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50 days of the Defender: reflection on the issues of violence, torture and inhuman treatment

RoA Human Rights Defender is the country's independent national preventive mechanism required by the Optional Protocol to the UN Convention against Torture.

It is obvious that at present incidents of violence are particularly often occurring in armed forces, the Police and penitentiary institutions. During 2010 in peacetime 54 death cases were registered in armed forces most part of which is connected with torture and inhuman treatment. According to official data persons found guilty for 176 cases of violence were called to responsibility in 2010. In their annual reports for 2009-2010 Helsinki Citizens' Assembly Vanadzor Office and Helsinki Committee of Armenia reflected on different examples of frequent impunity, dire living conditions, corruption and cruel treatment in the army as well as about injuries not connected with military operations.

The occurrences of subjecting servicemen to disciplinary detention without official investigation is more than worrisome. I appreciate positively the idea of Disciplinary Code of the Armed Forces of the Republic of Armenia in circulation as with the adoption of the Code detention as a means of punishment of a serviceman will not be used. The provision of disciplinary company envisaged by the draft proves its compliance with democratic standards.

Calling up persons with serious health problems for military service or compelling them to inappropriate service is also a demonstration of inhuman treatment in military service. Recently we were informed about a similar case from a complaint lodged by a soldier's parent. Their son suffering from heart disease substantiated by proper medical examination documents was called to military unit with combat duty. In this case in the result of the Defender's interference the complainant's son was considered for non-rank service with strict restriction.

A part of appeals addressed to the Defender relates to the acts of violence committed by the policemen. Such a characteristic example is the following complaint received by the Defender: a person

informed that after being beaten by the RA Police staff got a head trauma (wound - scratch). However, later the Police informed that the trauma appeared in the result of itching himself with handcuffs.

Our citizens and their advocates for many times informed that people are taken and kept in the police stations without any basis as well as are forbidden to meet their advocates. Only in some cases, after the Defender's interference, violated rights of the people have been restored. Cases of beating, violence, threat and other humiliating actions towards the juveniles in the Police stations are revealed in the UN Children's Fund Report for 2010.

The Defender's representatives during their numerous visits to penitentiary institutions recorded that there are still problems related to overcrowding and unacceptable living conditions. In response to the Defender's report the RA Ministry of Justice introduced an action plan on eliminating the recorded shortcomings, especially mentioning that the problem related to sanitary hygienic conditions and overcrowding in the penitentiary institutions is to be solved within the coming 10 years. It is obvious that this period needs to be shortened so as to create humane and acceptable from the human rights standpoint conditions for imprisoned people in more reasonable perspective.

The Defender's Office, as an institution responsible for prevention of torture, had an expert group on torture prevention, consisting of experienced professionals specialized in legal, social, psychological, military and other sciences. Today, in order to make the activities of this group more efficient, the Defender's Office suggested to cooperate with a number of non – governmental organizations specialized in this sphere for involving their representatives into the monitoring group. Through research and analysis the group will reveal not only problems of overcrowding and dire living conditions of imprisoned people, but also the cases of violence and inhuman treatment obviously occurring in places of deprivation of liberty and make them available for public giving concrete suggestions on torture prevention.

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