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HELSINKI ASSOCIATION  
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HELSINKI ASSOCIATION HUMAN RIGHTS PROTECTION

# REPORT

## ON COURT MONITORING YOUTH PROGRAM

(April – July, 2023)

Yerevan 2023

# Table of Contents

|  |    |
|--|----|
| Executive Summary .....                                | 3  |
| Acknowledgments .....                                  | 3  |
| Organizational Background.....                         | 5  |
| Political Background.....                              | 6  |
| Human Rights and Fair Trials Context .....             | 7  |
| Overview of Court Monitoring Content .....             | 8  |
| General Issues Uncovered Through Trial Monitoring..... | 9  |
| Suggestions.....                                       | 10 |
| Conclusion.....  | 11 |

## Executive Summary

Between April 1 and July 31, 2023, the Towards Transparent Judiciary and Respecting Human Rights: Multiplying Effects to Syunik Region in Armenia project engaged 125 young people from Yerevan (Armenia's capital) and Syunik (Kapan and Goris towns), Shirak (Gyumri town), and Lori (Vanadzor town) regions.

The project aimed to enhance judicial institutions through civil oversight of court proceedings and achieve the following:

- To strengthen prior positive outcomes in Yerevan, Shirak, and Lori via court monitoring, legal capacity building, and public debates;
- To ensure respect for fundamental rights, especially the right to a fair trial;
- To enhance youth awareness of human rights and court operations in Armenia;
- To expand project effects through piloting the project to Syunik region;
- To foster collaboration between civil society and judicial institutions.

Through human rights and court monitoring training, five groups of monitors emerged, with 108 of 125 participants observing 798 hearings in 499 criminal trials in five courts of first instance of general jurisdiction functioning in the above-mentioned cities.

The project also provided an opportunity to assess the compliance of Armenian's commitments with human rights obligations and Armenian law, utilizing a user-friendly Court Monitoring Form. Young observers complete the form during trials, providing impartial and detailed records to reflect the truth.

This report presents some system problems recorded by the groups as a result of the mentioned activity, and offers some solutions. Moreover, it can serve as a basis for a comparative analysis of the access to information of the judicial system in 2022-2023, based on the assessments of 2021-2022.

The intention behind this report is to capture the appraisals, viewpoints, and aspirations of young individuals, ranging from ages 14 to 28, engaged in the practice of judicial oversight. They offer insights into their desires to contribute to the justice system within their country and, by extension, the broader state, actively participating in its formation.

Consequently, the report was developed by utilizing information gleaned from the involvement of these young participants in the program, as well as by drawing upon the suggestions they put forth.

## Acknowledgments

The project was implemented by the Helsinki Association for Human Rights NGO (HAHR) in partnership with the **Solidarity Fund PL**,<sup>24</sup> with support from the **Ministry of Foreign Affairs of the Republic of Poland**.<sup>25</sup>

Under an established cooperation, the **Judicial Department of Armenia**<sup>26</sup> granted HAHR official permission for participants, especially those under 16, to freely enter courtrooms to observe public trials.<sup>27</sup> This permission was crucial for the project's success.

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<sup>24</sup> <https://solidarityfund.pl/>

<sup>25</sup> <https://www.gov.pl/web/diplomacy>

<sup>26</sup> <https://www.spyur.am/en/companies/judicial-department-of-the-republic-of-armenia/71501>

<sup>27</sup> Armenian citizens aged 16 and above are eligible to attend open case trials in court without any hindrance. They are required to present a valid identification document to gain entry.

We express our gratitude also to the **Ministry of Education, Science, Culture, and Sports**<sup>28</sup> for their support, including the positive expert opinion from the National Center for Education Development and Innovations (KZNAK)<sup>29</sup> regarding the human rights thematic program. The opinion highlights that the program is designed to cultivate the interest of high school and university students in human rights and fair trial matters through training and court monitoring. It also aims to foster the development of an active civic attitude among participants. Notably, the Armenian version of the “Compass” - a manual for human rights education among young people is emphasized. This resource is comprehensive and employs contemporary teaching methods. It is expected to enhance the effectiveness of training sessions and serve as a lasting guide for human rights educators. The program offers participants the opportunity to engage with important subjects through interactive training techniques. Furthermore, the inclusion of court monitoring allows them to voice their perspectives on challenging human rights issues across various scenarios.

