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III. Criminalization and law enforcement

15. Bribery of national public officials

63. Subparagraph (a) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

The provisions of Article 15 of the United Nations Convention against Corruption (hereinafter: the Convention) are reflected in Criminal Code of the Republic of Armenia(hereinafter:CC). In accordance with article 15,paragraph (a), Active bribery of national public officials is criminalised in two different articles:312 (Giving a bribe) and 312.1 (Giving unlawful remuneration to a public servant who is not an official) of CC.

In particular, article 312 of CC provides liability for giving a bribe. The crime isdefined as follows: Giving a bribe to an official, i.e. promising or offering or granting money, property, property rights, securities or any other advantage, personally or through an intermediary, for the official or another person, for the purpose of performing or not performing an action by the official within the scope of his authorities, in favour of the person giving the bribe or the person represented by him, or favouring the performance or non-performance of such action by the official by use of his official position, or for the purpose of patronage or connivance, **shall be punished by a fine in the amount of 100-fold to 200-fold of the minimum wage or by detention for a term of one to three months or by imprisonment for a maximum term of three years. The person, giving a bribe, shall be exempt from criminal liability in case the bribe has been extorted or in case the person has voluntarily informed law enforcement bodies on giving bribe not late after three days.**

This provision of the CC, in essence, expresses the main form of active bribery.

In accordance with article 312.1 of CC, Giving unlawful remuneration to a public servant, who is not an official, i.e. promising or offering or granting money, property, property rights, securities or any other advantage to a public servant, personally or through an intermediary, for himself or another person, for the purpose of performing or not performing an action by the public servant within the scope ofhis authorities, in favour of

the person giving the remuneration or the person represented by him, or favouring the performance or non-performance of such action by the public servant, who is not an official, by use of his official position, or for the purpose of patronage or connivance shall be punished by a fine in the amount of 200-fold to 400-fold of the minimum wage or by imprisonment for a maximum term of three years with deprivation of the right to engage in certain activities.

The person, giving unlawful remuneration, shall be exempt from criminal liability in case the unlawful remuneration has been extorted or in case the person has voluntarily informed law enforcement bodies on giving unlawful remuneration not later than three days. Both articles foresee aggravated sanctions if the offence was committed on a "large scale" or "particularly large scale" (which relates to the value of the bribe involved) or by an organised group. As regards the reference to the minimum wage in the various provisions of the CC, it is understood to amount to 1000 Armenian Drams (ADM), which is approximately €24.

As indicated above, the provisions on bribery of national public officials differentiate between

officials (Article 312) and other persons employed in public service - referred to as <<public servants>> - (Article 312.1) and provides two

different definitions for these categories of

personnel. The definition of an official is provided by Article 308, paragraph 3 CC, which deals with the offence of <<Abuse of official authority>>.

In accordance with article 2 of the Convention, "Public official" shall mean:

1. any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority; 2. any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party;

3. any other person defined as a "public official" in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of the Convention, "public official" may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party;

In accordance with article 308, paragraph 3 CC the following persons shall be deemed as officials:

1. persons performing functions of representative of the authorities on a permanent, temporary basis or by special authorisation;

2. persons performing organisational-managerial, economic-administrative functions on a permanent, temporary basis or by special authorisation in state bodies, local selfgovernment bodies, organisations thereof, as well as in the armed

forces of the Republic of Armenia, other troops and military units of the Republic of Armenia; Therefore, as noted in article 5, paragraph 1.

subparagraph 4 of "Law on Public Service" Public Servant is a person occupying a position envisaged by the Roster of State and Community Service Position or in the manner prescribed by law a person in the

Personnel Reserve of Public Service”.
Essentially, article 312.1 of CC has to be considered in the light of the article 15, paragraph (a) of the Convention.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

- During the period of 2010 one Armenian citizen was punished by a fine under the Article 312 of Criminal Code.
- During 2011 five Armenian citizens were sentenced under Article 312 Criminal Code and were punished by imprisonment.
- During 2012 (till september) one Armenian citizen was punished by imprisonment under the Article 312.1. of Criminal Code.

