

PUBLIC

AI Index: EUR 54/001/2007

19 April 2007

UA 93/07 **Health concern**

ARMENIA **Gagik Bgdoyan (m)**

Gagik Bgdoyan, a citizen of the Russian Federation, is currently on trial in Armenia on charges of large-scale fraud and smuggling. He is in poor health, reportedly as a result of torture and ill-treatment, and may not be receiving the medical care he needs.

Shortly after his arrest on 5 June 2006, Gagik Bgdoyan was admitted to hospital for an emergency operation on a collapsed lung (pneumothorax). During the operation, which allegedly took place without an anaesthetic, Gagik Bgdoyan's lung was punctured. In October 2006, his condition worsened with severe chest pains and respiratory difficulties, from which he is still suffering. His lawyer reported to Amnesty International that when he saw his client at a court hearing on 20 March, Gagik Bgdoyan appeared to be in a worse state than he had been at any time since his operation in June last year.

At the court hearing on 20 March, medical personnel had to be called to treat Gagik Bgdoyan for respiratory difficulties and continued complications arising from his punctured lung. On 11 April he again had to be given medical treatment during a court hearing, this time for a panic attack. As panic attacks lead to rapid breathing, they are likely to exacerbate chest problems and can be psychologically extremely disturbing. Gagik Bgdoyan continues to be held in pre-trial detention at the Kentron facility in the Armenian capital Yerevan. Although he has access to medication he is not under medical observation or receiving any other kind of treatment. Gagik Bgdoyan's lawyer believes that his condition will deteriorate unless he receives adequate medical care in hospital.

Gagik Bgdoyan's relatives and lawyer believe that his collapsed lung was caused by his being beaten by security forces personnel following his arrest. Medical evidence suggests that a collapsed lung may be consistent with the infliction of chest injuries.

Gagik Bgdoyan's relatives and lawyer allege that he has been targeted by a business partner seeking to gain control of the 'Sincystal' manufacturing plant in the town of Ashtarak, of which Gagik Bgdoyan is a co-founder. His family and lawyer also allege that the judicial proceedings in his case have been unfair.

BACKGROUND INFORMATION

The Armenian Constitution and a number of laws prohibit torture in Armenia. However, there are regular reports that torture and ill-treatment are used by the police and security forces to force confessions. In November 2006 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), part of the Council of Europe, published findings based on a 2004 visit to Armenia, in which numerous allegations of torture and ill-treatment at the hands of officials were reported. In 2006 there were no reported prosecutions or convictions of police officers for torture or ill-treatment. In May 2006 the Armenian National Assembly ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Armenia officially became a party to this treaty, aimed at preventing torture and other ill-treatment, in September 2006.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Armenian, Russian, English or your own language:

- expressing concern at reports that Gagik Bgdoyan is not receiving adequate medical care for a collapsed lung, allegedly sustained as a result of beatings by security forces personnel in detention;

- demanding that all allegations of torture and ill-treatment be thoroughly and independently investigated and if confirmed, perpetrators brought to account;
- seeking the assurances of the Armenian authorities that they will ensure Gagik Bgdoyan receives all necessary medical care, including by means of transfer to a civic hospital if recommended by doctors.

APPEALS TO:

Davit Harutyunyan
Minister of Justice
Ministry of Justice
3 Vazgen Street
Yerevan, Armenia

Fax.: +37410 58 21 57 (if someone answers, please ask for 'fax')

Email: justice@justice.am

Salutation: Dear Minister

Agvan Hovsepyan
Prosecutor-General
5, V. Sargsyan Street
0010 Yerevan
Republic of Armenia

Email: info@genproc.am

Salutation: Dear Prosecutor-General

Mr Hovhannes Manukian
Chairman
Court of Cassation
5A Vazgen Sarkisian Street

Fax: +37410 58 15 24

Salutation: Dear Mr Manukian

COPIES TO:

Dr Armen Harutiunian
Ombudsman of the Republic of Armenia
56A Pushkin Street
Yerevan

0002 Armenia

Fax: +374 10 530 858

Email: ombuds@ombuds.am

Nikolay Pavlov
Russian Ambassador to Armenia
Russian Embassy
13A Grigora Lusavoricha Street
Yerevan
375015 Armenia

Fax: +3741 56 71 07, +3741 58 72 14 (if someone answers, please ask for 'fax')

and to diplomatic representatives of Armenia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 May 2007.