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## The functioning of democratic institutions in Armenia

### Report

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe  
(Monitoring Committee)

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### *Summary*

The present report notes that, as a result of the efforts by the Parliamentary Assembly, as well as other parts of the Council of Europe, and also the excellent co-operation with the Armenian delegation to the Assembly over the last fifteen months, incremental progress has been made by the Armenian authorities to comply with the demands of the Assembly:

- the controversial amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations have been repealed;
- an investigation into the events of 1 and 2 March 2008 has started;
- important changes to problematic provisions in the Criminal Code have been adopted;
- and several reforms recommended by the Assembly have been initiated.

That process has now culminated in an amnesty as a result of which most, albeit not all, persons deprived of their liberty in relation to the events of 1 and 2 March 2008 will be released. At the same time, the Monitoring Committee notes that the fact-finding group to establish the facts with regard the events on 1 and 2 March 2008 and their circumstances has been disbanded due to insurmountable tensions between its members and considers that the disbandment of the fact-finding group should not be allowed to circumvent the conclusion of an independent and credible inquiry as demanded by the Assembly. Therefore, although the declaration of amnesty means that the authorities have complied with a crucial demand of the Assembly and, most importantly, that an important new page has been turned in the normalisation of Armenia's political life and resolution of the crisis, the Monitoring Committee notes that these achievements should not be seen as the end of the process. The Monitoring Committee should fully support and accompany that process in the framework of the regular monitoring procedure of the Assembly with respect to Armenia.

**A. Draft resolution**

1. In its Resolution 1643 (2009) adopted on 27 January 2009 on the “implementation by Armenia of Assembly Resolutions 1609 (2008) and 1620 (2008)”, the Parliamentary Assembly considered that, although it remained dissatisfied with, and seriously concerned by, the situation of the persons deprived of their liberty in relation to the events of 1 and 2 March 2008, recent initiatives by the authorities and, in particular, the initiative of the National Assembly of Armenia to revise Articles 225 and 300 of the Criminal Code in line with Council of Europe standards, should be seen as an indication of the readiness of the Armenian authorities to address the demands of the Assembly contained in earlier resolutions. The Assembly decided to remain seized of the matter and invited its Monitoring Committee to follow closely the implementation of the relevant Assembly resolutions and to propose any further action to be taken by the Assembly as required by the situation.

2. The Assembly considers that the demands and recommendations contained in its earlier Resolutions 1609 (2008), 1620 (2008) and 1643 (2009) form a concrete and realistic roadmap to resolve the political crisis that ensued in Armenia after the Presidential election in February 2008. These demands and recommendations therefore remain fully valid.

3. The Assembly welcomes the adoption, on 18 March 2009, of the amendments to Articles 225 (mass disorders) and 300 (usurpation of power) of the Criminal Code of Armenia, which, in the opinion of the European Commission for Democracy through Law (Venice Commission), generally represent an improvement over previous provisions in that they reduce their scope for overbroad and abusive interpretation. It takes note of the important impact of these changes on the cases of persons deprived of their liberty in relation to the events of 1 and 2 March 2008 that are still under consideration by the courts. However, it notes that these changes do not have any impact on other cases that are considered of serious concern by the Assembly, such as the cases of persons charged, or convicted, solely on the basis of police testimony, without substantial corroborating evidence.

4. In the view of the Assembly, the release of all persons deprived of their liberty in relation to the events of 1 and 2 March 2008 who did not personally commit grave acts of violence would alone provide the necessary basis for the start of the dialogue and reconsolidation that is needed to overcome the political crisis that ensued after the Presidential election of February 2008. In addition, their release would meet the concerns and demands of the Assembly in this respect.

5. The Assembly therefore welcomes the proposal for a general amnesty submitted by the President of Armenia to the National Assembly on 16 June 2009 and its prompt adoption by the National Assembly on 19 June 2009. In relation to this amnesty, the Assembly:

5.1. welcomes that it explicitly covers those persons deprived of their liberty in relation to the events of 1 and 2 March 2008 who were not charged with violent crimes or who were not convicted to prison sentences of more than 5 years. For the remaining cases, the sentences yet to be served will be reduced by half;

5.2. notes that, under this amnesty, most, but not all, persons deprived of their liberty in relation to the events of 1 and 2 March 2008 will be released;

5.3. notes that the amnesty will only apply to those persons whose cases have been adjudicated by the courts. In the cases currently pending before the courts, the amnesty will only take effect once those cases have been concluded in the courts. Concerned about possible delays in the cases still pending before the courts, the Assembly asks that the authorities now release these persons pending the completion of their trial;

5.4. notes that the amnesty will also apply to those persons charged in relation to the events of 1 and 2 March 2008 who are currently in hiding, after the completion of their trials, if they present themselves to the authorities before 31 July 2009. The Assembly urges the authorities, in view of a possible application of amnesty after completion of their cases in the courts, to allow the persons concerned to remain free pending the duration of their trials.

6. The Assembly notes that civil claims of legal responsibility against those convicted in relation to the events of 1 and 2 March 2008, especially those convicted of organising mass disorder, could still be filed. In this respect, it is concerned that the filing of civil suits by public authorities could undermine the purpose of the amnesty and calls upon the authorities to ensure that no such suits by civil authorities are filed.

7. With regard to the independent, impartial and credible investigation into the events of 1 and 2 March 2008, and the circumstances that led to them, the Assembly regrets the breakdown of the work of the independent expert group to establish the facts in relation to these events (fact-finding group), as a result of the insurmountable tensions between its members and the politicising of its work by members of both sides. In this respect, the Assembly:

7.1. considers that an independent, impartial and credible investigation into the events of 1 and 2 March, and its circumstances, is still necessary and therefore reaffirms its demand that such an investigation be conducted in line with the criteria outlined by the Assembly, notwithstanding the breakdown of the fact-finding group;

7.2. calls upon the members of the fact-finding group to present their findings and conclusions, possibly in the form of individual reports, to the Ad hoc Parliamentary Inquiry Committee, and calls for these combined findings and conclusions to be published, as foreseen in the Presidential decree setting up the fact-finding group;

7.3. considers that the final report by the Ad hoc Parliamentary Inquiry Committee will determine whether the criteria of impartiality and credibility have been met and whether further investigations are necessary.

8. The Assembly is seriously concerned about the fact that the investigation by the Prosecutor General into the 10 deaths that occurred has not yet led to any concrete results and considers it essential that this investigation is satisfactorily concluded without any further delay. In this respect, it welcomes the decision of the President of Armenia to ask the Prosecutor General to provide a full report of his investigations for review by the Ad Hoc Parliamentary Inquiry Committee.

