

Statement
on the consultation held by the RA Prime Minister with the representatives of the law
enforcement officials
as of 30.11.2020

According to the official website of the RA government, on November 30, Prime Minister Nikol Pashinyan held a consultation with Armenia's senior law enforcement officers and the representatives of state bodies. The consultation was attended by the National Security Service Director, the Chief of Police, the Minister of Justice, the Chairman of National Assembly Standing Committee on State and Legal Affairs, the Prosecutor General, the Special Investigation Service Head, the Investigative Committee Chairman, the Supreme Judicial Council members, the candidate for President of the Court of Cassation, the President of the Administrative Court of Appeals, the President of the Yerevan Court of General Jurisdiction and other officials.

The events of November 10, 2020 were discussed during the consultation. The Prosecutor General and the Head of the Investigation Department of the NSS presented details on the progress of the criminal case launched in connection with the attack on the Speaker of the National Assembly, in particular the identification of the persons involved in the commission and organisation of acts which constitute criminal offences.

According to the press release, a substantive discussion took place on the activities of the judicial system.

The discussions with the Head of the Executive Power of the Republic of Armenia on such format and agenda are highly unacceptable on the basis of the separation of powers envisaged by the Constitution of the Republic of Armenia, violation of the principles of independence of the judiciary, as well as the constitutional status of bodies representing different branches of government. In particular:

1. Pursuant to Article 177 of the Constitution of the RA, the Prosecutor General of the Republic of Armenia is elected and dismissed by the National Assembly. According to Article 6 of the RA Law on the Prosecutor's Office, unintentional interference with the activities of a prosecutor is prohibited. According to the RA Constitution, no other legal act envisages legal regulation of the Prosecutor General's accountability to the Head of the Executive Power, therefore the submission of preliminary investigation data by the Prosecutor General during the discussed consultation is a legally inadmissible behavior and it contradicts the latter's constitutional status.
2. Pursuant to Article 173 of the RA Constitution, the Supreme Judicial Council is an independent state body, which guarantees the independence of courts and judges. According to Article 162 of the RA Constitution, any interference in the activities of the courts while administering justice is prohibited. From this article it is directly perceived that the participation of the judiciary in the discussion of specific criminal cases in the consultation convened by the Prime Minister undermines the independence of the

judiciary, as the discussion of the details of preliminary investigations restricts the principle of functional independence of the judiciary. In addition, the information presented to judges may in future lead to prejudice in terms of objective evaluation of evidence during the trial of the criminal cases. Due to these circumstances, the above-mentioned consultation with the participation of the members of the Supreme Judicial Council and the representatives of the judiciary is a violation of the Constitution by both the initiators of the consultation and the participants.

3. The participation of the representatives of the legislative and the executive powers in the consultation with such an agenda testifies that the higher authorities do not realize the essence of the functions of state institutions, the organization of the public administration system and the constitutional regulations.

Due to the above-mentioned circumstances, we call on all state authorities to act in accordance with their constitutional status, not to question the viability of state institutions.

The statement is signed by

Transparency International Anticorruption Center
Helsinki Citizens' Assembly – Vanadzor
Law Development and Protection Foundation
“Asparez” Journalists' Club NGO
Protection of Rights Without Borders NGO