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EUROPE

MURDER IN THE CAUCASUS: SUPPRESSION OF CIVIL SOCIETY IN ARMENIA

On January 12, 2015, Valery Permyakov, a Russian soldier stationed in Gyumri, Armenia, entered a family home in the city center and killed six people. A seventh victim, a six-month old boy, died one week later of his stab wounds. Following the murders, peaceful assemblies formed throughout the nation larger than anything Armenia had seen since the public outrage over the 2008 election results. The Armenian government responded with a violent crackdown. Armenian authorities' reaction to the public outcry caused by the murders highlights the nation's consistent suppression of freedom of assembly. As a State Party to the International Covenant on Civil and Political Rights (ICCPR) since 1993 the government is obligated to protect freedom of association and assembly; the government's reaction to peaceful protest in response to the murders may contradict this commitment and highlights the nation's troubling history regarding civil and political freedoms.

Since gaining independence from the Soviet Union in 1991, Armenia's political situation has frequently been unstable, and the government often suppresses criticism. The Armenian authorities regularly enforce bans on assembly through violent police action and arbitrary detention. Human Rights Watch has criticized the violent attacks on peaceful protesters, of which the clashes over the murders in Gyumri are the most recent example. Amnesty International has called on Armenian authorities to address the violence by respecting those with differing political views, and by allowing journalists and human right defenders to work free of harassment. Amnesty International also reports that freedom of expression remains one of the nation's "top human rights [concerns]." A central point of Armenia's 2010 Universal Periodic Review (UPR) focused on the suppression of

freedom of assembly. The review highlighted occasions where peaceful assemblies erupted into violence once police forces moved to break up the crowds. After perceived fraud in the 2008 presidential election, opposition groups and individuals gathered in the major squares throughout Armenia. After ten days, forces dispersed the gatherings. Even after the civil unrest calmed, official attacks against assemblies occurred with alarming regularity. Innocuous activities like distributing political literature have at times been met with violent reactions. Often plainclothes police officers attended the assemblies to make quick arrests and disperse the gatherings, giving rise to the belief that attacks happened with the full support of the government.

Article 29 of Armenia's Constitution states that freedom of assembly may be restricted in the interests of public safety. The authorities gave this reason as the basis for breaking up the assemblies after the murders in Gyumri. Such actions may break obligations created by the ICCPR Article 21, which protects the right to peaceful assemblies and only allows restrictions during emergencies. Despite its obligations as a State Party to the ICCPR, Armenia's recent history indicates a structural disregard to the duties created to protect peaceful assembly. Additionally, these restrictions appear to infringe on the duties created by Armenia's ratification of the ICCPR's Article 22, which protects freedom of association, as well as Article 21's protection of peaceful assembly.

Armenian authorities have used the suppression of assemblies for the purpose of placing opposition politicians into legal trouble. To highlight this, human rights activists point to the case of Shant Harutyunyan, a radical opposition leader who was arrested on November 18, 2013, for marching to the presidential palace, and is currently serving a six year sentence that activists say stems from his political activism. Harutyunyan states he was abused while in custody, and eventually

moved to a psychiatric hospital for a “forced examination.” These activities belie the nation’s Soviet past when dissidents, or other people not in line with party dogma, faced psychiatric containment in part to delegitimize their political arguments. That the current Armenian government is undertaking such actions is particularly troubling, especially because the decisions appear to contravene its obligations under the ICCPR Articles 2 and 26. Article 2 states that all articles apply equally to all individuals within a State Party’s territory, and Article 26 protects individuals’ rights from discrimination based on, among other things, “political or other opinion.” Human rights activists frequently decry the nature of his arrest and detention as the suppression of an opposition politician and use the case to highlight the increasing issues they face in the country for expressing their political opinions.

The murders in Gyumri and the national and civil reactions to the situation have drawn attention to the Armenian government’s suppression of expression. According to Human Rights Watch, the Armenian government has a long history of violently arresting human right activists. Peaceful assemblies are regularly met with violent reaction from the authorities. Government restrictions on assembly and association may contradict obligations Armenian authorities have under international law. Human rights activists are trying to use the attention the murders have brought to Armenia to highlight the suppression of assembly and association rights that have long plagued the nation.

