



**ACN**

**Anti-Corruption Network for Eastern Europe and Central Asia**

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## **The Istanbul Anti-Corruption Action Plan**

### **Second Round of Monitoring**

## **ARMENIA**

### **Report on main anti-corruption measures and detection and prevention of corruption crimes**

Report presented by Armenia at the 9<sup>th</sup> Monitoring Meeting on 5-8 December 2010.

### **Building institutional capacity**

The anticorruption strategy and program for 2009-2012 were endorsed by the RA Government with the Resolution of 8 October 2009. According to the Strategic Program of Anticorruption Activities for 2009-2012, the Government of the Republic of Armenia (hereinafter referred to as the RA Government) has consistently implemented measures aimed at fight and prevention of corruption.

On 12 October 2010, the Council to fight corruption approved a draft presidential Decree on introducing amendments to the presidential Decree "On establishment of the Council for combat with corruption" of 1 June 2004. It is envisaged that in addition to representatives of government agencies, the Commission will include representatives of non-government organizations (hereinafter referred to as NGOs) subject to annual replacement by representatives of other NGOs on a rotation basis. As well, representatives of NGOs will be engaged in the Commission's activities as observers. Under the Monitoring Commission a standing task force mandated to ensure a full-fledged and efficient functioning of the Council for fight against corruption and the Monitoring Commission will be established.

### **Statistical data**

According to the RA Prosecutor General's Office, 221 criminal cases on corruption crimes were filed in the first half 2010. During this time courts reviewed 65 criminal cases related to corruption. 79 persons were sentenced, including 32 public officials. In 55,6% of cases trials resulted in deprivation of liberty, in another 27,8% of cases the court imposed fines, with other types of penalty imposed in the remaining 16,6% of cases.

### **Anti-corruption awareness raising and surveys**

In 2010, sociological surveys assessing the performance of the government of Armenia and other public agencies were conducted. More specifically, a sociological survey was conducted to examine the performance of the government of Armenia and identify its achievements and areas for improvement. In 2009, with the support of the OSCE, local NGOs made opinion pool to assess level of public trust in the state police. Respective questionnaires also contained questions on corruption.

In 2008- 2010 under the aegis of the USAID/Armenia Mobilizing Action Against Corruption (MAAC) Program 7 anticorruption forums were held. The events were co-sponsored by the RA Government, NGOs, and donors.

Centers for protection and assistance established under the MAAC have become fully operational and currently run educational programs for the population, provide legal counseling with regard to local residents' complaints on corruption and deliver free assistance to the population in relation to corruption offenses. They also disseminate informational brochures that clarify individual types of corruption activities and measures to prevent and suppress them. For example, in November 2010 as many as 10,000 copies of such a brochure were disseminated as an insert into a local daily.

The School under the Prosecutor General's Office has also contributed to this process. In 2009 alone, it initiated and conducted training sessions for 500 senior students of 8 public secondary schools on issues of prevention of, and combat with corruption. Building on this experience, the School developed a curriculum "Corruption and combat with corruption" for senior students of public secondary schools. The curriculum was approved by the National Institute under the Ministry of Education and Science for its further use by institutions of general education. The training centers on such topics as the concept of corruption, levels of corruption, human rights and corruption, corruption and its impact on the national economy, the role played by mass media in combat against corruption, among others.

### **Legal amendments**

Given the need to improve the legislative framework to ensure a successful prevention of corruption, on 7 June 2010 the bill "On public service" was submitted to the National Assembly. The bill was passed in the first reading. The bill foresees revision of the Code of Ethics for civil servants, introduction of a uniform code of ethics for all civil servants, an institution of reporting, the concept of conflict of interest, establishment of a commission on ethics with all the public administration bodies, identification of kinds and value of gifts to public officials, the circle of affiliated persons, among other issues.

In 2010, the National Assembly has also passed in the first reading such bills as "On introducing amendments to the Act 'On civil service'" and "On compensations payable to civil servants". More specifically, it is foreseen that underlying compensations to civil servants would be a performance assessment system.

