



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Armenia

#### Addendum

### Information received from Armenia on follow-up to the concluding observations\*

[Date received: 16 June 2015]

#### Measures taken regarding 1 March 2008 events

1. Individual proceedings were separated based on the facts of death of ten persons and of receiving bodily injuries of three persons by the instruction issued by the prosecutor exercising oversight over the preliminary investigation into the criminal case examined in the Special Investigation Service of the Republic of Armenia with regard to events that took place on 1 March 2008; a preliminary investigation is pending.

- Criminal case No. 62232514 was separated into individual proceedings in connection with the case of negligently causing death (Article 373 of the Criminal Code of the Republic of Armenia) to Tigran Khachatryan, as a result of breaching the rules of handling special means of “KS-23” type which is considered a firearm during mass disorders.
- Criminal case No. 62202015 was separated into individual proceedings on 29 January 2015 in connection with the case of negligently causing death of Gor Kloyan, causing grave harm, dangerous for life, to the health of Hovhannes Asatryan, and causing medium gravity harm to the health of Artur Muradyan (Article 373 of the Criminal Code of the Republic of Armenia), as a result of breaching the rules of handling special means of “KS-23” type which is considered a firearm.
- Criminal case No. 62202115 was separated into individual proceedings on 29 January 2015 in connection with the case of negligently causing death of Armen Farmanyanyan, causing grave harm, dangerous for life, to the health of Khachik Davtyan (Article 373 of the Criminal Code of the Republic of Armenia), as a result

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\* The present document is being issued without formal editing.



of breaching the rules of handling special means of “KS-23” type which is considered a firearm.

- Criminal case No. 62230614 was separated into individual proceedings on 9 December 2014 in connection with the case of unlawful intentional deprivation of life of Zaqar Hovhannisyán by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62230714 was separated into individual proceedings on 9 December 2014 in connection with the case of unlawful intentional deprivation of life of Davit Petrosyan by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62231214 was separated into individual proceedings on 10 December 2014 with respect to the case of unlawful intentional deprivation of life of Samvel Harutyunyan by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62231314 was separated into individual proceedings on 10 December 2014 in connection with the case of unlawful intentional deprivation of life of Hovhannes Hovhannisyán by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62231614 was separated into individual proceedings on 11 December 2014 in connection with the case of unlawful intentional deprivation of life of Grigor Gevorgyan by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62231714 was separated into individual proceedings on 11 December 2014 in connection with the case of unlawful intentional deprivation of life of Tigran Abgaryan by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.
- Criminal case No. 62232114 was separated into individual proceedings on 12 December 2014 in connection with the case of unlawful intentional deprivation of life of Hamlet Tadevosyan by an unknown person (Article 104 of the Criminal Code of the Republic of Armenia) during mass disorders.

2. Gegham Grigoryan, Andranik Manukyan, Hovhannes Ghazaryan and Gegham Harutyunyan, the four police officers who used excessive force in the course of events on 1 March 2008 were held criminally liable; they were charged with Article 309 (2) of the Criminal Code of the Republic of Armenia. The criminal cases along with the indictment with respect to Gegham Grigoryan, Andranik Manukyan, Hovhannes Ghazaryan and Gegham Harutyunyan were each forwarded to the Court of General Jurisdiction of Kentron and Nork-Marash administrative districts (EKD/0199/01/09 and EKD/0200/01/09).

3. By the criminal judgement rendered on 16 December 2009 in the criminal case No. YEKD/0199/01/09 regarding charges against Gegham Grigoryan (father’s name: Vardan) under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, against Andranik Manukyan (father’s name: Mayis) under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the City of Yerevan (hereinafter referred to as “the Court”) declared accused on trial Gegham Grigoryan guilty under part 2 of Article 309 of the Criminal Code of the Republic of Armenia and sentenced him to imprisonment for a term of three years with the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year. Upon the application of point 1 (1) of the Decision of the National Assembly of the Republic of Armenia of

19 June 2009 “On declaring amnesty”, Gegham Grigoryan was released from serving the main sentence.

4. By the same criminal judgement, accused on trial Andranik Manukyan was declared guilty under part 2 of Article 309 of the Criminal Code of the Republic of Armenia and sentenced to imprisonment for a term of three years with the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year. Upon the application of point 1 (1) of the Decision of the National Assembly of the Republic of Armenia of 19 June 2009 “On declaring amnesty”, Andranik Manukyan was released from serving the main punishment.

