

# HUMAN RIGHTS IN ARMENIA

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*UPR Info Pre-sessions*

# Situation in Armenia – Issue 1

## Judicial Independence

- Recommendations regarding the separation of executive and judicial powers, as well as the strengthening of the independence of the latter (USA, Germany, Lithuania, the Netherlands, France and Sweden)
  - The Constitutional reform of 2015 made radical changes to this direction, focusing on functional, structural and social independence of the judiciary. Particular emphasis was paid on judicial self-governance empowerment of the Supreme Judicial Council. However, major operational flaws persist.
- New developments and needs
  - Announcements threatening judiciary made by the Prime Minister
  - Blocking of entrances of all courthouses by the instruction of the PM
  - Investigative and other repressive actions against “defiant” judges in the frames of fabricated criminal cases
  - Misuse of anti-corruption institutions and procedures to enslave judges

# Recommendations – Issue 1

## Judicial Independence

1. Institute criminal cases to investigate and hold liable those, who prevented judges, judicial servants and case parties from entering the courthouses on 20 May 2019. Specific focus should be made on public officials and servants.
2. Investigate objectively and thoroughly all incidences of interference with the administration of justice (including with the constitutional justice).
3. Take enforcement measures, to protect the reputation and dignity of all judges with due respect of non-selective justice principle.
4. Immediately revise the selection procedure of the CPC by introducing open, competitive, transparent and objective appointment of Commissioners, free from political interference, and establish a Commission in line with international commitments within shortest terms.

# Situation in Armenia – Issue 2

## Visit of the Special Rapporteur

- Germany recommended the invitation of the Special Rapporteur on the independence of judges and lawyers to perform an official country visit (120.46).
  - Armenia submitted open invitations to the special procedures of the UN in 2006. No specific invitation followed by the Government of Armenia.
- New developments and needs
  - No visit of Special Rapporteur on the independence of judges and lawyers has taken place, despite alarming developments of the Armenian judiciary.

# Recommendations – Issue 2

## Visit of the Special Rapporteur

1. Conduct an immediate country visit of the Special Rapporteur on the independence of judges and lawyers

# Situation in Armenia – Issue 3

## Operation of the Constitutional Court (CC)

- No specific recommendation, but covered under the recommendation of independence of the judiciary in general
- New developments and needs
  - CC decision unfavourable for the ruling party
  - Open conflict against CC, through forced substitution of incumbent members, legislative tools of early resignation, process of termination of powers of the CC President, criminal prosecutions

# Recommendations – Issue 3

## Operation of the Constitutional Court

1. Respect the role and prerogatives of the Constitutional Court and re-establish the normal operation of the Constitution.
2. Respect the irremovability of the Constitutional Court judges and stop all attempts in substituting the legitimate composition of the court with persons influenced by the political majority of the day.
3. Pass the legislative provision on fair, transparent and competitive selection procedures (including public and open calls) for the nominations of the candidates by the President and the Government (similar to the procedure for the election of judges to the European Court of Human Rights) and endure its implementation.

# Thank you

