

Resolution of the European Association of Judges on Judicial Independence in Armenia

1. The EAJ expresses grave concern regarding recent actions in Armenia that jeopardize the independence of the judiciary. These include political interference in judicial appointments and promotions, as well as the use of disciplinary proceedings as a mechanism to suppress judicial independence.
2. The EAJ is alarmed by attempts to politicize the judiciary in Armenia through the appointment of politically affiliated individuals and the inclusion of non-judicial members on the Supreme Judicial Council (SJC), in disregard of statutory requirements. These actions compromise the independence of both the SJC and the judiciary.
3. The EAJ calls for immediate measures to prevent the Judicial Department from unlawfully interfering in the election process for judicial members in the General Assembly of Judges. It stresses the importance of ensuring that these elections are competitive, conducted fairly and transparently, and in full compliance with legal principles.
4. The EAJ voices concern regarding recently proposed legislative changes, particularly those involving modifications to the composition of the Judges' Performance Evaluation Commission, the linkage of judges' evaluations to their remuneration, and the introduction of a brief two-year evaluation period for judges. These reforms are at odds with well-established international principles of judicial independence, as they risk exerting undue pressure on judges, influencing their decisions, and jeopardizing judicial impartiality.
5. The EAJ reaffirms that international standards of judicial independence—including Recommendation No. R (94) 12 of the Committee of Ministers of the Council of Europe, the UN Basic Principles on the Independence of the Judiciary, the Universal Charter of the Judge, and the European Charter on the Statute for Judges—strictly prohibit any link between a judge's remuneration and their judicial outcomes. These standards also condemn political interference in the judiciary and stress the necessity for impartial and independent judicial bodies.
6. The EAJ expresses profound concern regarding the use of disciplinary proceedings in Armenia as a means to target independent judges, often driven by extrajudicial media campaigns or politically motivated interventions. Such practices constitute a direct violation of the fundamental principles of fairness, judicial impartiality, and the rule of law, posing a serious threat to the independence and integrity of the judiciary.
7. The EAJ implores the Armenian authorities to review of all cases in which the Minister of Justice, Grigor Minasyan, has instigated disciplinary proceedings. This urgent call is underscored by the necessity to acknowledge that the SJC, under the chairmanship of Karen Andreyan, is entangled with various vested interests, which has culminated in the arbitrary termination of the judicial powers of the affected judges. The adjudication of cases conducted under conditions characterized by a conflict of interest and prearranged to facilitate undue influence from the executive branch should serve as the foundation for re-examining the SJC decisions rendered.
8. The re-examination of such cases must be rigorously aligned with existing legislation and the fundamental tenets of a fair trial, specifically: the principle of public hearings (open

trials), the equality of arms between the parties, and the right to defense, which includes the opportunity to challenge the charges presented.

9. The EAJ further underscores that:
 - It is fundamentally incompatible with European best practices and standards for bodies tasked with disciplinary proceedings to produce or disseminate materials—including video content or social media posts—that compromise the integrity of judges and courts. This is particularly egregious when undertaken by state bodies constitutionally mandated to safeguard judicial independence and ensure the proper functioning of the courts.
 - The initiation of disciplinary proceedings based on such pre-orchestrated materials is wholly unacceptable.
 - It is inappropriate for disciplinary bodies or individual judges to incite hostility or bias through social media platforms or to make public statements that preemptively determine the outcomes of disciplinary processes. Such conduct significantly undermines public confidence in the judiciary and jeopardizes judicial independence.
10. The EAJ expresses profound concern regarding the selective exclusion of the Armenian Association of Judges from critical discussions pertaining to judicial reform, as well as the recent amendments to the Judicial Code that prohibit any organization from incorporating the term “judge” in its title. These measures appear to form part of a broader strategy aimed at obstructing and potentially dismantling the Association, thereby undermining its essential role in upholding judicial independence.
11. In light of the coordinated and systematic nature of attacks against the judiciary, the EAJ calls upon the Armenian authorities to investigate instances of interference with judicial functions and to ensure accountability for unlawful conduct, including scrutinizing the actions of the Chairman of the SJC.
12. The EAJ urges the Armenian authorities to guarantee that all processes related to judicial appointments, disciplinary proceedings, and legislative reforms are conducted with full transparency and are aligned with international standards of judicial independence.
13. The EAJ underscores the imperative of maintaining a judiciary that operates free from political influence or control, reaffirming its unwavering commitment to supporting judicial independence in Armenia.