are the situations when groups of people holding different views will try to express their opinions through separate assemblies or when spontaneous mutually opposing assemblies are conducted. The consideration of the above-mentioned provisions of the Draft Law causes concern regarding the securing of the right to conduct spontaneous assemblies at all or to take part in such assemblies taking into consideration the fact that the assembly held second time in response to the same incident will, in fact, have to have an organizer and that should that organizer fail to make an appearance the assembly will not be regarded as started. It should be noted that despite the uncertainty of the said provisions, the authors of the Draft Law mention, as justification, the requirement of ensuring legal certainty of the Law.

The draft law is currently available online for public acknowledgement, however no public consultation has been held yet, nor has the draft law been introduced to parliament for adoption.



Policing of Assemblies

Do the police usually engage in forms of dialogue/communication with organisers before, or during an assembly?

Do the police generally facilitate and enable spontaneous / non-notified assemblies; simultaneous assemblies; counter protests; peaceful assemblies that block roads / traffic; sit-ins or occupations of buildings?

Do the police ever use force at assemblies? What is the range of weapons and the types of other equipment used? Is there generally medical assistance available to people who might need it?

Are undercover police ever used at assemblies?

What types of surveillance & imagery collection do the police use at assemblies? Do the police permit participants in assemblies to video / film / photograph police actions?

The Law on Freedom of Assemblies establishes, alongside other responsibilities, that during an assembly it is incumbent on the police to support the assembly within the framework of their powers, if the assembly is peaceful. The same rule applies also to those assemblies that are conducted with violation of the notification-related requirements.

The results of the monitoring conducted by Helsinki Committee of Armenia demonstrate that assemblies with less than 100 participants are quite numerous (64 % of all assemblies conducted) in this country. The police and participants of such assemblies rarely communicate with each other both during and after the assembly. In reality, there were situations when a police officer met with a de facto organizer of an assembly that was to be held without notification with a view to finding out what actions were planned to be undertaken during the assembly, the goals of the assembly and the route in case there will be a march. In case of the assemblies to be held with a notification as well as of the assemblies that a consent has been given for a planned march, which will be held during the assemblies, to take place in the carriageways of the streets the police accompanies the participants of the march walking between them and oncoming vehicles. Negotiations between the parties take place only when the police seek to place limitations on the mobility of the assembly participants or to prohibit conducting a march in certain directions and stop the march by forming a human chain.

Simultaneous assemblies and counter protests occur extremely rarely. Therefore, it is difficult to assess police actions in such situations. During an assembly conducted by the Constituent Parliament political initiative in the city of Gyumri on 28 March 2015, a group of people started obstructing the assembly by whistling and throwing eggs at the assembly participants. Despite the assembly participants' appeals the police did not interfere in any way until one assembly participant was stabbed.

In those cases when assemblies (even the assemblies that are held without notification) are not of a political nature and their participants do not try to block streets and obstruct traffic or to make the assembly publicly visible in some other way, police actions are limited to policemen's mere presence in the assembly venue.

The examination of the information posted in the Public assemblies section of the official website of the Yerevan City Hall has revealed that restrictions on the assembly venue and time and prohibition of assemblies are a rare occurrence. However, it should be noted that the authorized body is not notified about a considerable number of the conducted assemblies for various reasons (in those cases when the assembly organizer does not expect over 100 participants to show up or does not intend to submit a notification in advance as well as in case of urgent and spontaneous assemblies). The restrictions placed by the authorized body target primarily the notifications about the round-the-clock assemblies and the body suggests that the assembly planned for night hours should be scheduled for another period of time . In various months of 2016, the member of the Constituent Parliament political initiative V. Avetisyan submitted daily notifications to the authorized body. The latter started prohibiting those assemblies as soon as V. Avetisyan became a member of the Sasna Tsrer/Daredevils of Sassoun armed group .

