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Constitutional right to Jury Trial: Contributing to the process of Armenia's democratization?

By

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Table of content

Abstract.....	2
Introduction	3
Body	6
Russia and Georgia: the tendencies and current state of situation	6
Armenia: the current state of situation.....	9
Survey results:	10
Recommendations:	15
Conclusion	17
Bibliografy	19

**“I consider trial by jury as the only anchor ever
yet imagined by man, by whom a government can
be held to the principles of its Constitution”**

The US President Thomas Jefferson

Abstract

Taken into consideration experience of countries that have introduced the Jury Trial institution into their judicial systems, position of eminent scholars and also perception of Armenian population, this article will argue that one of the ways for furthering the process of democratization in the country is the introduction of the institution. Besides the issue of furthering the process of democratization, it also is going to answer to such question as whether the Jury Trial system can contribute to the lessening the level of corruption in the judiciary.

The issue has broader relevance, since understanding of the current situation within the judiciary and society would allow inferring whether the institution can be introduced. Thus, it would also contribute to meeting commitments taken by Armenia upon signing the European Neighborhood Policy (ENP) Action Plan, namely “Strengthening of democratic structures, of the rule of law, including reform of the judiciary and combat of fraud and corruption”.

Using examples of former Soviet Republics (Russia and Georgia¹), that have already implemented the Jury Trial institution, and taking into consideration culture, customs and legal traditions in Armenia, this paper will try to elaborate on whether our society is ready for taking responsibility for its own well being by judging its peers. Moreover, taking into consideration culture, customs and legal traditions what specific challenges would arise in the Armenian context?

¹ Draft Criminal Procedural Code (CPC) has been adopted by the Georgian Parliament in the first reading in December 2006 and should enter into force by 2008.

Introduction

Our Republic made its first steps towards independence in an environment of collapse of the previous political system, war and extremely difficult social and economic situation. However, it proved to be well capable of finding solutions to a number of most difficult problems relating to the nation and the State.

The Constitution that is currently in force provides for separation of powers, for an independent judiciary and for human rights protection. It has played a significant role in establishing democracy, finding constitutional solutions to critical situations and ensuring constitutional guarantees for the protection of human rights. However, according to the report (Bureau of Democracy, Human Rights, and Labour on March 6, 2007) courts remained subject to political pressure from the executive and legislative branches, and judicial corruption was a problem. In the 2002 Judicial Reform Index (JRI), prepared by the American Bar Association Central European and Eurasian Law Initiative (ABA CEELI), stated that “bribery is a common problem, caused ... by low judicial salaries, mistrust of the judicial system and historical practice, judges often get telephone calls from officials, parties and ‘intermediaries’ in an attempt to influence their decision”. Moreover, one lawyer stated that “an appellate judge told him directly that he could not resist the opposing pressure to decide (the case in question) a certain way for fear of jeopardizing his professional future,” (JRI).

According to a report (Rule of Law/Anti-Corruption Assessment, 2002)² submitted to the United States Agency for International Development (USAID) Armenia's judicial system is characterized among others by: (1) a nontransparent and porous set of interactions in which judges, private lawyers and prosecutors engage in bribes and other practices to influence the outcome of cases; (2) persistent telephone justice. In the JRI respondents reported external influence on judicial decisions that are “pervasive and come in many forms”. Respondents also indicated that judges often get telephone calls from officials, parties, or “intermediaries” in an attempt to influence their

² Retrieved July 15, 2007 from <http://armenia.usaid.gov/upload/File/Armenia%20ROL-AC%20Final%20Report1.pdf>

decision. Most respondents characterized the above influences as systemic and historical practices carried over from the Soviet justice system.

