



Yerevan, Armenia

August 15, 2018

NG-02-009-1808

To Valeriy OSIPYAN

Head of the Police of the Republic of
Armenia

Dear Mr. Osipyan,

At 8:27 p.m., August 14, 2018, the RA police published [a video and an announcement](#) on their official website about an incident that had occurred at the RA police station thereby violating the presumption of innocence of the persons involved.

In particular, the video and the announcement state:

- The police operative group found out in the area that according to the phone callers they are homo-addicts,
- Women at first sight but in reality, men in girls' clothes and their supporters broke into the police station,
- The identity of those who caused body injuries was revealed, Zhirayr Hovhannisyan, 21, Davitashen and Marat Kiriljuk, 30, from Yerevan.

The material published by the police [was spread](#) by various media outlets.

As a result, the right of a group of individuals, including Zhirayr Hovhannisyan and Marat Kirilluk, to personal privacy and the presumption of their innocence was violated. The Police of the Republic of Armenia, concerned with the idea of forming a public opinion, ignored the principle of confidentiality of the preliminary investigation and provided the public with facts that violate the principle of presumption of innocence, contain content of insult and defamation and crime traits.

Article 170 of the Criminal Procedure Code of the Republic of Armenia establishes that when carrying out procedural actions, personal or family life information, as well as



other personal data **should not be collected, stored, used, and disseminated** without the need.

Violation of private or family life implies liability prescribed by law, and damage caused to a person is subject to compensation in the manner prescribed by law.

Particularly, **Article 144 of the Criminal Code of the Republic of Armenia** provides for liability for illegally collecting, storing, using or disseminating information about a person's personal or family life.

And **Article 1087.1 of the Civil Code of the Republic of Armenia** defines the order and conditions of compensation for damages caused to honor, dignity or business reputation.

The RA Police should not have disclosed the personal details of the persons: name, surname, pictures, place of residence, but they should only have reported the crime.

Article 66 of the RA Constitution defines the presumption of innocence.

The person charged with a crime is considered innocent until his guilt is not proven in the manner prescribed by law, by the verdict of the court, which has come into legal force.

The presumption of innocence is also provided under **Article 18 of the RA Criminal Procedure Code**, according to which the suspect or the accused is not obliged to prove his innocence. The obligation to prove their innocence cannot be imposed on the defense party. The obligation to prove the accusation and to refute the arguments brought in favor of the suspect or the accused is the responsibility of the prosecution.

Even if a person has given confessions, it is not a sufficient condition for a person to be accused of the crime. Only in the stage of trial, the judge, having compared all the



evidence with one another, may come to a conclusion that the person's guilt or innocence is proven.

Thus, the provision of hasty information on the case by the RA Police has also caused a violation of the principle of human dignity and equality.

It should be noted that “New Generation” Humanitarian NGO has provided an advocate for the defense of the accused in this case.

Based on the above, WE DEMAND from the RA Police:

1. To remove the corresponding [video and announcement](#) from the official website of the RA Police,
2. Publicly apologize to those whose presumption of innocence and privacy of personal and family life has been violated,
3. To impose discipline as well as criminal liability on the employees of the RA Police responsible for the preparation and placement of the video and the announcement.

Hereby, we ask you to respond to this letter in written form providing us information on the actions undertaken by you, within the order and timeframes as provided for by law.

Best regards

NGO President

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«NEW GENERATION»
Humanitarian Non-Governmental
Organization



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