

Provisional edition

## The Implementation by Armenia of Assembly Resolution 1609 (2008)

Resolution 1620 (2008)<sup>1</sup>

1. On 17 April 2008, the Parliamentary Assembly adopted [Resolution 1609](#) (2008) on the functioning of democratic institutions in Armenia. In this resolution, the Assembly set out four concrete requirements for the resolution of the political crisis that ensued after the Presidential election in Armenia:

1.1. to revoke, in line with the recommendations of the European Commission for Democracy through Law of the Council of Europe (Venice Commission), the amendments made, on 17 March 2008, to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations;

1.2. to initiate immediately an independent, transparent and credible inquiry into the events on 1 March 2008 and the circumstances that led to them;

1.3. to release all persons detained on seemingly artificial and politically motivated charges who did not personally commit any violent acts or serious offences;

1.4. to initiate an open and serious dialogue between all political forces in Armenia on the reforms demanded by the Assembly in paragraph 8 of the Resolution with regard to the political system, electoral process, freedom and pluralism of the media, freedom of assembly, independence of the judiciary and police behaviour.

2. In [Resolution 1609](#) (2008), the Assembly considered that Armenia's credibility as a member of the Council of Europe was put into doubt as long as these conditions were not met and therefore resolved to consider the possibility of suspending the voting rights of the Armenian delegation to the Assembly at the opening of the June 2008 part-session, if no considerable progress on the requirements was made by then.

3. The Assembly welcomes that, in the immediate aftermath of the adoption of [Resolution 1609](#), several high-level representatives of the authorities, including the President of the Republic and the Speaker of the National Assembly, publicly expressed their political will and intention to comply with the requirements of the Assembly.

4. As regards compliance by the authorities with the demands set out in its [Resolution 1609](#), the Assembly:

4.1. welcomes the adoption of the Law on Amending and Supplementing the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations in line with Council of Europe standards and considers that the requirement of the Assembly in this respect has been met by the authorities;

4.2. reiterates its demand that freedom of assembly should also be guaranteed in practice in Armenia. It therefore insists that the Armenian authorities should ensure that no undue restrictions are placed on rallies organised by the opposition in compliance with the law on

Conducting Meetings, Assemblies, Rallies and Demonstrations, especially with regard to the venues requested. In this respect, it welcomes that the opposition rally of 20 June 2008 took place unimpeded;

4.3. welcomes the constitution, albeit at a very late stage, of an ad hoc committee within the National Assembly of Armenia "to conduct an inquiry into the events of 1 and 2 March 2008 as well as the causes that lead to them";

4.4. welcomes the possibility for the inquiry committee to invite national and international experts to participate in its work, which should increase the credibility of its investigations;

4.5. considers that, as a result of the recent constitution of the inquiry committee, the Assembly cannot evaluate, at this moment, the criteria of independence, transparency and credibility. It also notes that the format and composition of the inquiry committee do not per se guarantee its independence and impartiality and therefore its credibility in the eyes of the Armenian public. The Assembly therefore considers that the following conditions should be met:

4.5.1. as a rule, the committee should aim at a consensual decision-making process in its working methods and voting should be used only as a last resort, in particular as regards the subjects the committee wishes to investigate and persons it wishes to hear. The working methods applied by the National Assembly Working Group on the Reform of the Election Code, which as a rule takes its decisions on the basis of a consultative vote, should be seen as an example for the functioning of the inquiry committee;

4.5.2. the terms of reference of the committee should clearly state that it has the right to investigate the circumstances that led to the events of 1 March 2008, as well as the right to investigate the events in its immediate aftermath, especially as regards the detention of opposition activists and the charges that were brought against them;

4.5.3. the Human Rights Defender should be invited *ex officio* to participate in the work of the committee with the right of a consultative vote;

4.6. calls upon all political forces to participate constructively in the work of the inquiry committee;

4.7. welcomes the recent developments with regard to the release of persons seemingly detained on artificial and politically motivated charges who did not personally commit any violent acts or serious offences. However, it considers that progress on this issue is not sufficient enough to ensure that the requirement of the Assembly is fully met. In addition the Assembly considers that:

4.7.1. the cases still under investigation should be closed or promptly brought before courts to ensure the right to fair trial within a reasonable time in compliance with the case law of the European Court of Human Rights;

4.7.2. the cases under Articles 300 and 225 of the Criminal Code should be dropped unless there is strong evidence that the accused have personally committed acts of violence or ordered, abetted or assisted to commit them;

4.7.3. a verdict based solely on a single police testimony without corroborating evidence cannot be acceptable;

4.7.4. the National Assembly should take into account the negative opinion of the Venice Commission on the proposed amendments to Articles 225, 225<sup>1</sup>, 301 and 301<sup>1</sup> of the Criminal Code.