Solutions to the mentioned problems can be found through a certain degree of systemic reforms. There are extensive efforts by Armenian Government to find possible solution for combating corruption. Armenia is a member of number of international organizations and conventions, such as GRECO or Istanbul Anti-Corruption Action Plan (developed for 8 former Soviet republics by the Organization for Economic Cooperation and Development), that provide a tool to fight corruption. Moreover, Armenia in November 2003 initiated the Anti-Corruption Strategy (Strategy), the goal of which is “to build a sound moral and psychological environment in the Republic, which, in turn, will power the attainment of sustainable democratic institutions, a civil society, and a state based on the rule of law...”. That paper provides the priorities in the fight against corruption. Particularly it provides number of recommendations to prevent corruption in the judiciary, for example, introduction of internationally-practiced schemes for the distribution of cases or adoption of law on administration basics and administrative proceedings as safeguards of human rights and fundamental freedoms.

In spite of 2005 Constitutional amendments and judicial reforms that have taken effect on July 1, 2006, the contemporary constitutional practice, the current problems of social relations and democracy, the need to further improve the governing system, the legal commitments assumed by joining the Council of Europe and problems of fostering the human rights' protection guarantees call for further reforms in judiciary. In spite of the number of recommendations in all above mentioned documents, there is no any word on the possibility of introducing the Jury Trial.

It can be stated that when countries choose to establish democratic style of governance, they often introduce the Jury Trial system as part of their strategy to reach the democracy. As an example can serve Russia and Georgia, both implemented the Jury Trial into their judicial systems. Although criticized by opponent scholars, it is generally recognized that the Jury Trial institution is an example of democratic governance. Moreover, this is an important institution, which according to US Supreme Court Justice Anthony Kennedy “preserves the democratic element of law”. The democratic nature of the Jury Trial system can be explained in the following two ways:

- At first the Jury Trial, through the participation in the trial, provide citizens with the opportunity to take responsibility of assessing fellow citizens and judging governmental conduct; and
- Secondly, since the jurors are drawn from a cross-section of the society, then the diversity of views coupled with the unanimity or qualified majority requirement to reach the verdict would represent lets say entire community.

It is also undisputable that courts play an important role in fighting corruption. Any branch or section of the government can be exposed to corruption. And corrupt officials that come from those agencies of the government, when caught should be tried in the court. If the court corrupt it would be difficult to bring those officials to justice, which in its turn would provoke more corruption. How the Jury Trial system can affect the level of corruption? The Jury Trial reduce corruption in the courtroom by making it difficult for litigant to find a person who will “sell the case”. It means that while the professional judge that is going to hear the case is known beforehand, the jury members are drawn just before the trial, thus making it is almost impossible for litigant to find corrupt juror. Moreover, even though there would be corrupt juror, he/she serve only one trial, he/she is not engaged into the justice system always, and his/her influence on the overall fairness of the judicial system is limited. Contary to this, the corrupt professional judge's influence on the system is systemic since he/she holds the official position³. And as a confirmation of this theory I'll bring a statistical data from the same article, which says, that: “Developed countries with jury trials score about 0.3 to 0.4 points higher (i.e., less corrupt) than those without jury trials”.

Thus, incorporation of “jury trial” institution can prove to be helpful with the existing situation with bribery among judges or pressure coming from government officials and through the population's control will enhance independence of judges from legislative or executive pressure, and lessen the level of corruption in the courtroom.

³ Stan Hok-Wui Wong (2007). *Juries, Judges, and Corruption: a Cross-National Analysis*.

Body

As it was already stated, in this part of the article it would be discovered both sides of the coin, e.g. all problems and all positive aspects, that Russia and Georgia faced with during the process of introducing the Jury Trial institution into their judicial systems. Why these countries? Armenia during 70 years was a part of Soviet Union and has similarities in history and legal traditions with Russia and Georgia. Nevertheless, Armenia still differs in culture at least compared with Russia. And that is why I have chosen Georgia as another country to compare.

Russia and Georgia: the tendencies and current state of situation

The Jury Trial institution was reintroduced in Russian Federation from the end of 1993. But for the beginning it was introduced only in 9 of the 89 constituent subjects of the Russian Federation, and only from 1 of January of 2004 it started operate all over the country.

To understand the developments that have taken place in Russia during the process of introduction of the institution we have to comprehend the society's legal culture and traditions.