The concept of enhancing human rights capacity and implementing court monitoring is highly valued, especially for its application in the Syunik region of Armenia. This aligns well with the **Resilient Syunik Team Europe initiative**,<sup>30</sup> within the framework of which the project was implemented.

The project culminated in experience exchange meetings with judges from the courts of general jurisdiction in the aforementioned cities. We extend our heartfelt appreciation to the judges who took part in these meetings. Despite their demanding work schedules, they willingly dedicated their time to meet with the groups, sharing their valuable experiences, recounting intriguing cases, and responding to the inquiries of the youth regarding the identified issues. The realization of these meetings was made possible with the backing of the court chairs, some of whom even attended the meetings in person.

As part of the initiative, the organization engaged in close cooperation with the **Syunik Regional Governor’s Office in Armenia**,<sup>31</sup> particularly through the Department of Education, Culture, and Sports. The invaluable support and participation of these entities in the project were invaluable.

In July, a significant experience exchange meeting was held with the **Court Watch Poland Foundation**.<sup>32</sup> During the introduction, both organizations shared their key activities and monitoring methods, finding common ground. The meeting involved discussions on overcoming challenges, proposing solutions, and inspiring each other.

Lastly, our gratitude extends to the young court monitors who dedicated their unwavering efforts and actively engaged in the project. It is through their diligent efforts that this report has come to fruition today.

Creating youth-focused initiatives, expanding project scope by involving monitors from other regions, and assigning dedicated staff to work with volunteers were highlighted for increased effectiveness. Leveraging innovative online platforms for case tracking, reporting, virtual observation, training, and collaboration was suggested. Facilitating experience exchange among regional groups of monitors through meetings, online forums, and collaborative environments was

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<sup>28</sup> <https://escs.am/en>

<sup>29</sup> <https://kznakhimnadram.blogspot.com/>

<sup>30</sup> <https://eu4armenia.eu/team-europe-initiative/>

<sup>31</sup> <http://syunik.mtad.am/structure/>

<sup>32</sup> <https://courtwatch.pl/en/>

deemed beneficial. Methods for collecting monitoring results, conducting analysis, and generating impactful reports were discussed, considering limited human and financial resources. Effective engagement with state bodies and court administrations to ensure volunteer access to courts was also emphasized.

## **Organizational Background**

Founded in 1997 and registered with the Ministry of Justice of Armenia, the Helsinki Association for Human Rights (HAHR)<sup>33</sup> initially aimed to uphold the principles of the 1975 Helsinki Accords. Over time, its focus expanded to combat human rights abuses and champion essential rights like speech, association, peaceful assemblies, a fair trial, other.

Guided by the vision of a just Armenia that respects everyone's human rights, HAHR pursues the following key objectives:

- Promoting transparency and accountability in state structures through consistent human rights monitoring, reporting, and fostering civic engagement in decision-making.
- Cultivating legal awareness and understanding in Armenian society through education and outreach.
- Providing practical safeguarding of violated rights and freedoms through legal assistance, including representation, advice, and strategic litigation.
- Advocating for Armenia's adherence to international human rights commitments and overseeing their implementation.

This youth program strongly aligned with and supported our objectives. It traces back to 2019, when HAHR, in partnership with the Eurasia Partnership Foundation (as the lead organization) and Human Rights Power (a partner), executed the Partnership for Justice Reform project, implemented in support with the U. S. Department of Relief and Labor (2019-2021). One of HAHR's main objectives was to enhance the capacities of young individuals in court monitoring, overseeing the progress of reforms. This was achieved through a series of capacity-building trainings and court monitoring activities conducted across all regions of Armenia.

As a result, there was an upsurge in societal knowledge and awareness regarding the judiciary, its objectives, and functions, accompanied by a heightened reverence for legal expertise. This development further facilitated the recognition of both objective and subjective factors contributing to the persistence of challenges and issues within the system.