The pitching of a tent or placing other objects in an assembly venue encounters numerous obstacles. The pitching of tents is almost always prohibited by the authorized body . On 1 January 2016, during a peaceful assembly conducted in Liberty Square a dispute broke out between police officers and assembly participants, when the latter attempted to put a Christmas tree in the Square. This incident led to detention of G. Safaryan, a member of the New Armenia political initiative, in the assembly venue and subsequently to his conviction (he was sentenced to 2 years in prison).

Police presence during assemblies; the gear the police was equipped with

With occasional exceptions, police officers were present at all observed assemblies. During many assemblies a sizeable reserve police force was stationed not only at the assembly venue but also in the nearby areas, viz. in the yards of various buildings, adjacent streets and public parks. Usually those police units were equipped with more gear. The number of police officers was disproportionately large at the assemblies that were organized by members or activists of civic or political initiatives, while in the case of 23 out of observed 235 assemblies their number even exceeded that of the participants. Plainclothes police officers were present at the venues of the observed assemblies and during three assemblies they took part in taking assembly participants to police departments.

During 40 assemblies out of all the assemblies observed in 2015-2017 the police officers present at the assembly venues had police gear (for the most part rubber truncheons). The amount and type of police gear depended on the nature of the assembly and the number of its participants. For example, during the assemblies organized in 2015 by the No to Robbery! Initiative and during the July 2016 assemblies police officers carried helmets and shields and in exceptional cases handguns. During the above-mentioned two assemblies the police blocked the streets leading respectively to the RoA presidential palace and to Patrol Police regiment of the RoA Police in the city of Yerevan. The shield-wielding police officers not only formed a human chain but also put up fences and on 30 July 2016 they placed a barbed-wire

barrier. While terminating the assembly, which was conducted on 23 July 2015, the police used a riot control water cannon vehicle. During the subsequent assemblies, while stationed in the area adjacent to the assembly venue, water cannon vehicles were not used. During the July 2016 assemblies the police also used numerous special means for crowd control, including stun grenades.

Use of Force

The study of the assemblies that were held in this country in 2015-2017 demonstrates that there has been no positive dynamic in the activities undertaken within the framework of the law and that the use of disproportionate force and violence by the police against assembly participants still remains one of the main problems for the implementation of the right to freedom of assembly. The law-enforcement agencies interfere most harshly with the assemblies organized by civic and political initiatives and their members. Before terminating an assembly the police, as a rule, announce through a loudspeaker their intention to terminate the assembly. However, in some cases the allocated time cannot be regarded as reasonable. In 2015, during the assemblies conducted by Electric Yerevan movement over 200 assembly participants and 13 reporters were forcibly taken to police departments and many of them were subjected to violence in the process. Plainclothes police officers, who time and again showed up at the venues of the assemblies organized by civic and political initiatives, also took part in forcibly taking assembly participants to police departments. The police actions during those assemblies drew harsh criticisms of various groups of the general public and during the assemblies, which were conducted later on, the police demonstrated certain restraint. However, during the assemblies held in July 2016 and in particular on July 29 the police resorted to unprecedented violence against and to disproportionate interference with assembly participants as well as reporters and individuals who were not assembly participants such as passers-by and residents of nearby buildings. According to eyewitnesses' reports, on that day a group of people who were present at the assembly venue threw stones at police officers but then joined them. Shortly afterwards the assembly participants were violently attacked. Plainclothes police officers and unknown persons armed with truncheons and metal bars took part in police actions.

Ambulances are almost always stationed at the venues of the assemblies held with notification. In the course of a number of spontaneous assemblies, when an assembly participant received an injury or felt unwell as a direct or indirect result of police action, ambulances were not present at the assembly venue but arrived within a reasonable time period after having been called by police officers or assembly participants. During the 20 July 2016 assembly clashes erupted between the assembly participants and police officers. The latter used special means (stun grenades) and terminated the assembly. As a result of the police actions many assembly participants sustained injuries and burns. Eyewitnesses reported that ambulances personnel provided assistance primarily to police officers. In the aftermath of the violent clashes that took place in the course of the assembly held on 29 July 2016 73 persons (including 6 police officers) with various injuries went to medical institutions. There was not a single ambulance at the assembly venue.

Often, police officers who are stationed at assembly venues use small handycams to videotape the assembly. Sometimes reporters from police media departments are also present at assembly venues. As per Article 59 of the Statutes of the Patrol & Guard Service of the Republic

of Armenia Police under the RoA Government, during mass events the Police have command centres that can be equipped with videotaping and photo-taking devices. Video materials produced by the police in some cases are used as evidence in court trials. In the event an assembly wishes to challenge legitimacy of the videotaping done at the assembly venue, he or she can apply to the Personal Data Protection Agency under the RoA Ministry of Justice. The Agency launches proceedings and organizes hearings with the participation of both parties. However, the Agency reports that so far it has not received a single application from assembly participants that would dispute legitimacy of videotaping at the assembly venue.

The assembled participants who videotape the assembly do not for the most part encounter obstacles with the exception of those situations when at the time of videotaping the police interfere one way or another with the assembly. For instance, on 26 July 2016, in Liberty Square a police officer snatched and tried to trample a cellular phone of a citizen who was videotaping actions of the police officers who were forcibly taking to police departments the alleged participants of the assembly that has not been started yet.



Media and Assemblies

Is the mass media able to report freely at assemblies?

Are citizen journalists or non-accredited journalists able to report freely at assemblies?

Are human rights defenders and or monitors able to observe freely at assemblies?

In the course of an overwhelming majority of observed assemblies staff members of various media outlets were present at assembly venues. The assemblies of considerable public significance almost always were broadcast live on the internet, in many instances by various media outlets simultaneously (for example, by Radio Liberty, News.am, CivilNet, etc.). It should be noted that the TV stations operating in the Republic of Armenia extremely rarely provide coverage of assemblies (with the exception of election campaigns). In 2015-2017, during a number of assemblies reporters' lawful professional activities were obstructed. Reporters were subjected to violence and beating and their professional equipment was damaged. In early hours of 23 June 2015, while terminating an assembly held in Baghramian Avenue, police officers subjected 13 representatives of various media outlets to physical violence, whereas other 11 encountered other obstacles, video cameras were damaged or broken. A criminal case was instituted in connection with the incidents, which ended on 20 February 2017 with a judgment imposing fines on the police officers who had committed acts of violence. During the July 2016 events, 19 reporters were subjected to physical violence and 8 others encountered various types of pressure and harassment.

As per the RoA Law on Freedom of Assemblies, staff members of media outlets and persons performing their professional duties in assembly venues are not regarded assembly participants. In the course of the assemblies observed in 2015-2017 there was no incident of interference with a person who would videotape the assembly but who was not a reporter. 2 instances were registered of police interference with observers who were present at venues of peaceful assemblies. The first incident took place on 23 July 2015. While terminating an assembly, police officers attempted to forcibly take an observer with Helsinki Committee of Armenia to a police department. However, a senior police officer interfered and the observer was released. The second incident took place on 29 July 2016. While terminating an assembly in Sari Tagh neighbourhood, a police officer snatched an observer's video camera. However, later on the camera was returned, again on the orders from a superior police officer.



Social Media and Assemblies

Do organisers of, and participants in, assemblies use social media before, during or after assemblies?

Has the government or other authorities imposed any restrictions on use of social media in relation to assemblies?

Assembly organizers often use social media, especially Facebook, to disseminate information about upcoming assemblies. Many civic and political initiatives have web pages and groups in Facebook. They post there information both about venue and time of an upcoming assembly and about progress of the assembly and further developments. A number of civic activists too make use of that format.

According to numerous Facebook users, in the morning of 17 July 2016, when information was received that the Patrol Police regiment had seized weapons of the members of the Constituent Parliament political initiative (that group subsequently became known as Sasna Tsrer/Daredevils of Sassoun), access to Facebook was blocked for several hours. At the same time a statement was posted on the page of the civic initiative. We are owners of our country that an assembly will be held that day in Liberty Square at 12:00 noon.