During the Soviet era, Russia and all former Soviet republics had a criminal justice system that was established to make sure that the goals of the Communist Party were carried out. Its citizens have had little or no experience with democracy, elected government, or the rule of law. The judiciary was subject to the direct supervision of the Communist Party leaders. Such ideas as attorney's duty to represent his/her client or an independent judiciary were out of the question. And the legal history and culture of the country, which was completely different from countries that have adversarial system of criminal justice, was the largest obstacle during the process of importing the Jury Trial system.

After almost 10 years of experiment and afterwards there was always a resistance in Russia among legislators, judges, and even defense attorneys to the idea of Jury Trial. Some of the problems that were mentioned by many critics of the system were budgetary constraints, technical and administrative problems, the legacy of the

Soviet mentality in Russian legal institutions⁴. Others, like Vladimir Zikov – honored jurist of Russia, state that the foundations for decisions of the jurors are based not on the legality, but on group perception of a justice⁵. In addition, as it is stated by Victor Filipov “the jurors cannot examine the particularities of a specific case properly because they do not have legal training”⁶. Another opponent of Jury Trial system argue that taken into consideration the fact that mostly the pensioners and/or unemployed persons are serving as jurors, it would be easy for cynical and strong attorneys and prosecutors to influence and control them. Since these people are mostly inert, easily controlled and not organized part of the population, it would be a simple task to manipulate them. At the end, Sankt-Petersburg's Governor – Valentina Matvienko, stated that people are not legally ready and that jurors' decisions are based on emotions⁷.

In 2004, Jury Trial was restored in the Georgian constitution. Afterwards the new Criminal Proceedings Code (CPC) was submitted to Parliament, which passed the first reading in December 2006, and once approved by the Parliament should become effective as of January 1, 2008.

It should be mentioned that Georgia, as one of the former Soviet republics has almost the same legal traditions and history as Russia. Taken into consideration this fact it is predictable that Georgia has faced with roughly the same problems that Russia has faced. During last four years there were extensive debates regarding the Jury Trial system, its introduction and problems in that regard.

Problems that were raised by the system's critics in Georgia were mostly budgetary, regarding the national mentality and legal culture. One of them was raised by Giorgi Gogiasvili⁸, who said that “I have heard the objections people raise to the jury system—that as jurors aren't lawyers, they can't make fair decisions, or that juries can't reach fair verdicts in a place like Georgia” where families and friends can be expected to try to influence jurors. As an example of another problem can serve the question raised by the Former Supreme Court Judge Merab Turava, which is “whether Georgian society

⁴ Dline, I. & Schwartz, O. (2002). The Jury Is Still Out on the Future of Jury Trials in Russia.

⁵ Article by Kirillov V. Retrieved July 20, 2007, from http://gazeta.aif.ru/online/longliver/50/05_01

⁶ Filipov, V. (2003). The new Russian code of criminal procedure: The next step on the path of Russia's democratization.

⁷ Interview to RIAN Retrieved July 25, 2007, from http://www.rian.ru/defense_safety/investigations/20060726/51856688.html

⁸ The former head of Tbilisi City Court

can afford to reimburse citizens for the time and expense of serving on juries”⁹. Inga Alavidze a journalist for “24 Hours” has doubts regarding to the jurors immunity to corruption. As evidence, she cited the case of Russian gangster Viachislav Ivankov, who was acquitted by a Russian jury. “The prosecutors expressed suspicion that the jury was bribed,” she says. Shalva Papuashvili¹⁰ says, “The draft law does not spell out any criteria for choosing juries to ensure that they are competent”. He doubts that since jurors are not professionally trained lawyers will easily manipulate them. Moreover, he fears that “a low-paid night watchman will be far more likely to be tempted by a bribe than a highly paid judge is now”¹¹. According to him the Jury Trial project is far from being realistic.”

