



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the 1067th meeting

Held at the Palais Wilson, Geneva, on Friday, 11 May 2012, at 3 p.m.

Chairperson: Mr. Grossman
later: Mr. Wang Xuexian (Vice-Chairperson)
later: Mr. Grossman

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third periodic report of Armenia (continued) (CAT/C/ARM/3; CAT/C/ARM/Q/3 and Add.1; and HRI/CORE/1/Add.57)

1. *At the invitation of the Chairperson, the delegation of Armenia took places at the Committee table.*
2. **Mr. Harutyunyan** (Armenia) said that the hazing of young recruits by officers was a practice of the past and was no longer common in the army. As far as statistics on violence within the armed forces were concerned, there had been 317 reported cases of insults or violence directed towards a subordinate or a superior or between other ranks in 2011. In four of those cases, proceedings had been terminated because of the absence of a corpus delicti; the remaining 313 had resulted in prosecutions. Of those 313 cases, 218 had been brought to trial, and of those, 191 had led to the conviction of 248 members of the military. The other 27 trials were still under way. Proceedings had been terminated in 36 cases under the amnesty declared in May 2011 and in 3 cases because the accused had fled. In 2011, 36 conscripts had died during military service; 10 had been killed at the border by Azerbaijani soldiers, 2 had been murdered, 2 had died as the victims of serious violence, 9 had committed suicide and the others had died as a result of accidents, illnesses or other unfortunate incidents. If the Committee so wished, more detailed statistics could be provided at a later date.
3. Each year the Ministry of Defence, in close cooperation with the Military Prosecutor's Office, drew up a programme of measures to combat violence in the army and restore discipline. In 2011, the Ministry had established a commission on the prevention of violence within the armed forces, which was chaired by the Deputy Minister of Defence. The commission studied all aspects of the problem with a view to finding concrete solutions. With the help of experts from the Organization for Security and Cooperation in Europe (OSCE), the Minister of Defence and the Military Prosecutor had drafted a bill on discipline in the armed forces which had been enacted on 28 April 2012. A manual on enforcement of the new Act had been published for prosecutors, judges and army commanders to ensure that its provisions would be effectively and uniformly implemented, thus reducing risks of bribery and corruption in the army. One of the changes introduced by the new Act was the cessation of confinement to barracks as a disciplinary measure and its replacement by up to 30 days' compulsory service in a special battalion.
4. The Minister of Defence and the Military Prosecutor had, with the support of OSCE experts, also drawn up draft amendments to the chapter of the Criminal Code on offences committed against or by the military, which would be examined by parliament at its autumn session. The proposed amendments would retain the current classification of offences, but provided for different penalties based on the offender's rank.
5. There were no military courts in Armenia. All criminal cases brought against members of the armed forces were tried in the ordinary courts. The Ministry of Defence investigation unit responsible for preliminary investigations into violations of military law, and any offences committed by or against members of the armed forces acted with full independence. The Ministry of Defence in no way intervened in the investigations except to resolve logistical problems. Moreover, it was the President of the Republic who appointed and removed the members of the investigation unit. The authorities of the Military Prosecutor's Office were responsible for ensuring that the investigative unit's preliminary investigations were conducted in accordance with the law.

6. As far as the deaths of Vardan Sevian, Gevorg Kotinian and Artak Nazaryan were concerned, details of the proceedings in those cases, as well as their outcomes, were presented in the written replies (paras. 182–197). In the case of Vardan Sevian, the handwriting of the note on the back of a photograph found close to his body, which was the main evidence to support a suicide verdict had been analysed, confirming that it had indeed been penned by the deceased. Proceedings were still under way in the Nazaryan case.

7. **Mr. Petrosyan** (Armenia) said that the population's distrust of the police force was a problem that Armenia had inherited from the Soviet era and which the Government was trying to address. A reform programme implemented in 2010–2011 and comprising no less than 200 measures had addressed every aspect of the work and functioning of the police, including training. A working group was currently drafting a further programme for 2012–2013, which would include measures, such as the installation of closed-circuit television in police stations, so as better to safeguard the rights of witnesses, suspects and persons charged. Regarding the enquiry as to the number of cases in which persons in pretrial custody had requested medical examination, no such requests had been recorded in 2011.

