

## **Defender's assessment of the RA National Security Service activities in 2011**

“Yerevan-Kentron” PI, included into the system of the RA Ministry of Justice, is perceived by the majority of citizens as a national Security Service Institution and in the course of implementation of its daily organizational authorities is guided by the internal rules of the National Security Service. Though some discussions have been held, the situation has not changed, and the problem may be resolved only after bringing out “Yerevan-Kentron” PI under the RA Ministry of Justice out from the administrative building of the National Security Service.

In some cases, some citizens have applied to the RA Human Rights Defender informing that checkpoint inspectors, violating the requirements of the decision N821 of the RA Criminal Procedural Code adopted by the RA Government in December 1998, took a citizen's passport without having grounds for it (there was probably a fake visa or any other reason) further refusing to return it. To avoid further problems the citizens did not want to process their cases. Despite the National Security Service's readiness to consider any cases of the kind – in cases of existence of complaints- and severely punish the law-breaking inspectors, nevertheless, we find that preventive measures are necessary to be taken to eliminate such cases.

There were cases, when the Service refused to provide citizens with information about them. Thus, a citizen wanted to take a reference from the National Security Service on the fact when he had crossed the border by land or air for the last time, but received an explanation that the data was not preserved. The National Security Service presented substantial reasons, that the surveyed information was not preserved due to objective reasons and in accordance with the terms prescribed by law. We consider, that all the cases and conditions when citizens can get the abovementioned information should be defined by appropriate legal acts, as not providing a citizen with an information about him/her leads to violation of the right of effective legal protection.

The complaints addressed to the Ombudsman towards the NSS in some cases referred to the activities of NSS Investigation Department officers for failing to implement an objective, complete and thorough investigation. The Ombudsman's powers in the course of investigation are very limited; consequently either the citizens were provided with information on the mechanisms for the protection of their rights, or their applications were not discussed.

However, in 2011 a number of espionage cases were prevented in the result of operative actions of NSS officers as well as cases of corruption by other state officials, smuggling and cases of illegal RA state border crossing.

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*The list of the identified positive developments, gaps and shortcomings is not exhaustive.*

*The introduced Chapter (10) of the HRD Annual Report 2011 is available in full at [http://pashtpan.am/pages/downloadPdf/file\\_id/553](http://pashtpan.am/pages/downloadPdf/file_id/553).*

*The HRD Annual Report 2011 was developed based on the complaints received by the Staff of the Human Rights Defender, legislation analysis, trustworthy and non-disclaimed publications in press, reports of the international and local organizations as well as information received during the interviews with field specialists and human rights defenders.*