Nevertheless, the Jury Trial institution in Russia proved to have better results and the fear to be groundless. As a confirmation of this can serve several statements made by prominent jurists. For example, it was stated by Genri Reznik¹² “Nothing better was invented for justice than Jury Trial. To decide whether there was a fact or not, there is no need to have professional knowledge, and that the Jury Trial makes attorneys and prosecutors to become increasingly professional”¹³. A retired judge, Sergei Pashin, in the interview to RIA Novosti made another statement: “Obviously, the state and society are ready for jury trials, which should become an instrument of improving society”. Here it can be stated that the process of improvements is in the progress. It also can be inferred from an article “The Jury is still out on the future of Jury Trials in Russia” written by Irina Dline and Olga Shwartz “The jury-trial system as an element of judicial reform is having a significant influence on the traditional system of justice. The culture of the adversarial process is spreading and penetrating into traditional trials. Those judges presiding over trials by jury are applying the same quality standards in traditional trials”¹⁴ Finally, to prove the effectiveness of the Jury Trial system, I’ll bring as an example a

⁹ Maisuradze T. (2006). People power: Jury trials to come to Georgia. Retrieved July 22, 2007, from <http://www.circ.ge/newsletter.php?newsid=Issue2-May-2006.html&lan=en>

¹⁰ Shalva Papuashvili is a lawyer with the German Technical Cooperation (GTZ) aid organization, which has worked to improve Georgia’s court system.

¹¹ Maisuradze T. (2006). People power: Jury trials to come to Georgia

¹² Genry Reznik is the President of the Moskow Bar Association

¹³ Interview REGNUM (01.03.2006). Retrieved July 25, 2007, from <http://www.regnum.ru/>

¹⁴ Veir F. (March, 2003). Russia embraces trial by peers. Retrieved July 26, 2007, from <http://www.csmonitor.com/2003/0305/p06s01-woeu.html>

statement made by Olga Solovyeva, a sociologist at Moscow State University, who says that "Jurors demand to see evidence. Russian criminal investigators have this saying that "confession is the queen of evidence," and once they have extracted a confession they do not bother probing much further. However, juries do not accept that. They want to see the murder weapon, hear the opinions of experts, and be told the results of scientific tests taken at the crime scene, and so on. The fear that juries would act on their first impressions or emotional sympathies have proven groundless".

Concerning to Georgia, the proponents of the Jury Trial system believe that the factors mentioned above are outweighed by the benefits of the system. Particularly, Akaki Minashvili from the Liberty Institute says "Jury trials would ensure public involvement in the system and increase the degree of its independence"¹⁵. Others mention that jurors are analyzing the facts, and as the final decision of the judge depends on the jury's verdict, it means that this is not a one-person decision but a decision by society. Another argument in favor of the system's introduction was made by Levan Ramishvili, executive director of the Liberty Institute, who said, "It's harder to pressure 12 people than it is to pressure one judge"¹⁶. He believes that juries will move society closer to democracy, and will reduce judicial corruption. Giorgi Gogiashvili thinks that participation in the administration of justice will educate and raise jurors' sense of civic responsibility. He says, "Citizens will learn to make judicial judgments, which is very important for civil society".

Armenia: the current state of situation

In the previous paragraf we discussed the main problems that faced Russia and Georgia on their way of introducing the Jury Trial systems. Now let see what the situation in that regad in Armenia. To find out potencial problems that Armenia might face with while introducing the Jury Trial it was a survey¹⁷ conducted among the

¹⁵ Liberty Institute for speeding judicial reform (March, 2006). Retrieved July 26, 2007, from http://www.liberty.ge/eng/page.php?genre_id=90§ion_id=3&news_id=231&from=index#1#1

¹⁶ Maisuradze T. (2006). People power: Jury trials to come to Georgia

¹⁷ In August – September 2007 I have run quantitative survey among the residents of Yerevan. The randomly selected households covered all districts of Yerevan.

residents of Yerevan. It was also organised three meetings¹⁸ with different focus groups: law school students, NGO sector representatives and legal field practitioneres.