8. Article 32 of the Act on arrests and detention specified that if a person was arrested, remanded in custody or transferred to another detention facility, that person's family must be notified immediately. In the case of administrative detention, the director of the establishment was required to notify the family in writing within three days. As to the 53 persons arrested on 17 April 2010 in the Nor Nork district, they were members of criminal organizations and had been found in possession of firearms and large quantities of ammunition.

9. Cooperation between Armenia and the Russian Federation on criminal matters was governed by the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (the Minsk Convention) of 22 January 1993 and the Protocol thereto. The bodies with authority to approve or reject an extradition application were the Prosecutor-General for persons still awaiting trial, and the Minister of Justice for persons already on trial or convicted or serving their sentence.

10. Homosexuality was not punishable by law in Armenia and no person could be detained on that ground. However, sexual intercourse between same-sex persons in the context of prostitution was subject to administrative sanctions.

11. **Mr. Stepanyan** (Armenia), returning to the death of Vahan Khalafyan, said that the written replies contained a detailed account of the case. An inquiry had been opened immediately and charges had been brought against the four police officers involved in the victim's arrest, detention and interrogation. The offences had initially been classified under article 110 of the Criminal Code as violence leading to suicide, but that classification had been changed during the inquiry, and the officers had then been eventually charged with abuse of power with serious consequences (article 309 (3) of the Criminal Code) and corruption (article 308 (1) of the Criminal Code). Two of the police officers had been found guilty: one had been sentenced to 8 years in prison, and the other to 2. The other two officers had been acquitted. The appeals filed by the relatives of the victim against the acquittals had been rejected.

12. Between 2008 and 2011, the special investigation unit had conducted inquiries into 22 criminal cases based on accusations against agents of the State: 21 cases had involved police officers and 1 had involved a member of the prison service. The cases had all been brought to trial: 4 had resulted in prison sentences being handed down to those found guilty and 18 in non-custodial sentences. The *Levon Ghulyan* case had had three hearings and at all of them the investigation unit's findings had been invalidated. The evidence had been found to be insufficient, and the case had been closed. The victim's legal representatives had taken the case to the European Court of Human Rights.

13. As to the events of 1 March 2008 during which 10 persons had died, like Ms. Gaer, he regretted the fact that, despite all endeavours, liability had still not been established. The inquiry had, however, taken a new turn when the President of the Republic had asked the investigation bodies to intensify their efforts, by sharing information, revisiting the witness statements and experts findings and calling in new experts if necessary. Other highly experienced specialists in such cases had joined the investigation team, and a new head had been appointed. All the evidence in the case was currently being reviewed. Witnesses had been invited to come forward and 500 new witness statements had been collected. The Prosecutor-General had asked the leaders of the investigation to meet with the press twice a month to report on progress.

14. Armenian legislation provided for the protection of witnesses and all other persons who furnished information leading to the identification of the authors of a crime. That protection also extended to family members. The judiciary officials could order protection measures either on its own initiative or in response to a written request for protection from the person concerned. If the latter, the request was processed within 24 hours and the interested party was immediately notified of the decision. Should the request be denied, a new application could be submitted, provided that new evidence had emerged. Possible measures included physical protection; identity and personal data protection, phone tapping and other technical measures; alteration of the person's physical appearance; a new identity; and relocation.

15. One Committee member had expressed concern about possible conflicts of interest arising from the public prosecution service's power to intervene in investigations. However, since the passing of the Act on the public prosecution service in 2007, the service was no longer responsible for investigations, but only for monitoring the legality of preliminary inquiries and criminal investigations, sentence enforcement.

16. Under article 12 of the Criminal Code, convicts could file a complaint if their rights had been violated. Complaints were not subject to censorship. The competent authorities were required to examine them and issue their decision within the legally established deadlines. Any person who harassed a convict for filing a complaint was liable to prosecution.

17. Foreigners detained in Armenia were able to contact their consulate or embassy. Those whose country of origin was not represented in Armenia, as well as stateless persons and refugees, had the right to contact the consulate of the country handling their country's affairs or an international organization.

