

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 28 September – 9 October 2009

Working session 1: Rule of law 1

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Legislative transparency;
Independence of the judiciary;
Right to a fair trial;

Follow-up of the 2009 Human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area, with a Specific Focus on the Effective Administration of Justice

Mr. Moderator,

Ladies and Gentlemen,

I would like to start with the words of appreciation to the OSCE/ODIHR for organizing this annual event as well as thank the Government of Poland for hospitality.

In 1993, the Vienna World Conference on Human Rights once again drew attention to the correlation between the rule of law and the protection and effective implementation of human rights. It has recognized that the absence of rule of law is a major obstacle for human rights implementation. The right to a fair trial is one of the fundamental principles of the rule of law enshrined in many OSCE documents.

I would like to underline that the first and the most important condition for fulfillment of this principle is the creation of nondiscriminatory laws and which should start with the constitutional provisions based on the relevant international human rights standards. In this context, I would like to note that since its independence, Armenia passed a long way in developing its legislative base and ensuring that it is in line with international standards. Armenia has been cooperating with the Council of Europe Venice Commission, which was consulting on country's draft legislation. The adoption of Armenia's Judicial and Criminal Codes were also important milestones in guaranteeing the rule of law and, in particular right to a fair trial.

Mr. Moderator,

The process of strengthening of the judicial system and establishment of structural institutions is currently underway in Armenia. Ensuring of the independence of judges is one of the priorities within my country's judicial reform package. In accordance with our Judicial Code "the judge is independent in the administration of justice and the performance of other powers stipulated by law. In the exercise of other powers stipulated by law, the judge is not accountable to anyone and, among other things, is not required to give any explanation, except for cases provided by law. It is prohibited to interfere with the activities of a judge in any manner that is not foreseen by the law. Any such act of interference is subject to criminal prosecution". In this respect, I would like to mention the importance of the Ethics Committee. A judge must immediately inform the Ethics Committee of Armenia about any interference with his activities related to the administration of justice and the performance of other powers stipulated by law, if such interference is not provided by the law. If the Ethics Committee finds that the judge's activities have been interfered with a way that is not provided by law, it must petition the competent authorities to hold the guilty ones liable.

Mr. Moderator,

The right to a fair trial is the basis for many other individual human rights guaranteeing the effective jurisdiction from the moment of suspicion till the moment of execution of a verdict. In this regard, and in reply to this morning accusations on March 1st events, I would like to mention that the post-electoral developments became the most serious test for country's system of justice in recent years. The OSCE experts monitor the legal proceedings on March 1st events and the assessment is expected in the near future.

One year later, Armenia continues to take steps aiming at normalization of the situation in a society. A Public Council was created in accordance with the President's decree. The Council's creation helped defuse Armenia's post-election political crisis channeling it into a constructive dialogue with the opposition and other segments of the Armenian society. Among other measures one could mention the establishment of the Ad Hoc National Assembly Commission investigating the mentioned events, which has already completed its work this month and presented its report to the public. At the legislative level amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations have been approved. Also, the preliminary

investigation against four policemen who used unauthorized force against citizens was completed. On the basis of the evidence gathered, they are charged under Article 309 part 2 of the Criminal Code, Video evidence which has formed the basis for the presentation of charges was attached to the criminal case: these materials were made available by the Ad Hoc Commission of the National Assembly. On June 19, on the initiative of the President of Armenia, an extraordinary session of the National Assembly was convened. The Assembly approved the President's proposal on declaring amnesty. The proposal was accepted in accordance with Article 81 of the Constitution of Armenia. As a consequence, 307 persons were released, including those accused in post-electoral violence.

Mr. Moderator,

It is absolutely clear that the judiciary and good governance are the necessary instruments through which citizens can gain confidence and trust in the State and its authorities. These are also guarantees of stability, responsibility and a transparency which can be ensured only by the system respecting rule of law. In this regard, it is very important to continue with the programs and projects aimed at legal education and capacity building, as well as legal awareness-raising of the population at large as the sole guarantee of true democratic society and civic monitoring traditions. We would rely on our international partners to still help us both with expertise and assistance in this respect.

Thank you for your attention.