

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY ARMENIA

ARTICLE 6

PREVENTIVE ANTI-CORRUPTION BODIES

ARMENIA (FOURTEENTH MEETING)

• Policies, mechanisms and/or standard operating procedures through which bodies with mandates to prevent corruption (UNCAC article 6) and also conduct law enforcement operations related to corruption share intelligence, evidence or information internally within the designated body related to corruption prevention and/or detection; and Other measures or approaches taken to ensure that successes in and lessons learned from either the preventive or the law enforcement approach to corruption inform efforts in the other

Answers from Armenia

According to Article 31 of the RA Law "On the Corruption Prevention Commission" :

(...)

5. *Where during the proceedings the Corruption Prevention Commission (hereinafter also as CPC) comes to the conclusion that the committed act contains prima facie elements of crime, the materials of the proceedings shall immediately, but not later than within a three-day period, be forwarded to the Prosecutor General's Office of the Republic of Armenia, adopting a decision on suspending the proceedings. The copy of the decision shall, within a three-day period following the adoption, be forwarded to the relevant official holding a position, and where the proceedings have been instituted based on an application — to the applicant.*

6. *The Prosecutor General's Office shall inform the CPC about the results of the examination of the materials by attaching the copy of the relevant decision.*

7. *The CPC shall, within a five-day period from the moment of receipt of the decision on rejecting institution of a criminal case, on dismissing case proceedings, on terminating criminal prosecution or on not conducting criminal prosecution, resume the suspended proceedings, and in case of receiving the judgement of conviction having entered into force, it shall terminate the proceedings within the same period.*

It can be seen from the abovementioned that when, as a result of checking the declaration of the Corruption Prevention Commission is not provided with explanations or additional materials within the prescribed period, or the explanations or additional materials provided are insufficient to dispel the existing doubts, the CPC sends the decision and the attached materials to the Prosecutor General's Office of the Republic of Armenia no later than within five working days after the adoption of the relevant decision on this, as well as if, during the proceedings, the CPC concludes that the committed act contains signs of an obvious crime, then the materials of the proceedings, but not later than within three days sends them to the Prosecutor General's Office.

Most of the information provided by the Corruption Prevention Commission related to cases of alleged submission of false data in declarations.

Article 444 of the new Criminal Code of the Republic of Armenia establishes responsibility for the submission of false data in declarations or concealment of data subject to declaration. This corpus delicti reflects

the corpus delicti found in Articles 314.2 and 314.3 of the previous Criminal Code / these corpus delicti were supplemented in the RA Criminal Code by Law ZR-102-n of June 30, 2017/.

During 2022, the investigators of the RA Anti-Corruption Committee investigated 31 criminal cases (proceedings) under Articles 314.2 (Intentional failure to submit a declaration) and 314.3 (Submission of false data in declarations or concealment of data subject to declaration) of the RA Criminal Code (2021-14), of which 7 criminal cases with an indictment were sent to the court against 10 persons.

At the same time, the grounds for initiating the 7 proceedings were the statements received from the Corruption Prevention Commission of the Republic of Armenia.

During 2022, with the participation of prosecutors of the Department for Monitoring the legality of pre-trial proceedings in the Anti-Corruption Committee of the Prosecutor General's Office of the Republic of Armenia, convictions in two criminal cases were completed and handed down in the courts. In particular:

1) The former investigator of the investigative Division of the Arabkir administrative district of Yerevan of the Investigative Department of the Investigative Committee of the Republic of Armenia for the City of Yerevan, V. G. - during his work in this position, was considered to be a person obliged to submit a declaration in accordance with Article 34 of the RA Law "On Public Service", however, on July 29, 2020, being dismissed from office, within the prescribed period- within 30 days, he did not submit a declaration on termination of official duties for 2020 to the Corruption prevention commission, for which an administrative fine was applied against him.

V.G., having been duly notified of the application of an administrative penalty, within 30 days after that he intentionally did not submit a declaration of property and income on the day of termination of official duties in 2020.

