

2018 թ. Իրավապաշտպան գործունեության ամփոփում



Summary of the protection activity during 2018



«Իրավունքների պաշտպանություն առանց սահմանների» ՀԿ

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**“Protection of Rights without Borders” NGO
2018**

Summery of the Human Rights Protection Activity

2018 was notable for the Organization with the activities of documentation of the human rights violations and protection.

In April of 2018, the Organization undertook the protection of the citizens, who suffered the human right violations during the peaceful assemblies in Armenia within the period of April 13-20, 2018.

The advocates of the Protection of Rights without Borders NGO visited different police stations, hospitals, special investigation service by providing legal assistance to the citizens, who were subjected to the violence during the peaceful assemblies.

The Organization forwarded reports, letter, announcements and other relevant documents on the application of force, illegal detention to different police stations, keeping the detainees more than as prescribed by the law and application of special measures against the demonstration participants and journalists covering the demonstrations of 2018 to the RA Prosecutor General's Office and Special Investigation Service, to the RA Police, RA Human Rights Defender, Ministry of Healthcare and other bodies.

The Organization representatives had meetings with the detained citizens carrying out human rights violations documentation. Based on the documented facts, the Organization has submitted 19 complaint-applications to the European Court of Human Rights. Particularly, violation and ill treatment cases under Article 3 of the Convention, the illegal detention by the Police under the right to liberty and security prescribed by Article 5, the dispersion of the demonstrations and the illegal restrictions of the right of the citizens to obtaining of information under Article 10 that is freedom of expression and under Article 11 freedom of assembly and associations respectively, as well as the issue of the lack of effective remedy measures regarding all the 4 cases in the judiciary of Armenia in the light of Article 13 of the Convention that is right to effective remedy were presented in the complaint-application.

In regard to 4 complaint- applications filed to the ECHR, the violation of Article 18 of the Convention was raised for the first time, according to which, the restriction of the Applicants' rights to freedom was exercised for other purposes, than its prescribed by the Convention.

July Events of 2016

On November 17 of 2018, the Organization filed an appeal to the Yerevan Court of General Jurisdiction against the decisions made by the RA Special Investigation Service to discontinue the proceeding of the criminal case number 61205016 regarding the events in Sari Tagh on July 29 of 2016 instituted at the Special Investigation Service instituted and the decision made by the Prosecutor General's Office to reject the appeal of the Organization respectively.

In accordance with the information provided by the Special Investigation Service, the proceeding of the criminal case has been discontinued with the reasoning "the accused was unanimous".

Back in 2016, «The Protection of Rights without Borders» NGO undertook the legal protection of the citizens, who suffered as a result of human rights violations during the events of July 17-30, 2016. By the given cases, the Organization has submitted 32 complaint-applications to the European Court of Human Rights, from which 28 applications were registered.

Other Cases Filed to the ECHR

The European Court of Human Rights has communicated the complaint-application submitted by the advocates of the Organization on behalf of the Marina Poghosyan, president of the «Veles» NGO. The complaint-application relates to the application of physical violence against Marina Poghosyan by the employees of the Compulsory Enforcement Service of Judicial Acts, which was examined in the domestic courts, but the employees of the mentioned service have not been subjected to liability

A complaint-application on behalf of V. Teymurazyan has been filed to the European Court of Human Rights by the lawyers of the Organization. The Court has made a decision regarding the case. The ECHR recorded a violation of the right to moral damage compensation as a result of subjecting the applicant to inhumane treatment on the ground of Articles 5.5 and 13 of the Convention.

