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50 days of the Defender: reflection on March 2008 consequences

It is very difficult to reflect on March 2008 events and their consequences both from political, legal and just humane perspective. Various opinions and assessments related to them were expressed during the last three years while viewpoints on the issue within the society are still very discrepant.

The former ombudsman tried to give assessment to March 2008 events. The reply to this assessments was in the form of criticism both from authorities and opposition. It is to suppose that the Human Rights Defender should be aside from political processes and act solely in legal level.

The word “ombudsman” means “mediator” and is brought here in our reality from Europe where Ombudsman has three main missions:

- ✓ Mediator in political dialogue
- ✓ Observer of human rights situation
- ✓ Human rights defender in individual cases

The same mission is commissioned to me by the RA Constitution and laws.

When carrying out human rights protection in individual cases I am obliged to follow the RA Law “On the Human Rights Defender” which prohibits me to interfere into court trials, assess the court decisions as well as envisages 1 year limitation period for the cases beings accepted and inquired by me.

Consequently my powers to carry out legal protection with regard to the human rights violations in individual cases resulting from March 2008 events are very limited by the RA legislation or almost non-existent.

In this situation I can perform my observation mission the way I do in other situations when examining and assessing the level of various rights protection. However, the same observation mission regarding the aforementioned events and their consequences is performed by a number of local and international organizations; therefore I consider my observation function alongside with them necessary but insufficient.

Highlighting the importance of prevention of human rights violations in possibly intense domestic political scene as well as with sincere belief that development of our society and strengthening of the State indeed require political dialogue and strong cooperation, I would like to propose to be a “mediator” between the Armenian National Congress and Parliamentary Coalition.

Every mediator has a task of fixing the most contradictory standpoints of the sides without his own evaluation and comments and after finding generalities and possible compromises between the sides, to bring closer the contradictory positions and find possible solutions with their help.

For now I highlight the following conflicting positions of the sides.

Opposition: 2008 post electoral meetings were peaceful.

Authorities: the opposition tried to make a revolution in the country.

Opposition: results of 2008 presidential elections were falsified.

Authorities: irregularities during elections did not affect the outcome.

Opposition: dispersal of March 1 meeting was illegal.

Authorities: illegal was the conduct of meetings.

Opposition: there are political prisoners in the country.

Authorities: persons imprisoned after March 1 are lawbreakers.

Opposition: the authorities do not want to reveal the circumstances of the death of 10 victims.

Authorities: everything is being done to reveal the circumstances of the death of the victims.

Opposition: the authorities blocked the Liberty Square.

Authorities: the Liberty Square is meant not only for conducting meetings.

Opposition: off-year elections should be held.

Authorities: problems could be solved by regular elections as well.

Previously, there were attempts of bringing closer the contradictory positions and driving conflicting sides to dialogue. Different foreign diplomats and international organizations regularly tried to assume the role of both the mediator and observer; however the atmosphere of trust and tolerance has not been formed

yet. Highly appreciating efforts of foreign statesmen and organizations, nevertheless it is disappointing that in our domestic issues we are endlessly being estimated, ruled, taught and judged by foreigners. I am confident that we have national potential to overcome the results of these extremely painful events on our own.

As the Ombudsman of Armenia, i.e. a constitutional mediator, I have several privileges from the standpoint of the mission suggested by me. First of all I am the compatriot of the sides; moreover the function of the mediator is commissioned to me by the RA Constitution.

Besides, during my extensive juridical experience I have often reconciled extremely contradictory positions. Finally I am new in politics and sufficiently young to sincerely believe that ideas of fraternity and harmony have not disappeared from the ideology of any of our political powers and that impossible is made possible through the efforts of young idealists, professional pragmatists and humanists.

I know that my initiative of acting as a mediator will probably be criticized from different camps. Some will mention its impossibility and sneer at the end the way today many sneer and scoff nearly everyone. Nevertheless, I am sure that there are patriotic, intelligent statement in our opposition and state authorities with national thinking and Christian love for fraternity for whom constructive political dialogue and every possibility for national solidarity is extremely important. With expectation of a positive response and resolution to take concrete steps I will send this week my suggestion to the parliamentary governing coalition and the Armenian National Congress.

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