



## Summary of the protection activity during 2017



**CONTENT**

BRIEF SUMMERY .....3

ADVOCACY .....5

CURRENT AND COMPLETED COURT CASES.....5

PARTICIPATION AND ENGAGEMENT .....6

## ***BRIEF SUMMERY***

The 2017 was marked for the Organization with extensive activities of human rights violation documentation and protection. During the months of January-March of 2016, the Organization undertook the protection of human rights violation victims during the events of July 17-30, 2016. Totally 32 complaint-applications were filed to the European Court of Human Rights (hereinafter ECHR).

During the months of January-March, the Organization undertook the protection of the rights of victims who suffered ill treatment during July 17-30 of 2016.

The mentioned applications mainly raised the cases of illegal detention by the Police under Article 5 of the European Convention on Human Rights and Fundamental Freedoms, cases of violence and ill treatment under Article 3, illegal restriction of the rights to disperse assemblies and obtaining of information under Articles 10 and 11 respectively, as well as the issue of the lack of effective protection of all the above mentioned cases in the judiciary of Armenia (under Article 13 of the Convention).

In regard to the submitted 32 complaint-applications, the Organization has already received the ECHR decisions on the registration of the submitted 26 complaints. The registration of two cases have been rejected and response on 4 cases has not yet been received.

The Organization has consistently provided legal support to the members of “Sasna Tsrer” armed group for the protection of the rights of 11 persons being accused of organizing mass disorders, using force against the representative of the authority.

Since 2017, the Organization has been conducting a research on the decisions made in regard to the application of detention as a preventive measure in the pre-investigative stage of the criminal cases instituted against the citizens involved as victims in the July events of 2016.

Simultaneously, a report on the human rights violation during the period of July 17 to August 3 of 2016 has been elaborated. The report has jointly been elaborated with “Informed Citizens Union”, “Committee to Protect Freedom of Expression”, “Journalists’ Asparez Club”, “Armenian Helsinki Committee” and “Helsinki Citizens’ Assembly-Vanadzor Office” non-governmental organizations.

For the first time in Armenia, the Organization has conducted a research on the decisions made in regard to the application of detention as a preventive measure in the pre-investigative stage of the criminal cases instituted against the citizens involved in July events of 2016 in accordance with the international norms of comparative analysis of pre-investigation detentions.

Decisions made in regard to the application of detention as a preventive measure against totally 38 citizens have been examined by the Organization.

The detention guarantees raised during the research conducted on the criminal case under Article 5 by the European Court and the comparative analysis including the justification, grounds and the legitimacy, conducted on the main issues recorded during the examination of the mentioned judicial cases were considered as the grounds for the research.

During 2017, besides the above mentioned complaint-applications, on the grounds of the violations during the July events of 2016, five additional complaints have been filed to the ECHR by the Organization.

- In 2017, citizen K.A. applied to Organization presenting a number of violations regarding the right to fair trial by the domestic courts during the examination of the civil dispute with his involvement, corruption risks recorded with the participation of the judges, which led to the violation of his right to ownership. Within the scope of the current case, the Organization filed an application to the ECHR raising the issues regarding the violation of the right of a citizen to fair trial (Article 6) and right to ownership (First Article of First Protocol).
- Citizen A.G. was sentenced for causing death by negligence as a result of violating traffic rules. The sentencing of A.G., nevertheless was made in conditions of competent trial, moreover, unconditioned and unsubstantiated decisions were made, contradictory evidence was used and most importantly his right to presumption of innocence was violated. The Organization has filed a complaint-application by raising the issues regarding the citizens' right to fair trial and ownership before the Court.
- By the case of H. N., the Organization has for the first time raised the issues regarding the institute of the early conditional release and accordingly the violation of the citizen's right to freedom under Article 5 of the Convention.
- By the case of I.GH., N.M and G.S., for the detection of the circumstances of the deaths of soldiers in peaceful conditions, as well as subjecting the guilty to liability, violations of the rights of the parents of the soldiers, violations regarding the rights to peaceful assemblies, right to respect to life were submitted to the ECHR.
- By the case of N.M. the lawyers of the Organization raised the compensation demand for causing health damage to citizen under Article 8 of the Convention, as well as for violation his/her right to fair trial under Article 6.

