

OSCE HUMAN DIMENTION IMPLEMENTATION MEETING
Warsaw, 29 September – 10 October 2008

STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA

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Working session I: Rule of Law

Madam Moderator,

Within the context of rule of law I would like to address an issue of elections.

Free and fair elections is the important prerequisite for strengthening democracy in the country, this factor becomes the most meaningful for the countries in transition. With understanding of the fact that fair elections have become an increasingly critical requirement for government, the question of elaboration of the Electoral Code is priority within the legal reform package of the Republic of Armenia. On this issue the Government actively cooperates with the OSCE/ODIHR and the Council of Europe Venice Commission experts.

In May 2007, after fourth parliamentary elections since Armenia's independence in 1991, the joint election observation mission comprised of the OSCE/ODIHR, Council of Europe's Parliamentary Assembly and the European Parliament all considered that: "The elections for the National Assembly demonstrated improvement and were conducted largely in accordance with the OSCE commitments and other international standards for democratic elections. However, the stated intention by the Armenian authorities to conduct an election in line with the OSCE commitments and international standards was not fully realized. While the authorities acted to address a number of previous shortcomings, other issues are yet to be sufficiently addressed, notably related to campaign regulation and performance of election commissions particularly during the cote count and tabulation".

After the parliamentary elections the authorities of Armenia together with the OSCE/ODIHR worked to address the shortcomings through further improvement of electoral mechanisms and complaint procedures.

The Presidential elections held on 19 February 2008 were characterized as "mostly in line with the OSCE and Council of Europe commitments and standards" by the International Election Observation Mission headed by the OSCE/ODIHR and including OSCE Parliamentary Assembly, PACE and EP representatives. The election observation mission identified that "However further improvements and commensurate political will is required to address remaining challenges, such as: the absence of a clear separation between State and party functions, the lack of public confidence in the electoral process and ensuring equal treatment of election contestants. The conduct of the count did not contribute to reducing an existing suspicion amongst election stakeholders".

While the election conduct showed demonstrable improvement and virtually solidification of democratic principles and values in the society, the deficiency in public trust shadowed the progress achieved and led to the ensuing events of March 1-2.

The Government and the Central Electoral Commission are currently working on the recommendations presented in the OSCE/ODIHR final report that would allow for further strengthening of democracy in the Armenian society a test to which are elections conducted periodically. We hope that the upcoming Mayoral elections to be held in Yerevan this fall will become another testimony to irreversibility of democratic and rule-of-law thinking in the society. Yet we do recognize that the Armenian authorities and the public has long path yet to go to make those traditions deeply embedded and unquestionable in the society irrespective of the outcome of elections.

Days after assumption of the office, President Sargsyan established a high-level working group for the coordination of the implementation of the proposals contained in the PACE resolution 1609 related to the activities of democratic institutions in Armenia. The group, which includes representatives of all three branches and from the National Radio and Television Commission, has worked intensively towards the implementation of democratic reform and has achieved tangible results.

In its follow-up resolution adopted at June session, PACE welcomed the progress achieved by the Armenian authorities in addressing the demands of the Assembly and acknowledged that the time between the adoption of the first resolution and its follow-up had been too short and decided to review the further progress at the part-session in January 2009.

In parallel, the National Assembly and relevant Government agencies have made concerted efforts towards improvement of the legislation, especially with regard to human rights and fundamental freedoms. A new Law on Amending and Supplementing the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations has been adopted in line with the Council of Europe standards. The whole process of legislative changes was conducted in consultation with the Venice Commission of the Council of Europe, and we expect a very intensive fall session at the National Assembly which should adopt the amendments to those remaining laws which were deferred from the spring session.

In June, the National Assembly set up an Ad Hoc Commission for Inquiry into the events of March 1 and 2. The modalities of the composition and of the activities of the Commission were decided in close cooperation with the Human Rights Commissioner of the Council of Europe. Currently, the work of the Ad Hoc Commission is in full swing and it holds regular press sessions providing information to the public.

Serious steps forward have been made also with regard to persons detained in relation to March 1 events. The Armenian authorities strongly believe that no one should be detained on political charges or for political reasons and continue to encourage the law enforcement authorities to conduct a fair and speedy investigation.

By September 5, 2008, 88 cases regarding 103 persons were sent to the court. In 74 cases regarding 86 persons proceedings were completed and sentences were passed. According to the latter, 5 persons were discharged, and in case of 2 of them the prosecution withdrew the charges based on the evidence gained during the investigation. Regarding one person the criminal case was ceased according to Article 183 of the Criminal Procedure Code on the basis of reconciliation with the accused. 5 people were fined, 39 people were sentenced to deprivation of liberty from 6 month to 6 years, and the decision was passed not to apply the punishment for 36 accused and replace them with probation period.

The Special Investigation service of the RA completed the preliminary investigation on the 7

remaining accused within the criminal case (Miasnik Malkhasyan, Sasoun Mikaelyan, Hakob Hakobyan, Aleksandr Arzoumanyanyan, Shant Harutiunyan, Grigor Voskerchyan, Souren Sirunyan), initiated on the facts of committing premeditated actions intended at forced seizure of power, provocation and organization of mass disorders accompanied with murder in Yerevan. The materials of the criminal case on the above mentioned 7 accused are separated into separate process and on September 4 they were informed that the preliminary investigation is completed and it decided a time-frame for introducing with the materials of the criminal case. The accused Nikol Pashinyan, Khachatur Soukiasyan, Hamlet Hovhannisyan, Virab Manoukyan are still wanted.

While we await for the final outcome of the National Assembly Ad Hoc Commission work, we notice that efforts undertaken by the Armenian leadership both in political realm and in economic and social processes have resulted in increasing trust between the Government and the public and have underlined discourse, dialogue and discussion as the only viable options for solving multifaceted and complicated issues in our society.

Post-electoral events in Armenia, while very regrettable, do not represent a departure from Armenian's fundamental commitment to democratic development. And we will do everything to restore domestic stability. Defending Armenia's national security and promoting sustainable economic growth will remain a top priority for the government, including macroeconomic stability and high rates of growth, a reduction in poverty, and further liberalization of the economy.

Thank you.