

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
ARMENIA**

ARTICLE 13 UNCAC

PUBLICATION AND DISSEMINATION OF INFORMATION ON CORRUPTION

ARMENIA (SEVENTH MEETING)

Article 13, subparagraph 1(d)

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate

information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(i) For respect of the rights or reputations of others;

(ii) For the protection of national security or ordre public or of public health or morals.

The details of fight against corruption, including the activities of Anticorruption Council and comprehensive description of Anticorruption Strategy, rights and duties of population while facing a corruption have been repeatedly presented to public through various methods, including media reports. The Ministry of Justice, along with Eurasia Partnership Foundation has recorded a media program titled “Corruption and Combating Corruption in Armenia”¹. The Ministry of Justice and GIZ work on joint project aimed at creation of short video-clips of various contents, which shall be presented by media to spread anticorruption messages. The anticorruption strategy and issues have also been discussed with journalists and business representatives during seminars organized for especially these professionals.

During the first sitting of the Anti-corruption Council the Chairperson indicated that in the process of the fight against corruption the most important component is the existence of the political will and the Armenian Government have that will for making the results of the fight against corruption visible and tangible.²

On April 14, 2015, the Ministry of Justice sent a request (numbered 01/4516-15) to the Government of Armenia, asking to order all governmental bodies to provide information about undertaken programs on corruption prevention. In the same time, Ministry of Justice suggested to order all state agencies to conduct anticorruption informative programs. All governmental bodies have provided relevant information related to the undertaken programs on corruption prevention.

Anti-Corruption School for Young Leaders worked for three months in Armenia and was initiated by the “The Armenian Young Lawyers Association” NGO organized the Anti-Corruption School for Young Leaders in the framework of the U.S. Alumni Outreach Grants Program with financial support of the US Embassy in Armenia.

The TUMO center for creative technologies is developing a game, with the support of EU, which will promote intolerance towards corruption of players (target group).

In the same time, GIZ organized a competition for media representatives covering anticorruption sphere.

Article 13, paragraph 2

Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to

¹ See official website of Eurasia Partnership Foundation: <http://am.epfarmenia.am/unticorruption-in-armenia/>

² http://gov.am/u_files/file/xorhurdner/korupcia/Korupcia28_07_15-new.pdf

such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

The media is widely involved into the anticorruption struggle. All the anticorruption activities are being reported by the media. Information responsible officers are appointed at all public bodies. The information responsible officers actively cooperate with media in order to disseminate information.

All the public bodies have electronic websites where information relating to the activities of these bodies is being published. The main information (including the contact information) about these bodies is being published in their websites. These measures ensure the awareness of society about the anticorruption bodies, their functions and the paths for applying these bodies.

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The anti-corruption programs monitoring division of the staff of the Government of the Republic of Armenia serves as a permanent secretariat for the Anticorruption Council.

The Action plan for Anticorruption Strategy has a special unit aimed at establishing participatory governance. The Action plan includes such measures, as regulating the procedure and formats for organizing and conducting public hearings and discussions at legislative level, publishing the information concerning discussions on the mentioned issues (point 39), discussing issues on prevention and fight against corruption during the sittings of the Public Council of the Republic of Armenia, discussing the issues on prevention and fight against corruption during the sittings of the Public Council of the Republic of Armenia, and ensuring public awareness on the existence, reasons, gravity of corruption and harm caused by it is raised.

It should be also noted the draft decision of RA Government aimed at creation of an online platform for publishing projects of normative acts developed by public bodies and their discussion has been elaborated by RA Ministry of Justice and currently is being amended based on received suggestions and comments.

The law enforcement bodies have wide mechanisms for cooperation with society.

Particularly, the investigative committee has created a website⁴ which allows wide range of public to get information about:

- The functions and powers of the Investigative Committee
- The rights and responsibilities of the parties of criminal procedure
- The processes of the criminal, including corruption, cases being within the procedural authority of the Investigative Committee.

The existing mechanisms allow the public to be informed about the results of preliminary investigation of criminal cases, as well as allows the participants of the proceeding be aware about their rights and duties and the powers of the Investigative Committee. This is an effective mechanism to prevent any possible abuse of power by the authorities.