5. By its Decision rendered on 19 February 2010, the Court of Appeal of the Republic of Armenia granted appeals brought by the accused on trial — Gegham Grigoryan and Andranik Manukyan — against the criminal judgement rendered on 16 December 2009 by the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts. The criminal judgement rendered by the Court on 16 December 2009 against Gegham Grigoryan in relation to part 2 of Article 309 of the Criminal Code of the Republic of Armenia and against Andranik Manukyan in relation to part 2 of Article 309 of the Criminal Code of the Republic of Armenia, was amended in terms of the sentence.

6. The supplementary sentence imposed on Gegham Grigoryan under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, i.e. the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year, was not applied pursuant to Article 64 of the Criminal Code of the Republic of Armenia.

7. The supplementary sentence imposed on Andranik Manukyan under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, i.e. the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year, was not applied pursuant to Article 64 of the Criminal Code of the Republic of Armenia. The criminal judgement was left unchanged with regard to the remaining part.

8. By the criminal judgement rendered on 25 December 2009 in the criminal case No. YEKD/0200/01/09 regarding charges against Gegham Harutyunyan (father’s name: Garegin) under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, against Hovhannes Ghukasyan (father’s name: Norik) under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts declared accused on trial Gegham Harutyunyan guilty under part 2 of Article 309 of the Criminal Code of the Republic of Armenia and sentenced him to imprisonment for a term of two years with the deprivation of the right to hold responsible positions in state and local self-government bodies and organisations for a term of one year. Upon the application of point 1 (1) of the Decision of the National Assembly of the Republic of Armenia of 19 June 2009 “On declaring amnesty”, Gegham Harutyunyan was released from serving the main sentence.

9. By the same criminal judgement, accused on trial Hovhannes Ghukasyan was declared guilty under part 2 of Article 309 of the Criminal Code of the Republic of Armenia and sentenced to imprisonment for a term of two years with the deprivation of the right to hold responsible positions in state and local self-government bodies and organisations for a term of one year. Upon the application of point 1 (1) of the Decision of the National Assembly of the Republic of Armenia of 19 June 2009 “On declaring amnesty”, Hovhannes Ghukasyan was released from serving the main sentence.

10. By its Decision rendered on 24 February 2010, the Court of Appeal of the Republic of Armenia granted appeals brought by the accused on trial — Gegham Harutyunyan and Hovhannes Ghukasyan — against the criminal judgement rendered on 25 December 2009

by the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts. The criminal judgement rendered by the Court on 25 December 2009 against Gegham Harutyunyan in relation to part 2 of Article 309 of the Criminal Code of the Republic of Armenia and against Hovhannes Ghukasyan in relation to part 2 of Article 309 of the Criminal Code of the Republic of Armenia, was changed in terms of the sentence.

11. The supplementary sentence imposed on Gegham Harutyunyan under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, i.e. the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year, was not applied pursuant to Article 64 of the Criminal Code of the Republic of Armenia.

12. The supplementary sentence imposed on Hovhannes Ghukasyan under part 2 of Article 309 of the Criminal Code of the Republic of Armenia, i.e. the deprivation of the right to hold certain positions in state and local self-government bodies and organisations for a term of one year, was not applied pursuant to Article 64 of the Criminal Code of the Republic of Armenia. The criminal judgement was left unchanged with regard to the remaining part.

### **Prevention of torture**

13. For the purpose of prevention of torture, inhuman or degrading treatment or punishment, comprehensive legislative reforms aimed at bringing the national legislation in line with the international best practice were implemented. Taking into account that the national legislation criminalising torture does not contain crimes committed by officials and that the legislation does not contain the special purpose provided for in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), the legal formulation of the *corpus delicti* of torture has been completely brought into compliance with the requirements of the Convention by the draft Law “On making amendments and supplements to the Criminal Code of the Republic of Armenia” (hereinafter referred to as “Draft Amendments”). Besides, it ensures that all officials engaged in the committal of acts containing *corpus delicti* of torture serve a proportionate punishment, which will completely reflect the gravity of the act in accordance with Article 4 of the Convention. The draft law envisaging amendments provides for such acts a punishment by imprisonment for a term of four to eight years with deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years. Moreover, in contrast to the existing legislation, which, for the cases of torture, prescribes private prosecution regime for institution of criminal cases under conditions of which existence of a complaint made by a victim for institution of a criminal case is required, the draft Law “On making an amendment to the Criminal Procedure Code of the Republic of Armenia” provides public prosecution regime for the cases of torture. In each similar case, this is an additional guarantee for ensuring that a criminal case has been instituted.

14. Issues of ensuring guarantees for the prevention of torture, as well as minimum procedural rights of persons deprived of liberty were repeatedly raised in the judgements of the European Court of Human Rights concerning the Republic of Armenia. In this respect, Article 110 of the draft Criminal Procedure Code is aimed at strengthening procedural guarantees for persons deprived of liberty. It is worth mentioning that minimum rights stipulated in Article 110 for persons deprived of liberty, among others, may be regarded as a fundamental guarantee against any cruel treatment. Moreover, minimum rights stipulated in this Article are in full compliance with standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the “CPT”). The aim of this Article, among others, is to establish mechanisms

and procedures for transfer of any assertion of cruel treatment to third parties. In particular, in case of arrest of a person, the rights of informing third parties about the arrest and of inviting a lawyer, a physician are crucial for building a body of evidence and for providing information on torture, since insufficient pieces of evidence may obstruct comprehensive, complete and impartial investigation.

15. Pursuant to Precedential Decision of the Court of Cassation of 18 December 2009, the person deprived of liberty may also have, together with the status of an “arrested person” and a “detained person” obtained in the course of pre-trial proceedings, a preliminary legal status, which may conditionally be referred to as the status of an “apprehended person”. Irrespective of the fact that the status of an “apprehended person” is effective for a short period of time, the apprehended person must be endowed with at least the following rights:

- (a) Be informed of the reason for being taken into custody;
- (b) Keep informed about his or her being apprehended;
- (c) Invite his or her advocate;
- (d) Remain silent.<sup>1</sup>

16. As an additional guarantee the aforesaid Decision states: if a person deprived of liberty is not notified of the protocol of arrest within four hours after having been apprehended to the criminal prosecution body, a person — by virtue of the law — must be regarded as arrested and be entitled to guarantees prescribed by law for the arrested person.<sup>2</sup>

### Practice

17. The Report prepared after the visit to the Republic of Armenia made by the CPT on 4–10 April 2013 (CPT/Inf (2015)8) stipulates that in recent years, the authorities of the Republic of Armenia have made efforts to make the system of preventing cases of cruel treatment by the Police more effective. In particular, by virtue of the Law of the Republic of Armenia “On Special Investigation Service”, as well as in accordance with the Recommendations of the Council of Europe, Special Investigative Service was established. It is a separate state body and is independent in exercising its powers. The Special Investigation Service shall, among others, carry out preliminary investigation into criminal cases relating to the crimes having been committed in complicity with officials holding leading positions in legislative, executive and judicial bodies, by persons performing special state service, in relation to their official position or committed thereby. Moreover, the Special Investigation Service shall comprise a specialised unit – the Department for investigation of tortures and crimes against human.