64. Subparagraph (b) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

(b) The National Assembly of the Republic of Armenia adopted the Republic of Armenia Law Amending and Supplementing the Criminal Code of the Republic of Armenia (Law number HO-18-N) on 9 February 2012. As a result of amending and supplementing Criminal Code of Armenia criminalises the “request for or promise to accept or acceptance of any offer of cash, property, property rights, securities, or any other advantage”. At 11 april 2011 in Strasbourg , The Council of Europe’s Group of States against Corruption (GRECO) have published its Third Round Evaluation Report on Armenia in which it finds that further amendments to the Criminal Code are necessary to comply with Council of Europe standards. Regarding the criminalisation of corruption, GRECO welcomed the 2008 amendments to the Criminal Code, but found that in order to fully comply with the standards of the Council of Europe’s Criminal Law Convention on Corruption the legal provisions had needed to be further amended to ensure that the mere request for a bribe can be prosecuted, that all persons who work in the private sector are covered and that Armenia can prosecute all corruption offences committed by its citizens abroad.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

As with active bribery, passive bribery of national public officials is criminalised by two separate

articles: (1) Article 311 CC deals with passive bribery of officials and (2) Article 311.1 CC deals with passive bribery of employees in the public service who do not have the status of officials (so-called “public servants”). Both articles foresee in two sets of aggravating circumstances giving rise to higher sanctions.

Armenian CC expands the scopes and criminalises not only “acceptance of an undue advantage”, but also the “request for or promise to accept or acceptance of any offer of money, property,

property rights, securities, or any other advantage”.

· In accordance with article 311 CC,

“1. Taking bribes by an official, i.e. request for or promise to accept or acceptance of any offer

of cash, property, property rights, securities, or any other advantage by an official, personally or through an intermediary, for himself or another person, for the purpose of performing or not performing an action by the official within the scope of his authorities, in favour of the person giving the bribe or the person represented by him, or favouring the performance or non-performance of such action by use of his official position, or for the purpose of patronage or connivance shall be punished by a fine in the amount of 300-fold to 500-fold of the minimum wage or by imprisonment for a maximum term of five years with deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

2. Taking bribes by an official for his obvious illegal action or inaction, in favour of the person giving the bribe or the person represented by him, shall be punished by imprisonment for a term of three to seven years with deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

3. The same act committed:

(1) by extortion;

(2) by a group of persons with a prior agreement;

(3) on a large scale;

shall be punished by imprisonment for a term of four to ten years with or without confiscation of property.

4. The acts provided for in part 1 or 2 or 3 of this Article, committed:

(1) by an organised group;

(2) on an especially large scale;

(3) by a judge;

shall be punished by imprisonment for a term of seven to twelve years with or without confiscation of property.

5. In this Chapter the amount (cost) not exceeding 200-fold to 1000-fold of the minimum wage set at the moment of the crime shall be deemed as large-scale. The amount (cost) exceeding 1000-fold of the minimum wage set at the moment of the crime shall be deemed as especially large-scale.

· In line with provisions of article 2 of the Convention and article 5 of the Law on Public Service of the Republic of Armenia, article 311.1 CC deals with passive bribery of employees in the public service who do not have the status of officials (so-called “public servants”). Definition of

the article reads as follows:

“1. Accepting unlawful remuneration by a public servant, who is not an official, i.e. accepting or

request for or promise to accept or acceptance of any offer of money, property, property rights, securities, or any other advantage by a public servant, who is not an official, personally or through an intermediary, for himself or another person, for the purpose of performing or not performing an action by the public servant within the scope of his authorities, in favour of the person giving the remuneration or the person represented by him, or favouring the performance or non-performance of such action by use of his official position, or for the purpose of patronage or connivance shall be punished by a fine of 200-fold to 400-fold of the minimum wage or by imprisonment for a maximum term of three years with deprivation of the right to engage in

certain activities for a maximum term of three years.

2. Accepting unlawful remuneration by a public servant who is not an official for his obvious illegal action or inaction, in favour of the person giving the remuneration or the person represented by him, shall be punished by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

3. The same act committed:

(1) by extortion;

(2) on a large scale;

(3) by a group of persons with a prior agreement,
shall be punished by imprisonment for a term of four to seven years.

4. The acts provided for in part 1 or 2 or 3 of this Article, committed:

(1) by an organised group;

(2) on an especially large scale;

shall be punished by imprisonment for a term of five to ten years with or without confiscation of property.”.

In Article 311 and 311.1 CC the extortion is the aggravating circumstance for taking bribe.

5. Persons performing public service shall be considered as public servants in this Chapter, in accordance with the Law of the Republic of Armenia on Public Service.

In this case, the mandatory requirement for extortion is that the official compels the perpetrator to give bribe using his official powers.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

During 2010-2012 42 persons were sentenced under Articles 311 of the Criminal Code of the Republic of Armenia, in particular:

· 2010

21 Armenian citizens were sentenced under Article 311 Criminal Code, including 3 women. 17 persons of them were punished by imprisonment, 4 persons were punished by a fine. Besides, 2 punished persons were officials.