³ See official website of Eurasia Partnership Foundation: <http://am.epfarmeria.am/unticorruption-in-armenia/>

⁴ See the official website of the Investigative Committee: <http://investigative.am/home.html>

In order to make the cooperation and communication with society better, three additional communication mechanisms were created. Particularly, a separate online request page is available in the website of the Committee, where a person can write a question. The result will be posted in the website.

Another mechanism is the e-mail communication ability.

People can also write to the internal security department of the Investigative Committee regarding abuse of power or law violation issues of Committee members

These contacting options increase the transparency of the activities of the Investigative Committee.

The process of obtaining information is written in the official website of the Investigative Committee and includes oral and written response versions. However, the inquiries received by the department of information and public relations does not respond to anonymous and unsigned inquiries received through mail.

Prioritizing the transparency of the activities of Investigative Committee, The Committee undertakes informative campaigns and periodically publishes informative notes concerning process and results of various criminal cases, including the proceedings of corruption cases.

While determining the scope of open information, the principles of confidentiality of investigation process and thorough and objective examination of the case are being considered. The presumption of innocence and protection of personal data is also considered. The information about public officials is being published more detailed taking into account the right of society to be informed about the activities of the officials holding high positions.

The information about activities of Investigative Committee, including criminal case procedures is being published in media reports, in websites, as well as is spread via oral channels. The page of the Investigative Committee in www.facebook.com social website is also a reliable source of information.

The General Prosecutor's office also highly values the role of cooperation with civil society. Since 24 October, 2014 the new website of the General Prosecution was launched (www.prosecutor.am). The website includes various chapters which include information regarding the laws about prosecution, the rules for obtaining information and acceptance of citizens, as well as the public officials responsible for provision of information.

A separate part is devoted to the corruption crimes and includes the list of corruption crimes established by the General Prosecutor's Order N 82, dated 19 November, 2008, as well as statistics on corruption crimes (on semi-annual and annual basis) semi-annual and annual basis.

The General prosecution also notifies the public about serious corruption crimes cases and the results of their prosecution. The General Prosecution also organized various events with representation of civil society, NGOs, international organizations. The list of mass media channels being monitored has been enlarged in order to implement effective research and reporting on corruption crimes.

Provided by law the Special Investigation Service is an independent state body that carries out preliminary investigation of criminal cases in regard to leading officials of legislative, executive and judicial authorities of the Republic of Armenia, persons carrying out special state service connected with their official position or complicity or the crimes committed by them, as well as by criminal cases on infringement of public relations protecting electoral rights.

In other words, the special investigation service is specialized institution conducting preliminary investigation related to the complicity of officials and to the crimes of corruption. In order to provide citizens with operative and unimpeded access for reporting on crimes and cases of corruption, the Republic of Armenia Special Investigation Service launched the

official webpage www.ccc.am by the means of which, as well as by the Service email any individual and legal person can provide any information.

Provided by the Article 176, paragraph 2 of the Republic of Armenia Criminal Procedure Code statements about crimes sent through mass media are reasons for initiation of criminal prosecution. The Special Investigation Service periodically monitors electronic media publications and if necessary, by the means of legal procedures, reacts to the cases of corruption.

Provided by the Article 177, paragraph 7 of the Republic of Armenia Criminal Procedure Code a letter, a statement or other anonymous message about crime, unsigned or with false signature or written on behalf of fictitious person cannot be reason for initiation of criminal prosecution.

Nevertheless, in practice such statements can be a basis for talking operational investigative measures in order to verify the veracity of information provided.

In Special Investigation Service the coverage of criminal cases' investigation results is being publicized within the frames of permissible limits provided by law. State competent authorities and media are periodically provided with informative statements and publications referring to ongoing investigation of criminal cases having social resonance. The publications by social organizations and media re promptly and properly reacted to. In regard to coverage of various criminal cases press releases are being announced in three languages (Armenian, Russian and English) which promotes public access for measures and bodies combating corruption, as well as the use of information and communication technologies to prevent corruption.

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Examples of sport crime cases:

The international ranking football arbiter Mr. A.A. and his second assistance H.A, being informed that they will serve the football game "Inter Tarku" vs "Vikingur Gota" of 11 July, 2013, in the "Veritas" sport filed of Tarki city of Finland, organized in the scope of the first qualifying round of the European Football League Championship, took bribe from G.H. on July of the same year, before leaving for Finland. G.P. and E.S intermediated for the bribery. The reason of bribe was to create favourable conditions for one of the teams for bookmaking purposes.