18. It is also worth mentioning that pursuant to the Instruction of the Head of Police of the Republic of Armenia “On ensuring the enforcement of legal standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment” No. 20 of 27 November 2013 the police officers shall be obliged to:

- (1) Ensure appropriate conduct by the police officers in compliance with CPT standards while apprehending, arresting or carrying out other actions against persons within the scope of the competence thereof;

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<sup>1</sup> Decision of the Court of Cassation of the Republic of Armenia on criminal case EADD/0085/06/09, 18 December 2009, points 20, 22.

<sup>2</sup> Ibid, point 28.

(2) Ensure proper registration of cases of ill-treatment, as well as complaints concerning such ill-treatment in compliance with CPT standards;

(3) Where a case of violation of CPT standards emerges or there appears to be a similar complaint, report thereon to the administration of the Police of the Republic of Armenia and promptly refer the relevant case materials along with the complaint — in the manner prescribed by law — to the Special Investigation Service of the Republic of Armenia;

(4) Ensure that all police officers are regularly informed about inadmissibility of any ill-treatment in the course of activity thereof, as well as about inevitable liability for any form thereof.

19. At the same time it should be stated that the point 34 of the Action Plan of the National Strategy on Human Rights Protection envisages study of the international practice in creation of an independent mechanism for acceptance of complaints regarding tortures and cases of ill-treatment in the places of imprisonment and for ensuring the further processing thereof, as well as submission of a recommendation.

20. The prosecutors, in the course of exercising their constitutional powers, are consistent to ensure that all those against which procedural coercive measures or other restrictions of rights and freedoms have been applied are not subjected to torture and ill-treatment. Thus, for the purpose of excluding the possible violations of rights of persons summoned for interrogation, the prosecutors pay special attention to maintenance of lawfulness of the procedure of summons for interrogation and institute relevant proceedings with regard to each reliable allegation of ill-treatment made by the persons subjected to that and summoned for interrogation, which are conducted in compliance with all the standards of effective investigation of ill-treatment.

21. All the reports received with regard to persons carrying out special state service in the fields of activities of the Police, the Investigation Committee, the National Security Service as well as in the field of military service, involved in cases of alleged abuse, and with regard to ill-treatment against the detainees are being investigated without any exception ensuring proper and detailed investigation carried out by an independent body.

22. Each reliable allegation of torture made in the court is being referred to the Special Investigation Service of the Republic of Armenia by the Prosecutor's Office or the court for the purpose of carrying out an effective investigation.

23. Within the framework of the annual training programme for prosecutors, special attention is paid to the study of legal views of the European Court of Human Rights concerning the investigations of the cases of ill-treatment.

24. With regard to Recommendation 19 of the Committee, we report that the prosecutors, while exercising an oversight over the lawfulness of the arrests in connection with criminal cases, pay special attention to the fact of the arrested persons having been announced of the protocol on arrest and the rights thereof having been clarified to them in the manner prescribed by law.

25. Full implementation of the right to challenge the lawfulness of deprivation of liberty is being consistently ensured, and the case law of the Court of Cassation of the Republic of Armenia is also aimed at the exercise of the mentioned right according to which the persons being in search and those being detained upon a court decision must be taken to the court immediately as soon as they are detected.

26. As regards Recommendation 20 of the Committee, we report that as of 20 February of 2015 the staff structure of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia has the following characteristics:

<i>Name of the position</i>	<i>Total number</i>	<i>Engaged</i>	<i>Vacant</i>
Penitentiary servant	2 233	2 063	170
Special civil servant	105	97	8
Hired worker	54	47.5	6.5

27. The situation of overcrowding of penitentiary institutions of the Ministry of Justice of the Republic of Armenia is depicted in the following table.

