
ARMENIAN ACTIVIST STUCK IN DETENTION

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Last week a court in Armenia ordered Andreas Ghukasyan, a senior member of the opposition New Armenia movement, to remain in detention for an additional two months pending trial on criminal charges of organizing mass disorder.

He has been locked up since his arrest during public protests in Yerevan on July 29, 2016, when police used excessive and disproportionate force to violently disperse a peaceful crowd and arrested dozens of participants and leaders. The protests erupted after armed men from a radical opposition group seized a Yerevan police station on July 17, killing one policeman and taking several hostages.

During last weeks hearing, the prosecutor argued for continued detention, citing the gravity of the charges. Yet publicly-available video footage of July 29 shows Ghukasyan calling on demonstrators to remain calm and not confront the police. The court reviewed the video, but denied Ghukasyans lawyers motion to allow journalists who witnessed the protests and some protest participants to testify in Ghukasyans defense.

The judge cited several European Court of Human Rights judgments saying that courts are not required to permit defense witnesses at a pretrial detention hearing, as the main purpose is not to examine the merits of the case, but to establish reasonable suspicion of a defendant having committed the alleged crime.

Its encouraging that the judge is citing European Court jurisprudence. But other European Court findings are equally relevant in this case.

The European Court has been very clear that pretrial detention should be a measure of last resort, and that specific facts and personal circumstances relevant to the accused are needed to justify pretrial detention. Courts may not rely on general and abstract reasons for detention. Investigators contended that Ghukasyan would most likely abscond or interfere with the investigation, but presented no evidence to substantiate that claim. The prosecutor simply listed the reasons established in Armenian law for denying bail. Nothing else.

To show full respect for Armenias human rights commitments, investigators should revise their request for pretrial detention for Ghukasyan, and release him pending a trial founded on a credible investigation into the charges against him.

Kaynak/Source: