



Resolution 1643 (2009)¹

Implementation by Armenia of Assembly Resolutions 1609 (2008) and 1620 (2008)

Parliamentary Assembly

1. In its [Resolution 1620 \(2008\)](#) on the implementation by Armenia of Assembly [Resolution 1609 \(2008\)](#), adopted on 25 June 2008, the Parliamentary Assembly considered that progress had been insufficient, despite the political will expressed by the Armenian authorities to address the requirements laid out in [Resolution 1609 \(2008\)](#) on the functioning of democratic institutions in Armenia, adopted on 17 April 2008, following the crisis that ensued after the presidential election of February 2008. The Assembly therefore addressed a series of concrete demands to the Armenian authorities and resolved to consider the possibility of suspending the voting rights of the members of the Armenian parliamentary delegation to the Assembly at its January 2009 part-session if the requirements set up in Resolutions 1609 and 1620 were not met by then.

2. With regard to the requirement to ensure an independent, impartial and credible investigation into the events of 1 and 2 March 2008, the Assembly welcomes the establishment by the President of Armenia, on 23 October 2008, of a “fact-finding group of experts to inquire into the events of 1-2 March 2008”, following a proposal by the Commissioner for Human Rights of the Council of Europe. It equally welcomes the decision of the opposition to participate fully in the work of this group.

3. The Assembly stresses, however, that it is the manner in which this group will conduct its work, as well as the access it will have to information by the relevant state institutions at all levels, that will ultimately determine its credibility in the eyes of the Armenian public. The Assembly therefore:

3.1. calls upon all political forces to refrain from politicising, or interfering in, the work of this fact-finding group;

3.2. calls upon the Armenian authorities to ensure that the fact-finding group will be given the fullest possible co-operation by, and full access to information from, all state bodies and officials, without exception, including those officials that have left office or have been replaced since the events on 1 and 2 March 2008; the fact-finding group should be allowed to obtain any clarification needed with regard to the arrest, prosecution and conviction of persons related to the events on 1 and 2 March 2008.

4. The Assembly regrets that, until the last moment, only limited progress was made by the Armenian authorities with regard to its earlier demands, as expressed in Resolutions 1609 (2008) and 1620 (2008), concerning the release of persons deprived of their liberty in relation to the events of 1 and 2 March 2008. It notes in particular that, contrary to Assembly demands:

4.1. a significant number of prosecution cases and convictions was based solely on police testimony, without substantial corroborating evidence;

4.2. a very limited number of charges under Articles 225 and 300 of the Criminal Code of Armenia has been dropped.

1. *Assembly debate* on 27 January 2009 (3rd Sitting) (see [Doc. 11786](#), 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; and [Doc. 11799](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Greenway). *Text adopted by the Assembly* on 27 January 2009 (3rd Sitting).



5. The Assembly notes that doubts have been voiced, including by the Council of Europe Commissioner for Human Rights, regarding the nature of the charges brought under Articles 225 and 300 of the Criminal Code, as well as with regard to the legal proceedings against those convicted in relation to the events of 1 and 2 March 2008. The Assembly therefore considers that, under such conditions, the charges against a significant number of persons, especially those charged under Articles 225, paragraph 3, and 300 of the Criminal Code and those based solely on police evidence, could have been politically motivated. The Assembly is seriously concerned about the implications of this situation if left unaddressed.

6. The Assembly welcomes the decision of the Speaker of the National Assembly of Armenia, of 22 January 2009, to establish a working group within the National Assembly within a one-month period which shall be mandated to draft, in co-operation with the relevant bodies of the Council of Europe (notably the European Commission for Democracy through Law (Venice Commission) and the Commissioner for Human Rights) amendments to Articles 225 and 300 of the Criminal Code of Armenia in order to address the legal shortcomings in these articles as noted, *inter alia*, by the Assembly and the Commissioner for Human Rights, and to bring them in line with Council of Europe standards. The Assembly also notes the assurances given by the Speaker of the National Assembly that these amendments will be adopted and sent to the President of the Republic of Armenia for promulgation approximately one month after the working group has finalised its work. The Assembly notes that, under the Constitution of Armenia, any positive changes to the law would be retroactive with respect to the charges brought against the persons deprived of their liberty in relation to the events on 1 and 2 March 2008.

7. The Assembly considers that this initiative of the Speaker of the National Assembly of Armenia, although belated, is a signal indicating the readiness of the Armenian authorities to begin to address the concerns of the Assembly in relation to the situation of the persons deprived of their liberty in relation to the events of 1 and 2 March 2008.

8. The Assembly welcomes the increasing number of pardons, 28 to date, that have been granted by the President of Armenia and notes that more are under consideration. The Assembly expresses its expectation that this process will continue unabated. It regrets, however, that the authorities have not so far availed themselves of the possibility to use all other legal means available to them, such as amnesty, pardons or the dropping of charges, to release those who were deprived of their liberty in relation to the events of 1 and 2 March 2008 and did not personally commit acts of violence or intentionally order, abet or assist the committing of such acts. It therefore urges the authorities to consider favourably further opportunities to this end.

9. In these circumstances, the Assembly will continue assessing the political will of the Armenian authorities to resolve the issue of persons detained in relation to the events on 1 and 2 March 2008, in line with earlier Assembly demands.

10. The Assembly expresses its satisfaction with respect to the efforts made by the Armenian authorities to initiate reforms in several other areas, as demanded by the Assembly, in particular in the fields of media, electoral legislation and the judiciary, and calls upon the authorities to pursue the co-operation developed with the relevant Council of Europe bodies in these fields. With respect in particular to media pluralism and freedom, the Assembly:

10.1. welcomes the proposals made with a view to ensuring the independence of the media regulatory bodies in Armenia and calls upon the authorities to fully implement the forthcoming recommendations of the Council of Europe experts in this regard;

10.2. takes note of the adoption of amendments to the Law on Television and Radio that cancels all tenders for broadcasting frequencies until 2010, when the introduction of digital broadcasting in Armenia will have been completed. Without pre-empting the merits of this decision, the Assembly underlines that the technical requirements for the introduction of digital broadcasting should not be used by the authorities to unduly delay the holding of an open, fair and transparent tender for broadcasting licences, as demanded by the Assembly.

11. Notwithstanding the recent positive development in this area, the Assembly remains dissatisfied with, and seriously concerned by, the situation of persons deprived of their liberty in relation to the events of 1 and 2 March 2008 and who may have been charged and imprisoned for political reasons. Nevertheless, it considers that the recent initiative of the National Assembly to revise Articles 225 and 300 of the Criminal Code in accordance with Council of Europe standards, the number of pardons granted, as well as the positive steps taken towards the establishment of an independent, transparent and credible inquiry, should be seen as an indication of the readiness of the Armenian authorities to address the demands of the Assembly contained in Resolutions 1609 (2008) and 1620 (2008). Therefore, the Assembly decides, at this stage, not to suspend the voting rights of the members of the Armenian parliamentary delegation to the Assembly, under Rule 9,

paragraphs 3 and 4.c, of the Rules of Procedure. It decides to remain seized of the matter and invites its Monitoring Committee, at its next meeting, before the April 2009 part-session, to examine the progress achieved by the Armenian authorities with regard to the implementation of this and the previous resolutions and to propose any further action to be taken by the Assembly as required by the situation.