Moreover, the project fostered sustainable cooperation between the government and civil society in the realm of judicial reform, and it contributed to the emergence of a new cohort of legal reform specialists from civil society.

The successful implementation of this project gave rise to new ideas that materialized with the support and partnership of the Solidarity Fund PL in subsequent initiatives such as "Legally Educated Young Citizens as Guardians of an Independent and Transparent Judiciary" (2021), "Towards an Independent and Transparent Judiciary in Armenia" (2022), and "Towards a Transparent Judiciary and Respecting Human Rights: Multiplying Effects in the Syunik Region of Armenia" (2023). Additionally, the project titled "Youth for Recognition and Respect for Fundamental Rights" (2022-

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<sup>33</sup> <https://hahr.am/>; <https://hrtv.am/>

2023), which was backed by the Public Diplomacy Section of the U.S. Embassy in Armenia, further contributed to these efforts.

Collectively, these projects significantly contributed to the dissemination and development of a monitoring culture in Armenia, serving as a valuable and effective instrument for public oversight.

## Political Background

Armenia has been overshadowed by political tensions and insecurity stemming from the unresolved Nagorno-Karabakh conflict.

GRECO issued its Fourth Evaluation Round Second Interim Compliance Report on Armenia, focusing on preventing corruption among parliament members, judges, and prosecutors. Adopted during GRECO's 93rd Plenary Meeting (March 20-24, 2023), the report recommended enhancing legislative process transparency by ensuring public discussions on draft laws, timely disclosure of drafts and amendments, and improved disclosure of committee activities.<sup>34</sup>

In accordance with the Supreme Court's ruling, several judges were removed from the judicial system due to diverse reasons, primarily for grave disciplinary infractions. In one instance, the grounds were related to a criminal case filed against a judge under the charge of obstructing justice. In another scenario, the credibility of the judicial authority was undermined, casting doubts on the court's independence, impartiality, and the validity of judicial decisions.

The removed judges subsequently filed motions with the European Court of Human Rights (ECHR). The ECHR has opted to prioritize the assessment of the grievances submitted by the suspended judge, consolidating them into a single proceeding for examination.

The Republic of Armenia's Draft Constitutional Law on Amending the Constitutional Law on the Judicial Code of Armenia<sup>35</sup> proposes a four-member Board of the Supreme Judicial Council to address judge disciplinary matters, including two members elected by judges and two from the National Assembly. The examination of the complaint brought against the decision on subjecting the judge to disciplinary responsibility will be carried out by the Supreme Judicial Council, with members not included in the examination of the question of subjecting the judge to disciplinary responsibility in the given disciplinary proceedings.<sup>36</sup>

It should also be noted that the frequent turnover of judges has exacerbated, rather than resolved, the issue of court overloads, as new judges restart cases.

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<sup>34</sup> <https://www.coe.int/en/web/greco/-/armenia-publication-of-the-second-interim-compliance-report-of-4th-evaluation-round>

<sup>35</sup> Republic of Armenia's Draft Constitutional Law on Amending the Constitutional Law on the Judicial Code of Armenia, <https://www.e-draft.am/projects/4643/about>

<sup>36</sup> Constitutional Law of the Republic of Armenia "Judicial Code of the Republic of Armenia" on Making Additions and Changes to the Constitutional Law, <https://www.e-draft.am/projects/4643>

## Human Rights and Fair Trials Context

The fundamental human rights principles are enshrined in Armenia's supreme law, the Constitution. It emphasizes that Armenia is a sovereign, democratic, and socially oriented state governed by the rule of law. The Constitution places the highest value on human beings, with their inherent dignity forming the foundation of rights and freedoms. Upholding and safeguarding these rights and freedoms is the responsibility of state authorities, which are constrained by these principles as binding law.<sup>37</sup>

Furthermore, every individual is entitled to effective judicial protection of their rights and freedoms. As per Armenia's international agreements, everyone has the right to seek recourse to international bodies for the safeguarding of their human rights and freedoms.<sup>38</sup> Everyone possesses the right to a fair and public trial within a reasonable timeframe, conducted by an independent and impartial court. In specific circumstances and as defined by law, judicial proceedings or segments thereof can occur behind closed doors. This is done based on a court's decision, aiming to safeguard participants' privacy, minors' interests, justice interests, as well as state security, public order, or morals.<sup>39</sup>