9. Despite positive changes in the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations, the Assembly notes that requests to organise rallies are still often rejected by the authorities on technical grounds, or that undue restrictions are placed on them. It therefore reiterates its call for the authorities to respect the principle of freedom of assembly in practice, and to implement any recommendations resulting from the project being carried out jointly by the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) to monitor the implementation of the amended law on rallies and demonstrations.

10. With regard to the reform of the media, the Assembly welcomes the adoption, on 28 April 2009, of amendments to the Law on Radio and Television, which were elaborated in close consultation with the Council of Europe and are aimed at ensuring the independence of the media regulatory bodies in Armenia. With regard to these amendments, the Assembly:

10.1. notes that the appointment procedure for the members appointed by the President of Armenia on the National Television and Radio Commission and the Public Television and Radio Council is not regulated by law and recommends that the President of Armenia issue a Presidential Order to establish an appointment procedure that mirrors the procedure applied for the appointments by the National Assembly. The Assembly considers that, despite the positive changes to the law, these bodies cannot be held fully independent until such time as all members are appointed through a politically neutral procedure;

10.2. recalls its position in Resolution 1609 (2008) that the composition of these two media regulatory bodies should reflect the Armenian society. It therefore calls upon the National Assembly to consider further amendments to that effect;

10.3. recommends that serving politicians be barred from being members on these bodies.

11. As to the holding of an open, fair and transparent tender for broadcasting licenses, the Assembly notes the ongoing discussions between the Armenian authorities and the Council of Europe on the basis of a report prepared by an independent spectrum analyst. It reaffirms its position that the technical implications of the introduction of digital broadcasting in Armenia should not be used to delay unduly the holding of such a tender and thus the execution of the judgment of the European Court of Human Rights in the case concerning the denial of a broadcasting license to the television channel A1+.

12. With regard to the election of the Yerevan City Council on 31 May 2009, the Assembly notes the conclusions of the observer mission of the Congress of Local and Regional Authorities of the Council of Europe. However, the numerous allegations that fraud and violations were widespread during these

elections demonstrate that public trust in the electoral process is still very low in Armenia. This, as well as the shortcomings and violations noted, underscores the fact that electoral reform should now be a priority for the authorities.

13. The Assembly, reiterating its demands expressed more than a year ago in its Resolution 1609 (2008), urges the Armenian authorities to implement without delay further reforms of the police, including the establishment of a proper public oversight mechanism, as well as of the judiciary, with a view to ensuring its independence.

14. Through the adoption of a general amnesty for the persons deprived of their liberty in relation to the events of 1 and 2 March 2008, the Armenian authorities have complied with a crucial demand of the Assembly with regard to the political crisis that ensued after the Presidential election of February 2008. This, as well as the assurances given by the authorities that they intend to conduct and conclude an impartial and credible investigation into these events and the circumstances that led to them, in line with the demands of the Assembly, is a clear indication of the willingness of the authorities to overcome the political crisis and its consequences, and to turn to a new page in Armenia's democratic development.

15. The Assembly strongly supports the process of democratic consolidation in Armenia and therefore considers that the assessment of Armenia's compliance with the remaining demands made by the Assembly in Resolutions 1609 (2008), 1620 (2008), 1643 (2009) should take place in the framework of the ongoing regular monitoring procedure of the Assembly with respect to Armenia. The Assembly invites its Monitoring Committee to consider as a priority, within this framework, the compliance by Armenia with the above mentioned Resolutions as well as with this Resolution.

**B. Explanatory memorandum by Mr Colombier and Mr Prescott, co-rapporteurs****Table of contents**

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## I. Introduction

1. The political crisis that ensued in Armenia after the presidential election, on 19 February 2008, culminating in the tragic events of 1 and 2 March 2008, has been closely followed by the Parliamentary Assembly and has dominated the monitoring procedure with respect to Armenia in the last fifteen months. In Resolution 1609 (2008), adopted on 17 April 2008, the Assembly set out four concrete requirements to resolve the political crisis. The Armenian authorities were asked 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;
- initiate immediately an independent, transparent and credible inquiry into the events of 1 March 2008 and the circumstances that led to them;
- release all persons detained on seemingly artificial and politically motivated charges who did not personally commit any violent acts or serious offences;
- start an open and serious dialogue between all political forces in Armenia on the reforms demanded by the Assembly in paragraph 8 of Resolution 1609 (2008) to the political system, electoral process, freedom and pluralism of the media, freedom of assembly, independence of the judiciary and police behaviour.

2. On 25 June 2008, the Assembly adopted Resolution 1620 (2008) on the implementation by Armenia of Assembly Resolution 1609 (2008). In this resolution, the Assembly considered that, despite the political will expressed by the authorities to address the demands expressed in Resolution 1609 (2008), progress was insufficient to meet the requirements outlined in this resolution. The Assembly therefore resolved to consider the possibility of suspending the voting rights of the Armenian delegation to the Assembly at its January 2009 part-session if the requirements of Resolution 1609 (2008), as well as those outlined in Resolution 1620 (2008), had not been met by then.

3. Without detriment to the other requirements set out by the Assembly, our work has focused on two demands we consider to be the priorities in order to resolve the political crisis: the establishment of an independent, transparent and credible inquiry into the events of 1 and 2 March 2008 and the circumstances that led to them, as well as the release of all persons deprived of their liberty on seemingly artificial and politically motivated charges in relation to those events.

4. Taking into account the political controversy around the events on 1 and 2 March, and the vastly diverging versions of them, the independent, transparent and credible inquiry is crucial to establish the truth of what happened on these days, and the circumstances that led to them. This truth is essential for the process of reconciliation between the different political forces in the country. In addition, only when the truth has been established will the relevant authorities and political forces be able adequately to address the underlying causes, with a view to ensuring that such events will not be repeated in the future.

5. Furthermore, as stated in our earlier reports<sup>1</sup> and endorsed by the Assembly in Resolution 1620 (2008), the continued detention of opposition supporters in relation to the events of 1 and 2 March 2008 is a point of contention that continues to strain the relations between the authorities and the opposition and undermines the possibility for a meaningful dialogue on the reforms demanded by the Assembly and, ultimately, the normalisation of political life in Armenia. Moreover, as stated by the Assembly in Resolution 1643 (2009), the nature of the charges against the opposition supporters, as well as questions with regard to the legal proceedings against them, raise the possibility that a significant number of persons may have been charged and imprisoned on politically motivated grounds, which would have serious implications if left unaddressed.