<i>Name of the penitentiary institution</i>	<i>by the contingent (as of 23 February 2015)</i>	<i>by the number</i>	<i>overcrowding</i>
“Nubarashen”	820	1 039	219
“Yerevan-Kentron”	60	38	-22
“Artik”	373	395	22
“Vanadzor”	245	213	-32
“Vardashen”	339	272	-67
“Goris”	215	47	-168
“Abovyan”	257	191	-66
“Sevan”	548	519	-29
“Kosh”	640	742	102
“Hospital of Convicts”	464	173	-291
“Hrazdan”	215	234	19
“Armavir”	400	69	-331
			<b>-580</b>
			<b>(289 without the “Hospital of Convicts”)</b>
<b>Total</b>	<b>4 576</b>	<b>3 932</b>	

28. It becomes clear from the aforementioned table that generally there is no overcrowdedness in the penitentiary institutions of the Ministry of Justice. “Nubarashen” and “Kosh” penitentiary institutions are obviously overcrowded. The problem of disproportionate distribution of persons kept was solved after the opening of “Armavir” penitentiary institution.

29. For the purpose of conducting comprehensive, complete and objective investigation of the materials of the official investigation with regard to the gross disciplinary violations committed by the police officers engaged in the maintenance of the public order and of determining the lawfulness of the actions thereof a Police Disciplinary Commission has been operating since 2013 consisting of 11 members, out of which 5 persons are the representatives of the Police, 5 — the representatives of non-governmental unions and 1 — the representatives of the Government. The existence of the Commission, in particular, the representation of non-governmental organisations in its structure, serves to be a guarantee for making the mechanism for investigation of gross disciplinary violations more transparent and impartial.

30. Meanwhile, it is worth to be mentioned that the Internal Security Department, operating within the structure of the Police, carries out a comprehensive and objective official investigation with regard to the disciplinary violations committed by the police officers.

31. The complaints filed against the unlawful actions of the police officers are permanently in the focus of attention of the Human Rights Defender of the Republic of Armenia, who, within his/her powers, considers the complaints regarding the violations — committed by the state and local self-governing bodies and their officials — of the rights and fundamental freedoms of individuals (as well as those of the citizens) envisaged by the Constitution, laws and international treaties of the Republic of Armenia, as well as by the principles and norms of international law.

32. As to point 14 of the Recommendations, it must be stated that the Public Monitoring Group carrying out monitoring in the police holding facilities and the employees of the National Prevention Mechanism Department of the Office of Human Rights Defender of the Republic of Armenia, who have the right to accept application-complaints from the arrested and detained persons, pay several visits to the police holding facilities of the Police of the Republic of Armenia. Such issues are being discussed during the periodic visits of the delegations of the European Committee for the Prevention of Torture.

### **Independence of the judiciary**

33. With regard to point 21 of Recommendations made by the United Nations Human Rights Committee it is considered necessary to refer to the amendments made to the legislation of the Republic of Armenia which are called to ensure the implementation of measures approved by Executive Order of the President of the Republic of Armenia “On approving the 2012–2016 Strategic Programme for legal and judicial reforms of the Republic of Armenia and the list of measures deriving from the Programme” No. 96-NK of 30 June 2012. In particular, the Strategic Programme approved by Annex 1 of the mentioned Executive Order sets forth, among others, the measures listed below aimed at ensuring fair, effective judicial power accountable to the public:

3.1. Improve the procedure for qualification tests for inclusion in the list of candidates for judges;

3.1.1. Develop mechanisms, in compliance with international standards, principles of transparency and impartiality, enabling the assessment of not only the professional knowledge of a candidate judge, but also the capacity, efficiency and logical skills for acting as a judge;

3.1.2. Improve the procedure for disputing the results of knowledge and skills test of candidate judges;

3.1.3. Develop transparent and objective procedures for the nomination of judges to be included in the list of candidates for judges, as well as review the procedure for the interview in the Council of Justice by clarifying the tasks and topic for that phase.

3.2.6. Specify by law the criteria for the promotion of judges, by building them also upon the performance evaluation results.