4.8. welcomes the series of initiatives taken by the authorities to initiate a dialogue on the reforms demanded by the Assembly;

4.9. highlights that the modus operandi of the National Assembly Working Group on the Reform of the Election Code could be an example for the dialogue on other reforms demanded by the Assembly;

4.10. urges all political forces to seize the opportunity given by the authorities to enter into an open, constructive and serious dialogue on the reforms demanded by the Assembly;

4.11. as regards compliance by the opposition with the demands set out in its [Resolution 1609](#) (2008), the Assembly”:

4.11.1. regrets that not all opposition forces have recognised the Constitutional Court’s decision, which confirmed the results of elections as announced by the Central Electoral Commission;

4.11.2. regrets that also as a result of the decision of part of the opposition to boycott the dialogue with the authorities, participation of the opposition in the formulation of these initiatives has been somewhat limited.

5. The detention and conviction of opposition supporters in relation to the events of 1 March 2008 will be a point of contention that will continue to strain the relations between opposition and authorities and could hinder the conduct of a constructive dialogue on the reforms needed for Armenia. The Assembly urges the Armenian authorities to consider all legal means available to them, including amnesty, pardons and dismissal of charges with respect to all persons detained or sentenced by a court in relation to the events of 1 and 2 March 2008, with the exception of those who have personally committed acts of violence or ordered, abetted or assisted to commit them or those who committed other serious criminal offences, as an expression of good will in order to foster confidence in the society and dialogue between all political forces.

6. The Assembly recalls that there is a need for a pluralistic electronic media environment in Armenia and, referring to the decision of the European Court of Human Rights concerning the denial of broadcasting license to A1+, calls on the licensing authority to now ensure an open, fair and transparent licensing procedure, in line with the guidelines adopted by the Committee of Ministers of the Council of Europe on 26 March 2008 and with the case law of the European Court of Human Rights.

7. The Assembly welcomes the progress achieved by the Armenian authorities in addressing the demands of the Assembly expressed in [Resolution 1609](#). However, despite the political will expressed by the authorities, this progress is at present insufficient to meet the requirements outlined in the resolution.

8. While regretting the delay in implementing the concrete measures to comply with its demands, the Assembly acknowledges that the time given to the Armenian authorities was short. The Assembly therefore decides to review at its January 2009 part-session the extent of Armenia’s compliance with the requirements made in [Resolution 1609](#). If the requirements mentioned in [Resolution 1609](#), as well as those set above in paragraphs 4.2, 4.5, 4.7 and 6 are not met by then, the Assembly will consider the possibility of suspending the voting rights of the Armenian delegation to the Assembly at the opening of its January 2009 part-session.

9. The Assembly invites:

9.1. the Secretary General of the Council of Europe to speed up the procedure for the appointment of a new Special Representative of the Secretary General of the Council of Europe (SRSG) in Yerevan and to liaise on a permanent basis with the inquiry committee through the SRSG’s Office in Yerevan;

9.2. the Commissioner for Human Rights of the Council of Europe to contribute to the participation of international experts in the work of the inquiry committee of the National Assembly into the events of 1 and 2 March 2008 and the circumstances that led to them, should the conditions regarding independence, transparency and credibility be met. The Assembly invites the Human Rights Commissioner to inform the Monitoring Committee, at its meeting in September 2008, on the progress regarding the inquiry committee as well as the release of detainees.

10. The Assembly will continue to follow closely the situation in Armenia on the basis of information provided by its Monitoring Committee, in particular as regards progress in the fulfilment of the above-mentioned conditions.

---

<sup>1</sup> *Assembly debate* on 25 June 2008 (24<sup>th</sup> Sitting) (see [Doc. 11656](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Colombier and Mr Prescott). *Text adopted by the Assembly* on 25 June 2008 (24<sup>th</sup> Sitting).