6. On 27 January 2009, the Assembly adopted Resolution 1643 (2009) on the implementation by Armenia of Assembly Resolutions 1609 (2008) and 1620 (2008). In this resolution, the Assembly declared that it remained 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. However, it considered that positive steps taken by the authorities towards the establishment of an independent, transparent and credible inquiry, a number of pardons granted by the President of Armenia, as well as the initiative of the Speaker of the National Assembly to revise the problematic Articles 225 and 300 of the Criminal Code, were an indication of the readiness of the Armenian authorities to address the demands of the Assembly contained in Resolutions

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1. Doc. 11656 (2008) and Doc. 11786 (2008).

1609 (2008) and 1620 (2008). It therefore decided, at that stage, not to suspend the voting rights of the members of the Armenian delegation to the Parliamentary Assembly, and invited the Monitoring Committee of the Assembly to examine, on an ongoing basis, the progress achieved by the Armenian authorities with regard to the implementation of the relevant Assembly resolutions and to propose any further action to be taken by the Assembly as required by the situation.

7. The Monitoring Committee discussed the developments in Armenia with regard to the implementation of the relevant Assembly resolutions at its meeting in Valencia, on 30 and 31 March 2009, and, subsequently, at its meeting in Strasbourg from 27 to 29 April 2009. On both occasions, we welcomed the changes made to the problematic Articles 225 and 300 of the Criminal Code of Armenia, which, in the opinion of the Venice Commission, are considered a clear improvement of the law as they considerably reduce the scope for over-broad and abusive interpretation. However, on those occasions, we also stressed that, ultimately, it would be the impact of these changes on the release of persons deprived of their liberty in relation to the events of 1 and 2 March 2008 that would count for the Assembly when assessing the compliance by the Armenian authorities with its demands expressed in Resolutions 1609 (2008), 1620 (2008) and 1643 (2009). Following its discussions on recent developments in Armenia, the Monitoring Committee, at its meeting in Strasbourg from 27 to 29 April 2009, decided to ask the Bureau of the Assembly to include an item on the functioning of democratic institutions in Armenia on its agenda for the June part-session of the Assembly.

8. This report aims at taking stock of recent developments with regard to the implementation by the Armenian authorities of the demands made by the Assembly to resolve the political crisis that ensued after the presidential election in 2008. Our approach over the last fifteen months has been guided by our conviction that maintaining an open and constructive dialogue with the Armenian authorities, and especially its parliament, would be the best manner to ensure that the changes and reforms that were requested by the Assembly, in the best interest of Armenia itself, would be implemented. At the same time, we have always made it clear that we would not hesitate to call for sanctions if this dialogue was to fail and if it was clear that the authorities lacked the necessary political will to comply with the demands of the Assembly.

9. In our assessment, this approach has been generally successful. As a result of our openness for dialogue, as well as the efforts by other parts of the Council of Europe, most notably the Commissioner for Human Rights and the Venice Commission – with whom we have worked together closely in this process – progress has been made and initiatives have been, and are being, taken by the authorities to comply with the Assembly's demands. Progress on these issues has at times been frustratingly slow, and we regret that, on occasions, the authorities seemed to be willing to move only under pressure from the Assembly and threats of sanctions.

10. But progress has been made over the last fifteen months, culminating in the adoption by the National Assembly, on 19 June 2009, of a declaration of general amnesty which was submitted by the President of Armenia to the National Assembly on 16 June 2009. As a result, most, albeit not all, persons deprived of their liberty in relation to the events of 1 and 2 March 2008 will be released. While the release of these persons is not the end of the process to resolve the political crisis that ensued after the presidential election in February 2008, and further actions are still necessary in that respect, the authorities, by adopting the declaration of the amnesty, have not only complied with a crucial demand of the Assembly, but, most importantly, turned to a new chapter in the normalisation of political life in Armenia.

11. Other important internal developments have taken place during the last three months that have changed the political landscape in Armenia.

12. On 15 March 2009, the Armenian National Congress (HAK), the coalition of opposition parties supporting Mr Levon Ter-Petrossian, announced that it would participate in the elections for the Yerevan City Council that would take place on 31 May 2009, and nominated its leader, Mr Levon Ter-Petrossian, as its candidate for Mayor of Yerevan. In addition, the members of the ruling coalition decided to participate as individual parties in the mayoral elections.

13. According to the Law on the Local Administration of Yerevan, which came into effect in January 2009, following the constitutional changes of 2005, the Mayor of Yerevan is elected via an indirect election system. The municipal council is elected by proportional vote and the candidates heading the list of each party are also the candidates of that party for the post of Mayor of Yerevan. The mayor is then elected by the newly elected municipal council. It should be noted that Yerevan houses more than 40% of the population of Armenia and is responsible for more than half of the country's economic output. The elections for the Mayor of Yerevan have therefore an important national dimension.

14. In our statement of 5 May 2009, we welcomed the candidature of Mr Ter-Petrosian as a clear signal by the Armenian National Congress that it wants to overcome the political crisis and play its role as a political force in the democratic institutions of the country. At the same time, we called upon the authorities and all political stakeholders to ensure that these elections would be held in full compliance with the democratic standards of the Council of Europe. For the Council of Europe, these elections were observed by the Congress of Local and Regional Authorities of the Council of Europe. The opposition parties alleged that the elections to the Yerevan City Council, on 31 May 2009, were marred by widespread fraud and violations. In their statement issued the day after the elections, the observation mission of the Congress declared that “[their] satisfaction in seeing the citizens electing their city council has been tempered by deficiencies in the conduct of the vote”. The authorities conceded that irregularities took place, but that they were localised and did not affect the overall outcome of the election. The Prosecutor General has brought charges against a number of persons for electoral fraud committed during these elections.

15. In a separate development, the Armenian Revolutionary Federation (Dashnaktsutyun) announced that it was leaving the governing coalition as a result of its disagreement with the signing by Armenia and Turkey of a road map to normalise their relationship. This increased the number of parties belonging to, and generally strengthened, the opposition in the National Assembly.