On 7 August, 2013, Criminal case N 69107713 was initiated by RA Police for violation of Article 201 parts 1 and 7, and A.A. and H. A were arrested the same day.

The investigation revealed that getting information that Mr. A.A. and his second assistance H.A, being informed that they will serve the football game "Inter Tarku" vs "Vikingur Gota" of 11 July, 2013, in the "Veritas" sport filed of Tarki city of Finland, organized in the scope of the first qualifying round of the European Football League Championship, G.H., E.S. and

G.P offered them bribe in amount of about 40000 USD, having intention to make a bet on a football game in a bookmaking company and get favorable results. Mr. A. A. and Mr. H.A. agreed on taking the bribe and promised to ensure favorable result of the game. Some hours prior the game the parties agreed to make a bet on “one goal for each side” option. Therefore, in order to give opportunity each team to score one goal A.A. declared totally unfounded 11-meter penalty kicks in 77th and 79th minutes of the game.

So, A.A. and H.A committed criminal offences envisaged by the Article 201 Part 1 of RA Criminal Code.

On 10 August, 2013 A.A and H.A were accused for committing crime provided by Article 203 part 3 of Criminal Code and were detained as a precautionary measure. A.A. and H. A asked to imply RA National Assembly’s Decision of 3 October, 2013 on declaring amnesty. Accordingly, the investigation against them was stopped and the precautionary measure was eliminated.

Based on the same Amnesty act, the investigation was stopped against G.H., E.S. and G.P.

On 7 November, 2013 a decision to discontinue the proceedings was adopted.

On December 21, 2015 criminal case N58218215 was initiated in the National Security Service of RA for violation of Article 201 part 1 and 3 of RA Criminal Code.

Particularly, The manager of “Ulis” football club – Mr. A.A. informed an employee of “Toto” bookmaking company - Mr. E.P that he will previously know the result of the games “Ulis Yerevan” vs. “Ararat” taking place on 28 November, 2015, as well as the results of the game “Ulis Yerevan 2” vs. “Ararat 2” taking place on November 30, 2015. They agreed on making bets and earning illegal money on it.

The illegal income received from 1000-3000 USD betting E.P gave to A.A who distributed it among the informed football players and the assistant trainer R.A for receiving favourable results.

Investigation is being conducted for final disclosure of this case.

There are no any trainings directed to enhancement of exclusively the sport crime investigation skills.

However, the permanent qualification enhancement and professional training courses for prosecutors organized by the Academy of Justice included lectures or seminars on combating corruption, identification of corruption crimes, judicial practice.

The prosecutors actively participate in the seminar discussions, consultations, similar other events including aimed at international practice exchange and cooperation.

The representatives of the Department against Corruption and economic crimes and other departments during 2015 participated in various events on combating corruption. For example, the representatives participated in Transparency International’s event on launching the National Integrity System Assessment Report, or the 69th plenary meeting of GRECO, and in some other events.

There is no a special unit prosecuting particularly sport crimes in the structure of RA prosecution. However, the Departments against Corruption and economic crimes and Department on cases being investigated in National Security bodies, related to illegal circulation of drugs and cybercrimes, conduct supervision on investigation process of these crimes.

Therefore, based on the General Prosecutor’s order N82 of November 19, 2008, the crimes envisaged by the Article 201 of the Criminal Code of the Republic of Armenia has been considered to be a corruption crime.

And the supervision on the investigation process of this crime conducts the department against corruption and economic crimes of the General Prosecution of RA. If the sport crime has any details of money laundering or organized crime, or it is being investigated by the

National Security service attached to RA Government, the prosecution is carried out by the Department on cases being investigated in National Security bodies, related to illegal circulation of drugs and cybercrimes.

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ARTICLE 13 UNCAC

JOURNALISTS REPORTING ACTS OF CORRUPTION

ARMENIA (SECOND SESSION)

The media are also expected to play a role, namely in raising public awareness of corruption and its causes and dangerous consequences, publicizing and making widely available information on the activities of anti-corruption agencies and bringing acts of corruption to the attention of the law enforcement agencies.