Survey results:

In general, more people gave their voice for the jury trial, than for the investment of that institution in Armenia. Only 63% from all who has positive attitude toward the Jury Trial institution finds that it would be completely correct to use that institution in Armenia. Those, who thought that it is wrong or wrong at all to introduce the institution, commented their answers in the following way:

Table 1. Appropriateness of usage of jury trial in Armenia

Comment	Number of answers
<i>The country is small/the number of population is small</i>	80
<i>National mentality/psychology will impede the investment of this institute</i>	46
The society is not ready yet	39
According to negative sides	11
There will be a great possibility of bribe-taking	11
Not professional approach; a wrong decision can be made	9
Comparatively easy will fall under the influence	7
Rule of law should be established in Armenia	7
No need of new, strange things	7
It will not work in Armenia	5
It's impossible to secure jurors	4
The pressure will increase over the courts	3
Would not reach to unanimous consent	3
Bribe-taking will decrease in judicial system/ will eliminate	3
Unacceptable for Armenia	3
Don't believe that fair/lawful decisions will be made	3
No comments	2
The country is not ready economically	2
<i>Other answer</i>	19

In case of these comments there is a need to explain the following answers: *The country is small/the number of population is small* and *National mentality/psychology will impede the investment of this institute*.

¹⁸ During the October – December 2007 I organized three round table discussions with different groups.

Under the answer: *The country is small/the number of population is small* are grouped answers which are simply formulated with alike phrases, as well as those answers which jointly with that answers had some explanations as to what kind of influence can have that *being small*.

Therefore, inappropriateness of the investment of the institution in Armenia, because of the small number of the population, was commented by 61-person, as it would be difficult to find 12 jurors who will not have any affiliation with the accused. Others commented that because of the small number, jurors might get enemies that might bring additional pressure. In a word, in all mentioned cases respondents think that it would be impossible to draw an unbiased and objective decision. It worth to mention point of view expressed by some focus-group meeting participants regarding the *small number* issue: it was stated that due to small number of population, coupled with the mentality of the nation it is not worth to introduce the Jury Trial into our judicial system.

The next answer that needs to be explained is that *national way of thinking/psychology will impede the investment of this institute*. Thirty respondents from those 46 who gave this answer did not specify their answers. The rest 16 define what aspects of the *national way of thinking* might impede the introduction of this institution. The interesting thing is that sometime the respondents provided completely opposite aspects, such as “*Armenians would not harm each other*” and “*Armenians can only betray and trick each other. What else about justice?*” There is an interesting implication in the first comment: in fact, to bring someone to trial means to harm that person.

Let also present other aspects of the *national way of thinking* that would impede to the system's introduction. They are: “*Armenians are more emotional and hardly they will make objective decision*”, “*are not independent in their way of thinking*”, “*inter personal links ranked higher than law*”. It should be noted also, one more answer related to the *national way of thinking*, which has some gender things: “for it to work it should mostly women sit on the bench”.

During the second meeting¹⁹ one of the participants was arguing against the introduction of the institution by stating that the issue differs from that how many people would do the justice: 12 jurors or 1 judge. The issue is whether our society wants to live

¹⁹ Meeting with the NGO sector representatives

according to laws or not, whether they want the justice to be or not. He thought that if the society positively answers to that questions then there is no need for the institution and that the society will find ways for one judge to draw just and objective decisions. Therefore, according to him, we need at first answer these questions.

During the survey it was also asked to provide the impeding circumstances that would hamper the introduction of the institution. The following table provides all those answers that were given regarding to impeding circumstances:

Table 2. Impeding circumstances of jury trial introduction in Armenia

Impeding conditions	Number of answers
State power	104
Judicial system is not interested in	73
State power will not allow	57
Corruption	27
National mentality/ psychology	20
The society is not ready	16
Corrupted judicial system	11
Clan system	10
The rich	8
Constitution/legislative field doesn’t allow	6
Society’s indifference	5
Imperfection of legislative/legal field	5
No requirement	4
Relative/friendly relationship	3
Imperfection of judicial system	3
Existence of numerous parties	2
Not awareness of the nation about that institute	2
Nation may not want	2
Society’s not being united	2
Do not know/can’t say	42
No impeding circumstance	27
Other answer	15

If we generalize, the main impeding circumstance - is not corresponding functions of the Jury Trial institution to the interests of state power or other layers of the society. Another important factor is specificities of the “national way of thinking”.