16. From 15 to 18 June 2009, in the week before the June part-session of the Assembly, we made an additional visit to Armenia to assess the progress made by the Armenian authorities in complying with the demands of the Assembly. During our visit, we met, *inter alia*, the President of Armenia, the Chairperson of the National Assembly, the minister for foreign affairs, the prosecutor general, the Human Rights Defender of Armenia, the Chairperson of the Ad hoc Parliamentary Inquiry Committee, the Chairperson of the Standing Committee of the National Assembly on Science, Education, Culture, Youth and Sport (responsible for the media reform), the members of the now defunct fact-finding group, the chairperson and members of the Armenian national delegation to our Assembly, representatives of the opposition, including the leader of the Armenian National Congress, the defence lawyers of the opposition leaders whose cases are currently under consideration in the courts, families of the victims of the events of 1 and 2 March 2008, as well as representatives of civil society and members of the diplomatic community in Yerevan. We wish to thank the National Assembly of Armenia, as well as the Special Representative of the Secretary General of the Council of Europe in Yerevan, for the excellent programme as well as the hospitality and support provided to our delegation. Our findings and conclusions of this visit are contained in this explanatory memorandum which revises and updates the text already discussed at the Monitoring Committee’s meeting in Paris on 5 June 2009. We have also prepared a preliminary draft resolution for consideration and adoption by the committee.

## **II. Implementation of Assembly requirements**

### *i. Freedom of Assembly*

17. In Resolution 1620 (2008), the Assembly welcomed the adoption of amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations, in line with the recommendations of the Venice Commission and Assembly demands. However, it also urged the Armenian authorities to guarantee freedom of assembly in practice and therefore to ensure that no undue restrictions, especially with regard to the venues requested, be placed upon rallies organised by the opposition in compliance with the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations.

18. However, as mentioned in our previous report,<sup>2</sup> a number of opposition demonstrations that were requested took place on the basis of a last minute agreement between the police and organisers, and not on the basis of an explicit authorisation to hold the rally by the Yerevan city administration. In addition, a number of spontaneous demonstrations were broken up by the police. In our report, we therefore urged the authorities to honour their promise and to ensure that the fundamental right of freedom of assembly is fully respected in Armenia.

19. Regrettably, the above-mentioned practices have continued to occur over recent months, despite the criticism of the Assembly. On 9 February 2009, the Armenian National Congress requested authorisation from the Yerevan City Council to hold a rally, on 1 March 2009, in front of the Matenadaran in central Yerevan, to commemorate the events of 1 and 2 March 2008. This request was rejected by the city council, which proposed, in a similar fashion to previous rallies, an alternative venue in a soccer stadium in Yerevan. This alternative venue was rejected as unsuitable by the organisers. The organisers, who claimed that the rejection of their request was not received within the time frame stipulated by law, and therefore that the rally was authorised, maintained their plans to organise their rally in central Yerevan, which was ultimately

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2. Doc. 11786 (2008).



allowed to take place by the police, but without explicit authorisation by the Yerevan municipal authorities. Moreover, a number of “spontaneous demonstrations” of groups of persons calling for the public to participate in the opposition rally on 1 March 2009 were reportedly broken up by the police.

20. We are aware of a number of other cases in which requests from opposition parties to organise rallies and public meetings were not authorised by the municipal authorities of different localities on what could be considered questionable grounds. However, we regret that in most, if not all, cases the organisers of these rallies did not appeal the decisions of the municipal authorities to the courts,<sup>3</sup> which is an explicit right granted to them in the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations. This effectively means that the courts did not have the possibility to express themselves on the interpretation to be given to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations by the authorities, and, ultimately, forecloses any possibility for the European Court of Human Rights to decide on these cases. We are of course aware that a possible application to the Court in Strasbourg would not affect the outcome of the decision not to grant an authorisation for a particular rally. However, a possible decision of the Court would contain important guidelines for both the authorities and the organisers about the interpretation of the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations in full conformity with the right of freedom of assembly as enshrined in the European Convention on Human Rights. Therefore, we encourage the organisers who see their requests being refused to use all legal domestic means available to them to challenge the refusal.

*ii. Independent, transparent and credible inquiry into the events on 1 March 2008 and the circumstances that led to them*

21. On 16 June 2008, the National Assembly of Armenia adopted a resolution in which it established a parliamentary ad hoc committee “to conduct an inquiry into the events of 1 and 2 March 2008, as well as the causes that led to them”. However, as a result of its composition, which was dominated by representatives of the ruling coalition, and effectively boycotted by the forces loyal to Mr Ter-Petrossian, the Commissioner for Human Rights, as well as the Assembly, concluded that this committee would not have the required credibility and impartiality in the eyes of the Armenian public. The Commissioner therefore proposed that a separate small group of independent experts should be set up to establish the facts with regard to the events on 1 and 2 March 2008 and the circumstances that led to them. This group should be composed on the basis of parity between the opposition and the ruling coalition and mutual consensus on its members. The Parliamentary Inquiry Committee would then be tasked with drawing the political conclusions based on the findings of the expert group. This proposal was accepted by both the authorities and the opposition. The fact-finding group, composed of two members appointed by the ruling coalition, one by the Heritage Party, one by the Armenian National Congress and one by the Human Rights Defender of Armenia, was formally set up by presidential decree on 23 October 2008.

22. During our visit to Armenia on 15 January 2009, we met the members of the fact-finding group. At that time, we had already some concerns that the political controversy with regard to the people deprived of their liberty in relation to the events of 1 and 2 March 2008, as well as the assertion, at that time, by the authorities that the events on 1 and 2 March 2008 were aimed at the usurpation of the state power and the violent overthrow of the constitutional order of Armenia, would make it difficult for the members of this group, especially those appointed by the opposition and government coalition, to maintain the required neutrality in their work. In addition, despite the fact that the work of the fact-finding group was to take place in complete confidentiality, leaks to the media, by both sides, on the ongoing investigations by the fact-finding group were putting pressure on the working relations between the members of the group. However, we were hopeful that the members would be able to overcome these difficulties and execute their tasks in line with the mandate set in the presidential decree.

23. Regrettably, the work of the fact-finding group has run into serious problems. On 5 May 2009, after the contents of its report to the Parliamentary Ad hoc Inquiry Committee was leaked to the opposition press, the chairperson of the fact-finding group, Mr Vahe Stepanian,<sup>4</sup> announced that he, as well as the members nominated by the governing coalition, were suspending their participation in the group until 18 May 2009, in order to take a “short rest from the difficult work”. The fact-finding group reconvened on 17 May 2009, but suspended its work a few days later, when, on 20 May 2009, Mr Vahe Stepanian announced his resignation from the group, stating that the insurmountable tensions in the group were paralysing its work and that he

3. Including the decision of the Yerevan municipality authorities not to grant the request of the HAK to organise its rally in central Yerevan on 1 March 2009.