18. **Mr. Demirtshyan** (Armenia), referring to the Public Defender's Office, said that the law had been amended in December 2009 and that legal aid, which had previously been available only in criminal and certain civil cases, was now available in all civil cases. Public defenders, doubled in number over the previous five years, were now available nationwide. The Public Defender's Office was funded by the State but operated in full independence. Their salaries were very competitive, and public confidence in them had improved considerably. A lawyers' training school had recently been set up to further enhance their professional skills.

19. Medical care of detainees was guaranteed and governed by a number of laws and regulations. All new inmates underwent a compulsory medical examination upon arrival in prison, and any injury or clear sign of violence was duly reported so that appropriate action could be taken.

20. The Human Rights Defender's Office was mainly State-funded. The Human Rights Defender Act had been amended to increase the incumbent's independence and enable the Office to discharge its responsibilities as the national preventive mechanism effectively. The Human Rights Defender had created a special advisory body, comprising experts and

civil society representatives, to handle issues relating to the Optional Protocol to the Convention against Torture.

21. As to follow-up to the recommendations on the human rights situation in the State party, Armenia was about to submit its second report under the universal periodic review procedure. In 2011, an interministerial working group had been tasked with studying all the recommendations made by the Working Group on Arbitrary Detention and other United Nations agencies, and bodies which had also been brought up during the universal periodic review. The delegation had no data on the number of complaints received by the Office of the Human Rights Defender, which had not included any in its annual report.

22. Before deciding to extradite a person, the authorities ensured that all the guarantees provided in the Convention were respected. Complaints from any extradited person were immediately followed to meet with them or to use some other means to resolve the problem with the competent authorities. Provisions to that effect were contained in the bilateral agreements Armenia had signed, including the agreement with the Islamic Republic of Iran. Armenia also authorized States parties to visit individuals they had extradited to Armenian territory.

23. There was no conflict between the Refugees and Asylum Act and the State Borders Act. There was, however, a discrepancy between the provisions of the Refugees and Asylum Act and the provisions of the Criminal Code. The former provided that refugees and asylum seekers who had entered the country illegally were not criminally liable. The Criminal Code, however, made all persons who illegally crossed the border criminally liable unless they had entered Armenia to seek political asylum. It made no mention of refugees. The problem was being examined, and the Armenian delegation was due to meet soon with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) to discuss the possibility of amending the Criminal Code to exempt refugees as well.

24. Foreign prisoners were mainly housed in separate establishments where the conditions were often better than the detention centres where Armenian citizens were held. They were not subject to any racial discrimination and had never been denied the opportunity to contact the consular or diplomatic services of their countries of origin. In addition, their situation was monitored by NGOs.

25. The Public Monitoring Group, composed of representatives of NGOs, had been established in 2004 to monitor the human rights situation in prisons. Its members had free access to all places of detention and had the right to meet with detainees in private. The Group prepared an annual report, which was published by the Ministry of Justice.

26. Poor material conditions and overcrowding still posed a problem in Armenian prisons, but significant improvements had been made. Several establishments had been renovated, and a new prison was under construction. Measures had also been taken to improve the system of early release on probation, revise the eligibility criteria for serving a sentence in an open prison, diversify and increase the use of alternative non-custodial sentences and limit the use of pretrial detention as a preventive measure, in an attempt to reduce the prison population.

27. There were not sufficient juvenile offenders to justify a special juvenile court, but each court had a judge responsible for such cases. The police also had a special unit for handling cases involving minors, and criminal legislation made special provision for underage offenders. Social rehabilitation and reintegration of young offenders was undertaken with the help of civil society and international organizations in special centres. The authorities realized that reforms were needed in that area and intended to establish a mechanism to address matters relating to justice for the underaged.

28. The Public Service Act prohibited all public officials from giving orders that violated the Constitution or the laws of the Republic of Armenia or that exceeded their prerogatives. If officials had doubts about an order they were given, they must immediately notify in writing the person issuing the order, and that person's immediate superior. If the order was confirmed in writing, the officials were obliged to carry it out, unless to do so would incur administrative or criminal liability. Article 47 of the Criminal Code stated, however, that carrying out an order that ran counter to interests protected by criminal law did not constitute a criminal offence: criminal liability in such situations would be incurred, instead, by the person giving the order. A public official who refused to obey a patently illegal order could not be held criminally liable.