Current and Finished Cases

The advocates of the Organization also provided also legal support to the citizens, who applied to the Organization for civil, criminal and administrative cases. Particularly, the following support was provided:

- Legal consultancy regarding the ownership related issues, in which the state agencies are also involved (reports, applications, interventions and appeals were elaborated in this regard).
- Legal consultancy regarding the pledge and the right of the pledger.
- Legal consultancy regarding the functions and the adopted acts of the Compulsory Enforcement Service of Judicial Act.
- Legal consultancy regarding the share of the mutual ownership (applications, interventions were elaborated).
- Legal consultancy regarding the non proper implementation of providing medical assistance.
- Legal consultancy regarding the honor, dignity or the business reputation of a person.
- Legal consultancy regarding the working legal relations.
- Legal consultancy regarding the recognizing the person as an unknown absent.
- Legal consultancy regarding the fair trial, the legitimacy of the verdict.
- Legal consultancy regarding the education in the RA Police Academy, the signed agreements and the compensations.

Participation and Engagement

The employees of the Organization participated in different human rights events organized both by national and international organizations during 2018.

In international level, the following events are of more importance to mention:

- On March 12 of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the Eastern Partnership Civil Society Forum Launch Event of the New Structure for the Eastern Partnership in Brussels.

- Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the spring meeting of the CONCORD International network HUB3, the main emphasis was the improvement of the civil society environment.
- Hasmik Harutyunyan, the legal expert of the Organization participated in the OECD Eastern Europe and Central Asia Anti-Corruption Network Monitoring Group with civil society representatives.
- On May 16 of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the General Assembly of the EU-Russia Civil Society Forum in Sofia, Bulgaria.
- On May 24 of 2018, Hasmik Harutyunyan, the legal expert of the Organization participated in the meeting with Giuseppe Galati PACE Monitoring Commission Rapporteur for Armenia and Bas Klen, the Head of the Commission.
- On June 14 of 2018, Hasmik Harutyunyan, the legal expert of the Organization participated in the workshon on «Detention Places for the Monitors» in Georgia, which was organized by the Penal Reforms International organization.
- On August 2 of 2018, Hasmik Harutyunyan, the legal expert of the Organization participated in the public discussion of the second round report on the implementation of the provisions prescribed by the International Treaty on the UN Civil and Civilian Rights at the RA Ministry of Foreign Affairs.
- On September 10 of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the discussion on “The Role of Civil Society in Armenia after the Revolution” organized by the European Endowment of Democracy.
- Within the period of October 7-9 of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the 22nd annual conference on the topic “Democracy: necessity for critical reforms” in Prague.
- In October of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the sitting of the Steering Committee of the Eastern Partnership Civil Society Forum.

- Within the period of November 7-16, Araks Melkonyan, the legal expert of the Protection of Rights without Borders NGO participated with Kleman Vulen, the UN Special Rapporteur on the Right to Freedom of Assemblies and Associations.
- Within the period of November 14-14 of 2018, Haykuhi Harutyunyan, the President of the Protection of Rights without Borders NGO participated in the 11th Black Sea Region NGOs Forum on the topic “Building a More Resilient Civil Society”.

On July 12 of 2018, Hasmik Harutyunyan, the legal expert of the Organization was elected as the president of the Public Monitoring Group Conducting Monitoring over the Penitentiary Institutions under the RA Ministry of Justice.

Parallel to this, alternative reports, analysis, information notes, reports have been elaborated by the Organization.

Alternative Opinions

- An opinion on the amendments to the “Judicial Code” and the RA Law on “Prosecution” has been submitted to the Eastern Europe and Central Asia Anti-Corruption Network, which was also included in the outcomes of the OECD Anti-Corruption Network Fourth Round Action Plan.
- An opinion on the RA draft law on “Making Amendments and Supplements to the RA Criminal Procedure Code” has been submitted to the Prosecutor General’s Office.
- Recommendations to be included in the action plan of the Human Rights Defender National Strategy for 2017-2019.

Analysis

- An analysis on the Legislative Amendments of the Early Conditional Release for 2017-2018 has been elaborated by the Organization.

Information Notes

- Information notes on the activity of the Supreme Judicial Council have been elaborated within the scope of the project “Insurance of the RA Judiciary Independence in a line with the Constitution Reforms”.
- An information note on the necessity of the protection of innocence presumption after the Revolution in Armenia of 2018 has been elaborated by the Organization.