4. Mr Vahe Stepanian was nominated by the Human Rights Defender to participate on behalf of his office in the fact-finding group. He was elected chairperson of the group by the members of the fact-finding group at their first official meeting.

was no longer capable of reconciling the two different sides. While the Human Rights Defender declared himself ready to nominate a new person to this group, the group effectively ceased to work from that moment onwards and was disbanded by presidential decree on 9 June 2009. The materials collected by the fact-finding group were subsequently submitted to the Ad hoc Parliamentary Inquiry Committee.

24. The exact reasons for the breakdown of the fact-finding group are a matter of controversy. The authorities squarely blame the opposition members in the group who, in their opinion, politicised the work of the fact-finding group and, instead of establishing the facts, tried to place themselves in the role of the police and the prosecution. For their part, the opposition members assert that the authorities decided to wrap up the fact-finding group when it became clear that the group was unearthing facts that cast serious doubts on the official version of the events on 1 and 2 March 2008. Moreover, the opposition members in the fact-finding group claim that the authorities were continuously reluctant to co-operate fully with the fact-finding group and to provide it with all the information it requested. In their opinion, this is another sign that the authorities were never sincerely interested in a successful investigation by the group.

25. In our meeting with the Human Rights Defender and the chairperson of the now defunct fact-finding group, both blamed equally the representatives nominated by the authorities as well as those nominated by the opposition for politicising the work of the fact-finding group. In general, they concluded that these members had continued to work as representatives of the political forces that had nominated them, instead of being independent experts, as was foreseen in the decree setting up the fact-finding group. In that respect, they lamented the low level of professionalism of the members nominated by both sides in the fact-finding group.

26. In our meeting with the former members of the fact-finding group, the insurmountable tensions between them, as well as the continuous attempts to politicise the discussions by members of both sides, were blatantly clear. In our opinion, it is therefore difficult to see how the fact-finding group, in its current format, could have concluded its task in the professional and impartial manner that was expected of it. That said, we can only regret the speed and manner in which the authorities disbanded the fact-finding group, without any proper consultations with the opposition when the problems in the fact-finding group became apparent. This risks to strengthen the allegations in Armenian society that the authorities disbanded the fact-finding group when it started to produce findings that were uncomfortable to them.

27. The independent, transparent and credible inquiry into the events on 1 and 2 March 2008, and the circumstances that led to them, is one of the key demands made by the Assembly. We stress, in this respect, that an independent, credible and transparent inquiry into the events of 1 and 2 March 2008, and the circumstances that led to them, remains crucial in order to overcome the political crisis and to ensure that a similar breakdown of the democratic system cannot be repeated in the future. The disbanding of the fact-finding group therefore should not be allowed to circumvent the conclusion of an independent and credible inquiry as demanded by the Assembly.

28. Since the disbanding of the fact-finding group, the Ad hoc Parliamentary Inquiry Committee is now the only body conducting an overall inquiry into the events of 1 and 2 March 2008 and their circumstances, and its work has therefore gained increased importance. This committee has continued to work in parallel to the fact-finding group and has reportedly been more independent in its work than was initially expected. It has, reportedly, come up with a number of important findings and conclusions, including a number that raise questions about the authorities' version of the events of 1 and 2 March 2008. In addition, since the Armenian Revolutionary Front has left the ruling coalition, the predominance of the coalition in this committee has been somewhat reduced. We would suggest that the National Assembly investigate the possibilities to strengthen the role of the opposition in the committee's work, with a view to enhancing its credibility in the eyes of the Armenian public. However, we would like to stress that, in the end, it is the final outcome of its investigation that will determine whether the criteria of impartiality and credibility have been met and whether further investigations are necessary.

29. We are seriously concerned about reports from the members of the fact-finding group, including its chairperson, that the authorities had often been reluctant to co-operate fully with the fact-finding group and to provide it with the information it requested. This point was also made by the Chairperson of the Ad hoc Parliamentary Inquiry Committee, who informed us that his committee had also encountered difficulties in obtaining the full and complete information it had requested and that the co-operation from certain governmental bodies, especially from the law enforcement, security and investigation services, left much to be desired. In this respect, we would recall that, in Resolution 1643 (2009), the Assembly called on the Armenian authorities to ensure that the investigation demanded by the Assembly would be given the fullest possible co-operation by, and full access to information from, all state bodies and officials, without exception.

30. Despite the acrimonious working relations, all former members of the fact-finding group agreed that the group had found evidence and established facts that could be important for the investigation, and that, indeed, one interim report was forwarded to the Ad hoc Parliamentary Inquiry Committee. It is important that the findings and conclusions of the fact-finding group be considered in the investigation. We therefore urge the Ad hoc Parliamentary Inquiry Committee to ask all former members of the fact-finding group to present their individual reports to it, and to publish these combined findings and conclusions, along with any relevant materials it may have collected, as foreseen in the presidential decree setting up the fact-finding group. The publication of these reports would also, to some extent, counter the allegations that the group was abolished because its findings were uncomfortable for the authorities.

31. We are especially concerned with the fact that the investigation by the Prosecutor General into the 10 deaths that occurred in relation to the events of 1 and 2 March 2008 has to date not led to any concrete results. The human dimension of this failure became clear during a very emotional meeting with the relatives of the victims, who all complained about the lack of information by the relevant authorities and expressed the feeling of being ostracised by the bodies responsible for investigating the deaths of their beloved ones. We therefore urge the authorities to ensure that this investigation is concluded satisfactorily and without any undue delay. In this respect, we welcome the decision by the President of Armenia to ask the prosecutor general to send a full report on his investigations into the 10 deaths to the Ad hoc Parliamentary Inquiry Committee, in order for the latter to review the investigations so far conducted and move its conclusions forward.

*iii. Release of persons deprived of their liberty in relation to the events of 1 and 2 March 2008*

32. Following our visit in January 2009, the Speaker of the National Assembly, on 22 January 2009, signed a decree setting up a special working group within the assembly that was tasked with drafting, within a one-month period and in co-operation with the relevant bodies of the Council of Europe, amendments to Articles 225 and 300 of the Criminal Code of Armenia, in order to address the legal shortcomings in these articles and bring them in line with Council of Europe standards.

