



FIDH - Civil Society Institute (Armenia)

Armenia: Tracking the controversial trial of captors of a police station

Joint situation note

Paris-Erevan, 12 December 2017. In the beginning of December 2017, or six months after the trials opened against members of the armed group "Sasna Tsrer", the prosecution started indicting the accused of serious crimes, including murder, hostage taking, illegal acquisition and illegal possession of arms. Up to date, the process was protracted due to a series of sanctions against defendants and their lawyers and constant postponing of case examination. Moreover, lawyers had denounced allegedly discriminatory security check-up procedures at court entrance and held two strikes that were largely supported by lawyers across the country. Finally, up to date, the investigation into ill-treatment of four defendants that took place on 28 June 2017 has not brought any results, contributing to erosion of public trust in the judicial process in Armenia.

The present situation note details the problems with judicial proceedings against 32 members of the armed group and provides concrete recommendations to the Armenian authorities to improve justice administration consistent with the principles of the fair trial and equality before the law.

"Sasna Tsrer" was formed by partisans of the radical political movement "Founding Parliament". The latter was created in 2009 by Nagorno-Karabakh war veteran Zhirair Sefilyan imprisoned since 2015 on charges of illegal arms possession. Demanding the release of Zhirair Sefilyan and the resignation of the President of Armenia, on 17 July 2016, armed "Sasna Tsrer" members seized a police station that resulted in death of three policemen and injury of six others. [During the seizure that lasted for two weeks until group's surrender on 31 July 2017](#), in total thirteen people were held hostage, including medical personnel. They were all released before the surrender of the armed group to the police.

In addition, other charges are pressed against the armed group, notably the burning of police cars, damage inflicted on the government property, extensive shooting at police barricades and police officers during the standoff. During the two weeks of police station's seizure, the militants hosted a news conference declaring their actions an act of rebellion and called citizens to civic disobedience and violence against police and other government institutions.

In support of "Sasna Tsrer", starting from 18 July 2016¹, anti-government protesters had started to gather in the vicinity of the seized police regiment, leading to violent clashes with police and

¹Active phase of protests started from 18 July 2016 while on 17 July 2016, a small group of people organised a protest against arbitrary detentions.

dozens of injured on both sides. On a number of occasions between 18 and 31 July, police disproportionately had intervened in the exercise of the right to peaceful assembly, not only dispersing protesters but detaining them without notifying them of the grounds for their detention. As a result, over one hundred persons had been apprehended from the streets in Yerevan, including the members of the opposition and members of the "Founding Parliament".

Trials of opposition members and activists charged with support to the armed group

On 18 July 2016, police arrested daughters of the member of the "Founding Parliament" Karo Eghnukyan who were demonstrating in front of the seized police station. They were writing on a wall "There is no other way" at the moment of their arrest. Karo Eghnukyan was himself arrested on 20 July 2016, during the search of his apartment and garage. Five computers and two mobile phones were seized during the search. Members of the opposition declared back then that no illegal items were found while no official information was provided to the public on the results of the search. Since 8 June 2017, Karo Eghnukyan is tried together with 13 members of "Sasna Tsrer". He is charged with assistance to the hostage taking (Art. 38-218 of the Criminal Code) and with seizure of buildings, constructions, means of transport or means of communication (Art. 38-219 of the Criminal Code). During pre-trial investigation, lawyer's motion to initiate separate judicial proceedings on the case was dismissed, as were motions to release Karo Eghnukyan on bail.

Other members of political movements arrested in the night from 29 to 30 July 2016, namely members of the political party "Heritage" Armen Martirosyan, Hovsep Khurshudyan and David Sanasaryan were released on bail in August 2016. They are awaiting trial.

Member of the political movement "New Armenia" Andrias Ghukasyan, arrested the same night and accused of organisation and participation in mass disturbances that took place on 29 July 2016, is tried by the Erebuni-Nubarashen District Court since 2 August 2017. On 3 October 2017, the prosecution indicted him on charges of committing by an organised group a series of crimes, including illegal acquisition of arms, attempt to seize buildings, constructions, means of transport or communication and hostage-taking attempt. If convicted, he faces up to 10 years imprisonment.

