



PROTECTION OF RIGHTS WITHOUT BORDERS NON-GOVERNMENTAL
ORGANIZATION

Summary of Activities of the PRWB 2019



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Monitoring

- ***Monitoring of administrative justice proceedings at the RA Administrative Court*** to reveal and examine the problems in public administration and administrative justice respectively. The report on the outcomes of the monitoring, recorded problems and recommendations for their solution is in the finalization stage.

- ***Monitoring of the Supreme Judicial Council activities*** (since 2018)

- ✓ The results of the monitoring are reflected in the report on [“The Activities of the Judicial Self-Governing Bodies as a Guarantee for the Judicial Independence”](#).

- ✓ A discussion on the topic “The Prospectives of the Supreme Judicial Council Activities in the Republic of Armenia” was organized on July 25 of 2019 in order to discuss the problems raised during the monitoring, which was attended by the representatives of legislative, executive and judicial branches, relevant specialists, civil society organizations, etc.

- ***Monitoring over the written qualification examinations and interviews for replenishing the vacancies of judge candidates in civil, criminal and administrative blocks was conducted.***

The monitoring results were summerized in the report on [“The Monitoring Conducted over the Qualification Checks Organized for Replenishing the Vacancies of Judge Candidates for Civil, Criminal and Administrative Blocks”](#).

Legal consultation and representation

In 2019, legal assistance was provided to the citizens in civil, administrative and criminal areas, including legal consultancy, representation and defense. Oral and written legal consultancy was provided to more than 100 citizens, other legal documents were elaborated.

More Frequent Questions during Legal Consultation

- Legilization of anothorized building construction, provision of the right to construction



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- Confirming the ownership right based on the documents provided by currently non-existent state agencies
- Judicial and arbitrary order for elaborating, opening of the will, as well as issues related to its invalidity
- Carrying out the tax liabilities, as well as issues related to the sanctions in case of violating the tax liabilities
- Issues related to the removal of immovable property, imposing a ban on the property or removing a ban by the bodies ensuring the compulsory enforcement
- Proceeding on bankruptcy
- Right to pension
- Defying of disability categories, disability pension
- Right of the employees to employment contract, vacation leave, grounds of firing, grounds for subjecting to disciplinary sanctioning, guarantees for the rights of the employees prescribed also by other relevant legislation
- Issues concerning the improper implementation of the professional duties by the specialists providing medical assistance and service
- Child rights
- Protection of a human's dignity or business reputation
- Provision of patent right, the rights of the citizen in case the state does not ensure the right of provision of patent rights
- Military service, as well as issues related to obtaining military order with the violation of the prescribed order
- Discrimination in the banking service sector
- Issues related to obtaining or refusal of providing the citizenship
- Issues related to living in Armenia based on a valid visa or on a residence permit
- Problems related to foreign investments in the Republic of Armenia
- Illegal detention of the citizens, compensation of moral damages caused to citizens as a result of unlawful administration of the law enforcement bodies.



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Gross Human Rights Violations during the Peaceful Assemblies and Demonstrations

The Organization undertook the protection of citizens, whose rights were violated during the peaceful assemblies in Armenia on June 23 of 2015 (Electric Yerevan), on July 17-30 of 2016 (July Events), on April 16-23 of 2018 (Velvet Revolution) respectively.

➤ ***Electric Yerevan:*** The criminal case number 62217915 instituted in regard to the police activities during the peaceful demonstrations on June 23 of 2015 by the RA Special Investigation Service was suspended in March of 2019. As a result of the appeal, the decision on suspension was eliminated by the decision of the RA Prosecutor General. On July 26 of 2019, the proceeding of the criminal case was suspended for the second time. The decision was [appealed](#) in judicial order. Currently, the appeal is under judicial review.

➤ ***July cases:*** The criminal case number 61205016 instituted by the RA Special Investigation Service in regard to the police activities in order to disperse the peaceful assemblies taking place in “Sari Tagh” on July 29 of 2016 was suspended in 2018 and 2019 for twice respectively. The decision of the RA Special Investigation Service was [appealed](#) in judicial order. The RA Special Investigation Service informed by its letter dated August 30 of 2019 that the proceeding of the criminal cases number 61205016 restarted on August 6 of 2019.

➤ The proceeding of the criminal case number 61205016 instituted in regard to the police activities during the democratic, peaceful assemblies in Armenia ***within the period of April 16-23 of 2018*** was suspended on November 16 of 2018. Based on the decision of the RA Criminal Court of Appeals the proceeding of the criminal case restarted on July 10 of 2019. However, by the decision of the RA Special Investigation Service investigator, the proceeding of the criminal case was suspended for the second time on the same ground. The decision was [appealed](#) also in judicial order: currently the case is in the judicial examination stage.