29. The penitentiary regime approved by Government decree unequivocally listed the cases in which juvenile offenders could be detained in disciplinary cells: basically, they involved serious breaches of regulations, such as the harassment of fellow inmates, or possession or use of prohibited items. The maximum length of detention in a disciplinary cell was 10 days in the case of minors. The regime could be amended to reduce it further if the Committee so recommended.

30. The complaints mechanisms available to detainees were established by law. Detainees had unlimited access to those mechanisms and could submit their complaints to the courts, the public prosecution service or the Ministry of Justice. They could also contact civil society organizations, the Human Rights Defender, human rights groups or the European Committee for the Prevention of Torture. The confidentiality of all correspondence was respected. A new probation service would be soon established under the 2012–2016 judicial reform plan. The service, which would be separate from the prison system, would be responsible for alternative sentences, release on probation, and rehabilitation. It would focus on increasing non-custodial sentences and so help reduce prison overcrowding.

31. **Ms. Vardapetyan** (Armenia) said that, under article 92 of the Constitution, the case law of the Court of Cassation was applicable in all courts and harmonized judicial practice, minimized the possibility of arbitrary interpretation of domestic law and reflected the jurisprudence of the European Court of Human Rights.

32. With regard to the disciplinary measures taken against judge Mnatsakanian, the proceedings had been initiated by the Council of Justice, the competent body in the case. The Council had decided in June 2011 to ask for the judge's suspension on the ground of an ill-substantiated decision, which had been considered arbitrary. Judge Mnatsakanian had appealed the Council of Justice's decision, arguing that he had actually been punished for granting bail to a defendant. The texts of the decisions in question were posted on the Ministry of Justice website (www.court.am). The impartiality and independence of judges was a key element of the reform of the criminal justice system under way in Armenia. The OSCE report mentioned by Ms. Gaer had played an important role in that regard, and its recommendations had been taken into account in judicial training programmes.

33. As far as compensation for torture victims was concerned, the Civil Code provided for reparation in the case of injury to citizens as a result of illegal acts committed by State bodies or their representatives. The right to compensation was upheld by the case law of the Court of Cassation, specifically by the sentence handed down in the Mikaelyan case, in which the court had been called upon to determine the compensation due to a person illegally deprived of his liberty. The same obligation applied in cases of torture and inhuman or degrading treatment.

34. *Mr. Wang Xuexian (Vice-Chairperson) took the Chair.*

35. **Ms. Gaer** (Country Rapporteur) asked when the Criminal Code would be amended to incorporate a definition of torture that coincided with the definition in article 1 of the

Convention and whether copies of the relevant bill could be made available to Committee members. She would like more information on the statistics cited by the delegation in relation to cases of ill-treatment in the army. Specifically she wished to know how many of the 191 cases processed in 2011 had involved hazing and the acts referred to in article 16 of the Convention, and the penalties imposed. She also wished to know whether the deaths of six soldiers in 2011 had been investigated. If so, was it known for certain whether the deaths had been caused by hazing or cruel, inhuman or degrading treatment, and had there been any prosecutions in the case?

36. With regard to the *Grigorian* case, involving a soldier who had been beaten by his superior in October 2010, the delegation could perhaps explain why the officer charged in the case had not been suspended from duty the moment the proceedings against him had begun and why he had been granted an amnesty shortly after his conviction, despite the seriousness of his acts. The delegation might also indicate whether there had been an independent inquiry into the *Vardan Martirosian* case, involving an army commander accused of brutally beating the soldiers under his command and of corruption. The delegation was also invited to confirm whether the competent department in the Ministry of Defence had opened an inquiry into the suicide of Artak Nazaryan after the ill-treatment inflicted on him by his superiors and whether the trial had indeed been held in Armenia although the incident had occurred in Nagorno-Karabakh. Accurate statistics on young persons imprisoned for refusing to perform military or civil service and on the time frame for the enactment of the bill on alternative service would be useful.

37. Given that, in the *Khalafyan* case, the victim's parents had refuted the theory that their son had committed suicide, claiming that he had been murdered, she wished to know whether those allegations would be investigated. Statistics on police officers on whom disciplinary or criminal sanctions had been imposed for failing to uphold the fundamental legal guarantees of the rights of persons deprived of their liberty would be appreciated. In relation to the police operation carried out in April 2010 in the Nor Nork district, the Committee would like to know whether there had been any investigation into the allegations that those arrested during the operation had been ill-treated and, if so, what results the investigation had yielded. Data on the number of persons extradited to the Russian Federation under the bilateral agreement with that country would also be appreciated.

