

Dear colleagues,

It is my distinct honor to participate in the OSCE Human Dimension Implementation Meeting 2019. Previously I had the privilege to participate in OSCE meetings in many capacities but this a first time when I am honored to join as a representative of the civil society although I am forced to touch upon very sensitive issues for my country this time.

Dear Colleagues,

After the change of power, Armenia is going through massive transformations. Understandably, the new authorities are trying to re-shape the previous system. However, under the slogans of the independence of the judiciary, the new authorities are trying to get rid of unwanted judges by this way undermining the proper functioning of whole judiciary.

There can not be a situation when the judiciary is being mutated just because the new government wants to get rid of undesired judges., we are now facing such a situation in Armenia.

To avoid potential acquisitions that I am a former Minister of Justice of Armenia and therefore, I criticizing the new authorities of Armenia, I will present only facts without my interpretations or evaluations.

- Isn't it alarming when after undesired decision by the first instance court the Prime minister of the country is calling on people to block all the entrances and exits to the courts and to block the judges to enter into the court building?
- Isn't it alarming when the office of the judge who decided to release the Ex-president and political opponent of PM from detention has been searched in his absence when he was on vacation and later his functions were suspended?
- Isn't it alarming when connected to the same criminal case, and there is a pressure on the constitutional Court just because it is examining the constitutionality of norms regarding the second president case?
- Isn't it alarming when newly elected Constitutional Court judge when undertaking his office in without any legal basis challenging the legitimacy of the acting President of the Court and the whole Court basing on solid support by the new government.
- Isn't it alarming when Venice commission assessed this as very disturbing that this statement by the judge had been applauded by the parliamentary majority and there might be a risk of interference with the mandates of the sitting judges.
- Isn't it alarming when in an interview PM, was using following wording about judges "looking for their old masters, screaming and howling under the doors for them to come and take care of them ..." ?
- Isn't it alarming when the government offers so-called legal bribes to the members of the constitutional Court initiating draft according to which Seven Constitutional Court judges out of 9 who have resigned within two months after the law comes in force regardless of his or her age, shall be entitled to the salary, allowances, and social guarantees from the time of his resignation until his removal from office?

- Isn't it alarming when after Constitutional Court ruled that an article of the Armenian Code of Procedural Justice used against Kocharyan is unconstitutional ruling "My Step" bloc has decided to launch a process of depriving Constitutional Court judge President?

Dear Colleges,

The OSCE has an incomparable role in creating high standards to ensure judicial independence. The OSCE Kyiv Recommendations on judiciary starts with the preamble that Judicial independence is an indispensable element of the right to due process, the rule of law and democracy and then the recommendations give guarantees for the independence. The recommendations emphasize that disciplinary responsibility of judges shall not extend to the content of their rulings or verdicts, including differences in legal interpretation among courts; or to examples of judicial mistakes; or to criticism of the courts.

In the light of above mentioned, I think the situation in Armenia has a contradiction with OSCE standards. Therefore, I think the international community should adequately respond to these events and closely monitor the situation in Armenia to avoid any pressure on the judiciary in OSCE member country.