· 2011

14 Armenian citizens were sentenced under Article 311 CC, including 3 women. 12 persons of them were punished by imprisonment, 2 persons were punished by a fine. Besides, 4 punished persons were officials, 9 persons had other occupation.

· 2012 (till september)

7 Armenian citizens were sentenced under Article 311 CC, including 2 women. 4 persons of them were punished by imprisonment, 3 persons were punished by a fine. Besides, 2 punished persons were officials and 5 persons had other occupation.

During 2010-2011 7 persons were sentenced under Articles 311.1 of the Criminal Code of the Republic of Armenia, in particular:

2010

· An Inspector (man) from Social Service Agency of Echmiadzin city was punished by a fine under Article 311.1 CC.

· A Chief-specialist (men) of Social Service Agency of Gyumri city was punished by imprisonment under Article 311.1 CC, paragraph 3, subparagraph 1.

· An Inspector (woman) of Social Service Agency of Hrazdan city was punished by a fine under Article 311.1 CC, paragraph 1.

2011

· In scope of the same criminal case were convicted two persons: the first one of them was a Chief-specialist (man) of Public Order Service of Yerevan Municipality was punished by imprisonment under Article 311.1 CC, paragraph 2.

· An Inspector (man) of Social Service Agency of Yeghvard city was punished by a fine under Article 311.1 CC, paragraph 1.

· An Inspector (woman) of Social Service Agency of Charentsavan city was punished by a fine under Article 34/311.1.

· The Head of Architecture and Urban Development Department was punished by imprisonment under Article 311.1, paragraph 3, subparagraph 2.

During 2012 there are not sentenced persons under Articles 311.1

This information is providing by Police of Armenia and Judicial Department of Armenia.

65. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

16. Bribery of foreign public officials and officials of public international organizations

66. Paragraph 1 of article 16

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Foreign public officials are equated with domestic officials in Article 308, paragraph 4, sub 1 CC, which provides that for the purpose of Articles 311, 311.2, 312, 312.2 and 313 CC an official is also "a public official of a foreign state in accordance with the national law of the state concerned, as well as members of legislative or other representative bodies of a foreign state exercising administrative authorities".

The elements of the offence and the applicable sanctions detailed under bribery of domestic public officials apply accordingly to bribery of foreign public officials.

Officials of public international organisations are equated with domestic officials in Article 308, paragraph 4, sub 2 CC, which provides that for the purpose of Articles 311, 311.2, 312, 312.2 and 313 CC an official is also "officials of international or supranational public organisations or bodies or in cases provided for in statutes of those organisations or bodies, contractual employees or other persons, performing functions equal to those performed by similar officials or employees". The elements of the offence and the applicable sanctions detailed under bribery of domestic public officials apply accordingly to bribery of officials of public international organisations .

More detailed, pursuant to Article 308 CC, paragraph 4, with regard to committal of acts provided for in Articles 311, 311.2, 312, 312.2 and 313 of Criminal Code the following persons shall be deemed as officials as well:

1. persons performing functions of public official of a foreign state in accordance with the internal law of the state concerned, as well as members of legislative or other

- representative body of a foreign state exercising administrative authorities;
- 2. officials of international or transnational public organisations or bodies or in cases provided for in statutes of those organisations or bodies, contractual employees or other persons, performing functions equal to those performed by similar officials or employees;
- 3. members of parliamentary assemblies of international or supranational organisations or other bodies performing similar functions;
- 4. members of or officials performing judicial functions in international courts, jurisdiction of which has been recognised by the Republic of Armenia;
- 5. jury of courts of foreign states.

Please provide examples of cases and attach case law if available.

There was no case law available on bribery of foreign public officials or officials of international or supranational organisation.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

67. Paragraph 2 of article 16

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Foreign public officials and officials of public international organisations are equated with domestic officials in Article 308, paragraph 4, sub 1 and 2 CC, which provides that for the purpose of Articles 311, 311.2, 312, 312.2 and 313 CC an official is also “a public official of a foreign state in accordance with the national law of the state concerned, as well as members of legislative or other representative bodies of a foreign state exercising administrative authorities and officials of international or transnational public organisations or bodies or in cases provided for in statutes of those organisations or bodies, contractual employees or other persons, performing functions equal to those performed by similar officials or employees”. The elements of the offence and the applicable sanctions detailed under bribery of domestic public officials apply accordingly to bribery of foreign public officials and officials of public international organisations.

