



RECENT CASES OF FAIR TRIAL VIOLATIONS IN ARMENIA

Political Prisoners in Armenia

The ongoing trials of the "Sasna Tsrer" members, Jirayr Sefilian and friends¹, and Nork Armed Group² are marred with violations of the right to a fair trial. Alongside previously reported types of violations, these cases display unprecedented attacks on attorneys and violence against defendants.

Local human rights defenders and international organizations, such as Human Rights Watch and Amnesty International, allegedly consider the trials of certain activist to be politically motivated. Their cases are particularly problematic due to reported fabrications of charges and lack of procedural safeguards. All of the defendants are currently under detention or serving their punishment, which ranges from 1.5 to 7 years of prison term.³

The persecution of these individuals is directly connected to their political and civil activities. To illustrate, on 31st of December, 2015, Gevorg Safaryan with a group of other civic activists attempted to put up a Christmas tree in the Liberty Square. They ended up in clashes with the police, after which five citizens were arrested. Four of them were released later, but Gevorg Safaryan was charged with use of force against a police officer. However, the available video records of that day prove that the police officers used force against Safaryan.⁴ In 2017, he was sentenced to two years of imprisonment.

Another striking example of political persecution is the case of Andreas Ghukasyan, a presidential candidate in the elections of 2013. Along with other protesters, Ghukasyan was arrested during the peaceful protests following the seizure of the Police Unit in July 2016. He was later charged with "organization of mass disorders". In August 2016, the decision on his detention was appealed in court. During the hearing, the judge asked Ghukasyan whether he would continue his oppositionist activities after the release. After receiving a positive answer, the judge dismissed the motion for replacing his detention with other measure of restraint.⁵

Violence against Defendants

In June 2017, unprecedented police violence was recorded during the trial of the "Sasna Tsrer" group members. The police officers beat four members of the group in the basement of the court. The attorneys of the victims and the Ombudsman later documented various physical injuries on the defendants' bodies. In response to the crime reports, the Special Investigative Service, an agency in charge of investigating crimes committed by state officials, initiated criminal proceedings on the grounds of exceeding authority by the police officers. However, the police officers, who have beaten the defendants, continue to be on duty in the courtroom during the subsequent trials of the "Sasna Tsrer" case.

Pressure on Attorneys

The reports on hindrance of the attorneys' activities during the mentioned court proceedings showcase violations of the right to a fair trial, including the right to legal aid. The authorities obstruct the professional activities of attorneys in variety of ways preventing them from providing effective defense to their clients. During the trials, the attorneys were subject to police violence, arbitrary searches in the court, judicial sanctions, and restrictions on freedom of expression.

The most ardent hindrance of attorneys' activities is police violence against Lusine Sahakyan and Ara Zakaryan on June 28th, 2017. Police officers forcefully prevented them from entering the police station to provide legal aid to a person, who was arrested from the vicinity of the court during the "Sasna Tsrer's" trial.

The attorneys are unlawfully searched in the court, which is the most large-scale and prevalent obstruction of their activities so far. The attorneys insist that these searches undermine their immunity in performing their professional activities. The Judicial Department considers this measure as lawful "examination", prescribed by the Judicial Code.

¹ Sasna Tsrer members and Jirayr Sefilian are accused in illegal keeping, use and sale of arms and ammunition, as well as destruction of buildings and vehicles, taking of hostages, killing of policemen during the hostile takeover of the accused in killing of police officers during the armed takeover of a police station in Yerevan in 2016.

² The members of the Nor Nork Armed Group are charged with plotting seizure of the presidential administration, government, parliament, Constitutional Court and state television buildings in Yerevan.

³ Persons considered imprisoned unjustly or for disproportionately long terms on political grounds: Gevorg Safaryan, Andreas Ghukasyan, Shant Harutyunyan, Avetis Avetisyan, Liparit Petrosyan, Vardan Vardanyan, Albert Margaryan, Mkrtich Hovhannisyan, Vahe Mkrtchyan, Hayk Harutyunyan, Alek Poghosyan, Hayk Kyureghyan.

⁴ Human Rights Watch; Armenia: Opposition Activist Jailed: <https://www.hrw.org/news/2016/01/08/armenia-opposition-activist-jailed>

⁵ Human Rights Watch; Armenian Activist Stuck in Detention: <https://www.hrw.org/news/2017/01/30/armenian-activist-stuck-detention>

Arbitrary Judicial Sanctions

Besides, judges impose arbitrary sanctions upon the attorneys in an attempt to replace them with public defenders. Nevertheless, the defendants refuse the services of public defenders due to the lack of trust in their independence. In result, the defendants remain without legal aid. These sanctions particularly target the attorneys, who are not present during the trials because of their refusal to undergo a search. Similarly, the judges sanction the attorneys when they, under the instructions of their clients, leave the courtroom without judge's permission.

Besides, certain state officials attempt to restrict the freedom of expression of attorneys. Based on the applications of officials from the Prosecutor's Office and Chief of Police, the Chairman of the Chamber of Advocates has initiated several disciplinary proceedings against the attorneys in regard with the "improper" language used by the attorneys in social network and media interviews. Civil society organizations and attorneys consider such actions of the Chamber illegal and inadequate.

Throughout the trials of the "Sasna Tsrer" members, "Jirayr Sefilian and Friends" and "Nork Armed Group", the judges arbitrarily used judicial sanctions against the defendants. On one of these trials, the judge accused Vahan Shirkhanyan, defendant in the case of "Nork Armed Group", in contempt of court and ordered to remove him from the trial for not standing in the court. Yet, Mr. Shirkhanyan, an elderly person, cannot walk because of the critical state of health and is brought to the courthouse in wheelchair. In the result of the judicial sanctions judges order removal of the defendants from the courtroom and announce a break to postpones the court hearing. Neither defendants, nor their attorneys are allowed to present their arguments during imposition of the judicial sanctions.

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