

		
		

SIGNIFICANT DEFICIT IN INDEPENDENCE OF JUDICRY

The international organizations continually contribute to establish independent judiciary in Armenia. Millions are vested to improve constitutional guarantees, to strengthen legislative grounds, to safeguard individual and institutional independence of judiciary.

However, we have witnessed extreme deficit of independence in judiciary during the events followed to the peaceful assemblies on 17-30 July 2016.

Judicial harassments, arbitrary detentions were the main tools to isolate, to imprison and detain people who are not affiliated with the ruling political party and regime.

The court decisions on pre-trial detention were dictated by the government and were widely used to target those who were expressing their political opinions, participating in assemblies or criticizing the regime. The same judicial decisions describing the same grounds and the same actions were duplicated in regard to all detained persons. The requirements to present reasonable suspicion, to reason the judgments and remaining standards of fair trial were completely ignored.

Up to 23 people¹ were arrested and up to 20 people remain under pre-trial detention for the alleged violations on the following grounds:

- Organizing and participating in illegal assemblies,
- Creating mass disorders.

As a result of selective application of judicial reviews only three decisions on detention were changed; three persons were released. However, this was mainly for those who were identified by the international actors.

In the Cassation court the judge asked an accused person under pre-trial detention would he continue to participate in public protests if released? Getting the positive answer the judge confirmed the decision on pre-trial detention². In another case the judge issued the decision were the person was not

¹ ArmenPress, *23 people were arrested and detained on the grounds of organizing public mass disorders*, 30 July 2016, <https://armenpress.am/arm/news/855680/zangvatsayin-ankargutyunner-kazmakerpelu-ev-masnakcelu.html>

² CIVILNET, *Andreas Ghukasyan will remain under the pre-trial detention*, 24 August 2016, <http://www.civilnet.am/news/2016/08/24/%D5%A1%D5%B6%D5%A4%D6%80%D5%AB%D5%A1%D5%BD->

identified by his name or surname; the same decision was copy pasted without adjusting the circumstances of alleged violations and identity of person³. Unfortunately, these are not unique examples and the list of such violations continues.

The nature of these fabricated criminal cases, omissions of due process guaranties and the justifications of court decisions are the main determinants to qualify people as being confined for conscience and expression of ideas. Thus, we consider these people to be political prisoners.

The failure of courts to apply fair trial standards and to establish justice in the country destroyed all grounds for the rule of law in the country. Such conditions require much efforts and meaningful actions from the government to build the public trust and confidence.

For this reason we demand:

- To set free all prisoners of conscience immediately and without conditions,
- To re-organize the judicial practice in full compliance with the fair trial standards and principles of independence of judiciary.

We underline that this is not demand to release of anyone imprisoned for using or for advocating violence.

Helsinki Committee of Armenia

Protection of Rights without Borders

Helsinki Citizens' Assembly Vanadzor Office

Union of Informed Citizens

Journalists' Club "Asparez"

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³ The Founding Parliament, *The video operator Vahagn Ghumashyan from the Founding Parliament, will remain under the pre-trial detention*, August 24, 2016 <http://himnadir.am/%D5%B0%D5%AB%D5%B4%D5%B6%D5%A1%D5%A4%D5%AB%D6%80-%D5%AD%D5%B8%D6%80%D5%B0%D6%80%D5%A4%D5%A1%D6%80%D5%A1%D5%B6%D5%AB-%D6%85%D5%BA%D5%A5%D6%80%D5%A1%D5%BF%D5%B8%D6%80-%D5%BE%D5%A1%D5%B0%D5%A1%D5%A3/>