By Kevin Whitman, staff writer

RESPONSE TO CHARLIE HEBDO ATTACK SHOULD NOT EXACER- BATE ALREADY TENUOUS HUMAN RIGHTS SITUATION IN FRANCE

On January 7, 2015, armed gunmen stormed the office of French satirical magazine, Charlie Hebdo, killing eleven people and injuring another eleven. The attack, for which

Al-Qa’idea in the Arabian Peninsula (AQAP) later claimed responsibility, was in response to the magazine’s controversial portrayal of the Prophet Muhammad. In the aftermath, Human Rights Watch (HRW) called on French authorities to guard against backlash against Muslims and to refrain from adopting new counterterrorism measures that might undermine human rights.

According to HRW, the situation for Muslims and other minorities in France may violate Articles 2, 9, and 18 of the International Covenant on Civil and Political Rights (ICCPR), which France ratified in 1980. Article 2 states that each State Party to the covenant will ensure equality without regard to race, color, religion, or national or social origin; Article 9 guarantees the right to liberty and security of person and bars arbitrary detention; and Article 18 guarantees the freedom of religion.

In 1993, facing rising immigration from Eastern Europe and North Africa, the French government passed a law permitting police to carry out random identity checks. As citizens blamed new immigrants for rising crime levels, the recently-elected conservative government endeavored to implement a “get-tough” policy on immigration. A 2012 study by Human Rights Watch, called “The Root of Humiliation,” analyzed the law in practice. The report revealed that there is no written legal basis for the use of pat-downs during the identity check stops, that excessive use of police force was common, and that there was no adequate documentation kept of the identity checks that could provide information regarding the application of the procedure among racial or ethnic groups. The report stated that such profiling contravenes international law when law enforcement officers systematically target certain groups for the identity checks.

A Human Rights Watch summary of the report reveals that minority children as young as thirteen years old, when stopped, may be subjected to intensive questioning, body pat-downs, and the inspection of their belongings. It includes the recollection of a

sixteen-year-old boy named Farid who, with five of his friends, were detained three times in a row near the Eiffel Tower. There were a lot of other people around, he said, but only they were detained. A French court recently ruled that these identity checks were legal and did not amount to race discrimination. According to the ruling, an individual claiming an identity check was abusive must prove the check was “a gravely serious offense.” One of the plaintiff’s lawyers, who characterized the ruling as “a blank check for police to continue these practices,” said it is almost impossible to meet the standard of proof to show a check was abusive because the police do not keep any records of the stops.

In addition to the identity checks, in 2004, France passed a law banning religious expression, commonly known as the “French headscarf ban.” This law disproportionately affected Muslims, Sikhs, and Jews from expressing their religious beliefs in schools. In 2008, the United Nations Human Rights Committee issued a ruling in *Bikramjit Singh v. France* that France violated Article 18 of the ICCPR. The case arose from Bikramjit Singh’s expulsion from a public school for wearing a keski. Going even further, in 2011, France banned full-face veils in public. The punishments for wearing a veil include fines and citizenship lessons. In 2013, two days of rioting broke out in a Parisian suburb after law enforcement performed an identity check on a Muslim woman wearing a full-face veil. Two hundred and fifty people were involved in rioting while 400 others protested. There were at least ten arrests made after clashes involving protesters throwing stones and police officers launching teargas.

To better comply with the ICCPR, particularly with respect to Article 2’s guarantee of rights without regard to religion, national, or social origin, Article 9’s prohibition against arbitrary detention, and Article 18’s guarantee to freedom of religion, France could reform its national security and anti-terrorism measures to eliminate discrimination and promote equality. First, the vague

language in France’s identity check law could be strengthened to include clearly defined protocols for when and how checks should be carried out and limitations on the use of checks during everyday police work. France should also implement policies requiring a record of each identity check performed by law enforcement, allowing individual officers to be held accountable for their actions and providing a method by which the effectiveness of the identity checks can be measured. Such reforms are in line with campaign promises made by French President Francois Hollande when he campaigned for office prior to his 2012 election. In the wake of the assault on Charlie Hebdo, France should respect human rights as it investigates and responds to the attack.

By Andrew F. Mutavdzija, staff writer