Responsibility of Organisers

Are the organisers of an assembly held liable for behaviour of others?

If there is no identifiable organiser, how do the police respond?

The RoA Law on Freedom of Assemblies provides the exhaustive list of organizer's obligations during assemblies in Article 31. According to the article the organizer should be present at the assembly; be accessible for the representative of the police; take all necessary measures to ensure a natural course of the assembly, namely by means of preventing violent actions by the assembly participants, to refrain from violence, and to separate from participants ready to use force; inform the assembly participants immediately of the requirements of the Police officers on ensuring the peaceful and natural course of the assembly. The organizer may be a subject to an administrative fine if he fails to meet the above-mentioned obligations. However, the organizer is not obliged to cover any costs which result from the conduct of the assembly and is not responsible for unlawful behaviour of other participants. The law also states if the duties of the assembly leader are de facto performed by another person, then the latter bears the rights and responsibilities stipulated for the assembly organizer.

In the course of the July 2016 assemblies criminal charges of organizing an unlawful assembly and mass disturbances were pressed against a number of individuals. The active participant of assemblies D. Sanasaryan was detained on 29 July 2016 on suspicion of organization of an unlawful assembly on July 27, even though the assemblies held over that period of time were spontaneous. It is noteworthy that the Police prohibited staging an assembly on July 27 in Khorenatsi Street, where assemblies had been held in previous days drawing huge crowds, even though as per the RoA Law on Freedom of Assemblies, the Police do not have such powers since emergency situation had not been declared in that venue. Later on, much graver charges (on the grounds of organizing and participating in mass disturbances) were pressed against D. Sanasaryan as well as A. Martirosyan, H. Khurshudyan, A. Ghukasyan and V. Ghumushyan and those individuals were arrested. These individuals too took an active part in the July 2016 assemblies and urged general public to join them. By 25 August 2016, all of them except A. Ghukasyan were released on bail but instituted criminal cases were not closed.



Detention and Prosecution

Are people ever arrested or detained in advance of an assembly? If so, are they given easy access to legal advice or medical assistance?

Has there been an increase in the scale of punishments imposed on people arrested at assemblies in recent years?

Are the courts generally seen as neutral and impartial?

In 2015-2017, several instances were observed of the Police forcibly taking presumable participants of upcoming assemblies to police departments which often resulted in the assemblies not being conducted. On 25 June 2016, a statement in the Anonymous Armenia Facebook group was circulated about an assembly, in the course of which it was planned to raise FREE POLITICAL PRISONERS IN ARMENIA posters in Republic Square during a public ceremony to be attended by the Pope and to videotape the assembly. The Police forcibly brought 6 members of the initiative to police departments thereby thwarting the assembly. Two more assemblies were also thwarted on July 17 and 27 by the Police again forcibly taking presumable members of the assembly to police departments.

The Police actions while terminating an assembly are almost always accompanied by forcibly taking members of the assembly to police departments on a mass scale. As a most often cited reason for forcibly taking individuals to police departments is non-compliance with a police officer's lawful demand (such non-compliance constitutes an administrative offence). Only in some cases the Police submit a petition to the Administrative Court for holding assembly participants liable. However, assembly participants are often held in police custody for longer periods of time than legally set for holding persons forcibly brought to police departments through an administrative procedure or for persons under administrative arrest. On 23 June 2015, over 200 assembly participants were forcibly taken to police departments on suspicion of hooliganism (hooliganism is a criminal offence). Even though no one of the individuals who had been forcibly brought to police departments was charged, many of them were held in police departments for up to 12 hours. Registered were instances when the right to have an attorney was denied to an assembly participant who had been forcibly brought to a police department. This was manifested in various forms including by using physical force to remove an attorney from the client. Also limited was the right of the persons deprived of liberty to inform a third party about their whereabouts.