In 2021, the European Union-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) entered into force. It was ratified by the Republic of Armenia, all EU Member States and the European Parliament. This represents an important milestone for EU-Armenia relations. The Agreement provides among a large scope of areas a framework for the EU and Armenia to work together in a wide range of areas: strengthening democracy, the rule of law and human rights, improving legislation, etc.<sup>40</sup>

The 2022 US Department of State's Country Reports on Human Rights Practices: Armenia highlights that while the constitution and laws establish the right to a fair and public trial, the judiciary did not effectively uphold this right.

The EU-Armenia Partnership Council meeting in May 2023 reiterated that of democracy, good governance, rule of law, fight against corruption, human rights and gender equality remained the cornerstone of the Eastern Partnership policy framework. In May the US Secretary of State Antony J. Blinken and Armenian minister of Foreign Affairs launched the US-Armenia strategic dialogue, that includes discussion on programs, inter alia, to support human rights, media literacy, social protection, and justice sector reforms.<sup>41</sup>

By stating that the right to a fair trial is fundamental, its significance should be considered as a cornerstone of justice and the protection of individual rights. It implies that every individual should have the right to a fair and impartial hearing when facing legal proceedings. In terms of caseload, the Yerevan Court of General Jurisdiction witnessed a significant increase in the number of civil cases submitted. In 2020, approximately 37,000 civil cases were filed, and the following year, this number doubled. As of December 2022, the number of cases exceeded 65,000, while the court only had 35 judges available to handle these cases. This data highlights the immense workload faced by judges in

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<sup>37</sup> Article 3; Constitution of the Republic of Armenia, adopted 06.12.2015; <https://www.president.am/en/constitution-2015/>

<sup>38</sup> Ibid; Article 61

<sup>39</sup> Ibid; Article 63

<sup>40</sup> [https://ec.europa.eu/commission/presscorner/detail/es/ip\\_21\\_782](https://ec.europa.eu/commission/presscorner/detail/es/ip_21_782)

<sup>41</sup> Key International Actors, World Report 2023, Human Rights Watch; <https://www.hrw.org/world-report/2023/country-chapters/armenia>

Armenia, particularly in civil cases. On average, each judge was assigned around two thousand civil cases, indicating a significant burden. The workload for judges exceeded the permissible limit, putting pressure on the judiciary and potentially affecting the timely and effective resolution of cases. The situation mentioned in the statistics extends to criminal cases as well, indicating a general issue with the caseload and judicial capacity in Armenia's legal system.

According to statistics, the number of judges per 100,000 population in Armenia was 8 in 2020, which is relatively low compared to countries in the Council of Europe where this number is twice as high. This indicates a potential disparity in the judicial capacity and resources available to handle the caseload in Armenia.

The President of the European Court of Human Rights, Siofra O'Leary, released a report at the beginning of this year, presenting the court's activities in 2022. The report included statistics regarding the member states of the Council of Europe, including Armenia. According to the report, the rights to freedom, security, and protection from inhuman and degrading treatment were identified as the most violated in Armenia. This indicates that there were cases where individuals' rights in these areas were not adequately protected or respected. In 2022, the European Court of Human Rights issued 21 judgments on 31 applications that were brought against Armenia. The judgments likely addressed various human rights violations and determined the level of Armenia's compliance with its obligations under the European Convention on Human Rights. While the report does not mention the specific monetary value of compensations awarded in these cases, it indicates that compensation was granted to applicants who were successful in their claims before the court. Compensation is a common form of remedy provided by the court to individuals whose rights have been violated.

## Overview of Court Monitoring Content

Court monitoring served a dual purpose, involving both the participants and the assessment of law implementation and fundamental human rights, specifically the right to a fair and public trial. Despite variations in legal systems, adherence to universal norms within the international human rights framework is essential. Armenia, as a state, is responsible for ensuring fair trials, including public access where applicable.