33. In line with the decree of the Speaker of the National Assembly, from the onset of its work, the working group sought co-operation with the Venice Commission of the Council of Europe. On 2 February, the chairperson of this working group, Mr Davit Harutyunyan, met with representatives of the Venice Commission in Tbilisi. On 19 February 2009, the working group asked the Venice Commission for an opinion on the draft amendments proposed to the Criminal Code and submitted to the parliament. On 26 February 2009, the parliament adopted the amendments in a first reading. The Venice Commission adopted its opinion on these amendments on 13 and 14 March 2009. The recommendations of the Venice Commission were subsequently addressed in the amendments that were adopted during the second and final reading on 18 March 2009. They were subsequently signed into law by the President of Armenia on 20 March 2009.

34. While the old Article 300 defined usurpation of power as actions directed to the violent takeover of the state power, or towards the violent overturning of the constitutional order, the new article now defines usurpation of state power as the seizing of the powers of the president of the republic, National Assembly, government or Constitutional Court, through violence, threat of violence or any other manner not envisaged in the Constitution of Armenia, thereby considerably limiting the scope for its interpretation.

35. With regard to Article 225 (mass disorders) of the Criminal Code, the amended article now clearly defines mass disorder and criminalises the organisation (as a wilful act) of mass disorders and not the mere non-violent participation in such events. In addition, the problematic old Article 225-3 (mass disorder accompanied with murder) was deleted from this article. Mass disorder is now added as an aggravating circumstance in the articles of the Criminal Code that deal with murder, which is clearly defined as the illegal wilful deprivation of a person's life.

36. In its opinion,<sup>5</sup> the Venice Commission considered that these amendments to the Criminal Code generally represent an improvement on previous provisions in that they reduce the scope for over-broad and abusive interpretation. In our statements, we welcomed these amendments as a general improvement of the Criminal Code and as a potentially important step towards resolving the situation of the persons deprived of their liberty in relation to the events of 1 and 2 March 2008 on seemingly artificial and politically motivated charges. However, we also stressed that it would be the impact of these amendments on the situation of these persons that would ultimately establish whether the Assembly demands in this respect were met. Moreover, we also underscored that there are other categories of persons deprived of their liberty in relation

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to the March events that are considered problematic by the Assembly and which are not covered by these changes to the Criminal Code.

37. Following the changes to the Criminal Code, the prosecutor general revised the charges against the seven opposition members, who are seen by the authorities as the “ring-leaders” of the events of 1 and 2 March 2008. The charges under Article 300 (usurpation of power) were dropped against all seven, and the charges under Article 225-3 (mass disorder accompanied by murder) were changed to Article 225-1 (organisation of mass disorder). The dropping of the charges under Article 300 is especially significant as it confirms that the authorities have accepted our long held belief that the events of 1 and 2 March 2008 cannot be seen as an attempt at a *coup d'état*.

38. As a result of the revision of the charges, all seven members were charged under Article 225-1 only, except for Mr Sasun Mikaelyan, who is also charged under Article 235 (illegal possession of firearms), and Mr Miasnik Malkhasyan, who is also charged under Articles 38 (complicity) and 316 (violence against a representative of the authorities) of the Criminal Code. Furthermore, as the events of 1 and 2 March are no longer seen as an organised attempt to overthrow the state power, the case against the seven was split into five separate court cases.

39. Questions have been raised about the decision of the prosecutor general to charge the seven under Article 225-1, which requires that it be established that the person charged was personally organising the actions of mass disorder. However, we consider that it is now up to the Courts to decide if these charges under the recently amended Article 225-1 can be substantiated. Reportedly, critical questions with regard to the charges brought under Article 225-1 have indeed been raised by the courts.

40. In a preoccupying development, a significant number of prosecution witnesses have alleged that they were pressured by the police into making false testimonies against the seven opposition members currently on trial. This led the Human Rights Defender of Armenia to issue a statement, on 7 May 2009, in which he expressed his strong concern about the numerous complaints that his office received about the police obtaining “evidence” by applying pressure and duress on potential witnesses. This is an issue of serious concern to us.

41. On 13 May 2009, the Court decided, following a psychiatric evaluation, that Mr Shant Harutiunian – one of the seven opposition leaders on trial – was *non compos mentis* during his actions on 1 and 2 March 2008, and therefore decided to drop the charges and release him. In addition, since our last report, three more persons requested and were granted pardons in relation to the events of March 2008.

42. As mentioned above, not all categories of persons deprived of their liberty in relation to the events of 1 and 2 March 2008, and whose continued detention is deemed problematic by the Assembly, are covered by the changes to the Criminal Code of March 2009. This is most notably the case for the persons charged and convicted solely on the basis of police testimony, without substantial corroborating evidence. In Resolution 1620 (2008), the Assembly considered that verdicts based solely on police evidence, without corroborating evidence, were unacceptable. Regrettably, no action to address this issue has been undertaken to date by the authorities. This is of special concern in the light of the increasing number of allegations that witnesses were pressured by the police into making false testimonies against a number of opposition members.

43. As a result of the concerns regarding the nature of the charges and legal proceedings against those detained after the events of March 2008, it is our deepest conviction that the release of all persons arrested in the framework of the events of 1 and 2 March 2008, who did not personally commit violent crimes, will alone lead to the dialogue and reconciliation that is so necessary for Armenia. Thus we have on numerous occasions suggested that the president consider using his constitutional right to grant amnesty to the persons deprived of their liberty in relation to the events of 1 and 2 March 2008. However, in our conversations with him, the president indicated that he would be reticent to do so while the cases were still under consideration by the courts.

44. With the cases against the now six opposition leaders drawing to a close in the courts, there were numerous signals and reports in the Armenian press that the Armenian authorities were now seriously considering the possibility of granting an amnesty in relation to the events of March 2008. Indeed, in response to questions from the press, on 28 May 2009 – the National Day of Armenia –, the President declared that: “In 2006 amnesty was last announced. If during those three years the idea of announcing a new amnesty has been matured in the society, then I am ready to use my constitutional right. Hence, I call on the political forces and public council to present their recommendations on the necessity and conditions of the amnesty to the President's Cabinet, and if it turns out that there is a comprehensive need matured among the society, I'll use my constitutional right and ask the National Assembly to adopt a law [to grant

Amnesty]”. This was followed, in rapid succession, by statements by numerous political leaders and personalities, including by the Human Rights Defender of Armenia, that they considered the time ripe for a general amnesty in relation to the events on 1 and 2 March 2008.

45. On 16 June 2009, the President of Armenia finally sent a proposal for a general amnesty to the National Assembly. His proposal was promptly discussed one day later by the Standing Committee on State and Legal Affairs of the National Assembly, under the chairmanship of Mr Davit Harutyunyan, who also chairs the Armenian delegation to our Assembly. The President of Armenia having agreed to the changes proposed by the Standing Committee on State and Legal Affairs, the general amnesty was adopted by the National Assembly, in an extraordinary sitting, on 19 June 2009.

