

The Drafts of the Judicial and Criminal Codes were discussed in the Chamber of Advocates

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On November 8, 2017 a discussion was held over the new drafts of the Judicial and Criminal Codes of RA in the Chamber of Advocates of RA. The speaker of the session was Ara Zohrabyan, the Chairman of the Chamber of Advocates.

While presenting the changes of the Judicial Code referring the sanction, Ara Zohrabyan mentioned that the changes offer 3 judicial sanctions instead of 4. The judicial sanction against the respective body for the advocate's or prosecutor's behavior has been eliminated and from now on it is possible to fine the advocate. Before turning to the discussion of the matter, he presented the statistics.

6 disciplinary proceedings were initiated based on the judicial sanctions in 2015, 21 in 2016 and 80 cases by November 1, 2017. The Board of the Chamber of Advocates examined 5, 16 and 21 respectively in 2015, 2016 and 2017. The Board stopped 13 out of 16 cases in 2016 and 16 out of 21 in 2017.

The Chairman of the Chamber mentioned that the necessity of this legislative provision is not justified. Why did the legislative body decide to impose fine on the advocate directly as a judicial sanction if there is an opportunity to raise the questions concerning the advocate's behavior via the Chamber of Advocates. Not to be left out that judicial sanction is an obligatory base to start a disciplinary proceeding.

Advocates Sedrak Asatryan, Henrik Maghakyan, Levon Sahakyan, Sos Qaramyan, Samvel Mirzoyan, Eduard Chinarian, Levon Baghdasaryan, Seyran Grigoryan, Vahan Hovhannisyan, Gayane Demirchyan, Mihran Minasyan, Babken Martoyan and Roman Aharonyan also had speeches during the meeting.

The attendees of the meeting expressed their concern by mentioning that the fine may limit the advocate in his/ her defending activity while the current legal regulation according to which the questions concerning the advocate's behavior are raised indirectly in front of the Board of the Chamber of Advocates, gives legal guarantees of an objective solution.

The advocates expressed their determination and unity in undertaking radical means if the government bodies escape the constructive discussions and solutions.

Speaking about the draft of the Criminal Code of RA, the second part of the agenda, Ara Zohrabyan presented those parts, which refer to the responsibility of the legal person and the criminalization of some actions of advocates. Some provisions of the Criminal Code referring to advocates' activities also risk harming the independence of advocates.

Advocates will submit their suggestions and remarks in a written form to the Chamber of Advocates later on to be presented in the Ministry of Justice.







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