During the assemblies held in July 2016, there were instances when assembly participants, who were forcibly taken to police departments, were subjected to violence and degrading treatment in police vehicles or in other places and/or were deprived of liberty and were held in places not designated for such actions. According to various data, from during the assemblies held July 17 through August 4 over 500 assembly participants were forcibly brought to police departments. In some cases they were held there for up to 12 hours and required protocols were not drawn up. The persons who had been forcibly brought to police departments faced numerous obstacles to exercising their rights to get medical assistance, to

have an attorney and to inform a third party about their whereabouts. Charges were brought against 32 assembly members. 21 of them were found guilty and given a prison sentence from 1 to 3.5 years (11 participants), a conditional sentence (7 participants) or a fine (3 participants). In some instances one and the same person was in different criminal cases an accused and an aggrieved party respectively. It is noteworthy that preliminary investigation was brought to conclusion in a short period of time only in those criminal cases in which assembly participants were involved as the accused. So far not a single individual has been held criminally liable for having committed violence against the July 2016 assembly participants and reporters. At the same time, the police officers who had committed acts of violence against reporters during an assembly organized by the No to Robbery! Initiative on 23 June 2015 were sentenced only to fines as punishment for criminal acts, whereas court proceedings instituted regarding the claims that actions of the police officers who had used violence against assembly participants be recognized as disproportionate have not been brought to conclusion yet.



Accountability

Is it possible to hold any state authorities (ministry, municipality) or the police to account for their behaviour and actions relating to assemblies?

The issue of bringing to justice the individuals responsible for violations of the right to freedom of assembly is predicated to a large extent on the political will of the powers that be. So far there has not been a single known case when a staff member of a law-enforcement agency who had committed acts of violence against assembly participants or had made some other gross interference would have been held criminally liable to a proper extent. The ruling in favor of the lawsuits brought to contest police actions interfering with assembly participants depends significantly on the nature of a given assembly and on a person of the assembly organizer or participant as well as on the assembly venue. For example, a lawsuit that had been lodged to get the police actions against the participants of the assembly held near the RoA presidential palace on 11 February 2015 recognized as disproportionate was rejected, even though the same persons had in the past conducted an assembly in the same venue and in the same manner and even though the police actions were qualified as disproportionate by the staff members of the RoA Human Rights Ombudsman's Office who had arrived at the assembly venue. The sanctions applied against the staff members of the law-enforcement agencies who had committed disproportionate interference or acts of violence in assembly venues has so far been limited to disciplinary liability and fines.

The RoA Law on Police requires that while protecting public order, it is incumbent on police officers to wear a uniform of an established form with insignia that makes identification possible. However, more often than not the servicemen of the police units that perform official duties in assembly venues do not wear any identification insignia at all. What is more, plainclothes police officers were often present during the observed assemblies.



Overall Assessment

Is the right broadly respected, facilitated and protected by the state?

The assemblies held in 2015-2017 were accompanied by numerous violations. Provisions of the Law on Freedom of Assemblies and the procedure for interfering with assemblies were not complied with. There were acts of unjustified and disproportionate interference. Numerous civic activists were subjected to persecution because they exercised their right to freedom of assembly. In 15 out of 235 observed assemblies that were for the most part peaceful police officers forcibly took assembly participants to police departments thereby terminating 5 assemblies. Two more assemblies did not take place because of police actions. Over the time period in question there were on the whole over 700 instances of assembly participants being forcibly taken to police departments or arrested. The examination of the observed assemblies as well as of criminal cases instituted against assembly participants and police officers has demonstrated that despite the existence of a favourable legislative framework the protection of the right to freedom of assembly is predicated on the political will of the powers that be.

The Law on Freedom of Assemblies that was adopted in 2011 and that also took into account the recommendations of the Venice Commission and of the ODIHR can secure the exercise of the right to freedom of assembly. However, the Draft Law on amendments that was introduced in 2017 and that places additional responsibilities on assembly participants and organizers causes a certain concern. Nevertheless, since the said amendments have not been ratified yet, it is not possible at this point to make their assessment.