46. As a result of the decision that amnesty can only be given to those persons deprived of their liberty in relation to the events on 1 and 2 March 2008 whose cases have been adjudicated by the courts, the format of the amnesty is rather complex.<sup>6</sup> It consists of a general amnesty for persons sentenced to prison for up to three years and for persons who are charged for crimes which carry a maximum prison term that does not exceed three years. In addition, it declares an amnesty for specific categories of persons who have been convicted to prison terms of three to five years. These categories include, *inter alia*, elderly persons with health problems, war veterans and persons convicted in relation to the events on 1 and 2 March 2008. Persons in those categories whose sentences exceed five years in prison will not be released, but will have their sentences cut by half. The amnesty explicitly excludes persons convicted under a number of articles of the Criminal Code that deal in general with aggravated violent crimes or illegal arms possession.

47. Currently six cases are still pending before the courts against the six opposition members who are seen as the “ring-leaders” by the authorities. Their cases are being concluded at the moment of writing and the verdict is expected in the forthcoming days. Prison terms of six years have been demanded by the prosecution against five of the six persons. They are therefore widely believed to be covered by the amnesty, as courts in Armenia generally hand down more lenient sentences than those demanded by the prosecution. Only one of these persons, who is also charged with illegal weapon possession, is expected not to be released, but will have his sentence reduced by half. We have received repeated assurances from the authorities that the cases against these persons will be adjudicated in the forthcoming days. However, in the event of a delay, we would call upon the authorities to release the persons concerned pending the conclusion of their trials.

48. As a result of this amnesty, most, but not all, persons deprived of their liberty in relation to the events of 1 and 2 March 2008 will be released. We intend to evaluate each of the small number of remaining cases to ensure that they do not include persons who fall into the categories of convictions that are deemed problematic by the Assembly.

49. A small number of persons who are charged in relation to the events of 1 and 2 March 2008, including under Article 225 of the Criminal Code, are currently in hiding. However, the terms of the amnesty will also be applicable to them, after their trials are completed, if they hand themselves in to the authorities before 31 July 2009. In view of the length of the court cases against the other opposition members, we call upon the authorities to allow those persons to remain free pending the completion of their trials.

50. As a rule, civil law suits are not covered by an amnesty. Among the opposition, there is therefore some concern that the authorities would start civil law suits against those convicted on charges of organisation of mass disorder (Article 225-1 of the Criminal Code), for the damage to public property caused by the riots. It is clear that any civil law suit filed by a public authority to that effect would undermine – and will be considered by us being aimed at undermining – the intention and purpose of the amnesty. We therefore strongly urge the authorities to ensure that no such civil claims of legal responsibility are filed by any public authority.

51. The amnesty does not presume an acceptance of guilt on behalf of the persons convicted. They therefore have the full right to appeal their convictions, also after they have been released under the amnesty.

52. In conclusion, we strongly welcome the proposal for a declaration of amnesty by the President of Armenia, and its prompt adoption by the National Assembly of Armenia. In so doing, the Armenian authorities have complied with a crucial demand of the Assembly. Although the authorities have opened with this amnesty an important new chapter in the process of normalisation of political life in Armenia, the process has not ended and other important steps need to be taken to achieve this, in particular with respect to the

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6. Our comments are based on an unofficial translation of the declaration of amnesty.

transparent, credible and impartial investigation demanded by the Assembly. We will fully support and accompany that process in the framework of the regular monitoring procedure of the Assembly with respect to Armenia.

*iv. Media reform*

53. In Resolution 1609 (2008), the Assembly considered that the independence from any political or economic interest of both the National Television and Radio Commission (the media regulatory body in Armenia) and the Public Television and Radio Council must be guaranteed. In addition, it considered that the composition of these bodies should be altered to ensure that they are truly representative of the Armenian society. Moreover, in Resolution 1620 (2008), the Assembly recalled that there is a need for a pluralistic media environment in Armenia and, referring to the Strasbourg Court judgment concerning the denial of a broadcasting license to the A1+ channel, called upon the authorities to 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 Strasbourg Court.

54. As mentioned in our previous report, a legislative package for the reform of the media was drawn up by the National Assembly of Armenia in close consultation with the relevant departments of the Council of Europe. A key part of this legislative reform package concerns the manner in which the members of the National Television and Radio Commission and the Public Television and Radio Council are appointed, with a view to ensuring the independence of these members and, as a result, of the work of these two bodies. In her opinion on the amendments on the Law on Television and Radio, the expert engaged by the Council of Europe notes that nearly every significant recommendation by Council of Europe experts has been adopted. However, the opinion also notes a number of issues that remain to be addressed. The members of the above-mentioned regulatory bodies are for one half appointed by the President of Armenia, and for one half by the National assembly of Armenia. While the amendments introduce an appointment procedure for the members appointed by the National Assembly that is largely in line with international standards, the appointment process by the president is not established in the Law on Television and Radio. The opinion therefore recommends that the president issues an order establishing a procedure for his appointments to these two bodies which would mirror those in the law for the appointments by the national Assembly. The opinion notes that, until such a procedure is put in place, the appointments will not be in compliance with Council of Europe standards and these bodies cannot be held to be independent until such time as all its members are appointed through a politically neutral procedure. In addition, the opinion recommends that the list of incompatibility of membership of these bodies should be extended to exclude actively serving politicians.

55. We strongly support these recommendations, as well as the others contained in the opinion, and recommend that they be followed up by the authorities. In addition, we note that the amendments did not explicitly stipulate that the composition of the two regulatory bodies should reflect a broad cross-section of the Armenian society. We recommend to the parliament to consider further amendments to ensure that, within the framework of the appointment procedure outlined in the current law, the two bodies should reflect Armenian society.

56. On 9 September 2008, the National Assembly of Armenia adopted an amendment to the Law on Television and Radio that cancels all tenders for broadcasting licences until 2010, when the introduction of digital broadcasting in Armenia will be finalised. This amendment was strongly criticised by the opposition in Armenia. In Resolution 1643 (2009), the Assembly stated that, without wanting to pre-empt the merits of the reasons behind this amendment, 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. The Council of Europe has provided a spectrum analyst to assess the technical implications of the introduction of digital broadcasting in Armenia. His preliminary findings are currently being discussed with the Armenian authorities.