It is the only trial opened after the events in July 2016 that was not deadlocked, yet several local and international human rights organisations denounced the judicial process. In particular, rights activists point to the publicly-available [video](#) footage of July 29 showing Ghukasyan calling on demonstrators to remain calm and not confront the police. Moreover, the court denied Ghukasyan's lawyer's motion to allow journalists who witnessed the protests and some protest participants to testify in Ghukasyan's defense². Finally, when prolonging the pre-trial detention of Andrias Ghukasyan who awaited trial for more than a year, no evidence was presented by the court to substantiate the claim that the accused would most likely abscond or interfere with the investigation. The court thus simply listed the reasons established in Armenian law for denying bail. As noted in the joint FIDH-CSI note on justice administration, courts in Armenia use pre-trial detention as a norm rather than an exception, hereby affecting the verdicts. For example, all of the cases monitored by CSI in 2013-2015 ended with guilty verdicts in order to justify the lawfulness of the pre-trial detention.

No progress since the opening of trials against "Sasna Tsrer" members

In total, 47 members of "Sasna Tsrer" were indicted for an armed attack and hostage taking of a

2 "Armenian Activist Stuck in Detention", <https://www.hrw.org/news/2017/01/30/armenian-activist-stuck-detention>

police station. The first trial against 14 of them³ opened on 8 June 2017 while the second against 18 others⁴ began on 10 June 2017. Neither of the trials has been held in a conducive environment since. Most of the defendants do not recognize the legitimacy of the court, thus the hearings of both trials were deadlocked by defendants' disrespectful behavior and judges' orders to remove defendants from courtroom triggering defense lawyers' leaving the court house.

Thus, in the beginning of almost every court hearing, the defendants commit acts that are subsequently qualified by the judge as contempt of court: they refuse to stand up upon bailiff's call "all rise", verbally insult the judge, sing, shout or make statements without permission of the judge. In disregard of the judge, the defendants interrupt the latter, ignore his instructions or attempts to establish order in the courtroom. During the hearings, the defendants challenge the independence of the judge claiming he represents the interests of highest public officials who, according to the defendants, had come to power illegally. In the meantime, so far, none of them refused to appear in court.

As a result, judges had regularly sanctioned the defendants by temporarily removing them from courtroom while the Art. 314 of the Criminal Procedure Code provides for the warning, fine or motion to Bar Association as alternative sanctions for the contempt of the court.

On 28 September 2017, the judge Artush Gabrielyan divided the case against 18 "Sasna Tsrer" members in two cases: the case against seven "Sasna Tsrer" members⁵ will continue to be examined by Artush Gabrielyan while the case against remaining 11 defendants⁶ shall be examined by the judge Artur Ohanyan.

4 October 2017, the judge Artush Gabrielyan divided the case against 14 defendants by transferring

3 Ashot Petrosyan (Աշոտ Պետրոսյան), Arayik Khandoyan (Արայիկ Խանդոյան), Areg Kyureghyan (Արեգ Կյուրեղյան), Armen Bilyan (Արմեն Բիլյան), Armen Lambaryan (Արմեն Լամբարյան), Gagik Eghiazaryan (Գագիկ Եղիազարյան), Edvard Grigoryan (Էդվարդ Գրիգորյան), Mkhitar Avetisyan (Մխիթար Ավետիսյան), Pavel Manukyan (Պավել Մանուկյան), Sedrak Nazaryan (Սեդրակ Նազարյան), Smbat Barseghyan (Սմբատ Բարսեղյան), Varuzhan Avetisyan (Վարուժան Ավետիսյան), Karo Eghnukyan (Կարո Եղնուկյան), Khachatur Gichyan (Խաչատուր Գիչյան). Judge Artush Gabrielyan (Արտուշ Գաբրիելյան), court of general jurisdiction of Erevan neighbourhoods Avan and Nork Marash.