RECOMMENDATIONS

To the Police:

1. Rule out the use of unjustified force or violence against and unfounded detentions of participants of peaceful assemblies, persecution of them and their family members and any interference in lawful professional activities of reporters and observers and ensure uninhibited operation of reporters.
2. Do not involve plainclothes policemen in the use of measures of interference in the assembly; while performing duties in an assembly venue - always wear uniform and have insignia on the uniform that would allow identification.
3. Organize training courses for policemen, especially for those units that constantly perform duties in assembly venues, to acquaint them with nuances of police actions during crowded assemblies and with international experience in and approaches to the exercise of the right to freedom of peaceful assembly, to develop their skills at communicating and negotiating with assembly participants as well as to pay maximum attention to the policeman's code of ethics during performance of duties.
4. Support peaceful course of an assembly within the framework of police powers and take guidance from the proportionality principle when undertaking actions aimed to terminate an assembly in cases specified by law.
5. Refrain from arbitrary interpretation of the RoA Law on Freedom of Assemblies and other legal Acts.

To Prosecutor's Office and to Special Investigative Service:

1. Pay close attention to instances of violence against assembly participants or reporters, of obstructing the performance of lawful professional activities or of law-enforcement agencies abusing their official powers, initiate appropriate proceedings in connection with each instance and identify all those who committed violations.
2. Conduct impartial and effective investigation within reasonable timeframe of all cases instituted in connection with unlawful actions by law-enforcement agents as well as by other individuals that targeted the course of peaceful assembly.

To authorized bodies that consider notifications about assemblies:

1. Always publish information about peaceful assemblies planned in any community of the Republic of Armenia (notification taken into consideration, use of restrictions or placing ban on the assembly) on the web site of the community in question.

ANNEX 1 - DESCRIPTION OF THE ASSEMBLY THAT WAS CONDUCTED ON JULY 29

Number of participants: *At the start of the assembly about 300 (at Liberty Square), during the march about 3,000 and in Sari Tagh about 700.*

Number of police officers: *In Liberty Square about 200 police officers (27 police vehicles), during the march 100-120 police officers, in Sari Tagh neighborhood about 400 police officers (equipped with shields, helmets, flak jackets, truncheons and stun grenades).*

The most brutal police interference with the assemblies conducted during the July 2016 events took place on July 29, when the police were dispersing the assembly that was being held in Sari Tagh neighborhood. When they arrived at the intersection of Nar-Dos and Khorenatsi Streets, a group of participants of the march that was launched in Liberty Square turned towards Sari Tagh neighborhood and quickly approached the area where they could see the territory of the seized Patrol Police regiment (the other group of the participants of the march headed towards Khorenatsi Street, which was the area cordoned off by the Police). Representatives of the Police, including Deputy Police Head Levon Yeranosyan, demanded that the participants of the march leave the area and gave them 5 minutes to do so. A group of people among the participants of the march started throwing stones at police officers, then went through the police lines and joined them (subsequently the Police declared that provocative actions had been undertaken by assembly participants). Immediately after that the police officers threw stun grenades and stones in the direction of the assembly participants and started pursuing them. Plainclothes police officers and unknown persons who were armed with metal bars and truncheons joined them. Those individuals subjected numerous assembly participants, local and foreign correspondents to beatings and broke their video cameras (according to the RoA Ministry of Health, 73 persons sought medical assistance at healthcare institutions). Deputy Police Head Levon Yeranosyan was heightening tension between the police officers and the assembly participants, shouting obscenities and yelling "we should finish those off." Some assembly participants took to their heels; many participants were forcibly brought to police departments or were taken to healthcare institutions. Alongside those actions, the Police used special means also in the cordoned off section of Khorenatsi Street and forcibly brought numerous participants to police departments.

Police actions in Sari Tagh neighborhood in 29 July 2016 provoked harsh criticism both in this country and internationally. On 1 August 2016, the RoA President Serzh Sargsyan apologized to journalists urging them to forget what had happened and assuring them that nothing of the kind will ever happen again. On August 3, criminal cases were instituted in connection with abuse of powers and obstruction of media representatives' legitimate professional activities by the police. However, not a single police officer has so far been held criminally liable.