Please provide examples of cases and attach case law if available.

There was no case law available on bribery of foreign public officials or officials of international or supranational organisation.

Please provide examples of cases and attach case law if available.

There was no case law available on bribery of foreign public officials or officials of international or supranational organisation.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

68. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

17. Embezzlement, misappropriation or other diversion of property by a public official

69. Article 17

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

According to Monitoring report adopted at the Istanbul Anti-Corruption Action Plan plenary meeting on 29 September 2011 at the OECD Headquarters in Paris were stated that Article 179 of the Criminal Code criminalises embezzlement and the monitoring experts were believed that these provisions sufficiently reflect the requirements of the Article 17 of the UN Convention against Corruption.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Pursuant to Article 179 CC, paragraph 1: "Squandering or embezzlement is theft of somebody's property entrusted to the person in significant amount".
In accordance with Article 179 CC, paragraph 2, for this crime aggravating circumstance is "the same actions committed with abuse of official position".
Pursuant to Article 17 of the Convention, as a perpetrator of an offence as noted in Article 179 CC, paragraph 2, subparagraph 1, can be deemed only an official.
In accordance with Article 308 CC, paragraph 3: the following persons shall be deemed as officials:
1. persons performing functions of representative of the authorities on a permanent, temporary basis or by special authorisation;

2. persons performing organisational-managerial, economic-administrative functions on a permanent, temporary basis or by special authorisation in state bodies, local self-government bodies, organisations thereof, as well as in the armed forces of the Republic of Armenia, other troops and military units of the Republic of Armenia”.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

In period of:

2010 -27 officials- Armenian citizens were punished under Article 179 of Criminal Code of Republic of Armenia.

2011 -8 officials- Armenian citizens were punished under Article 179 of Criminal Code of Republic of Armenia.

2012 (until September) -6 officials - Armenian citizens were punished under Article 179 of Criminal Code of Republic of Armenia.

70. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

18. Trading in influence

71. Subparagraph (a) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The National Assembly of the Republic of Armenia adopted the Republic of Armenia Law Amending and Supplementing the Criminal Code of the Republic of Armenia (Law number HO-18-N) on 9 February 2012. As a result CC is amended by new 312.2 Article (Giving unlawful remuneration for using of real or supposed influence).

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

As shown in Article 18, paragraph(a) of the Convention, in this case the subject of trading in influence is not only property rights, but also promising or offering or granting any other advantage”.

The new 312.2 Article of CC reads as follows: “Giving a person unlawful remuneration for using of real or supposed influence, i.e. accepting money, property, property rights, securities or any other advantage, personally or through an intermediary, for favouring the performance or non-performance of an action by an official or a public servant, who is not an official, within the scope of his authorities in favour of legal entities or natural persons, or for the purpose of patronage or connivance”.

Videlicet, the subject of using influence shall be also an advantage, which does not bear a character of property. For example, encouragement, providing services, etc. CC adopted the aggravating circumstances of this crime, as well as the basis of exemption from criminal liability.

In accordance with Article 312.2, paragraph 5: “The person, giving unlawful remuneration, shall be exempt from criminal liability in case the unlawful remuneration has been extorted or in case the person has voluntarily informed law enforcement bodies on giving unlawful remuneration not later than after 3 days

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Please provide examples of cases and attach case law if available.

72. Subparagraph (b) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Article 311.2 CC amended by the Law on Amending and Supplementing the Criminal Code of the Republic of Armenia (Law number HO-18-N) on 9 February 2012.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

The provisions of Article 18, paragraph (b) of the Convention are adopted in Article 311.2 CC amended by the Law on Amending and Supplementing the Criminal Code of the Republic of Armenia (Law number HO-18-N) on 9 February 2012. In particular, Article 311.2 criminalised the “request for or promise to accept or acceptance of any offer of cash, property, property rights, securities, or any other advantage”, as well. what was also the EU

recommendations. The Article reads as follows: "Use of real or supposed influence for mercenary purposes, i.e. accepting money, property, property rights, securities or any other advantage, personally or through an intermediary, for favouring the performance or non-performance of an action by an official or a public servant, who is not an official, within the scope of his authorities in favour of legal entities or natural persons, or for the purpose of patronage or connivance". Armenian CC criminalized not only "acceptance of an undue advantage", but also "the request for or promise to accept or acceptance of any offer of cash, property, property rights, securities, or any other advantage".

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

in 2010 - there was sentenced one official under the Article 312.2
there were no cases under the Article 311.2 CC in 2011 and 2012.
This statistic is provided by Police and Judiciary Department of Armenia.

73. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

19. Abuse of functions

74. Article 19

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The provision of article 19 of the Convention is established in article 308 Criminal Code of the Republic of Armenia: "Abuse of official authority".

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

This article reads as follows: “Abuse of official authority or duties by a state official for mercenary interests, personal, other interests or group interests, which caused essential damage to the legal interests of citizens, organizations, public or state rights (in case of property loss, the amount (value) exceeding 300 minimal salaries)”.

By the Convention, as well as by the article 308 CC the offence can be committed by the performance of or failure to perform an act. In case of performance of an act an official active uses his duties, but in case of failure to perform an act an official refrain from acting in the exercise of his/her official duties.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

During the period of:

2010- 18 Armenian citizens were sentenced under Article 308 CC. 12 of them were punished by imprisonment and after they were granted amnesty. 5 persons were punished by a fine. Besides, 5 persons were Officials, 1 person was a serviceman and 7 persons had other occupation.

2011- 15 Armenian citizens were sentenced under Article 308 CC. 9 of them were punished by imprisonment, 6 persons were punished by a fine. Besides, 14 persons were Officials, one person had other occupation.

2012 (until September)- 16 Armenian citizens were sentenced under Article 308 CC. 10 of them were officials. 6 persons were punished by imprisonment. 10 persons were punished by a fine.

This information is collected by Police and Judicial Department of Armenia.

75. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

20. Illicit enrichment

76. Article 20

Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

Has your country adopted and implemented the measures described above? (Check one answer.)

(N) No

Article 20 of Convention provides that countries should consider establishing as criminal offence intentional and significant increase in assets of public official that she or he cannot explain in relation to his or her lawful income.

This article of the Convention is not established by Armenian CC.

At the same time, during implementation and ratification of the Convention, this Article does not undergo the reservation by the National Assembly of the Republic of Armenia.

Moreover, the phrase "may" in Article 20 of the Convention implies that State Parties can refrain from adopting any measures to criminalise mentioned article, this provision is optional.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Please provide an account of your country's efforts to date to implement the provision under review.

77. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

21. Bribery in the private sector

78. Subparagraph (a) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Article 21 of the Convention is established in Article 200 CC, paragraph 1, i.e.

“Commercial bribe”. The Article reads as follows: “Giving a bribe to an administrative servant implementing management functions of a commercial or other entity, arbiter, including an arbiter of a foreign country performing functions in accordance with arbitration legislation, auditor or advocate, i.e. illegally promising or offering or giving money, property, rights over property, securities or other advantage to those persons, in person or through an intermediary, for themselves or for another person, for the performance or non-performance of actions, in favour of a briber or a person represented by him”.

Article 201 CC can be considered with Article 21 of the Convention. In accordance with Article 201 CC (Bribing the participants and organizers of professional and commercial sports competitions or shows.): “Giving a bribe to sportspersons, referees, coaches, team captains or other participants or organisers of professional sporting events, as well as organisers of commercial competition shows and members of award commission, i.e. illegally promising or offering or giving money, property, right over a property, securities or other advantage to those persons in person or represented for them or other person for the purpose of affecting on the results of those sporting events or competitions”.

This offense, of course, is one of the specific types of bribery. Both articles have the same subject of offence, i.e. money, property, right over a property and securities.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

79. Subparagraph (b) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

...

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The National Assembly of the Republic of Armenia adopted the Republic of Armenia Law Amending and Supplementing the Criminal Code of the Republic of Armenia (Law number HO-18-N) on 9 February 2012. As a result of supplementing Paragraph 3 of Article 200, the “request for or promise to accept or acceptance of any offer of money, property, right over a

property, securities or any other advantage” have been criminalized, as well.

Article 200, paragraph 3, reads as follows: “Receiving a bribe from sportspersons, referees, coaches, team captains or other participants or organisers of professional sporting events, as well as organisers of commercial competition shows and members of award commission, i.e. receiving, request for or promise to accept or acceptance of any offer of money, property, right over a property, securities or any other advantage from those persons in person or represented for them or other person”.

In this sense, in comparison with passive forms of bribery in Article 21 of the Convention, Armenian CC expands the scope of offence.

As a result of recent Amendments in CC (Law number HO-18-N, on 9 February 2012), the full range of persons who direct or work for, in any capacity, private sector entities, were covered as potential crime perpetrators in Article 200 CC. In particular, the amended Paragraphs 1, 3, and 5(1) of Article 200 of the Code now provide that persons, who perform directing or other management functions or hold any other position in commercial or other organizations permanently, temporarily, or on a special powers basis, shall be subject to criminal liability for committing the crime in question.

