

## Parliamentary **Assembly** **Assemblée** parlementaire

### **Implementation of Resolutions 1361 (2004) and 1374 (2004) on the honouring of obligations and commitments by Armenia**

Resolution 1405 (2004)<sup>[1]</sup>

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1. Armenia was the subject of Assembly debates on its democratic future on 27 January 2004 and 28 April 2004 respectively and the country embarked upon further reforms following [Resolutions 1361 \(2004\)](#) and [1374 \(2004\)](#).
2. The Parliamentary Assembly expresses satisfaction at its excellent co-operation with the Armenian authorities, their open-minded attitude and the quality of the ongoing dialogue on compliance with obligations and commitments.
3. The Assembly is pleased to note that Armenia has complied with the request to submit a report on paragraphs 9.i to 9.vi of Resolution 1374 (2004) and takes note that :
  - i. authorities have refrained from interfering with the conduct of assemblies and, after the law "On gatherings, assemblies, rallies and demonstrations" entered into force, a legal basis has been established for holding them only by notification;
  - ii. the Constitution guarantees freedom of movement and laws provide for maintenance of public order;
  - iii. the investigations on the incidents and human rights abuses reported during the recent events, including assaults on journalists and human rights activists, were led and information was provided to the Assembly on a case of legal action against persons responsible for assaults against journalists;
  - iv. the persons detained for their participation in the demonstrations were released and an end to the practice of administrative detention is expected as the Administrative Code is in the process of being amended;
  - v. in this period one frequency has been freed, without contest, on the basis of an intergovernmental agreement and within the framework of the law "On Television and Radio", a frequency which was given to the Russian "Kultura" TV Channel for rebroadcasting;

vi. the authorities have taken note of the fact that the immunities of members of the Parliamentary Assembly of the Council of Europe are valid for the whole year ([Resolution 1325 \(2003\)](#) and [Recommendation 1602 \(2003\)](#)).

4. Despite Armenia's declared wish to reach a peaceful solution with Azerbaijan to the Nagorno-Karabakh situation, the Assembly is forced to conclude that no tangible progress has been achieved for the past year, whether at the level of the direct talks between the presidents of the two countries, which are continuing, or at the level of the Minsk Group.

5. The Assembly recalls that it had asked for a thorough investigation into electoral fraud in the 2003 elections and for an end to the judicial impunity of those responsible. In this connection, the Assembly considers that it has not received a convincing reply from the authorities. It is confident, however, that the process of revising the Electoral Code will soon be completed, in keeping with the recommendations of the Venice Commission.

6. It notes that legislative measures have been taken in order to introduce into the Criminal Code a provision on conditional release for all persons convicted of serious offences, including persons with life sentences.

7. It notes that the constitutional revision needed to ensure that certain commitments are fully honoured is making good progress. It asks that the authorities should rapidly prepare draft amendments to the Constitution, present them to the Council of Europe in 2004 for expert appraisal and organise a referendum as soon as possible and in any event by June 2005 at the latest.

8. The Assembly takes note of the timetable for effective implementation of the basic reforms concerning the judicial system and the independence of the judiciary and of the intention to adopt the law on the status of judges, the law on the judicial council and the law on the judiciary before the end of 2004.

9. The Assembly notes that the last amendments to the Law on Radio and Television request that the National Broadcasting Commission should add arguments when awarding broadcasting licenses, thus preventing the adoption of arbitrary decisions.

10. With regard to its other requests, the Assembly notes the steps taken to:

i. continue discussion of the question of administrative detention in the Administrative Code in co-operation with the Council of Europe's experts in order to end administrative detention;

ii. adopt a law on demonstrations and public assemblies in co-operation with the experts of the Council of Europe and the Venice Commission;

iii. amend the Criminal Code in order to introduce the possibility of conditional release for prisoners serving life sentences;

iv. revise, in co-operation with the Council of Europe's experts and with due regard to the recommendations already made and those yet to be made, Articles

135, 136 and 318 of the Criminal Code in order to remove any possibility of making insult and defamation subject to a prison sentence ;

- v. revise the law on the police in co-operation with the Council of Europe's experts;
- vi. adopt a law on the status of Yerevan, a law on territorial autonomy, a law on local government staff and a law on local self-government;
- vii. combat corruption and sign the Civil Law Convention on Corruption; it asks that this Convention be ratified within the shortest possible time;
- viii. grant an amnesty to conscientious objectors who are serving prison sentences and release those who refused to perform military service.

11. Furthermore, the Assembly is expecting rapid progress concerning:

- i. the revision of the Code of Criminal Procedure, in accordance with the standards of the Council of Europe;
- ii. improvements to conditions of detention and, in that connection, the implementation of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- iii. the developments in the media sector in Armenia: it expects that, on the basis of the recent amendments to the Law on radio and television, the composition of the National Broadcasting Commission will be renewed as soon as possible and that fair conditions for awarding broadcasting licenses to televisions, in particular to A1+ television channel, will be created;
- iv. the excessive length of the period of alternative civilian service, which has been set at 42 months;
- v. the registration of the association of Jehovah's Witnesses;
- vi. the creation of an independent body representing all Armenia's religious organisations and communities;
- vii. in accordance with Resolution 1374 (2004), paragraph 9.iv, the end to the practice of administrative detention until the Administrative Code is amended;
- viii. the amendment, no later than March 2005, of the law on demonstrations and public assemblies to bring it into full conformity with Council of Europe standards to ensure freedom of assembly in practice.

12. In the light of the foregoing, the Assembly calls on the Armenian authorities to continue to take appropriate measures to honour the remaining obligations and commitments set out in Resolutions 1361 (2004) and 1374 (2004).

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[1] *Assembly debate* on 7 October 2004 (31<sup>st</sup> Sitting) (see [Doc. 10286](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr André and Mr Jaskiernia). *Text adopted by the Assembly* on 7 October 2004 (31<sup>st</sup> Sitting).