The young court monitors had an opportunity to witness judicial proceedings, evidentiary presentations, witness testimonies, and more. Observing court proceedings gave them a firsthand glimpse into how the system operates. However, short-term programs don't always allow for following a case from beginning to end. But if a case catches the monitors' interest, they continue to observe it even after the project officially concludes.

Court monitoring extended beyond safeguarding fair hearings. It aided to HAHR in system assessment, mitigating biases by judicial actors, enhancing transparency, involving students in capacity-building, and prompting compliance with international human rights standards. Additionally, trial observation served as an information-gathering tool, potentially leading to recommendations for systemic justice sector improvements based on empirical data.

The young court monitors received training on various essential aspects of trial observation, including the key purposes:

1. **Empirical analysis:** Trials are observed to gather factual evidence for comprehensive analysis of Armenia's justice system, aiding reform efforts, and raising concerns about specific cases or



procedures.

**2. Institutional models:** Different trial monitoring models include:

- “Ad hoc” monitoring: focusing on a single case or related cases;
- “Thematic” monitoring: targeting specific case categories or judicial practices;
- “Systemic” monitoring: encompassing both courtroom observation and a broader assessment of the entire justice system.

**3. Principles of trial observation:**

- Impartiality: Observers must be unbiased and impartial.
- Non-intervention: Observers should not interfere with proceedings.
- Informed observation: Observers need a deep understanding of legal processes.
- Constructive engagement: Interaction with State authorities is constructive.

**4. Monitors' conduct:** Monitors must exhibit impeccable professionalism, discretion, and expertise. Maintaining and demonstrating impartiality is paramount. It is highly recommended that public comments on ongoing proceedings should be avoided.

**5. Reporting and recommendations:** Reporting on trial observation is strategic, serving to present findings and create reform recommendations. This mechanism initiates dialogue with stakeholders and contributes to the transformation of the judicial system.

## **General Issues Uncovered Through Trial Monitoring**

The groups of young court monitors observed a range of criminal cases encompassing various significant topics, including murders, theft, narcotics, domestic violence, drunk driving or driving without a license, violations in the RA Armed Forces, cases with political implications, assassination attempts on politicians, human trafficking, and other related matters. When selecting cases, the age eligibility of the participants was taken into careful consideration.

During the observation process, the monitors were deeply impressed by the professionalism, expertise, and competence demonstrated by the judges they observed. Particularly, the young monitors were captivated by lady judges and their adeptness in conducting hearings. They admired the judges' conduct style and their ability to maintain control even in challenging situations. Many of these judges followed the Criminal Procedure Law meticulously, exhibiting a teaching-like approach akin to a skilled educator leading a model lesson. These topics were discussed during the experience exchange meetings with the judges.

The monitoring revealed various systemic issues of a general nature within the observed courts located in Yerevan, Gyumri, Vanadzor, Kapan, and Goris towns of Armenia:

1. A majority of case hearings commenced later than the scheduled time.
2. In certain instances, the case parties were present in the courtroom, but the judge arrived significantly late.
3. In most cases, presiding judges did not provide explanations for the delays.
4. Judges often failed to announce the date and time of the subsequent court session, leading to scheduling uncertainties.
5. Despite closed trials, conversations within courtrooms were audible from outside.
6. Inside courtrooms with glass walls, audibility of party presentations during trials was challenging.
7. Information from jailers indicated that delays in transporting defendants by the Escort squad's

vehicles resulted in hearing postponements or defendants not being brought to court at all, causing further disruptions.

8. Instances of infrequent updates regarding court cases, and in certain cases, the complete absence of information, were documented within the "DataLex" information system.

9. The need to repeatedly input the access code for the "DataLex" information system whenever prompted poses specific inconveniences and challenges, demanding additional time and effort.

10. The absence of suitable technical tools for examining video and other relevant evidence during hearings.

11. Instances of the right to timely trial being violated were identified.

12. The announced time for judgment publication was not adhered to.

## **Suggestions**

1. Implement measures to ensure that case hearings start at their scheduled times.

2. Implement measures to ensure that court sessions commence as per the scheduled times.

3. Institute explicit guidelines for judges' punctuality and establish mechanisms for holding them accountable for unjustified delays.