The amendments to the Armenian CC have raised the sanctions under Paragraph 1 of Article 200, and Paragraphs 1 and 3 of Article 201 CC. In particular, under Article 200 CC ("Commercial Bribe"), giving a commercial bribe shall be punished with a penalty in the amount of 200 to 400 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or imprisonment for a maximum term of three years. Under the amendment to Paragraph 1 of Article 201 CC ("Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests"), the sanction for bribery in sports has been raised: giving a bribe under Article 201, including in sports, is punished with a penalty in the amount of 300 to 500 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or detention for a term of two to three months or imprisonment for a maximum term of three years.

In addition to raising the sanctions for committing the relevant acts proscribed by the CC Article 200 "Commercial Bribe," and Article 201 "Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests"), the statutory limitation period for these offences has been increased, too: the statutory limitation period for Article 200, and Article 201 CC, which was previously two years, has been increased to five years.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

in the period of:

2010 - 3 Armenian citizens were punished under the Article 200 CC, 1 person was an official and punished by imprisonment. 2 persons had other occupation and were punished by a fine.

2011 - 3 Armenian citizens were punished under the Article 200 CC, 2 persons were officials and punished by imprisonment. 1 person had other occupation and was punished by a fine.

2012- 2 persons were punished under the Article 200 CC, they were punished by a fine. no one of them were officials.

There were no cases under the Article 201 during the period of 2010-2012 (until September).

This information is collected by Police and Judicial Department of Armenia.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

in the period of:

2010 - 3 Armenian citizens were punished under the Article 200 CC, 1 person was an official and punished by imprisonment. 2 persons had other occupation and were punished by a fine.

2011 - 3 Armenian citizens were punished under the Article 200 CC, 2 persons were officials and punished by imprisonment. 1 person had other occupation and was punished by a fine.

2012- 2 persons were punished under the Article 200 CC, they were punished by a fine. no one of them were officials.

There were no cases under the Article 201 during the period of 2010-2012 (until September).

This information is collected by Police and Judicial Department of Armenia.

80. Technical Assistance

The following questions on technical assistance relate to the article under review in its

entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

22. Embezzlement of property in the private sector

81. Article 22

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Criminalisation of Article 22 of the Convention deserves special attention, because Armenian CC adopted different forms of embezzlement.

In this case, Article 22 of the Convention refers to Article 179 CC.

Pursuant to Article 179 CC, paragraph 1: "Squandering or embezzlement is theft of somebody's property entrusted to the person in significant amount".

During criminalization of this offence is mandatory to specify the perpetrator of crime. As noted in Article 179, the perpetrator of crime shall be only a person, **who directs of value entrusted to him/her by virtue of his/her position.**

Squandering or embezzlement shall be differentiated from theft and swindling.

In contrast to squandering or embezzlement, in the case of theft person does not vest in possession any property: the property can be given to him only for technical or industrial purposes. For example, stealing of cargo by porter. Both in case of squandering and swindling the property owner voluntarily handing the property to the perpetrator. On the other hand, in case of swindling the property owner is misled by perpetrator. Besides, in case of swindling the perpetrator has an intended goal to rob the property from the very beginning.

**In this context could be considered also the Article 181 CC, which refers as: ``
Embezzlement, committed by means of computer.**

1. Embezzlement of somebody's property in significant amount committed with the use of computer, is punished with a fine in the amount 100 to 300 minimal salaries, or with arrest for up to 2 months, or with imprisonment for up to 2 years and with or without a fine in the amount of up to 50 minimal salaries.

2. Same act committed:

1) by a group with prior agreement,

2) in large amount, is punished with a fine in the amount of 300 to 500 minimal salaries, or with imprisonment for the term of 2-5 years and with or without a fine for the amount of up to 50 minimal salaries.

3. The act envisaged in part 1 or 2 of this Article, committed:

1) in particularly large amount;

2) by an organized group, is punished with imprisonment for the term of 4 to 8 years, with or without confiscation of property``.

This Article also could reflect the Article 22 of Convention. Although the perpetrator of this offence is not especially mentioned in Article 181, it could be committed by any person.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

In period of :

2010 - 87 Armenian Citizens were sentenced under Article 179 CC. 45 of them were punished by imprisonment, 42 persons were punished by a fine. Besides, 27 punished people were officials, 21 persons were servicemen and 9 persons had other occupation.