4 Tigran Sargsyan (Տիգրան Սարգսյան), Hovhannes Vardanyan (Հովհաննես Վարդանյան), Aram Hakobyan (Արամ Հակոբյան), Vardan Geravetyan (Վարդան Գերավետյան), Sergey Kyureghyan (Սերգեյ Կյուրեղյան), Gevorg Iritsyan (Գևորգ Իրիցյան), Tigran Manukyan (Տիգրան Մանուկյան), Toros Torosyan (Թորոս Թորոսյան), Artur Melkonyan (Արթուր Մելքոնյան), Artur Soghomonyan (Արթուր Սողոմոնյան), Garnik Hovakimyan (Գառնիկ Հովակիմյան), Arayik Hakobyan (Արայիկ Հակոբյան), Martiros Hakobyan (Մարտիրոս Հակոբյան), Aram Manukyan (Արամ Մանուկյան), Tatul Tamrazyan (Թաթուլ Թամրազյան), Hovhannes Harutyunyan (Հովհաննես Հարությունյան), Manvel Atoyian (Մանվել Աթոյան) and Vardges Gevorgyan (Վարդգես Գևորգյան). Judge Artush Gabrielyan (Արտուշ Գաբրիելյան), court of general jurisdiction of Erevan neighbourhoods Avan and Nork Marash.

5 Artur Melkonyan (Արթուր Մելքոնյան), Tigran Sargsyan (Տիգրան Սարգսյան), Artur Soghomonyan (Արթուր Սողոմոնյան), Garnik Hovakimyan (Գառնիկ Հովակիմյան), Hovhannes Vardanyan (Հովհաննես Վարդանյան), Manvel Atoyian (Մանվել Աթոյան), Vardges Gevorgyan (Վարդգես Գևորգյան).

6 Aram Manukyan (Արամ Մանուկյան), Tatul Tamrazyan (Թաթուլ Թամրազյան), Tigran Manukyan (Տիգրան Մանուկյան), Sergey Kyureghyan (Սերգեյ Կյուրեղյան), Gevorg Iritsyan (Գևորգ Իրիցյան), Toros Torosyan (Թորոս Թորոսյան), Hovhannes Harutyunyan (Հովհաննես Հարությունյան), Arayik Hakobyan (Արայիկ Հակոբյան), Martiros Hakobyan (Մարտիրոս Հակոբյան), Aram Hakobyan (Արամ Հակոբյան) and Vardan Geravetyan (Վարդան Գերավետյան).

ten cases⁷ to the judge Mesrop Makyan and merging the remaining four⁸ to the case of seven defendants that on 28 September remained within the jurisdiction of the judge Artush Gabrielyan.

Judges Mesrop Makyan and Arthur Ohanyan ignore defendants' acts, such as the refusal to stand up when the judge enters courtroom or speaking without judge's authorisation, and thus ceased qualifying them as contempt of the court. Hereby trials are expected to move from the deadlock.

Lawyers leaving hearings following defendants removal from courtroom

Each time the judges ordered temporary removal of defendants from courtroom, their lawyers had left the hearing as well, disregarding the judge's order to stay and perform their duties. Pursuant to the Art. 69(1)(11)⁹ of the Criminal Procedure Code (CPC), defense lawyer's presence in court is mandatory if his or her defendant is ordered to be removed from the courtroom. However, the CPC also provides that lawyer's representation in court starts with the consent of the defendant. Thus, the lawyers justified their behavior arguing that their clients demanded them not to stay in the courtroom and not to perform legal representation without their presence.

Moreover, the lawyers in question assert that removing their clients from courtroom was arbitrary and unjustified and the latter fact gives them an authority to leave the court house and thus protect their client in the face of the violations by the judge.

The CPC does not provide for the court with any recourse in case a lawyer violates Art. 69(1)(11). The Law on the Bar makes a reference to lawyers' Code of Conduct that stipulates disciplinary measures for violation of lawyer's duties. Whilst the latter duties are not specified, the Code of Conduct obliges defense lawyers to appear before court when requested to do so, to obey lawful demands of the court and to respect the court and the presiding judge.

