



Public Defenders Office



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When is free legal aid provided?

The legislation effective in Armenia in certain cases provides legal aid to people who cannot afford to retain a lawyer. If a person is accused of committing a crime and cannot afford to retain a lawyer, a public defender is appointed to help him.

An advocate is appointed for the indigent in cases of levying alimony, causing disability or other damages to the health, as well as compensating the damages caused by the loss of the breadwinner.

In specific cases, free legal aid can also be provided to people who have not yet been officially identified as a suspect or defendant, but there are substantial grounds to believe that the relevant body is preparing a charge against them.

Who are Public Defenders?

Public defenders are lawyers, who are appointed to perform this legal work. They are reimbursed for their work by the government, but, like all advocates, they are members of the Chamber of Advocates of the Republic of Armenia and the provisions of the Code of Advocate's Conduct apply to them as well. In some marzes public defenders are those advocates who are full time employed at the Public Defender's Office. In some other marzes they can be advocates who dedicate only a part of their time to representing the indigent.

The Head of the Public Defender's Office appoints public defenders based on the decision made by the investigator, the court or the Head of the Public Defender's Office, if the suspect or the defendant does not have means to pay the counsel and wishes to have one, or in cases where the law

prescribes mandatory participation of a counsel. If you are suspected or accused of committing a crime and cannot afford to have a lawyer, ask the investigator or the court to appoint a public defender or you can apply to the Public Defender's Office as soon as possible. You can be requested to submit an income disclosure to determine whether you are truly unable to retain an advocate. You must be honest when you fill in the disclosure form about your income. If you are dishonest when presenting the financial information about your income, the free legal aid that will be provided to you may be terminated.

Who does a public defender work for?

How closely does he work with the prosecutor?

Public defenders are advocates, who work for at the Public Defender's Office functioning under the RA Chamber of Advocates and are members of the RA Chamber of Advocates.

The Public Defender's Office is funded by the government. Although the Prosecutor's Office is also funded by the government their functions and duties are extremely different. The prosecutor represents the state charge by executing criminal persecution. A Public Defender represents a person who is either suspected or accused of committing a crime. Upon assuming the responsibility for cases, the public defender is fairly and faithfully defending his/her client's interests without receiving any compensation from his defendant as the government pays the Public Defender for his services.

Who can be eligible for legal aid?

The Public Defender's Office provides legal aid to the RA Citizens, foreign citizens living in the RA territory and other

people without citizenship, whose social and financial state does not allow them to receive paid legal aid. When a person cannot afford to retain an attorney, someone should assume this responsibility.

If the Public Defender's Office refuses to provide you legal aid, this refusal should be in writing. In case of a rejection, you may appeal it to the Chairman of the RA Chamber of Advocates or to the court.

If you conclude a contract with another advocate other than a public defender, the public defender is obliged to apply to the body in charge of the case notifying about the termination of his authorities.

What must a public defender do?

A public defender must do everything what a paid advocate would do. He should study the case, give legal advice to the client and represent the client's interests in court with all means not prohibited by the law. A public defender shall provide legal aid conscientiously and competently.

Your public defender should explain to you the essence of the case in a clear and accessible manner, including the legislative field, within the scope of which your claim will find its solution, as well as your interest and possible damage, the possible real course of the case, the tactics of the case. The public defender should present the possible conditions, situations that can be unavoidable as the case unfolds, as well as the evidence he requests to obtain from you. Your defender also should regularly meet with you by clarifying the course of the case and consult about the issues concerning your position during the criminal proceedings.

When detention has been chosen as a precautionary measure or after a final decision has been made by the court, the public

defender must discuss and agree with you the issue of filing an appeal to the Court Appeals.

A public defender or the Head of the Public Defender's Office do not have a right to receive any gifts, money or any services that are free or cost less than their actual value from you or from any other person who acts on your behalf or in your name.

The confidentiality of the information about you

The materials included in the public defender's case file are confidential and can be provided exclusively to you, your legal representative or to another advocate representing you on paid basis. They can receive the copies of the materials according to their application, unless they cover the copying costs.

In the event the case is transferred to another counsel, the Public Defender who has participated in the case must give all the the materials and information to the new counsel.