For committing the described act, V.G. was brought as an accused by an investigator of the RA Anti-Corruption Committee and charged under part 1 of Article 314.2 (which corresponds to part 1 of Article 444 of the current RA Criminal Code) of the RA Criminal Code (adopted on April 18, 2003 and lost its force on July 1, 2022).

On September 5, 2022, the materials of the proceedings with the indictment were transferred to the RA Anti-Corruption Court for consideration of the merits.

By the judgment of the Anti-Corruption Court of the Republic of Armenia dated December 29, 2022, V.G. was found guilty under Part 1 of Article 314.2 (adopted on April 18, 2003 and lost its force on July 1, 2022), the Criminal Code of the Republic of Armenia (which corresponds to part 1 of Article 444 of the current Criminal Code of the Republic of Armenia) for committing a socially dangerous act, and a fine in the amount of fifteen times the minimum wage at the time committing a crime, i.e. AMD 1,020,000 was imposed on him as punishment.

2) After the application of an administrative penalty against the former deputy head of the Mrgavan community of the Ararat region A.M. in accordance with part 1 of article 169.28 of the RA Code "On Administrative Offenses", the latter deliberately failed to submit to the Corruption Prevention Commission declaration of assets, income and interests as of the date of taking office in 2020, as well as an annual declaration of assets, income and interests for the same year.

For the commission of the described act A. M. was held as an accused by the investigator of the Anti-Corruption Committee of the Republic of Armenia and was charged under Part 1 of Article 314.2 (corresponds to Article 444 of the current Criminal Code of the Republic of Armenia Part 1 of Article) of the Criminal Code of the Republic of Armenia (adopted on April 18, 2003 and lost its force on July 1, 2022).

On March 25, 2022, the materials of the criminal case were submitted to the court with an indictment for consideration of the merits.

According to the judgment of the Court of General Jurisdiction of Yerevan dated June 21, 2022, A.M. was found guilty under Part 1 of Article 314.2 (which corresponds to Part 1 of Article 444 of the RA Criminal Code)

of the RA Criminal Code (adopted on April 18, 2003 and expired on July 1, 2022) of committing a socially dangerous act and was sentenced to imprisonment for a period of 1 (one) year with deprivation of the right to hold senior positions in state bodies and local self-government bodies for a period of one year. By the same judgment, in accordance with Article 70 of the Criminal Code of the Republic of Armenia, A.M. was sentenced to imprisonment for a period of 1 (one) year was not applied conditionally, setting a probationary period of 2 (two) years.

In addition, for 2022, in criminal cases sent to court with an indictment, there is 1 criminal case against one person on charges of deliberate failure to submit a declaration and 4 criminal cases against 7 persons on charges of concealing data eligible for declaration.

In particular, in the criminal case being considered in the Anti-Corruption Court of the Republic of Armenia, the head of the Gyulagarak community of the Lori region, M.G., was charged for the act that, being a declarant official, according to Law N HO-212-N "On Amendments to the RA Law "On Public Service" and having the obligation to submit a declaration, in the annual declaration of an official for 2020 submitted to the Corruption Prevention Commission, he concealed data on the property to be declared in especially large amounts -12 property with a cadastral value of 2,464,123. 32 AMD, as well as movable property, a share in the company and income in in the amount of 2.822.648 AMD.

In the same criminal case, T.B. was charged for the act that he, being a family member of the head of the Gulagarak community of the Lori region of the Republic of Armenia, M. M., that is, a family member of an official, having the obligation to submit a declaration in accordance with the RA Law N HO-212-N "On Amendments to the Law "On Public Service" In the annual declaration of a family member of an official for 2020, submitted to the Corruption Prevention Commission of the Republic of Armenia, concealed data on assets in especially large amounts eligible for declaration: 11 immovable properties with a cadastral value of 9,514,256 drams of the Republic of Armenia and income in the amount of 20,898,491 AMD.