2011 - 73 Armenian Citizens and one foreigner were sentenced under Article 179 CC. 47 of them were punished by imprisonment, 27 persons were punished by a fine and for 21 persons the designated punishment had not been applied. Besides, 8 punished people were officials, 10 persons were servicemen and 24 persons had other occupation.

One Armenian Citizen was punished by imprisonment under Article 181 who was also official.

2012 (until september) - 27 Armenian Citizens were sentenced under Article 179 CC. 11 of them were punished by imprisonment, 16 persons were punished by a fine. Besides, 6 punished people were officials, 11 persons were servicemen and the other persons had other occupation.

This information is collected by Police and Judicial Department of Armenia.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

82. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

To investigate crimes committed by means of computers is often associated with an obstacle as the information and knowledge in this area requires further development and in some extent is an innovation, it would be effective to get special advises by the expert as well organise trainings for staff dealing with such offences.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)

To investigate crimes committed by means of computers is often associated with an obstacle as the information and knowledge in this area requires further development and in some extent is an innovation, it would be effective to get special advises by the expert as well organise trainings for staff dealing with such offences.

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)

to organise trainings for law enforcement agencies concerning offences committed by means of computer.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

23. Laundering of proceeds of crime

83. Subparagraph 1 (a) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Armenia has criminalized money laundering through Article 190 of the Criminal Code. The offence was first introduced in 2003 and the definition of money laundering amended in 2006.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code of Armenia

Article 190

1. Conversion or transfer of property obtained in criminal way, if it is known that such property was obtained as a result of criminal activities, which had the purpose of concealing or disguising the criminal origin of such property, or of assisting any person to avoid liability for a crime committed by such persons, or the concealment or disguising of the true nature, source, location, disposition method, movement or rights with respect to, or ownership of such property, knowing that such property was obtained as a result of criminal activity, or the acquisition, possession, use or disposition of property, knowing, at the time of receipt, that such property had been obtained as a result of criminal activity.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

84. Subparagraph 1 (a) (ii) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The type of money laundering in question is criminalized through Article 190 of the Criminal Code of Armenia.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code of Armenia

Article 190

1. ...or the concealment or disguising the true nature, source, location, disposition method, movement, or rights with respect to, or ownership of such property, knowing that such property was obtained as a result of criminal activity or...

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Please provide examples of cases and attach case law if available.

85. Subparagraph 1 (b) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

According to the Article 190 (1), the acquisition, possession, or use of property, knowing at the time of receipt, that such property is the proceeds of crime, constitutes the offence money laundering.

However, The Cassation Court of Armenia in its decision dated February 24, 2011 held that " 16. ... the respective article of the Criminal Code does not clearly envisage the main, essential peculiarity of the subjective element of this offence, in purpose of concealment or disguise of the real source of the relevant assets stemmed from deeds foreseen by Article 190 of the Criminal Code. Therefore, the practical implementation of Article 190 should be based on conclusion, that the compulsory peculiarity of the subjective element of this offence includes special purpose, the concealment and involvement into the legal turnover of such proceeds of crime. The absence of this purpose rules out the presence of this offence."

Apart from the said, if the **acquisition** of the proceeds of crime was promised in advance, it will constitute abetting, and if the acquisition of alienation was not promised in advance, it will constitute the offence of **Acquisition or alienation of property obviously acquired by way of criminal activity (Article 216 of the Criminal Code)**

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code of Armenia

Article 190

1.or the acquisition, possession, use or disposition of property, knowing, at the time of

receipt, that such property had been obtained as a result of criminal activity.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Please provide examples of cases and attach case law if available.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

86. Subparagraph 1 (b) (ii) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) Subject to the basic concepts of its legal system:

...

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Article 33 of the Criminal Code provides that sanctions for a criminal offence are not only being applied to completed crimes but also to attempt crimes or anybody who prepares a crime. Pursuant to the Article 34 of the Criminal Code a crime is considered attempted if a willful act or inaction immediately aimed at the committing a crime has been taken and the crime was not completed for reasons beyond person's control. Article 35 of the Criminal Code furthermore provides that a crime has been prepared if means or tools for the commission of a crime requiring direct willfulness have been provided or adapted or other conditions for the commission of a crime have been willfully created and the crime was not completed for the reasons beyond the person's control. Person's voluntarily refusing to complete the crime and preventing the completion of the crime by the perpetrator are not subject to criminal liability.

