

## **Statement of the Armenian Ombudsman regarding the case of Nikolay Baghdasaryan**

Advocate Nikolay Baghdasaryan has applied to the Ombudsman and informed that he is accused for illegally collecting and disseminating information pertaining to personal life. The advocate noted that he defended his client, whereas the pre-investigating body viewed it as a dissemination of personal secret.

Following Nikolay Baghdasaryan's application, the Armenian Ombudsman has sent written enquiries to the General Prosecutor's Office and the Investigative Committee from where they have replied that the pre-investigation of this case is being continued, as well as the case is being appealed in the Court.

Taking into account that the case is in the pre-investigation phase and is being appealed in the Court, the Law prohibits us to come up with any statement not to intervene into the judicial process and not to breach the confidentiality of the case.

However, we deem it necessary to indicate one more time that as a general principle, any manifestation of hindering the professional activity of advocates, human rights defenders and human rights defender-organizations is impermissible.

Focusing our attention on the cases regarding criminal and administrative persecution that recently have become more frequent, we suggest that the relevant bodies should ammend the Article 144 of the Criminal Code as much as possible, since it gives rise to misinterpretations. In this case, collecting or keeping confidential information in general is not illegal, but keeping or collecting confidential information illegally, with the aim to use the information or disseminate it through the means of mass media is illegal. The legislative regulation in this way would promote the regulation of the field and would not allow advocates to be hindered when carrying out their professional activities.

Taking into account the circumstances of the case, we are hopeful that the relevant bodies will conduct the investigation of the case as objective, as unbiased and comprehensive, as possible.

**Karen Andreasyan  
Ombudsman of the Republic of Armenia**