38. According to the report of the European Committee for the Prevention of Torture on its visit to Armenia in 2010, detainees dubbed "homosexuals" were discriminated against and subjected to degrading treatment and violence in the Kosh prison. Was the State party doing anything to remedy the situation? She would also like to know what reparations had been made to the victims of violations of the Convention and how many police officers convicted of violation of articles 308 and 309 of the Criminal Code had served prison sentences. The delegation might confirm whether the four convicted for abuse of power in 2008–2010 had been members of the security forces, and whether additional resources had been allocated to legal aid and the Human Rights Defender's Office. It could perhaps also indicate how the authorities monitored the situation of those extradited with diplomatic assurances to the Islamic Republic of Iran and the Russian Federation.

39. From the delegation's replies about the three journalists who had been the victims of harassment, it seemed that no steps had been taken to identify and prosecute the perpetrators and that one of the journalists had withdrawn his complaint under threat. It would be appreciated if the delegation would provide more information on those cases and on the measures taken by the State party to combat harassment of journalists. Further information on the 23 complaints of abuse of power, excessive use of force, and extraction of confessions under duress, which, according to the delegation's replies, had been filed between 2009 and 2010 against members of the investigative service of the Ministry of

Defence, would also be appreciated. Had the complaints been investigated, or resulted in criminal proceedings or the imposition of disciplinary or criminal sanctions?

40. *Mr. Grossman (Chairperson) resumed the Chair.*

41. **Mr. Wang Xuexian** (Country Rapporteur) said that the delegation had not replied to several of the questions asked during the first part of the consideration of the report (CAT/C/SR.1064). He would like information on: the effectiveness of human rights training, and training for border guards; whether the presence of an attorney was obligatory to have during interrogations in all types of cases; the police practice of inviting individuals to make a statement at the police station as material witnesses and then treating them as suspects and remanding them in custody; the difference between the terms “proposals”, “requests”, and “complaints” as used in paragraph 45 of Armenia’s report for the universal periodic review (A/HRC/WG.6/8/ARM/1); the non-pecuniary reparations made to victims of torture; the State party’s intentions regarding enactment of a law to ensure the prohibition of corporal punishment; the *Armen Martirosyan* case, concerning a youth who had allegedly committed suicide after being tortured in a juvenile detention centre; corruption in prisons; and the inconsistencies between the Refugees and Asylum Act and the State Borders Act.

42. **Mr. Mariño Menéndez**, reiterating some of the questions he had asked during the first part of the consideration of the State party’s report, asked which body had the authority to decide on the provision of legal aid, and in which cases it was granted. Armenia having ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), he wished to know the minimum age of compulsory school attendance in Armenia. He also wondered whether domestic legislation authorized judges to order the secret detention of an alleged offender and whether the Public Monitoring Group and the Human Rights Defender’s Office coordinated their prison monitoring activities. As to the question of changing the status of police witnesses, he would like to know who decided to consider a person a suspect and no longer a witness. Supposing that a civilian was tortured on army premises, would the case be heard by a military or civilian court?

43. **Mr. Bruni** asked why the maximum prison sentence for acts of torture was only 3 years and whether the State party planned to amend the relevant provisions to establish penalties commensurate with the seriousness of such acts. With regard to the three European Court of Human Rights judgements cited in paragraph 214 of the report, the delegation could perhaps say whether they had been executed as described in paragraph 215; the amount of the compensation awarded in each case; and how those amounts had been determined. Also, did Armenia intend to make the declaration under article 22 of the Convention?

44. **Ms. Belmir** noted that judges could still be held criminally responsible even though in its previous concluding observations (A/56/44, para. 39 (e)), the Committee had recommended that the Armenian authorities should bring the regime of criminal liability against judges into line with the relevant international instruments in order to guarantee the independence of the judiciary. The delegation’s comments would be appreciated.

