

**OSCE Human Dimension Implementation Meeting**  
**Warsaw, Poland**  
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**25/09/2017**

**Participant organization:** Europe in Law Association NGO  
**Directed to:** OSCE/ODIHR  
4 apt., 101 Buzand street,  
Yerevan, Armenia  
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**WORKING SESSION 1**  
**Fundamental Freedoms 1**

**The Situation of the Right to Freedom of Expression in Armenia**

Civil society organizations have recently expressed their deep concern about the recent attempts by the authorities to exert pressure on a number of prominent lawyers with a view to having a “chilling effect” on their free speech rights.

This is manifested in an unacceptable practice whereby a number of public officials, including high-ranking ones apply to the Armenian Bar Chamber with a request to institute disciplinary proceedings against lawyers involved in high profile cases for certain statements they have made in the courtroom, over the media and via social networks. The Armenia Bar Chamber, on the other hand, readily institutes proceedings and sanctions “the disobedient” lawyers.

In 2015-2016 the General Jurisdiction Court of Shengavit Region was trying Mr Vardges Gaspari, a civil activist for alleged contempt of court. Given the strange and uncontrollable behavior of the presiding judge, one of his defence lawyers applied to the same judge to appoint a forensic medical examination to assess her own psychiatric health. Following this, a staff member from the RA Judicial Department ( according to her statement, having watched this on the Youtube) applied to the Bar Chamber to institute proceedings against Mr Gaspari’s lawyer despite the fact that the presiding judge had no problem with this motion and did not take any action in regard thereto. The president of the Chamber readily instituted proceedings and the Council was quick to find the lawyer liable for professional misconduct.

There was another application by one and the same employee against Mr Gaspari’s second lawyer for a statement made over the media and this time as well the President of the Bar Chamber readily instituted disciplinary proceedings whereas the Council readily found the lawyer liable for disciplinary misconduct.

In the framework of a recent high profile case of the *Sasna Tsrer* group the public officials are again eager to use the Armenian Bar Chamber as a tool to silence those lawyers whose statements are likely to influence public opinion.

In this context, the Chief of Police applied to the President of the Bar Chamber with a request to institute disciplinary proceedings against one of the defence lawyers in this case for calling the police “an armed gang” over Radio Liberty following the beating of the defendants, including his client by a number of police officers in the court building on 28 June 2017. The President of the Bar Chamber (who had formerly represented that same Chief of Police in civil cases) readily instituted disciplinary proceedings against the relevant lawyer.

Another application was submitted to the President of the Bar Chamber by a Chief of a Department within the RA General Prosecutor’s Office for a statement posted on his Facebook profile whereby he called the government “the regime.”

### **Recommendation**

- The authorities need to bear in mind the imperatives of tolerance and broadmindedness, which are the essential pillars of a democratic society and refrain from seeking to sanction lawyers for defending their defendants interests by exercising their free speech right. This is especially unacceptable in a society where the public institutions and officials enjoy unlimited access to the media and almost monopolous access to broadcast media and can respond to the above lawyers’ statement by less restrictive means, including by making counter statements over the media.