

1994

## LL.M. Alumni Fights for Free Press in Armenia

Ayesha Qayyum

*American University Washington College of Law*

Follow this and additional works at: <https://digitalcommons.wcl.american.edu/hrbrief>



Part of the [Legal Biography Commons](#)

---

### Recommended Citation

Qayyum, Ayesha. "LL.M. Alumni Fights for Free Press in Armenia." Human Rights Brief 1, no. 2 (1994): 11.

This Article is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in Human Rights Brief by an authorized editor of Digital Commons @ American University Washington College of Law. For more information, please contact [kclay@wcl.american.edu](mailto:kclay@wcl.american.edu).

Peru, continued from page 1

the transfer of power, a substantial number of Supreme Court justices, judges and prosecutors were dismissed, amounting to a "wholesale purge of judicial personnel involved in every aspect of the administration of justice."

The report also expressed concern about the fairness of using anonymous judges in terrorism cases, stating that the anonymity deprived defendants of the right to know whether the judge possessed adequate legal training and experience. It further asserted that anonymity in the judiciary violated defendants' right to be tried by an impartial court as defendants challenge judges thought to be biased or partial. The commission recommended that Peru repeal those laws preventing defendants and their defense counsels from identifying judges and prosecutors, and those which limit defendants' right to be presumed innocent until proven guilty.

The commission further found that the language of Peru's anti-terrorism laws were too broad and permitted law enforcement officials to regard almost any violent act as a crime of terrorism. It also concluded that the definition of the crime of treason was similarly overbroad, involving virtually identical conduct to that proscribed by anti-terrorism laws. Unlike terrorism cases, though, the report pointed out that treason cases are tried by military tribunals

applying "extremely summary procedures."

The commission recommended the reform of Peru's legislation pertaining to treason and terrorism. Specifically, it concluded that the definition of the crime of terrorism should be re-drafted in language that clearly and precisely defines the unlawful conduct, and that the Peruvian government repeal laws that allow military courts to try civilians for the crime of treason. The commission additionally recommended that current treason cases be transferred to civilian courts and that the Supreme Court review military convictions of civilians charged with treason.

The commission also suggested that Peru repeal laws that permit authorities to: hold persons incommunicado, arbitrarily transfer persons held in custody, restrict individuals' right to defense counsel of their choosing from the moment of arrest or detention, and restrict the right of free and private communications with defense counsel, or which in any way limit defendants' right to examine and confront witnesses and introduce and challenge evidence during trial.

The commission's review of Peru's new constitution focused on provisions that affected the independence of the judiciary. The report expressed particular concern over the transfer of cases premised on treason or terrorism from civil courts to military tribunals, and the

authorization of the death sentence for persons convicted of these crimes. The commission concluded that these provisions violate the American Convention on Human Rights, which forbids the extension of the death penalty to crimes that were not punishable by death at the time of a state's ratification of the Convention.

"The government of Peru has taken some isolated positive measures up to this date," said Professor Goldman, "but it cannot be said that there is an improvement in the Peruvian administration of justice, according to the findings and recommendations of the commission." Goldman further noted that, "we hope that the Peruvian government, as part of its ongoing program of judicial reform, will implement the suggestions contained in our report on which it has not yet acted."

The complete report can be accessed and downloaded from The American University's INTERNET server Via FTP: [Ftp://ftp.sray.wcl.american.edu](ftp://ftp.sray.wcl.american.edu) (147.9.101.22); go to <pub/intlaw> directory; log in as anonymous and use your email address as the password; type GET perueng.txt (for English text) or peruspn.txt (for Spanish text). ☉

*Antonio Maldonado is a Peruvian attorney currently pursuing his LL.M. in International Legal Studies at WCL.*

*Diego Rodriguez, a Columbian attorney, will complete his LL.M. at WCL this spring and is currently a legal associate for Latin America at the International Human Rights Law Group.*

---

## ALUMNI PROFILE

---

### LL.M. Alumni Fights for Free Press in Armenia

by Ayesha Qayyum

Hobhannes Asrian, LL.M. '93, returned to his native Armenia last Fall where he is currently serving as Chief Counsel for the Armenian Parliament's Standing Committee on Human Rights. Asrian spent a year in the Washington College of Law's (WCL) International Legal Studies Program focusing on the international protection of human rights. As part of his responsibilities as Chief Counsel, Asrian helps draft legislation designed to extend internationally recognized human rights to the people of Armenia. He also reviews draft legislation proposed by other committees to ensure that they do not infringe on such rights, and prepares government statements and initiates public discussions on particular human rights issues.

Recently, Asrian helped to successfully

defend the opposition newspaper *Golos Armenii* against litigation initiated by the government in its effort to close down the paper. Asrian describes his role as defense counsel in the case as "very fulfilling," though he noted that it did not particularly endear him to his government colleagues. His activities, in fact, caused a great deal of problems in his work with the Parliament. Nonetheless, Asrian considers the outcome well worth the price. He views the newspaper's continued publication as a clear indication that civil society and the protection of individual liberties have triumphed in Armenia.

In addition to his litigation work and involvement in Parliament, Asrian recently published a booklet in Armenian entitled "Human Rights in the Modern

World." Asrian's future plans are presently vague due to the unsettled political situation in Armenia. Currently, there is an ongoing debate among the political elites as to the method of adopting the country's new constitution. Asrian said the outcome of this debate could determine the direction of his personal career.

According to Asrian, the knowledge he gained during his time at WCL was extremely valuable. In particular, Asrian believes that the understanding of international human rights he acquired during his studies at WCL was instrumental to the defense of the *Golos Armenii*. Asrian considers this success as a victory also for the WCL LL.M. program as it exemplifies the excellence in education offered at the Washington College of Law. ☉