

## STATEMENT

### UPR Pre-session on the Republic of Armenia

Geneva, February 21, 2025

**Delivered by: Democracy Development Foundation, Ms. Tatevik Khachatryan**

1- This statement is delivered on behalf of a coalition of 15 Armenian CSOs with extensive experience in monitoring, documenting and reporting human rights violations in Armenia. The majority of these organizations were also invited to contribute to two rounds of UPR consultations at the national level held during the last several months.

2- The Ministry of Foreign Affairs led the inter-agency consultations for the development of the National Report, where CSOs were also invited to contribute. The members of our coalition did not invite the state institutions during the development of our alternative report, however, an essential part of the evidence included in our report was gathered through inquiries from state institutions.

3- This statement addresses the following issues: (1) prevention of torture and access to justice, (2) independence of the judiciary and corruption in Armenia.

#### ***(1). Prohibition of torture and access to justice***

Many countries during the previous review gave 10 recommendations to take measures to prosecute and prohibit torture and ill-treatment in Armenia. Despite a number of legislative and practical improvements in this field, the issue still remains.

**The Criminal Code of Armenia does provide for criminalization of ill-treatment, other cruel, inhuman, or degrading treatment.** In the result, many crimes which do not amount to torture are tried under articles which are not related to the crimes falling under UNCAT, and hence not reflected in the official statistics.

Another serious issue has been the dissolution of the Special Investigative Service of Armenia- an independent agency investigating gross violations committed by public officials. Instead, the torture crimes are now investigated by the designated unit of the Investigative Committee of Armenia, which does not have the capacity and necessary independence guarantees for this job.

There is substantiated evidence that ill-treatment by the police has been on the rise both inside and outside police departments.

There have been **three cases of violence against attorneys in police departments in 2023**. There are many allegations of excessive use of force at the time of apprehension (punches and kicks) by police officers applied on persons who did not resist/no longer resisted, and who were sometimes handcuffed. Other allegations referred to physical ill-treatment (punches, slaps, and kicks) by police officers during initial questioning in a police establishment and even physical ill-treatment by police officers in the holding cell on court premises. A common concern was that cameras are not used by police officers, and initial questioning in police stations (before bringing detained persons before an investigator) is not audio and video recorded. Despite the launch of several criminal cases into the reported crimes, the investigation is not prompt and effective. Moreover, some of the police officers suspected of ill-treatment have been **promoted to other positions** in the law-enforcement system while the trials were underway.

**We therefore urge that the Government of Armenia:**

- *Amends the Criminal Code to criminalize other forms of ill-treatment, including cruel, inhuman, and degrading treatment in line with UNCAT standards,*
- *Provide capacity building training to specialized investigators and secure guarantees for their independence to secure effective investigation of torture and ill treatment reports.*

- *Amends the legislation to ensure permanent audio-visual recording in the police departments, prolongs the storage of the recorded videos to support the investigation into potential police abuses.*

## **(2) Independence of judiciary and corruption**

During its 2020 review, Armenia has received 19 recommendations aimed at enhancing reforms in the justice system and anti-corruption field and protecting the independence of the judiciary, which were supported by the government. The Government adopted the Strategies on Legal and Judicial Reforms (Action Plan 2019-2023) and Anti-corruption Reform (Action Plan 2023-2026). Integrity checks were introduced for candidates and all sitting judges, prosecutors and investigators. A wholistic institutional framework has been created for combatting corruption, including Corruption Prevention Commission, Anti-corruption Committee (specialized investigative body), specialized department in the General Prosecutor's office, the Anti-corruption court, as well as special department in the General Prosecutor's office for non-conviction-based asset forfeiture. However, there are a number of persisting problems in the system.

According to public polls, courts remain among the **least trusted** institutions in Armenia. CSOs have been reporting about lack of merit-based appointments of judges and candidates in the First instance, Anti-corruption courts by Supreme Judicial Council and to the Cassation Court by the Parliament, despite having **negative integrity assessment**. The Supreme Judicial Council argues that they have full discretion in selection of judges, underlying the mere advisory nature of integrity checks. Unfortunately, integrity check reports about the judges, prosecutors, and investigators are not public and cannot be used for accountability purposes.

Civil society monitoring revealed that the objectiveness of **disciplinary proceedings against judges** has been compromised in certain cases, as different judges tried under similar factual circumstances were treated differently in terms of applied sanctions. Similarly, the disproportionality and poor reasoning of selected sanctions remains concerning. The overwhelming majority of disciplinary proceedings are initiated by the Ministry of Justice, creating risks for politicization of the proceedings. The Disciplinary and Ethics Commission has proven to be extremely inefficient in investigating reports of disciplinary violations, as the majority of the judge members of the Commission are guided by corporate interests.

**The Corruption Prevention Commission**, an independent state institution in charge of integrity checks for the key appointments in the judiciary, faces challenges due to a lack of financial and human resources, significantly affecting its effectiveness. The local CSO experts have rated the institution poorly in terms of internal accountability and integrity.

An institutional setup should be developed for accountable and objective **management of the assets recovered by the General Prosecutor's office**. Instead, currently all recovered assets are handed over to the Government and financial means to the separate state budget account without any public oversight on their further use.

Therefore, the Government of Armenia needs to take the following steps:

- *Publicize the concluding parts of integrity checks for judges, prosecutors and investigators; oblige the Supreme Judicial Council to substantiate their decisions on appointment and promotion of judges.*
- *Allocate sufficient resources to Corruption Prevention Commission to ensure efficiency of their work.*
- *Improve the quality of disciplinary proceedings against judges through ensuring transparency of all motions, increase the number of NGO members of the Ethics and Disciplinary Commission and revise their selection mechanism.*
- *Develop an institutional framework for accountable and transparent management of the recovered assets by the Government, include CSOs in deciding further use of the recovered assets.*

Thank you for your attention.