Judge's demands to stay in the hearing and represent defendants should be regarded as lawful demands of the court. while lawyer's duty is legal representation of his or her client.

On the other hand, a lawyer does have the right to recuse himself or to decide not to appear at the hearing. In these circumstances, the court has the right to appoint other lawyers to defend the accused if it considers it to be an inevitable measure for the proper administration of justice. Legal representation and the guarantee of the rights of the defense are important values to guarantee the right to a fair trial. They must be balanced for the purpose of a good administration of justice. In a highly politicized context of trials in question, it is vital to find a solution combining respect for the rights of the defense and the proper administration of justice. It is also important, from the point of view of the accused, to understand that the strategy of "defense of the break" - which is a political legal defense - can not be a norm of a legal system.

Under its Art. 39.9, violation of the Code of Conduct entails warning, compulsory educational

7 Pavel Manukyan (Պավել Մանուկյան), Varuzhan Avetisyan (Վարուժան Ավետիսյան), Mkhitar Avetisyan (Մխիթար Ավետիսյան), Arayik Khandoyan (Արայիկ Խանդոյան), Eduard Grigoryan (Էդուարդ Գրիգորյան), Gagik Eghiazaryan (Գագիկ Եղիազարյան), Armen Bilyan (Արմեն Բիլյան), Smbat Barseghyan (Սմբատ Բարսեղյան), Areg Kyureghyan (Արեգ Կյուրեղյան) and Sedrak Nazaryan (Սեդրակ Նազարյան).

8 Karo Eghnykyan (Կարո Եղնուկյան), Khachatur Gichyan (Խաչատուր Գիչյան), Ashot Petrosyan (Աշոտ Պետրոսյան) and Armen Lambaryan (Արմեն Լամբարյան).

9 Unofficial translation of the Art. 69(1)(11) of the Criminal Procedure Code: "The mandatory presence of the defence lawyer is required [...] when a court applies a sanction stipulated in the Art. 314.1 of the present Code [i.e. to remove the defendant from the courtroom]".

course, fine or suspension of lawyer's license. Three repeated violations in the course of a year may be considered as a grave breach punishable by suspension of lawyer's license.

Lawyers' refusal to participate in hearings without their clients present in courtroom resulted in presiding judge's recourse to the Bar Association calling the latter to take disciplinary measures against them. As a result, all lawyers defending members of "Sasna Tsrer" are currently facing disciplinary proceedings, against some of them multiple disciplinary proceedings have been initiated. While some disciplinary proceedings were dropped since¹⁰, given that lawyers in question had refused to participate in trial hearings for several times, there is a possibility of them being deprived of lawyer's license.

In addition, the Public Prosecutor's Office and police made similar requests to the Bar Association due to comments made in social media and public interviews by some of the lawyers denouncing the absence of prerequisites for an independent and fair trial and lack of legitimacy of the court. In particular, on 28 June 2017, the Office of the Prosecutor General of the Republic of Armenia filed a motion against Mushegh Shushanyan while on 30 June 2017, the Public Prosecutor's Office filed a similar motion against lawyer Arayik Papikyan. Upon these requests, the Bar Association has initiated disciplinary proceedings on 18 July 2017, which are now under way¹¹.

According to the well-established caselaw of the European Court of Human Rights, trial in absentia does not *per se* violate the Art. 6 of the European Convention guaranteeing the right to a fair trial. Additionally, under the Convention, a defendant has the right to waive of his or her own free will, expressly or tacitly, the entitlement to the guarantees of fair trial, provided that he or she could reasonably have foreseen the consequences of the waiver. Although the ECtHR stated on several occasions that it is of capital importance that a defendant should appear in court and that the legislature must be able to discourage unjustified absence, it has ruled that proceedings that take place in the accused's absence will not of themselves be incompatible with the Convention, especially in cases when a defendant failed to show good cause for his or her absence, or that he or she had been absent for reasons that were not beyond his or her control.