Regarding to the “national way of thinking”, one of the focus group members²⁰ defined it in the following way: “while one grows he/she understands that the policemen are bad (by many reasons), there are many slogans about policemen. The police officers associated with bad thoughts, cruelty and unjust behavior. The same picture can be observed with prosecutors and judges. There are values such as: *hi is doing it for his family, which means hi is doing it right*, or the family is a highest value in the life, etc. And when you are on the juror’s bench, you can not judge otherwise, because you were grown in the same system of values”. Another member agreed to this example and added that it is because of absence of legal culture and the low level of legal consciousness of our society. Moreover, that is why when one faces a problem; he/she tries to solve it with the help of money, acquainted or relatives, rather than by legal means.

Another participant mentioned the low level of socio-economic conditions in the country as an impeding circumstance for Jury Trial introduction. He thought that it would motivate jurors for taking bribes.

One more problem that was identified, which might hinder the introduction of the institution, is financial aspect (salaries for jurors, redecoration of facilities, etc.), and the issue of providing security for jurors.

As in the case of Russia and Georgia, there are also proponents for the institution’s introduction in Armenia. During the survey, respondents were asked to provide those circumstances that are favorable for introducing the Jury Trial institution into Armenia’s judicial system. The following table provides those circumstances:

Table 3. Favorable circumstances of jury trial introduction in Armenia

Favorable circumstances	Number of answers
No favorable circumstances	249
Process of Euro integration	15
Nation’s desire	11
Social organizations	11
There is social requirement	11
Existence of international structure and organizations	11
Present youth	11
Nation’s displeasure about /of present situation	10
Society became adult	9

²⁰ Meeting with the law school students

Nation's displeasure about /of judicial system	6
Development of democracy in the country	5
State power's possible benevolence	5
Corrupted judicial system	2
Wrong verdict	2
Do not know/cannot say	55
Other answer	15

As we see more than half of the respondents think that there are no favorable conditions for the usage of the institute in Armenia. It should be stated that 12 respondents who gave that answer mentioned also that there is no impeding circumstance as well, and 31 mentioned *do not know/can't say* answer. Seven respondents mentioned neither *favorable* nor *impeding circumstance*.

It also should be stressed characteristics given to the young generation, which are auspicious to the jury trial introduction: active; freethinkers; educated, especially in the west; out of the soviet way of thinking. As another favorable circumstance, it was considered also the fact that there is no public confidence in the judicial system.

Proponents (whether survey or focus-group participants) of the institution were arguing for institution's introduction by stating that:

- The jury trial accomplishes its duties as a body of people's justice. The reason behind that is that through jurors the society participates in the process of justice;
- Another participant thought that since the judiciary is one of the branches of state power, the jurors' participation would be a way of fulfilling one of the principles of democracy – that is society's direct participation in the government;
- Corruption related risks will decrease;
- Society's control over the judicial system will increase;
- The institution will educate people, and the legal consciousness of society will grow;

Recommendations:

As to that what steps should be done for guaranteeing effective usage of the Jury Trial institution, 63 respondents answered that can’t tell, 46 – mention that there is nothing to do, and 2 respondents mentioned that there is no need for that institution. Let us present answers of those respondents, who have particular suggestions for effective usage of the Jury Trial institution.

Table 4: the necessary steps for efficient usage of the Jury Trial

What may be undertaken	Number of answers
Work with the society	119
Work over legal field	84
Changes in judicial system	30
Change of the state power	21
Establish rule of law and implement the law	20
Fight the corruption	17
Establish democracy	13
To do experimental trials	11
Ask for assistance of international organizations	7
To finance	7
The State power should demonstrate a will	6
To organize the methods of protection for jurors	5
Improve the economy of the country	4
Fight of people against injustice	3
To give more authority to jurors	3
Continuous steps toward Euro integration	3
State approach	2
It should be formatted social need	2
Other answers	21

In the case of the first three answers let present also subgroups of the answers with more concrete suggestions.