34. Since entry into force on 3 July 2014, of the Law “On making amendments and supplements to the Judicial Code of the Republic of Armenia” HO-47-N of 10 June 2014, the system of tests in criminal, civil and administrative fields of specialisation was introduced, targeted at conducting written qualification examination which was aimed at revealing — apart from the professional knowledge — also their logical and mental capability for quick reaction, the abilities of differentiating between essential and non-essential issues, comprehending texts in one reading, handling information containing figures. The requirement was set for passing a psychological test — having consultative significance for the members of the Council of Justice — by the candidates who passed the threshold defined for the written examination. Psychological tests shall be aimed at



checking the candidate's sense of responsibility, the ability to listen, the reasonable use of self-control, reputation (influence), as well as other non-professional qualities that are required for the job of a judge.

35. The legal regulations present in the mentioned law that are aimed at ensuring transparency of qualification shall also be targeted at ensuring objectivity of the examination process. In particular, the live broadcasting of the entire process of written qualification checks in the area located outside the hall for conducting qualification examination; the availability of video recording of the entire process of written examinations and interviews; public oversight over the examination process were prescribed.

36. As a result of legislative amendments mentioned above safeguards ensuring objectivity of the selection process of judges were improved.

37. Among the legislative amendments made in the area of promotion for judges, Law "On making amendments and supplements to the Judicial Code of the Republic of Armenia" HO-86-N of 21 June 2014 should be mentioned. The system of regular evaluation of activities of judges was introduced by the mentioned law, which was carried out based on qualitative and quantitative criteria. One of the objectives of introducing the system of evaluation of activities of judges is by contributing to the selection of best candidates when compiling promotion lists of judges. In particular, pursuant to part 3 of Article 96.4 of the Judicial Code of the Republic of Armenia, where activities of a judge have been evaluated as "low", based on the overall results of evaluation, the judge may not apply for being included in promotion lists or replenishing the vacant position of the court chairperson until the next summarisation of evaluation results.

38. Pursuant to part 4 of the same article, the judges whose activities have been evaluated as "excellent" twice in a row, based on the overall results of evaluation, shall have a preferential right to be included in the promotion list for judges, when applying for inclusion in such a list.

39. Pursuant to part 5 of the same article, the judges whose activities have been evaluated as "excellent" and "good" respectively twice in a row based on the overall results of evaluation, shall have a preferential right to be included in the promotion list for judges, when applying for inclusion in such a list, after the persons provided for by part 4 of this Article, in the manner prescribed by part 6 of this Article, and they are followed by judges, whose activities have been evaluated as "good" twice in a row based on the results of evaluation.

40. Summing up, it has to be noted that the introduction of the system of evaluation of activities of judges has ensured the implementation of the measure provided for by point 3.2.6. of the Executive Order of the President of the Republic of Armenia No. 96-NK of 30 June 2012.

41. The amendment made by the Law "On making amendments and supplements to the Judicial Code of the Republic of Armenia" No. HO-47-N of 10 June 2014 was aimed at ensuring the independence of judges in the process of subjecting the latter to disciplinary liability. As a result thereof the powers of the Ethics Commission of the Council of Court Chairpersons of the Republic of Armenia and the Disciplinary Commission of the Council of Justice were transferred to the Ethics and Disciplinary Commission of the General Assembly of Judges of the Republic of Armenia. The Ethics and Disciplinary Commission comprises of seven members, two of whom shall be judges of the Courts of First Instance of General Jurisdiction of Yerevan city, two judges of the Courts of First Instance of General Jurisdiction in marzes of the Republic of Armenia and three judges of the Courts of Appeal. Chairpersons of Courts and members of the Council of Justice may not be included in the Ethics and Disciplinary Commission.