In the same criminal case, R.V. was charged for being the deputy head of the Gulagarak community of the Lori region of the Republic of Armenia, accordingly, a declarant official and having the obligation to submit a declaration in accordance with the Law N HO-212-N "On Amendments to the Law of the Republic of Armenia "On Public Service" in the annual declaration of an official in 2020 submitted to the Corruption Prevention Commission of the Republic of Armenia, concealed the declared property in especially large amounts-3 immovable properties with a cadastral value of 56.665 AMD., as well as income data in the amount of 4.237.134 AMD

The trial in the criminal case continues.

In another criminal case being investigated by the RA Anti-Corruption Court, the former Governor of the Tavush region of the RA H.A. was charged for the act, that he, within the meaning of Part 1 of Article 5, Parts 1 and 4 of Article 34 of the RA Law "On Public Services", having the obligation to submit a declaration of property, income and interests in the event of termination of official responsibilities, after being dismissed from the post of governor of Tavush on June 26, 2018, he deliberately did not include in the declaration submitted to the Ethics Commission of High-ranking Officials, concealed the data eligible for declaration in especially large amounts, out of 13 specified immovable properties, about 7 immovable properties with a cadastral value of 3.035.946 AMD.

In the meantime, it is worth stating the following:

According to Article 25 (Inspection and analysis of declarations) the RA Law "On corruption prevention Commission":

(...)

2. *While analyzing the declarations, the CPC shall be entitled to request and receive (including by e-request) from state and local self-government bodies and other persons information, documents regarding persons having an obligation to submit a declaration, including information containing bank secret, official*

information on securities transactions made by the Central Depository prescribed by the Law of the Republic of Armenia “On securities market”, information containing insurance secrecy, as well as credit information or credit history from the credit bureau. During analysis of the declarations, for the purpose of inspecting actual possession of property, as well as acquisition of the property belonging to a third party by the right of ownership on behalf of, in favour of or at the expense of a declarant or actual benefit of that property or disposal of that property by the declarant, the Commission shall be entitled to apply to the bodies carrying out operational-investigative activities and obtain necessary information.

2.1. During the analysis of the declarations, the CPC shall be competent to request and receive, through a request to the Central Bank, information on the safe deposit boxes, accounts, account balances of a person having an obligation to submit a declaration, information on the transactions subject to declaration, as well as summary information on the gross input and gross output of the accounts during the required period, indicating in the request the data on the person, the relevant period or date. The procedure for transferring information constituting bank secret shall be prescribed by a joint legal act of the Central Bank and the CPC. The CPC shall be authorized to receive information constituting bank secret with regard to persons having an obligation to submit a declaration also from foreign banks, as well as from branches or representative offices of foreign banks operating in the territory of the Republic of Armenia.

2.2. The CPC shall following the receipt of information constituting bank secret —be competent to request from the declarant to submit additional materials, and, where there are grounds provided for by part 9 of this Article, forward the materials to the General Prosecutor’s Office.

3. Information and documents shall be provided to the CPC free of charge as soon as possible, but not later than within ten days after receiving the request, unless another time limit is specified in the request, or unless the addressee of the request proposes another reasonable time limit for complying with the request, which may not exceed 30 days. The Central Depository and other persons entitled to maintain a register of security holders (nominal holders), as well as credit bureaus shall provide information and documents free of charge if the CPC submits requests in the equal number of declarations submitted by each person having an obligation to submit a declaration.

4. In the process of analyzing declarations, interoperability of the database of the CPC with the databases developed as prescribed by the legislation of the Republic of Armenia — of state and local self-government bodies, organizations referred to in part 2 of this Article and on-line access of the CPC to the data subject to be declared, shall be ensured.

5. The CPC shall be competent to demand from a state or local self-government body, state or community institution, state organization or the officials thereof to conduct free of charge studies, perform free of charge expert examinations in relation to the circumstances subject to disclosure by it and submit the results thereon.