In the case *Medenica v. Switherland*, the ECtHR ruled that sentencing of the defendant in absentia did not violate the principle of a fair trial since the defendant himself created a situation that prevented him from appearing before trial. The court made specific emphasis on the fact that defendant's lawyers of his choosing were able to defend their client in his absence. In another case the ECtHR confirmed that penalising the accused for not being present in trial by withdrawing his or her right to legal counsel leads to the violation of the principle of a fair trial.

There is no caselaw in Armenian jurisprudence or that of the ECtHR allowing to conclude whether a violation of a fair trial occurs when defendant's lawyer refuses to perform his duties after defendant's temporary removal from courtroom. Yet the ECtHR confirmed on several occasions that banning defendant's in absentia lawyer from judicial proceedings constitutes a breach of Art. 6 of the Convention, allowing to conclude that lawyer's absence may lead to potential violation of his client's right to a fair trial. Subsequently, the fact that the lawyer withdraws from hearing under the demand of his client may be viewed as a tacit waiver of the right to legal representation, which is a part of the broader right to fair trial.

10 The Bar Association dismissed one of the the court's complaint against Ara Karagyozyan (see <http://www.lin.am/2176366.html>) while there is no official information on the court's complaint against Tigran Egoryan against whom the court appealed to the Bar Association on 30 June 2017 (see <https://news.am/arm/news/397998.html>).

11 <http://www.pastaban.am/news/view/1765.html>

At the same time, legislation provides judges with other sanctions applicable in cases of contempt to court, such as warnings or fines. While warnings were used by the judges, especially in the beginning of trials, fines were never imposed. No attempt was either made by the judge to obtain clarification from the Constitutional Court of Armenia concerning the consequences of lawyers' refusal to represent their clients once the latter are removed from courtroom.

Controversy over appointment of public defenders to replace sanctioned lawyers

The stalemate over the participation of lawyers in court proceedings led to a court's decisions starting from July 2017 to appoint public defenders¹² to perform the function of legal representation in the absence of lawyers who are either subject to constant disciplinary sanctions by the court or refuse to remain present during the hearing following their defendants' removal from the courtroom.

For example, the judge appointed Garegin Margaryan to represent Smbat Barseghyan in the absence of his lawyer Hayk Alumyan. Garegin Margaryan was also court-appointed to defend Areg Kyureghyan in his lawyer's absence.

Mushegh Shushanyan, who defends Areg and Sergey Kyureghyan as well as Varuzhan Avetisyan, ahead of several court hearings refused to undergo security screening and thus was absent at hearings. His defendants were offered the services of court-appointed public defender Liana Gasparyan whose services were also proposed to Toros Torosyan.

All concerned defendants refused being represented by court appointed lawyers claiming their right to be legally represented by a lawyer of their choice. Indeed, Art. 20 of the Armenian Constitution provides for the right to a legal counsel of one's choice. However, the Criminal Procedure Code of the Republic of Armenia (Art. 10) stipulates that "everyone has the right to legal counsel" without making any reference to the right to choose a lawyer. Liana Gasparyan and Garegin Margaryan filed a motion requesting the judge to demand the Constitutional Court its opinion concerning the mandatory presence of a lawyer in a situation when his or her defendant is removed from court room yet the judge Artush Gabrielyan had rejected the motion.

Whilst the appointed public defendants appear in trials since requested so by the court, none of them effectively perform their professional duties claiming that their defendants refuse to recognise them as their legal representatives.

Lawyers' refusal to undergo security check¹³ at courthouse entrance

Since the opening of trials, lawyers denounced their security checks at the court house entrance qualifying them an obstruction of their professional duties. They claimed that these procedures have been selectively applied to the defense lawyers only and only in relation to lawyers defending "Sasna Tsrer" group members. On some occasions after a strict refusal to be searched, the lawyers were let in, in other cases the prosecutors also were ordered to undergo security check.

According to the Art. 214 part 3 of the Judicial Code, court bailiffs have the right to "inspect

12 Public defenders in Armenia are court appointed lawyers who provide legal representation services free of charge - the costs are borne by the State.