Work with the society includes such answers as: to inform the society about the jury trial (moreover, three person stated inform through public organizations); to advertise/to spread propaganda about jury trial; increasing overall educational level of the population, and particularly to secure some legal knowledge; increasing the society’s consciousness; change of the way of thinking; and unite the nation against the clan system.

Works over legal field are: to work out and pass the corresponding law; to put the question on referendum and make constitutional changes. It is also interesting that some of the participants mentioned that the president or the government must volitional make a decision and pass the law.

Here is necessary also mention that the respondents differentiate passing the law from its execution, and the last one is mentioned as separate important step for the usage of jury trial (for example “to pass the law and it should not stay on the paper but should be applied”).

By saying **changes in judicial system**, the respondents meant in general the professional training of the members of judicial system, replacement of members of judicial system, and securing the real independence from the government.

Regarding to this issue let present ideas that were stressed by the focus-group meeting participants. First two group participants mentioned that there is a need to establish some kind of institution like witness protection program; to carry out kind of work (basically through media) to inform population about the institution; then to look for international practices and find a model that will best fit to our country, then present it to our society. The third group participants suggested two more steps: increasing the legal consciousness of the society; and the second important thing is that Armenia should become stronger socio-economically.

Conclusion

The legal system of any country is derived from, and rooted in, the customs of its people, history, and legal and political traditions of that particular country. A judicial system can be effective only if it reflects the country's culture and traditions. These considerations are important whenever an attempt is made to introduce a new institution²¹.

If we try to summarize the prospects of investment of the jury trial institution into Armenia's judicial system, the results of inquiry show that there are many impeding circumstances. At the same time it is considered as an improvement of situation in Armenia by mitigation of some hindering circumstances. If corruptions, clan system, the non complete independence of judicial system are considered as obstacles for the investment of jury trial, then at the same time the investment of jury trial is considered as a tool for decreasing corruption in judiciary, and ensuring independence of judicial system.

In case of Armenia, national mentality considered as another important condition connected with the investment of jury trial. Besides that the mentioned factor is considered by interviewee as an impeding circumstance, and for the investment of jury trial it makes importance for the works directed to change that mentality, some national mentality elements also can be noticed in answers given to other questions. By summarizing we can say that the main impeding element of the national mentality is the predominance of interpersonal attitudes over legality.

Another factor that survey and focus-group participants indicated as an obstacle and which is non subject to changes is the small number of population in Armenia with the following consequences, which are: everyone knows each other, by all means acquainted will be find, will acquire enemies and etc. Armenia's territory and number of population of course will not be changed, at least in near future; consequently other ways to mitigate that obstacle should be found, as well as have a long and consistent explanatory work with society.

²¹ James Diehm (2001). The Introduction of Jury trials and adversarial elements into the former Soviet Union and other inquisitorial countries.

What concerns to corruption, it is obvious that one of the ways to limit corruption is to strengthen the judicial branch. Previously it was shown that the Jury Trial institution can serve as a tool to reduce corruption in judicial branch. As it was stated by”It fulfils that task by decentralizing judicial power, which makes corruption—an illegal business transaction between a litigant and an arbitrator—extremely difficult”²². That study showed that “countries that inherit “corruption-prone” legal traditions are not necessarily locked in a bad equilibrium”. Thus, incorporation of Jury Trial institution can prove to be helpful with the existing situation with bribery among judges or pressure coming from government officials and through the population’s control will enhance independence of judges from legislative or executive pressure.

To conclude I want to say that the idea of Jury Trial introduction is not a sole and unique solution to the problems that exist in the judiciary. It is rather to be an addition to the reforms initiated in the judicial system, and together with them should have its incentive to strengthen independence of judiciary. The institution of Jury Trial proved to be efficient throughout history and the experience of countries such as Brazil, Japan or Russia and Georgian in the post Soviet territory that uses this system suggests that it will have positive impact in our efforts to combat corruption in the judiciary and to become a rule of law country.

²² Stan Hok-Wui Wong (2007). *Juries, Judges, and Corruption: a Cross-National Analysis*.

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