The National Assembly also ratified a series of international legal treaties aimed at regulation of cooperation in the area of combat with crime. More specifically, in October 2010 the Parliament ratified a treaty between the Republic of Armenia and the Arab Republic of Syria on extradition and mutual legal assistance with regard to criminal cases; an agreement on cooperation with Italy in the police area; an agreement with Latvia on combat against terrorism, organized crime, drug trafficking and other crimes. As well, the parliament ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

The National Assembly also passed in the first reading the bill "On internal audit". In compliance with the effective law, there only exists the procedure of financial audit, while the bill foresees conduct of the internal audit of all the functions associated with financial management of, and control over a public organization's operations. In addition, the list of audit activities should be extended to include such types of audit as compliance and consistency.

The bill 'On public procurement' was submitted to the National Assembly to pass in October 2010. The bill provides for a more detailed regulation of all matters associated with public procurement and creation of a Board of Appeals, whose mandate will embrace consideration of complains concerning public procurements and making respective decisions.

Since 2008 no amendments with regard to corruption crimes have been introduced to the Criminal Code of the Republic of Armenia. So, presently, *corpus delicti* of some corruption crimes does not fully match requirements of international legal acts. However, the problem of

submission of a bill on amendments to the Criminal Code of RA with respect to corruption crimes and revision of the effective period of limitations on such crimes is already debated.

### **Training**

The RA Government views conduct of training sessions and workshops for representatives of the national judicial system and public administration as a priority. Since 2 November 2010, a workshop “Corruption and its prevention” for 200 judges has been underway. At the workshop they familiarize themselves with the dynamic and structure of corruption crimes in RA, on consistency of the RA law with requirements of the international legal acts, and review of international legal instruments in the area of combat against corruption.

The School under the RA Prosecutor General’s Office runs workshops and training sessions for prosecutors, investigators and personnel of other law-enforcement agencies. In 2010 alone as many as 270-more staffers from law-enforcement agencies took part in the trainings. The School under the RA Prosecutor General’s Office developed and published tutorials on investigation into individual types of corruption crimes and individual issues in the area of corruption, which are available both in hard copy and as an audio version.

In the nearest future the School under the RA Prosecutor General’s Office in tandem with the World Bank is going to hold 3 day-long training sessions on money-laundering.

The 2010 curriculum of the advanced training course for the RA police foresees corruption issues, too, while a.18% of subjects of the curriculum of the advanced training course at the national Police Academy cover corruption.

In cooperation with AEPLAC Armenian experts designed and delivered special anticorruption education modules for the national civil service. The first stage of advanced training on integrity was completed successfully, and 2010 was spent on organization of the second stage.

### **Detection and investigation of corruption crimes**

A criminal case was filed against Shirack Shaknazaryan, ex-head of the Gyumryi branch of the Shirak regional police department, on charges of abuse of office.

According to evidence obtained in the course of pretrial investigation, on 24 July 2009, Sh. Shaknazaryan received in his office Mr. G. Varapetyan. Having heard his complain, Sh. Shaknazaryan clearly went beyond the scope of his powers and used violence by hitting him with his hands and feet, thus inflicting various bodily injures, and swore at him.

Futher, Sh. Shaknazaryan ordered his junior staff to take Mr. G. Varapetyan to the police station’s front office, search him and illegally deprive of freedom, by putting him in custody.

The charge was filed against Sh. Shaknazaryan on section 2 Art. 309 of the Criminal Code of RA. The case is at the stage of pretrial investigation conducted by the Special Investigative Service.

The Special Investigative Service of Armenia completed pretrial investigation into a criminal case filed over fraudulence and passive bribery committed by K. Ambarstymyan, the head of the women’s section of the criminal-correction facility “Abovyan”. The prosecutor, who

oversaw compliance with the law in the course of the pretrial investigation, approved the conclusion to indict.

In the course of the investigation it was find out and established that in order to undertake actions in favor of convict Arevat Sarkisyan, K. Ambarstymyan, the head of the women's section of the criminal-correction facility "Abovyan" accepted bribe on a large scale and attempted to help establish an agreement between the person who gave the bribe and the one who accepted it by means of grand larceny.

On the basis of the evidence, charges were served on K. Ambarstymyan on the grounds of p.1, section 3 art. 178 of the Criminal Code (fraud), pp. 3-4 and p. 2 section 4 art. 311 (passive bribery), p. 2 section 2. Art. 34-313 (attempt to accept bribe). The criminal case was sent to the trial court of general jurisdiction of administrative districts Centre and Nork-Marash of the city of Erevan for trial on the merits.