42. The legislative amendment mentioned above was aimed at excluding reservation of two in essence opposite functions to the jurisdiction of a single body- to the Council of Judges. In particular - in case of previous legal regulation - the Disciplinary Commission of the Council of Justice was entitled to institute disciplinary proceedings against a judge upon the motion filed by the Ethics Commission of the Council of Court Chairpersons of the Republic of Armenia and within the frameworks of the proceedings instituted might take a decision on filing a motion to the Council of Judges on subjecting a judge to disciplinary liability.

43. Decision “On approving the Statute of the Ethics and Disciplinary Commission of the General Assembly of Judges of the Republic of Armenia” No. 02L adopted by the General Assembly of Judges of the Republic of Armenia on 5 September 2014, among others, regulated relations pertaining to the procedure for holding sittings of the mentioned Commission, the decisions being taken and the adoption thereof.

44. The mentioned legal act set forth procedural norms— complying with safeguards of fair trial— covering the consideration of materials obtained with respect to a judge. In particular, the Chairperson of the Commission shall assign the examination of an application, communication or a motion filed to the Commission, as well as other material upon initiative of the Commission, to one of the members of the Commission or shall assume it personally (hereinafter referred to as a Rapporteur). The Rapporteur shall carry out the examination of the application, communication, motion or other material assigned thereto within a timeframe defined by the Chairperson of the Commission. During the sitting of the Commission the Rapporteur shall familiarise the members of the Commission and — in case a judge is invited to the sitting of the Commission — him or her as well, with the content of the application, communication, motion or other material assigned thereto. During examination of the application, communication, motion or other material the Rapporteur may request additional materials, as well as propose to furnish a written clarification to the relevant judge. While considering any issue within the scope of the competence thereof, the Commission shall be obliged to ensure the involvement of the relevant judge, who shall enjoy the rights provided for by Article 160 of the Judicial Code of the Republic of Armenia. The Commission may propose to furnish a clarification to the relevant judge with regard to the issue under consideration, as well as<sup>a</sup> request additional materials. Sittings of the Commission shall be recorded in a protocol.

45. Pursuant to referred Article 160 of the Judicial Code of the Republic of Armenia the judge shall be entitled to get familiarised with materials serving as a basis for the examination of the issue by the Council of Justice, take excerpts from and make copies thereof, address questions to the speaker, file objections, provide explanations and file motions, provide evidence and participate in the study thereof, participate in the sitting acting in person or through an advocate.

46. Where the Council of Justice examines the matter of subjecting a judge to disciplinary liability, the judge shall be entitled to the safeguards provided for by Article 19 of the Constitution of the Republic of Armenia and point 1 of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

47. Summing up the mentioned above it should be stated that by the legislation of the Republic of Armenia, in particular— by Executive Order of the President of the Republic of Armenia “On approving the 2012–2016 Strategic Programme for legal and judicial reforms of the Republic of Armenia and the list of measures deriving from the Programme” No. 96-NK of 30 June 2012, as well as the relevant laws adopted in execution of the latter (Law “On making amendments and supplements to the Judicial Code of the Republic of Armenia” No. HO-47-N of 10 June 2014, Law “On making amendments and supplements to the Judicial Code of the Republic of Armenia” HO-86-N) and legal acts (Decision “On approving the Statute of the Ethics and Disciplinary Commission of the General Assembly

of Judges of the Republic of Armenia” No. 02L adopted by the General Assembly of Judges of the Republic of Armenia on 5 September 2014) the required legislative amendments are made in the Republic of Armenia that are called to ensure the independence of judges, as well as to envisage the availability of more precise legal standards in the area of appointment, promotion of judges, as well as subjecting the latter to disciplinary liability.

48. For the purpose of education and training of human resources for the judicial and prosecutorial systems an Academy of Justice was established (Law on Academy of Justice, HO-90-N, 1 September 2013).

49. A system of publication of reports by the judiciary with regard to its activities and objective general criteria on distributing cases among judges was introduced based on findings of a study of international practice (On making amendments and supplements to the Judicial Code of the Republic of Armenia, HO-47-N, 10 June 2014).

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