4. Introduce a compulsory system for promptly notifying all relevant stakeholders about delays and providing explanations.

5. Enforce the mandatory requirement of informing all involved parties and participants about the date and time of upcoming court sessions, unless unforeseen circumstances prevent scheduling at that time.

6. Guarantee accurate and clear communication of information regarding the date, time, and venue of forthcoming sessions to mitigate any further confusion.

7. Address the issues leading to the audibility of courtroom conversations outside, thereby resolving this concern.

8. Collaborate with law enforcement agencies to eliminate delays or interruptions in the transportation of defendants for their court appearances.

9. Allocate additional resources to the transport battalion, including funding for acquiring supplementary vehicles that adhere to security and capacity standards. Additionally, recruit and train extra personnel responsible for timely detainee transportation.

10. Develop a streamlined scheduling system aimed at optimizing the utilization of available inmate transportation resources. This system should reduce bottlenecks and enhance transportation efficiency.

11. Ensure regular updates within the "DataLex" information system by the courts.

12. Enhance user convenience for the "DataLex" information system by simplifying the login process, enhancing efficiency, and minimizing time consumption.

13. Allocate funds for procuring an adequate quantity of high-quality technical equipment to facilitate the examination of video recordings and other evidentiary materials during hearings.

14. Guarantee regular updates to equipment, encompassing both technical capabilities and software, to sustain its effectiveness over time.

15. Ensure that the equipment allows all present parties at the hearing to comprehensively review the evidence.

16. Expand systemic mechanisms to safeguard the right to a timely hearing in all instances.

17. Implement more effective strategies to avert unnecessary delays and disruptions in court proceedings.
18. Rigorously adhere to the announced publication time of verdicts.

## Conclusion

Participating in the court monitoring program exposed participants to the realities of the judicial system. They observed judgments and treatment of defendants, motivating them to advocate for a just and a sustainable legal system.

This experience further deepened their comprehension of the significance of court monitoring, citizen rights, and the right to a fair trial in ensuring their protection. Now better informed, they are equipped to defend against potential rights violations. This direct experience underscores their role as engaged citizens in advocating for transparency, accountability, and human rights.

Professionalism of young judges, prosecutors and attorneys inspired participants to reconsider career choices.

Similar programs aid in cultivating judges, prosecutors, and lawyers with innovative thinking and approaches, enabling them to discard outdated stereotypes and embrace new concepts.

Court monitoring meticulously evaluated the judicial system's effectiveness, uncovering obstacles and documenting outcomes, as well as it identified issues in human rights protection, driving reforms for transparency, fairness, and adherence to standards.

The 2022-2026 Strategy for Judicial and Legal Reforms underscores the importance of an independent, efficient, and corruption-free judiciary, echoing the political changes in Armenia since 2018. This priority resonates across government programs, emphasizing political determination for equal access to justice. An effective judicial system is integral to justice and equality.

Building on the 2019-2023 plan, the 2022-2026 reform strategy encompasses 14 goals, including:

- Exposing human rights violations through transitional justice tools;
- Ensuring sustainable judicial reforms;
- Implementing criminal law reforms;
- Advancing advocacy development.

These objectives emphasize comprehensive efforts to bolster human rights, enhance the judiciary, and refine legal practices in Armenia.

HAHR's program findings will shape its future initiatives. Actively overseeing the reform strategy's implementation showcases HAHR's dedication. This ongoing vigilance ensures pursuits remain on track, fostering transparency and accountability. Such dedication is vital for successful reform outcomes.

HAHR uses court monitoring to assess the strategy's effectiveness, advocating for justice where human rights are compromised. This dynamic component observes reforms in action, ensuring human rights are upheld in the judicial system. These endeavors empower HAHR to gauge progress, assure objectives are met, and contribute to a more equitable legal landscape in Armenia.

In addition, the successful collaboration with the justice system sets a strong base for future initiatives, with potential for expansion across Armenia's regions. Lessons gained will guide and

inspire similar endeavors in different areas. Building on current knowledge and partnerships, replicating successful elements can address specific region needs. This collective effort will promote human rights, strengthen democracy, and advance justice throughout Armenia's regions.