It is notable, that within the scope of the criminal cases, according to the information provided by the RA Special Investigation Service, the proceeding of the mentioned criminal cases were suspended on the ground “the persons to be accused is unknown”.

Related to the mentioned events, [an application](#) with the recommendation to organize parliamentary hearing on the gross human rights violation, systematic violations and the



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opportunities to ensure the protection of the citizens who were subjected to violence, was filed to the President of the National Assembly, fractions of the Parliament, RA National Assembly Standing Committee on Protection of Human Rights and Public Affairs, RA National Assembly Standing Committee on State and Legal Affairs, RA Government, RA Human Rights Defender. The bodies having the right to organize parliamentary hearings on the above mentioned issues did not present a proper response in this regard.

Right to Freedom of Information

➤ 3 complaints were filed to the court with the demand to restore the right to freedom of information of the citizens, state agencies, as well as the Organization conducting public oversight.

✓ The appeal filed against the RA Ministry of Justice was [partially satisfied](#) by court, by which it was requested to provide information on amnesty on the ground that the requested data was of personal and secrete nature and the RA Ministry of Justice was oblinded to provide only quantity data. The judgment was appealed.

✓ The appeal with the demand to provide the video recording presenting the breaking of the Organization's office door filed against the RA Ministry of Emergency was rejected on the ground, that the requested information was impossible to provide on the ground that there was lack of such information. The decision was appealed in supremacy order.

Court cases on the restriction of implementing professional activities

➤ The application filed to the RA Administrative Court in regard to the detention of journalist Tehmine Yenokyan on December 2 of 2013 in Yerevan was satisfied by the judgment of November 4 of 2019, by recognizing the circumstance of restricting the journalist's right to freedom and restriction for the implementation of the journalist's professional activity.

➤ The applications filed to the RA Administrative Court in regard to restricting the access of Hasmik Harutyunyan, President of the Group of Public Monitors Implementing Supervision over the Penitentiary Institutions and Bodies of the Ministry of Justice of RA, to "Nubarashen"



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and “Yerevan Kentron” penitentiary institutions respectively on April 2 of 2017 were satisfied by judgments of September 19 of 2019 on recognizing the circumstance of hindering the implementation of Hasmik Harutyunyan’s professional activities as illegal.

- ***Cases on Compensation of Non-Pecuniary Damage***

- On December 2018 and on February 2019, respectively, 3 applications were filed to court demanding non-pecuniary damage compensation resulting from illegal arrests for organizing alleged mass disorder during the April events of 2018, on behalf of arrested citizens against Republic of Armenia, Ministry of Finance. As for December 2019, the mentioned cases are still pending before the courts.

- Back on October 2 of 2018, the RA Administrative Court confirmed, that the right of Haykuhi Harutyunyan to freedom of movement was violated near the residency of the Republic of Armenia President. As a result of illegitimate administration of the police, an application filed in regard to enforcing compensation of moral damage is still pending before the court.

- ***Cases on the demand to oblige the compensation for the damage caused to dignity***

- The lawyers of the Organization are involved in the cases before the courts related to compensation of the damage caused to dignity and business reputation on humiliation and insult by presenting the interests of both plaintiffss and respondents.

- ***ECHR Cases***

The Organization filed 3 applications to the European Court of Human Rights on violations of human rights by the Armenian authorities.

- On October 3, 2019, the European Court of Human Rights issued judgment on Nikolyan v. Armenia case recognizing that deprivation of legal capacity of the Applicant violated his right to a fair trail (access to court), as well as the right to respect of personal and family life.



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Participation and Engagement

During 2019, the representatives of the Organization participated in different human rights events organized by the local and international organizations.

