

THE RESULTS OF CORRUPTION WILL RETURN IN CONCEALED OTHER STATES. AN INTERVIEW WITH ARA ZOHRABYAN TO THE "HRAPARAK" DAILY NEWSPAPER

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An interview with the Chairman of the Chamber of Advocates of RA Ara Zohrabyan.

- In the days of insurrection of the "Sasna Tsrer" ("The Courageous of Sasun") group they refused of public defenders. How can you regard it? Doesn't it mean there is no public reliance on the institute of public defenders?

- I do not share this opinion. If I'm not mistaken public defenders are now defending two persons from the group of "Sasna Tsrer". 22 persons connected with these cases and accused of mass disorders or applying assault against government representatives are also defended by public defenders. What refers to the fact that some of the members of the "Sasna Tsrer" refused of the Public Defenders help, I think that this happened because the advocates formed a group and decided that it was more rational to defend their interests in a group. Possibly they would provide a more efficient defense that way. As far as I know that was the reason of their refusal from Public defenders. The Public defenders are also advocates, differing from other advocates only by the specific that they don't have the possibility to choose cases. In all other matters they have the same guarantees and independence. Connected with these cases, the public defenders acted very promptly and operatively, getting to the necessary spots on even non-working hours, appeared near their constituents to guarantee their right of keeping silent. At that time there were gossips that assault could be applied to those incarcerated. The Public Defenders were at their side up to the very time other advocates came. In this case they performed their duty with great honor.

- How do you find the behavior of governmental bodies on the days of "Sasna Tsrer" cases and what is the Chamber of Advocate's point of view on that matter?

- At least three times the Chamber of Advocates responded to this situation. First time on the 19.07.2016, the Chamber of Advocates called the police not to make obstacles to advocates' activity and ensure the citizens their right of getting legal help. The second time was on

the 22.07.2016, the Committee of Advocate's rights defense of the Chamber of Advocates took a convicting decision and published it. The third time was on the 30.07.2016, the Chamber of Advocates a) condemned the actions of enforcement during authority appliance by the police that broke the principles of necessity and relevance, including actions hindering the professional activity of journalists. b) called the appropriate bodies to examine thoroughly, objectively, fairly and publicly the actions of physical violence and the appliance of compelling methods and call the guilty ones to responsibility and c) announced support to journalists' societies. Besides, the Chamber of Advocates initiated to form a list of advocates who announced their wish to provide free legal help to the incarcerated, suggested its territory and other sources to the member of group or groups. The Human Rights Defender has also acted actively during those days, though without elucidation, which caused some kind of complaints.

The other bodies, in connection with these cases, still have incomplete proceedings, so I can't appraise the behavior of those bodies. Only I can say that jurisdiction has also to be evident, and journalists assist to it, in other case the society will consider it as not rational meddling into their rights.

- Everybody had been accused in charges of the standard kind: like illegal weapon and building occupation, without any differentiation.

- The advocates defending "Sasna Tsrer" are rather active, raising even the slightest question, and also what refers to legal qualifications I'm sure that the advocates in opposing circumstances will be able to objectively understand if the charges are presented in the right way . The Criminal Codex of our country is also based on personal responsibility according to the guilt, on the responsibility and principles of responsibility individualization. There is no institute of "Group" accuse (do not confuse with accessory) in our legislation.

- Often former state workers apply to Advocates School. An advocate who used to be a policeman, prosecutor, can he really become an independent advocate?

- Today we have at work in our advocates society former investigators, prosecutors, that provide a qualified legal help to citizens. Of course there is such a worry in the

society that a prosecutor can't make an advocate, but it's not true. When a former investigator or a former prosecutor enters the School of Advocates with his own might, studies with his own might, gives with his own might the qualification examination and after that meets as an advocate the legal dam built by governing persons, that he has to conquer by means of knowledge, he changes his mentality. Even criticizes the setup that once he used to approve. Besides, let us not forget the human system of values, if the person understands rightly the roles of evil and kind, he, naturally, can find himself in any sphere. First of all the students of the School of Advocates are taught that corruption is the worst evil. I myself give lectures in the School of Advocates and dedicate my first lecture to that topic, telling that corruption itself is going to destroy our system. If the corruption vanishes from the Court and Legal system, the material prosperity of welfare is going to improve. The work of the advocate is going to be appraised. I think that the programs that are today implied in the School of Advocates are able to sow in future advocates the right working attitudes. The way to enter and graduate from our Advocate school is so simplified, that there is no need of any meddling. And even to my kin brother I can't help to enter nor graduate. One year ago my relative's child gave the exam and failed to enter.

- There is also another phenomenon, when judges or other celebrated people of legislative system establish Advocate's offices, to which they pass cases, destining their conclusion.

- There is a Union of European countries Chambers of Advocates, our CA is it's observer member. They have a Codex of behavior, to which we have also joined. It contains such a rule behavior as the advocate not having the right to share his honorarium with someone who is not an advocate. This formulation responses to your corruption notion. According to this today's advocacy law, for example, only the 10% of the advocacy organization can belong to the advocate but 90% - not. This, of course, is dangerous. For in this circumstance bribes can pour in the advocacy services. We came out with an initiative of changes in "Advocacy law" and worked with the Ministry of Justice on this project, trying to present such a formulation in the law project according to which the advocacy firm can be considered as 100% belonging to the shareholder advocate. Of course, this segment was moving forward rather difficultly. In the most of governmental bodies, where the

project circulated, it had been adversed.

- Here we talked about corruption. Now the government is going to initiate a new anti-corruption legislative register and discusses whether it is worthy to create a new anti-corruption body with investigation authorities or they are to strengthen ethics commission. What is your opinion on this issue?

- I am not able to announce my opinion on an expert degree as I haven't explored this issue. Besides, I think to remove corruption one should struggle against its causes. If it isn't done there is no reason to struggle against aftermaths. And the causes of corruption are the following
1. when the governing person isn't paid adequate to his work
2. Not a high level of the person's jurisdictional competence. The part of our society aren't afraid of corruption consequences. There is always the need of "graft" in Armenian community, therefore the offer is always to be created. If, let's say, the lecturer of the medical University is allowed to make a doctor out of a student taking grafts, the same doctor can tomorrow operate on that lecturer's child. The bribe taker never thinks that he harms himself and the one who gives that bribe doesn't think that he does harm to anybody. But the bad effects of their deeds sooner or later are going to return in concealed other states. This is to be sowed in governing persons and society.

- But isn't that process too long? Now new laws are being worked out: like real owners disclosure, illegitimate wealth, concerning allied persons.

- The human being congenital has the natural law of kind and evil, in other words, the morality law. There are opinions, that the human being doesn't possess that law but is mainly guided by instincts. Still it can be easily denied. If now we accept only the existence of instincts, then if there is opposition of several instincts the strong instinct is always going to win and the human being will be always directed by that instinct. For example, if a person sees another person in danger, two instincts are counteracting in him. One is the group instinct, that reminds him to help his fellow-tribesman and the second - the instinct of self-preservation tells him to keep away from the dangerous spot. From these two instincts the second one is the strongest. But very often the person chooses the weak instinct, what means that above

instincts there is a rule that prompts the person's behavior. And this rule is the rule of morality. And to my mind this is the reason why corruption is in human psychology and it is important to promote the right kind of work. If the person finds corruption natural, he is always going to do it. Of course the influence of fright can make him more cautious, and even keep him far away from, but only fright can't solve that matter.

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