Parliamentary Assembly
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CONSEIL DE L'EUROPE

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13 October 2009

Abuse of the criminal justice system in Armenia

Motion for a resolution
tabled by Mr Göran LINDBLAD and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Recalling its previous reports and resolutions regarding Armenia, in particular Resolutions 1304 (2002), 1361 (2004), 1374 (2004), and 1405 (2004), containing a series of concrete demands to the Armenian authorities to fully implement the reform of the judicial system, in order to guarantee, *inter alia*, the full independence of the judiciary;

Recalling also its Resolution 1609 (2008) on the functioning of democratic institutions in Armenia, as well as Resolutions 1620 (2008), 1643 (2009) and 1677 (2009) containing a series of concrete demands to the Armenian authorities regarding the restoration of the functioning of democratic institutions in Armenia;

Being deeply alarmed by numerous allegations and reports, including the reports by different international human rights organisations concerning politically motivated abuse of the criminal justice system that took place in recent years and is still taking place in Armenia;

Also noting that the number of applications against the Republic of Armenia submitted by citizens of Armenia to the European Court of Human Rights is rapidly increasing, especially during the course of the last year;

Deeply concerned by the initiation of fresh criminal proceedings based solely on a single police testimony, against the representative of the Helsinki Association for Human Rights, human rights defender Mr Arshaluys Hakobyan, as well as against the opposition activist Mr Tigran Arakelyan;

The Parliamentary Assembly states that abuse of the justice system in Armenia takes different forms, including:

– arbitrary application of specific provisions criminalising legitimate, peaceful activities of opposition parties, non-governmental organisations and the independent media;

– arbitrary legal actions against political opponents and activists of civil organisations, against organisers and participants of peaceful demonstrations, and against journalists;

– arbitrary legal action against the members of families of the leaders and activists of political opposition parties and movements;

– judicial proceedings against lawyers defending representatives of the political opposition;

– arbitrary convictions of political opponents, following unfair court proceedings including under general criminal provisions such as calumny, money laundering, embezzlement or tax evasion;

– acts of violence committed by security forces against peaceful demonstrators including the young;

– failure, for political reasons, to investigate properly and prosecute criminal acts committed by state agents against opposition figures, including acts of violence committed by security forces against peaceful demonstrators.

The Assembly urges the Armenian authorities:

– to make structural changes to the criminal justice system in order to bring it into line with international human rights standards and principles of the rule of law and, in particular, to guarantee the independence of the judiciary;

– to investigate and personally hold to account officials, including the representatives of the judiciary, ordering or participating in politically-motivated abuse of the criminal justice system;

– to rehabilitate and compensate fully the victims of established cases of politically-motivated abuse of the criminal justice system.

The Assembly further encourages:

– judges, prosecutors and police officers in Armenia to recall that the judiciary is an independent branch of power and not an institution serving power and to refrain, to the best of their ability, from participating in abuse of the criminal justice system to this end;

– Armenian and international human rights defenders to keep a record in a transparent and objective manner of both the victims and the perpetrators of politically-motivated abuse of the criminal justice system;

– the member states of the Council of Europe, through their diplomatic representations in Yerevan, to use their influence on the Armenian authorities with a view to ensuring that they refrain from using the criminal justice system for political purposes.

In view of the importance of the matter, the Assembly also recommends to consider the appointment of a special rapporteur for a thorough, independent and impartial examination of the functioning of the criminal justice system in Armenia.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group