THE ANNOUNCEMENT OF THE PUBLIC DEFENDER OF THE CHAMBER OF ADVOCATES CONCERNING TO THE ANNOUNCEMENT OF THE "EUROPEAN UNION LAW" SPREAD BY THE NGO

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The "European Union law" public organization has spread an announcement from the 27.07.2016 about one of the members of the group "Sasna Tsrer" ("The Courageous Ones of Sasun") Ashot Petrosyan making obstacles to the legal process conducted by the defense, in addition to it the other members of the group "Sasna Tsrer" are claimed to " avoid from persuading the illegally invited public defender to perform services of defense". In connection to this we are going to clarify the following.

In the "announcement" of the public defenders the statements about the involvement into the criminal case are not only unfit to the reality and having the aim of misleading the public but also prove the public organization's work not to be professional. The office of the Public Defender provides public defense for criminal cases only on the basis that has been prosecuted by the body. Thus the investigation department of the national security service of RA has made a decision from 26.07.2016 of defending the interests of Ashot Petrosyan and Hovhannes Harutyunyan in criminal cases by involving a public defender.

The office of Public defender, performing the decisions of the criminal prosecuting body was obliged to hand over the cases to public defenders and it did it just that way: at 26.07.2016 about 14:30 p.m. Ashot Petrosyan's case was handed over to public defender Mary Alaverdyan and Hovhannes Harutyunyan's case – to public defender Lyudvig Avetisyan.

The mentioned public defenders could obtain the status of defenders only after the very moment of getting Ashot Petrosyan's and Hovhannes Harutyunyan's agreement. Ashot Petrosyan and Hovhannes Harutyunyan gave their agreement.

The Public Defender office and the public defenders acted according to the law.

How it is mentioned in the announcement Ara Papikyan the lawyer invited by the public organization on the basis of Ashot Petrosyan's children's statement wished to visit the latter in the "Erebuni" medical center, adjusting the visit "with relevant representatives of the medical crew", however wasn't able to visit for the security service representative didn't allow the lawyer to enter the hospital ward.

For any person performing the duty of a lawyer it is evident that visiting the defendant the lawyer has to assume the person's defense beforehand, presenting to the criminal case prosecution his statement and Ashot Petrosyan's children's statement, directed to the body prosecuting the criminal case. Besides, after getting Ashot Petrosyan's agreement only his lawyer Arayik Papikyan could be considered as his defender that has assumed the defence. Yet, as one can see from the text of the "Statement" , the lawyer who had been invited in a private way tried to penetrate the application at 17:55 p.m, after handing over the case to the public defender and after the case had been involved into the prosecution process by the public defender.

Consequently, the assertion that the public defender Mary Alaverdyan in contradistinction to Arayik Papikyan was able to enter the ward and meet Ashot Petrosyan is conditioned by the fact that in contradistinction to lawyer Arayik Papikyan Mary Alaverdyan had undertaken Ashot Petrosyan's defense. What refers to the circumstance that Ashot Petrosyan wasn't allowed to get in touch with his children and hadn't been informed in any way that he had a defender chosen by his children, and as a result was deprived of the right of choosing a defendant himself, in that case the spreader of the " announcement" must know that according to the legal criminal codex such kind of responsibility is carried by the prosecuting body. However, we should mention that from the side of Mary Alaverdyan Ashot Petrosyan has been explained that he has the right of defending himself by the help of defender he chooses himself, anyhow, Ashot Petrosyan prefered his interests to be defended by Mary Alaverdyan.

Concerning to one more statement of the "announcement" in which Ashot Petrosyan's daughter Tatevik Petrosyan tells that they had known about the services of public defendant and didn't turn to them for help and in case of being familiar to the information or aware of the situation neither would their father accept the help of public defence, we find it necessary to notice that to any person more or less familiar to legislative processes is evident that a person suspected in or accused of criminal cases the defender

is provided ONLY by the Public Defender and ONLY on the basis of the decision of the body proceeding the case and ONLY according to the wish of the one suspected or accused in crime, and not on the basis of applications written by his friends or relatives. We think that the process of providing a public defender must be familiar to a public organization and the spreading of such kind of information chases to our mind the aim of confusing the reader and casting a shadow on the work of the Public Defender,that is consonant to the public organization's policy recently tended against the office of public defender.

Hereby we want to mention that both Ashot Petrosyan and Hovhannes Harutyunyan are able to refuse of the service of the public defender at any time, in that case the free of charge defence of the public defender will cease immediately.

Concluding the aforementioned we find it necessary to emphasise one more time that the Public defender office of the Chamber of Advocates of RA acted within the borders of criminal legal codex and the cases had been handed over to the defenders on the basis of the decision made by the body proceeding the case.

Therefore we admonish the "European Law" public organization to restrain from perversing the work of the Public defender and the good reputation of separate public defenders and chasing their own aims in a perversive working style.

The deputy chairman of the Public Defender office of the
Chamber of Advocates of RA
Varser Karapetyan