45. **Mr. Domah** asked whether an individual could petition the Constitutional Court to declare its position on a Convention-related issue, whether the Bar was independent and, if so, what steps it took to protect the judiciary against interference from the other branches of government. The fact that one judge had been dismissed and several others were currently subject to dismissal proceedings was alarming and required some explanation from the delegation.

46. **Ms. Sveaass**, returning to questions to which she had still not received a reply, requested detailed information on the remedies available to persons whose conventional or

fundamental rights had been violated so that they could seek redress. She also wished to know how many persons had obtained reparation and whether it had included rehabilitation services. Additionally she asked whether the granting of compensation had to be ordered by a court or whether it could also be ordered by an administrative body. She would also like the delegation to indicate when the State party intended to introduce provisions in the Criminal Code to criminalize domestic violence per se and whether the country had shelters for victims of trafficking in persons.

47. **Mr. Tugushi** asked whether measures had been taken to transfer the detainees serving life sentences in the Kentron and Nubarashen prisons to other establishments, because according to the European Committee for the Prevention of Torture report, the conditions in which prisoners were held in both prisons were appalling. He also wished to know whether the routine handcuffing of inmates serving life sentences when they were taken out of their cells had been abolished. More information on ongoing projects to upgrade places of detention would be appreciated.

48. **The Chairperson** said that it was his understanding that, under article 341 of the Criminal Code, violence inflicted upon persons to extract confessions was not considered torture unless it was inflicted in the context of criminal proceedings. Also, under article 180 of the Criminal Code, suspects arrested by the police could not, apparently, contact their lawyers until the formal record of their arrest had been drawn up. Moreover, article 243 of the Code of Criminal Procedure did not authorize suspects' lawyers to demand that their clients be submitted to a forensic examination since such examinations could only be ordered by a prosecutor. Some indication of the accuracy of those claims would be appreciated.

49. **Mr. Kirakosyan** (Armenia) said that the bill to amend article 119 of the Criminal Code, which was currently being examined by parliament, contained a definition of torture that was in full conformity with the Convention and established more severe penalties for acts of torture. With regard to the amnesties granted to persons found guilty under that article, the State party was cognizant of the fact that, pursuant to the Convention, there could be no amnesty for acts of torture, but the acts referred to in the current version of article 119 did not correspond exactly to those mentioned in the definition of torture contained in the Convention. In any event, aligning the definition of torture in Armenian legislation with that of the Convention would facilitate resolution of the problem and comply with the pertinent international provisions.

50. Regarding the Armenian citizen accused of committing a crime in Nagorno-Karabakh, he had voluntarily performed his military service there. Although under an agreement signed with the Nagorno-Karabakh authorities, crimes committed by Armenian citizens in the territory came under Armenia's jurisdiction, that agreement did not cover that type of case.

51. The number of persons currently serving prison sentences for refusing to perform military service or an alternative service was about 40. The Act on alternative service to military service was due to be amended so that alternative types of service would not be overseen by the military, a situation to which some, such as Jehovah Witnesses, objected on religious grounds, but by the administration.

52. The Armenian authorities had no official information on corruption in prisons. His delegation had taken note of the corruption allegations, which would be duly investigated. If they were substantiated, the persons involved would be severely punished. More generally, however, one of the main elements of the country's current reforms was the fight against corruption in all public services, including the prison service, the forces of law and order and the justice system. A comprehensive strategy and plan of action had been drawn up to combat corruption in all its forms.

53. As of August 2009 Armenia had been found to have violated article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in five cases. All the sentences had been executed, including that rendered in the *Tadevosyan* case, and compensation had been paid in all of them. Armenia was studying the possibility of making the article 22 declaration. Implementation of the recommendations of the European Committee for the Prevention of Torture would help address Mr. Tugushi's questions about the detention conditions of prisoners serving life sentences.

54. **Mr. Harutyunyan** (Armenia) said that the delegation could not indicate the number of army personnel convicted for acts of torture because in Armenian legislation torture was not per se a military offence. The data provided on the offences committed by military personnel concerned acts of violence, which ranged from a mere slap to acts that constituted torture according to the Convention definition. At any rate, the delegation would analyse the data to identify which referred to acts of torture, and would inform the Committee of its findings. It would also send the Committee any other relevant information in the authorities' possession. Regarding the case of senior army officer Vardan Martirosian, which also involved two of his subordinates, Artur Karapetian and Arsen Nersisyan, the investigation had not managed to confirm that all three had committed acts of torture or even violence against other military personnel. It had, however, established that they had been involved in buying computers for officers going on study leave, and they had been prosecuted and punished as a result. It should also be noted that the investigation service of the Ministry of Defence investigated all offences committed by military personnel or with their participation, whether the victims were civilians or not, and all offences committed within military units, regardless of whether the persons involved were civilians or members of the armed forces.

55. **Mr. Petrosyan** (Armenia) said that the delegation did not have with it statistics on the extradition measures applied under the agreement with the Russian Federation, but that such statistics did exist and would be forwarded to the Committee. As to the penalties imposed on police officers, 2 policemen had been convicted in 2009 and 4 in 2010 for the rude and disrespectful treatment of citizens, and 55 police officers had been subjected to disciplinary measures in 2009, and 23 in 2010.

56. In practice, it was rare for a person to move from witness to suspect or defendant; when it did occur, the person was treated in accordance with the provisions of the Code of Criminal Procedure. Moreover, closed-circuit television and an electronic recording systems would be installed in police stations. The police officers who had participated in the operation in the Nor Nork district on 10 April 2010, when 53 persons had been arrested, had all been in uniform, as shown in the photographs published on the website www.1plus.am, and had not subjected any of those apprehended to degrading treatment.

57. **Mr. Stepanyan** (Armenia), replying to questions on the *Vahan Khalafyan* case, said that the investigators had examined all possible scenarios, particularly murder and suicide. Ashot Harutyunyan, the police officer implicated in the death of Mr. Khalafyan, had been prosecuted under article 39 of the Criminal Code and sentenced to 8 years in prison. Between 2008 and 2011, there had been 22 criminal investigations into police actions, and 19 officers had been charged and convicted.

58. **Ms. Soudjian** (Armenia) said that her Government was making a sustained effort to prevent gender-based violence and to help the victims of such violence. An inter-agency committee had been set up for that purpose. It was tasked with supporting implementation of preventive measures, establishing mechanisms for collecting and exchanging information, and drawing up a national action plan for combating gender-based violence. The action plan, adopted in June 2011, was intended to protect the persons exposed to such violence, provide them with comprehensive assistance, and ensure that the perpetrators were prosecuted and punished.

59. Article 132 of the Criminal Code had been revised to include a clearer and fuller definition of the offence of trafficking in human beings. Drawing on the lessons learned from the implementation of the 2007–2009 National Action Plan for Combating Trafficking in Human Beings and on consultations with NGOs, the Council to Combat Trafficking in Persons had drawn up a new national action plan for 2010–2012, which contemplated legislation to suppress trafficking; protection measures; assistance for victims; and cooperation in the fight against trafficking. The assistance given to trafficking victims by the Ministry of Labour and Social Affairs and specialized agencies included material assistance, housing, medical and psychological care, legal aid and various social services. While child trafficking was rare, the Government was nonetheless taking action to prevent it.

60. The Labour Code contained various provisions aimed at protecting persons under the age of 18. A case in point was article 257, which stipulated that minors could not be employed in arduous or dangerous work, while article 149 stated that they could not be required to perform compulsory work either in a business or in a private household; and articles 153 and 154 established specific regulations on minors' working hours and rest hours.

61. Article 39 of the Constitution provided that all persons had the right to education. Primary education was free and compulsory, except in the cases stipulated by law. Public secondary education was free, and all persons had the right, via a competitive examination, to vocational and higher education, which was free in State universities and colleges.

62. **Ms. Abgarian** (Armenia) said that, as far as diplomatic assurances were concerned, although Armenia did not as a rule demand of another State that it be allowed to monitor the situation of a person extradited to that State or to ensure that such monitoring took place, each extradition was carefully prepared: indeed, so far only one extradited person had filed a complaint.

63. **Mr. Kirakosyan** (Armenia) said that the delegation would provide the Committee with additional information as soon as possible.

64. **The Chairperson** thanked the delegation for its replies and for the openness displayed during its dialogue with the Committee and declared consideration of the third periodic report of Armenia to be concluded.

The meeting rose at 6.05 p.m.