*v. Other reforms needed to address the underlying causes of the crisis*

57. In Resolution 1609 (2008), the Assembly also called for a dialogue between the authorities and opposition on the reform of the political system, judiciary and police forces, as well as electoral reform, in order to address the underlying causes of the political crisis that ensued after the presidential election in February 2008.

58. The initiatives taken by the authorities in these areas have not yet been finalised. Since our last report, our focus has been on the independent investigation into the events of 1 and 2 March 2008, as well as the release of persons deprived of their liberty in relation to these events. However, the developments over the

last fifteen months have clearly demonstrated the pertinence of the reforms demanded by the Assembly, and the continuing need for their implementation, without delay, by the authorities.

59. The general controversy around the Yerevan elections shows that public trust in the democratic nature of the electoral process is still very low. This, as well as the shortcomings and violations noted, underscore the need for electoral reform. This process was started after the presidential elections in a special working group set up by the National Assembly, but little activity has been carried out by this group lately. The National Assembly should now give priority to the work of this working group in order to amend the electoral legislation. All political forces, parliamentary and extra-parliamentary, should be closely involved in this process, and the changes should have a broad consensus among them. In addition, the Venice Commission should be asked for an opinion on the amendments, and their recommendations should be addressed, before the amendments are adopted in a final reading.

60. The preliminary findings of both the Ad hoc Parliamentary Inquiry Committee, as well as the independent fact-finding group, have raised serious questions about the conduct of the police during and after the events of 1 and 2 March 2009. In addition, during the trials against the seven opposition leaders, several prosecution witnesses have retracted their testimonies against these opposition members, stating that they were given under duress by the police. This underscores the need for drastic reforms of the police as well as the establishment of proper public oversight of the police forces, as demanded by the Assembly. Co-operation should be sought with the relevant Council of Europe departments and this process should be started without delay.

61. In previous reports, the rubber-stamping by the courts of prosecution requests for detention was already mentioned as a concern. Moreover, the court proceedings against the seven opposition members have strengthened the notion that the independence of the judiciary is still far from satisfactory in Armenia. Reforms should be initiated without any further delay to address this situation, which is instrumental in explaining the lack of public trust in the authorities.

### **III. Conclusion**

62. As a result of the efforts by the Assembly, as well as other parts of the Council of Europe, as well as the excellent co-operation with the Armenian delegation to the Assembly over the last fifteen months, incremental progress has been made by the authorities to comply with the demands of the Assembly. The controversial amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations have been repealed, an investigation into the events of 1 and 2 March 2008 has started, important changes to problematic provisions in the Criminal Code have been adopted, and several reforms recommended by the Assembly have been initiated. That process has now culminated in an amnesty as a result of which most, albeit not all, persons deprived of their liberty in relation to the events of 1 and 2 March 2008, will be released. Although the declaration of amnesty means that the authorities have complied with a crucial demand of the Assembly and, most importantly, that an important new page has been turned in the normalisation of Armenia's political life and resolution of the crisis, these achievements should not be seen as the end of the process. The Monitoring Committee should fully support and accompany that process in the framework of the regular monitoring procedure of the Assembly with respect to Armenia.

*Reporting committee:* Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

*Reference to committee:* Resolution 1115 (1997).

*Draft resolution* unanimously approved by the committee on 22 June 2009.

*Members of the committee:* Mr Serhiy **Holovaty** (Chairperson), Mr György Frunda (1st Vice-Chairperson), Mr Konstantin **Kosachev** (2nd Vice-Chairperson), Mr Leonid Slutsky (3rd Vice-Chairperson), Mr Aydin Abbasov, Mr Pedro **Agramunt**, Mr Miloš Aligrudić, Mrs Meritxell Batet Lamaña, Mr Ryszard **Bender**, Mr József Berényi, Mr Luc van den Brande, Mr Mevlüt **Çavuşoğlu**, Mr Sergej Chelemendik, Ms Lise **Christoffersen**, Mr Boriss **Cilevičs**, Mr Georges Colombier, Mr Telmo **Correia**, Mrs Herta Däubler-Gmelin, Mr Joseph **Debono Grech**, Mr Juris Dobelis, Mrs Josette **Durrieu**, Mr Mátyás Eörsi, Ms Mirjana Ferić-Vac, Mr Giuseppe Galati, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mr Marcel Glesener, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael **Hagberg**, Mr Holger Haibach, Ms Gultakin **Hajibayli**, Mr Michael **Hancock**, Mr Davit **Harutyunyan**, Mrs Olha Herasym'yuk, Mr Andres **Herkel**, Mr Kastriot Islami, Mr Mladen **Ivanić**, Mr Miloš Jevtić, Mrs Evguenia **Jivkova**, Mr Emmanouil Kefaloyiannis, Mr Hakki **Keskin**, Mr Haluk **Koç**, Mrs Katerina **Konečná**, Mr Jaakko Laakso, Mrs Sabine Leutheusser-Schnarrenberger, Mr Göran Lindblad, Mr René van der Linden, Mr Eduard **Lintner**, Mr Pietro Marcenaro, Mr Bernard **Marquet**, Mr Dick Marty, Mr Miloš **Melčák**, Mr Jean-Claude **Mignon**, Mr João Bosco **Mota Amaral**, Mrs Yuliya **Novikova**, Mr Theodoros Pangalos, Mrs Elsa **Papadimitriou**, Mr Alexander **Pochinok**, Mr Ivan **Popescu**, Ms Maria Postoico, Ms Marietta **de Pourbaix-Lundin**, Mr Christos **Pourgourides**, Mr John **Prescott**, Mrs Mailis Reps, Mr Andrea **Rigoni**, Mr Ilir Rusmali, Mr Armen **Rustamyan**, Mr Indrek Saar, Mr Oliver **Sambevski**, Mr Kimmo **Sasi**, Mr Samad Seyidov, Mr Sergey Sobko, Mr Christoph Strässer, Mrs Chiora **Taktakishvili**, Mr Mihai Tudose, Mrs Özlem Türköne, Mr Egidijus **Vareikis**, Mr José **Vera Jardim**, Mr Piotr **Wach**, Mr Robert Walter, Mr David **Wilshire**, Mrs Renate Wohlwend, Mrs Karin S. Woldseth, Mrs Gisela Wurm, Mr Andrej Zernovski.

NB: The names of those members present at the meeting are printed in **bold**.

*Secretariat of the committee:* Mrs Chatzivassiliou, Mr Klein, Ms Trévisan, Mr Karpenko.