ARA ZOHRABYAN REFERS TO BAKO SAHAKYAN BY LETTER

On 28 April one of the Armenian electronic media published the entitled application "Objections against accreditation of advocates". The Chamber of Advocates received such kind of application on December 2013, and on this occasion on January 2014 the Chairman of the Chamber of Advocates Ara Zohrabyan refer to Bako Sahakyan the President of NKR with a letter, the copy of which to Ararat Danielyan the minister of Justice of NKR ,to Aleksandr Galstyan the Chairman of the Chamber of Advocates, and to the advocates having objections against accreditation.

In the letter Ara Zohrabyan mentioned the opinions which had propounded the objecting advocates. The Chairman particularly wrote : RA citizens Armen Melkonyan, Artur Gevorgyan, Ashot Saryan, Armen Yesoyan, Never Ghahramayna and Qhristine Arakelyan (hereinafter applicants) applied you asking to demand clarifications from the Chairman of the Chamber of Advocates of RA and the members of the Board and to eliminate the discrimination of the decision of the Board that is having at least 18 months of advocacy practice as well as the conditions of living in NKR permanently at least for 5 years. Similar applications were also addressed to the President of RA and the Minister of Justice of RA. The Applicants were bothered with the decision N.30/3L (dated on15/11/2013) of the Chamber of Advocates by the order of giving the advocate of other country a license and terminating the license. The applicants found the decision of the Board absurd, as the Second Republic of Armenia, The Chairman of the Chamber of Advocates of RA and the members were classified as other state. The applicants think that the advocates with a license from the Chamber of Advocates of NKR who had passed the qualification exams held by the Chamber of Advocates of NKR are practically deprived from the credential provided by the Chamber.

 We inform you that the arguments of the applicants are not substantiated by the following reason. Directed according to the article 17.1 # 2 of RA law "On advocacy" the Chamber established the order of giving the advocate accreditation and terminating the activity of the latter. The board of the Chamber of Advocates fairly considered that the Republic of Nagorno-Karabakh is a state since Nagorno-Karabakh has all basic qualifications for statehood in accordance with international documents including Montevideo Convention. Moreover, according to Article 3 of the above mention Convention: "*The political existence of the state is independent of recognition by the*

other states". Therefore, the board of the Chamber is not interested in circumstance whether Nagorno-Karabakh is or is not subject of international law, is or is not recognized by other state. Appropriate payments for accrediting the advocate of another state are defined by Directive. Meanwhile, the board of the Chamber granted privilege for advocates of Nagorno-Karabakh and exempted them from any payment for accreditation with certain exceptions as enshrined in point 19 of the Directive. The applicants, considering to be RA citizens, deviating from the required condition to study in the school of advocates, by changing their place of residence took the exam organized by the Chamber of Advocates of Nagorno-Karabakh and obtained licenses as Nagorno-Karabakh advocates (it is typical that there are persons in the list of new advocates who were removed from the school of advocates and did not pass admission exams). The exceptions defined by the Chamber of Advocates of NKR refer to the people becoming citizens from RA to NKR artificially whose main aim is to practice advocacy in RA without having the additional education for it.

 For this reason by the Order point 19 the advocate of NKR is free of the fee of accreditation of foreign state advocate if he has

·   at least 18 months of advocacy practice in NKR

·   or at least 5 years of permanent living in Nagorno-Karabakh Republic .As you see advocate living at least 5 years in NKR is independent from any experience and can be freely accredited.