5.1 The CPC shall, within two years following discontinuation of the official duties of a declarant official, be entitled to request that the declarant official submit a situational declaration of property and incomes in case of doubt of a significant alteration in assets (increase in assets, reduction of liabilities or expenditures).

(...)

It is also worth mentioning that CPC has right to get the following information during integrity check (security check) of the candidates for judges, prosecutors and anti-corruption investigators (Article 26.1, part 7, RA Law “On Corruption Prevention Commission”):

CPC shall be competent to request and receive (including by e-request) from state and local self-government bodies, state organizations or officials thereof information and documents on persons related to the issue considered by the Commission, including information containing bank secret, official information on securities transactions made by the Central Depository prescribed by the Law of the Republic of Armenia “On securities market”, information containing insurance secrecy, as well as credit information or credit history from the Credit Bureau. For the purpose of studying the possibility of a person cohering with criminal subculture during the

process of study of integrity, the Commission shall be entitled to apply to the bodies implementing operational-investigative activities and to obtain information.

At the same time, it is worth adding that Article 11 of RA Law “On confiscation of property of illicit origin” states as follows:

For the purpose of carrying out examination and bringing an action, Department for confiscation of property of illicit origin shall have the right to:

(1) request and receive legal acts, documents and other information, including information deemed to be a tax or customs secret, data of pre-trial investigation necessary for carrying out examination and bringing an action, from state or local self-government bodies, state or community organizations, as well as organizations with state or community participation;

(2) request and receive from the natural and legal persons information and documents in possession thereof, interrogate persons having information with regard to the case in order to obtain necessary information, by drawing up a protocol thereon;

(3) use, free of charge, the information database (including electronic) used for official purposes;

(4) engage, where necessary, a relevant specialist or expert (specialized expert institution) at the expense of funds provided for by the State Budget;

(5) assign, in case of necessity to establish or refute certain facts, to carry out operational intelligence measures provided for by the Law "On operational intelligence activity" in order to determine the scope of actual beneficiaries, affiliated persons and volume of assets. Operational intelligence measures prescribed by points 8, 11, 12, 13 and 16 of part 1 of Article 14 of the Law "On operational intelligence activity" may not be carried out on the basis of the motion prescribed by this point.

(6) with the view to receive information on the assets located outside the territory of the Republic of Armenia, use the online data bases containing necessary data and send request for provision of information to the competent authorities of a foreign state in the manner provided for by the international treaties ratified by the Republic of Armenia or the legislation of the state concerned.

2. Department for confiscation of property of illicit origin may apply to the Corruption Prevention Corruption in order to conduct analysis of the declaration issued in the manner provided for by this Law, and receive the results of the analysis.

(...)

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

ARTICLE 6 UNCAC

PREVENTIVE ANTI-CORRUPTION BODY OR BODIES

ARMENIA (THIRD MEETING)

Within the police system, particular attention is accorded to increasing the professional expertise of police staff. Special training sessions are periodically organized as part of thematic modules relating to the fight against corruption with the aim of developing skills in the detection of corruption-related offences. In addition, a police subdivision responsible for carrying out special operations to uncover and prosecute corruption has been established within the General Directorate for Combating Organized Crime.

In parallel with operational and investigative work undertaken in relation to the fight against corruption-related and economic crimes, serious efforts are being undertaken by the national police to combat and counter harmful forms of systemic corruption, restore public confidence and trust in the police and strengthen and develop cooperation and communication between the police and the public. Internal control and action against corruption within the system ensure heavy penalties for any violation of ethics or of moral standards, improper conduct on the part of police officers and any act compromising the honour and prestige of the police forces. Internal anti-corruption measures are being implemented in all areas of police activity, particularly those areas involving large-scale interaction with the public and in which certain forms of corruption are likely to occur.

In fighting corruption, the police force has developed active cooperation with other law enforcement agencies, particularly the Prosecutor-General's Office of the Republic of Armenia, the National Security Service, the customs and tax authorities and a number of civil society organizations.