13 Here the terms 'security check' and 'security screen' are used to define the process of checking that a person is not armed, or carrying something dangerous. Performed within a clearly established set of rules determining circumstances under which security checks can be performed, security checks should not be confused with personal search performed outside the above mentioned legal framework and thus requiring a warrant.

persons entering the court or courtroom and their belongings". Lawyers in question as well as their colleagues across Armenia put emphasis that the term "inspect" refers to an act of observation: court bailiff is entitled to observe the person or use technical means to check him and his or her belongings for security. Here the main difference is the non-intrusion whereas the term "search" allows for a more invasive act of security check-up: the person being checked is demanded to open his bag and allow its content examination or to lay bare the content of his or her pockets. Namely an act of "search" of a lawyer and his belongings is prohibited by Art. 21 (part 6) of the Law on Bar¹⁴. The latter provision is meant to protect lawyers' integrity and ensure that the lawyer-client privilege is not infringed.

Whilst no evidence exists that the latter provision was breached by court bailiffs, an inconsistent practice of security checks and intrusive security procedures only aggravated the situation and questioned the legality of bailiffs actions with regard to Art. 21 of the Law on Bar.

On multiple occasions, lawyers were sanctioned for being absent in court room following their refusal to undergo security check. For instance, during the hearing on 20 July 2017, two lawyers refused to have their personal belongings examined for security reasons and were sanctioned by the court by requesting the Bar Association to initiate disciplinary proceedings. In a response to these sanctions, the remaining nine lawyers present at the hearing left the courtroom and were subsequently sanctioned as well for non-appearance in court without a valid reason.

On 25 August 2017, 138 lawyers across Armenia, including those defending "Sasna Tsrer" members, announced their intention to go on strike on 13 September 2017 in protest to the arbitrariness of security check-up procedures at court entrance. The day of the strike, more than 180 lawyers joined the initiative. The strike resulted in adjourning of the hearing of 14 "Sasna Tsrer" members to 20 September 2017. That day, two lawyers of "Sasna Tsrer" members were again denied access to the courtroom after their refusal to search their suitcases.

In the wake of the protests, on 12 September 2017, the Council of Presiding Judges of the Republic of Armenia informed that it amended its 2011 decision on the check-up procedure¹⁵ by court bailiffs of persons and personal belongings. In fact, the document was rewritten entirely and now includes a list of prohibited items that were previously not specified in any legal act. Currently the list contains such prohibited items as different types of guns, explosives, animals, closed boxes etc. The mere fact of including the latter items was viewed by the Armenian lawyer community as an insult and raised another wave of discontent in the media.

Allegations of defendants' ill-treatment

The deadlock of the two trials undermines the already very limited trust of society in Armenian judiciary system. The latter has been eroded even more following the public outcry over alleged beatings by police officers of several defendants.

On 28 June 2017, four defendants denounced having been violently beaten by the law enforcement officers. The incident started during the court hearing on the same day when a police officer

14 <http://www.advocates.am/%D5%AB%D6%80%D5%A1%D5%BE%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%AF%D5%BF%D5%A5%D6%80/%D6%85%D6%80%D5%A5%D5%B6%D5%BD%D5%A4%D6%80%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%AF%D5%BF%D5%A5%D6%80/%C2%AB%D6%83%D5%A1%D5%BD%D5%BF%D5%A1%D5%A2%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B4%D5%A1%D5%BD%D5%AB%D5%B6%C2%BB-%D5%B0%D5%B0-%D6%85%D6%80%D5%A5%D5%B6%D6%84.html>

15 http://www.court.am/files/news/1907_am.pdf

prevented one of the defendants - Areg Kyureghyan - to pass a note to his lawyer. Protests erupted, resulting in removal from the courtroom of three defendants. Two of them - Areg Kyureghyan and Mkhitar Avetisyan were taken to a cell of a co-defendant in the "Sasna Tsrer" case Arayik Khandoyan where all three were beaten. Finally, the fourth member of the group on trial Gagik Yeghiazaryan claims to have been beaten after hearing screams from men he recognized as his co-defendants and called for officers who subsequently beat him up.