During the whole year, special importance and attention was attached to the protection of the killed and tortured soldiers before the European Court of Human Rights during the four-day war within the period of April 2-5 of 2016 in Nagorno Karabakh Republic.

Complaint applications were filed to the Court on behalf of the family members of particularly 22 soldiers from the NKR Defense Army with the demand to recognize the violation of the rights to respect of private life, legal protection means, inhumane treatment, as well as for the violations of the rights for not subjecting to discrimination at domestic level.

In regard to the three soldiers, the issue of the violation of the right to life and not-subjecting the latter to torture, inhuman and degrading treatment were raised in the complaint applications.

## **ADVOCACY**

### **Human Rights and Justice Crisis in Armenia during the Months of January-July of 2017**

During July of 2017, the Organization had active participation in the publicity and advocacy of the protection of the rights of the “Sasna Tsrer” armed group.

The Organization has undertaken the conducting of the comparative analysis on the practice, domestic legislation and international standards raising the current problems and offering concrete measures directed towards their solutions<sup>1</sup>.

In the outcomes, an information note on “Human Rights and Justice Crisis in Armenia during the months of January-July of 2017” was elaborated by the Organization. The information note was circulated among the interested parties, has been sent to different agencies, political parties and international bodies.

## **CURRENT AND COMPLETED COURT CASES**

During the year, the lawyers of the Organizations were involved in different court cases, which related both to criminal, civil and administrative sectors.

The Organization lawyers participated in different court cases on the following court cases

- Protection of the suspect accused of beating
- Presentation of a witness accused of thievery of computer equipment
- Legal support to the defendant in respect to the infringement of the intellectual property right and the defamation case
- Judicial protection on the cases of corruption risks in prisons, particularly on the case of bribe giving by the detainee
- Judicial protection on extortion case
- Judicial protection on the case of insulting the Police

---

<sup>1</sup> <http://prwb.am/new/wp-content/uploads/2017/07/Final-14-July-Information-note-on-crisis-of-justice-in-Armenia.pdf>

- An initiated trial on the case of hindrance of the access of the Organization lawyer to the penitentiary institution, who is also a member of the Public Oversight Group Conducting Oversight in Penitentiary Institutions
- Submission of application to court on early conditional release

## ***PARTICIPATION AND ENGAGEMENT***

The Organization lawyers participated in different national and international human rights events during the year.

At international level, the following events are mostly highlighted with the involvement of the Organization:

- The President of the Organization participated in all the meetings of the **Eastern Partnership Civil Society Forum and Civil Tolerance Platform** during 2017.
- On May 2017, the Organization participated in the discussion of the 8<sup>th</sup> **Human Rights Dialogue between the European Union and Armenia**, as well as presented written materials for summarizing the outcomes.
- In June, the President of the Organization participated in the monitoring meeting on **EU Generalized System of Preferences**, where the recorded progress on 27 international documents were evaluated.
- The Organization lawyers participated in **OSCE Annual and Current Human Rights meetings**, presenting different sectoral problems recorded during their activities
- **The Organization** has been involved in the discussions, as well as in the elaboration process of the **UN Universal Periodic Review** report.

Parallel to this, the Organization has presented alternative reports to the following agencies:

- **Venice Commission.** The research, as well as the raised risks on the draft judicial code have been presented.
- **The Anti-Corruption Network for Eastern Europe and Central Asia (ACN).** An alternative report on the measures taken towards the prevention of corruption in the country, current problems and the efficiency perspectives on the fight against corruption has been presented.