The following events are of special importance:

- On April 5 of 2019, the lawyer of the Organization delivered a speech during the [meeting](#) at the Republic of Armenia National Assembly on the topic “National Agenda of Human Rights: UN Universal Periodic Review”.
- On May 13 of 2019, the President of the Organization participated in the [seminar](#) on “Governance and Oversight of Security Sector: the Role of the Parliament”.
- On May 9 of 2019, the President of the Organization participated in the [event](#) on “Velvet Revolution after one Year” as a speaker, organized in Prague.
- On May 24 of 2019, the President of the Organization participated in the [parliamentary hearing](#) on “Transitional Justice” organized at the RA National Assembly.
- On June 5 of 2019, the President of the Organization, as a speaker, participated in the [discussion](#) on “The Problems of the Right to Fair Trial”.
- On June 12-14 of 2019, the President of the Organization participated in the three-day [symposium](#) on “Promotion of Rule of Law in Post Soviet countries through the Cooperation between State and Non-Governmental Bodies/Organizations” organized in Tbilisi.
- On June 24 of 2019, the President of the Organization delivered a speech in the [discussion](#) on “Judicial System Reforms in Armenia”.
- On July 10 of 2019, the President of the Organization participated in the public [discussion](#) on the RA Government draft decision on “Anti-Corruption Strategy and its Action



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Plan for 2019-2022”.

- On September 4-6 of 2019, the President of the Organization participated and delivered a speech during the Beijing+25 regional review [meeting](#) dedicated to the 25th anniversary of the Beijing Declaration.
- On September 22-24 of 2019, the legal expert of the Organization delivered a speech during the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Human Dimension Implementation [Meeting](#) (HDIM), organized in Warsaw.
- On September 24-26 of 2019, the President of the Organization participated in the Third Asian Regional [Meeting](#) on Development Policy Forum.
- On October 10 of 2019, the legal expert of the Organization participated in the [discussion](#) on “Mental Health Problems” as a speaker.
- On October 13-15 of 2019, the President of the Organization participated in the 23th annual [conference](#) on “Recovering the Promise of 1989” organized in Prague.
- On October 22 of 2019, the President of the Organization participated in the [discussion](#) on “Post Revolutionary Armenia: the Vision and Agenda for Police Reforms” as a speaker.
- On November 5 of 2019, the legal expert of the Organization participated in the finalizing public [discussion](#) on “The National Strategy of the Human Rights Defender and its Action Plan for 2020-2020”.
- On November 27 of 2019, the lawyer of the Organization participated in the Council of Europe International Organizations Conference on “NGO’s Participation in the Decision Making Procedures”.
- On December 9 of 2019, the legal expert of the Organization delivered a speech at the [discussion](#) on “Fight against Corruption for Sustainable Development Goals”.



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- On December 10 of 2019, the President of the Organization delivered a speech at the discussion on “Human Rights Problems in Armed Forces”.

Engagement in the public councils, monitoring groups.

- By the RA Minister of Justice Decree number N159 A, dated May 8 of 2019, Hasmik Harutyunyan, the legal expert and Nina Hakobyan, the lawyer of the Organization were involved in the composition of the public council adjunct to the RA Minister of Justice. 2019թ.
- On September 12 of 2019, Hasmik Harutyunyan, the legal expert of the Organization was reelected as the President of the Group of Public Monitors Implementing Supervision over the Criminal-Executive Institutions and Bodies of the Ministry of Justice of RA.
- On October 2 of 2019, Hasmik Harutyunyan, the legal expert of the Organization and the lawyer Nina Hakobyan were involved in the public platform carrying out RA Government public administration reforms.
- On December 27 of 2019, Hasmik Harutyunyan, the legal expert of the Organization was elected as the non-governmental organizations representative in the council coordinating the Republic of Armenia Judicial and Legislative Reforms Strategy and its Action Plan for 2019-2023 under the RA Ministry of Justice.

Publications

The Organization elaborated and published opinions on

- The draft decree of the RA Government Program for 2019
- The RA Government Draft Decree on “Adoption of the RA Judicial and Legislative Reforms and the Action Plan for 2019-2023”
- Draft decree on “Defying the Order on Carrying out Stationary and Outpatient forensic psychiatric examinations”
- Making Amendments and Supplements to the RA Draft Law on “Advocacy”



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- Making Amendments and Supplements to the RA Draft Law on “Non-Governmental Organizations”.

The Organization has conducted analysis

- On the guarantees of the legal status of the prisoners sentenced to life imprisonment
- On the legality of the prohibition of the prisoner’s contact with external life imposed by the investigative body from the aspect of the ECHR decisions and Republic of Armenia domestic legislation and practice
- The Organization presented its observations on the procedures applied in regard to Mayrapetyan v. Armenia case.

Studies

- Within the scope of the project on “Ensurance of the Judicial Independence in a line with the RA Constitution” implemented by the Organization, as result of monitoring conducted on the activities of the Supreme Judicial Council, a study on decisions of the Supreme Judicial Council was published.
- Based on the study of the decisions of the RA Justice Council, The report on “Disciplinary Sanctioning of the Judges within 2012-2017” was elaborated.