The injuries have been documented both in penitentiary and by the representatives from the office of Armenia's Human Rights Defender. An official investigation into the incident was announced to have been launched by the authorities, however, no information is available as to its leading the public opinion to believe that no actual investigation is taking place.

Commander of escort police batallion Armen Ghazaryan who is claimed by defendants and their lawyers to have participated in beatings of the four "Sasna Tsrer" members, was reported to be present in courtroom during hearings that followed the incident.

Pre-trial investigation

The controversy around the case of "Sasna Tsrer" began during the pre-trial investigation. In February 2017, media reported on the prohibition to conduct family and lawyers' visits to Arayik Khandoyan. Khandoyan's lawyer could not access his client during the period of five days after filing the authorities the necessary documents for his legal representation. Until Khandoyan's lawyer filed a motion against the prosecutor's decision to prohibit his defendant to see family members, relatives of Arayik Khandoyan were denied family visits.

In general, almost all defendants were prohibited from seeing family members for some time during the pre-trial investigation, the official reason thereof being "the interests of the investigation" under Art. 15 of the Law on Treatment of Arrestees and Detainees.

It is important to add that Vardan Geravetyan and Aram Hakobyan claimed they have been denied medical treatment. It was reported in the media that on 17 May 2017, the European Court of Human Rights obliged the Armenian authorities to provide adequate medical care to Aram Hakobyan who suffered bullet injury during the attack on the police station in July 2016. Before turning to the ECHR, his lawyer repeatedly called the Armenian law enforcement authorities to provide Aram Hakobyan with appropriate medical treatment. In June 2017, Vardan Geravetyan's lawyer complained about the health condition of his client, denouncing the inaction of detention centre's authorities.

Finally, some local human rights organisations¹⁶ reported instances when lawyers' right to hold private discussions with clients in detention centre was violated. In other cases, officials at detention facilities were reported to have confiscated or destroyed notes from lawyer-client meetings when searching the defendants after the meetings with lawyers were over.

FIDH and its member organisation in Armenia Civil Society Institute (CSI) are concerned by the violation of the right to legal defense but also by the inability of the justice system to withstand disrespectful behavior on the part of defendants of "Sasna Tsrer" case. Our organisations emphasise authorities' obligation to ensure the pursuit of judicial proceedings in conducive environment. Legal framework must be put in place and judicial precedents have to be set in order to avoid deadlocks in judicial proceedings allowing protracted trials and potential for justice evasion.

16 Helsinki Association of Armenia and Protection of Rights without Borders.

Recognising the gravity of charges, our organisations remind of the importance of the Armenian justice system's capacity to administer justice in an unbiased, dispassionate manner consistent with the principles of the rule of law. It is state institutions obligation to dispense justice and to fulfill this obligation irrespective of the behavior of the defendant and consistent with the principle of the equality before the law.

Our organisations recommend the Armenian authorities to:

- Use the jurisprudence of the European Court for Human Rights (ECtHR) in setting precedents clarifying gaps in legislation, aiming at avoiding the paralysis of criminal proceedings that may lead to dispersal of the evidence, expiry of the time-limit for prosecution or a miscarriage of justice.
- The court must take into consideration the ECtHR jurisprudence stipulating that a defendant must show good cause for his or her absence, or that he or she had been absent for reasons that were not beyond his or her control;
- If necessary, resort to sanctions alternative to removal from courtroom, provided for in Art. 314 of the Criminal Procedure Code, such as warning or fine.
- Ensure that the procedure regulating admittance to courtroom, including the security check-up rules, is applied in an unbiased manner and in accordance with existing laws ensuring integrity of lawyer's profession;
- Ensure the respect for the right to legal defense;
- Ensure that the right to the confidentiality of correspondence between lawyer and client is respected and those violating the latter right are held accountable;
- Ensure an unbiased and prompt investigation into the facts of ill-treatment that took place on 28 June 2017 and that those responsible for acts reported on 28 June 2017 by defendants and their lawyers are prosecuted.