Article 38 of the Criminal Code defines a number of types of accomplices, including organizers (the person who arranges or directs the commission of the crime or a group for the purposes of committing a crime); abettors (person who assists the main perpetrator of the crime through persuasion, financial incentives, threats or means) and helpers (person who assists the main perpetrator of the crime, through pieces of advice, instructions or information, who provides means or tools or eliminates obstacles to the commission of the crime, who has promised harbor to the criminal, or to hide means and tools of a crime, traces of the crime, or items acquired through a crime, or the person who has promised to acquire or sell such items).

Article 39 of the Criminal Code further stipulates that the maximum sanction for all types of accomplices is the same as for the main perpetrator, whereby the nature and degree of participation of each of them in committing the crime has to be taken into account to the court. As to criminal associations, Article 223 of the Criminal Code criminalizes the

"creation of a criminal association" as "a stable group of individuals who previously united to commit one or more crimes."

The Criminal Code of Armenia foresees sanctions also for the commission of crime by a group with or without a prior agreement. In particular, Article 41 stipulates that a crime is considered committed by a group of individuals without a prior agreement, if the co-perpetrators who participated in the crime didn't previously agree to commit the crime jointly. A crime is considered committed by a group of individuals with prior agreement, if the co-perpetrators who participated in the crime, prior to the commencement of the crime, agreed to commit the crime jointly.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

REPUBLIC OF ARMENIA CRIMINAL CODE

Article 33. Completed and unfinished crime

1. A crime is considered committed if the action incorporates all the elements of crime envisaged in this Code.
2. Attempts to commit a crime and the preparation for grave and particularly grave crimes are considered an unfinished crime.
3. The liability for attempts to commit a crime and the preparation for crime is under the same article of the Special Part of this Code as for complete crimes, referring to Articles 34 or 35 of this Code.

Article 34. Attempt to commit a crime

Attempt at a crime is the action (inaction) committed through direct willfulness immediately aimed at the committal of crime, if the crime was not finished for reasons beyond the person's control.

Article 35. Preparation of crime

Preparation of a crime is the procurement of means or tools or their adaptation for committal of a direct willful crime, as well as willful creation of other conditions for committal of crime, if the crime was not finished for reasons beyond the person's control.

Article 38. Types of accomplices

1. The organizer, the abettor and the helper are considered the accomplices to the perpetrator.
2. The perpetrator is the person who immediately committed the crime or immediately participated in its committal with other persons (accomplices), as well as the one who committed the crime through the use of persons not subject to a negligence.
3. The organizer is the person who arranged or directed the committal of the crime, as well as, the one who created, organized or directed a group or a criminal association for committal of the crime.
4. The abettor is the person who abetted another person for the committal of a crime through persuasion, financial incentive, threat or other means.
5. The helper is the person who assisted to the crime through pieces of advice, instructions, information or provided means, tools, or eliminated obstacles, as well as, the person who had previously promised to harbor the criminal, to hide the means and tools of a crime, the traces of the crime or the items acquired through crime, as well as, also, the person who had previously promised to acquire or sell such items.

Article 39. The liability of accomplices

1. The co-perpetrators are subject to liability for the crime under the same article of the Special Part of this Code.
2. The organizer, the abettor and the perpetrator are subject to liability under the article which envisages the committed crime, referring to Article 38 of this Code, except for those

cases when they were at the same time the co-perpetrators of the crime.

3. The person who is not a special subject of the crime in the article of the Special Part of this Code, who participated in the committal of the crime envisaged in this Article, can be liable for this crime only as an organizer, an abettor or helper.

4. In the case when the crime was not completed for reasons beyond control of the perpetrator, the other accomplices are liable for the preparation of the crime or for complicity in the attempt at the crime.

5. If the organizer, the abettor or the helper fail in their actions for reasons beyond their control, then these persons are liable for the preparation of the respective crime.

6. The accomplices are subject to liability only for those aggravating circumstances of the crime of which they were aware.

7. When subjecting the accomplices to liability, the nature and the degree of participation of each of them in the crime are taken into account.

(Article 38 amended 09.06 04 HO- 97-N law)

Article 41. Committal of crime by a group of individuals, by an organized group or by an organized crime

1. A crime is considered committed by a group of individuals without prior agreement, if the co-perpetrators who participated in the crime did not previously agree to commit the crime jointly.

2. A crime is considered committed by a group of individuals with prior agreement, if the co-perpetrators who participated in the crime, prior to the commencement of the crime, agreed to commit the crime jointly.

3. A crime is considered committed by an organized group, if it was committed by a stable group of persons who previously united to commit one or more crimes.

4. A crime is considered committed by an organized crime, if it was committed by an organized and consolidated group created to commit grave or particularly grave crimes, or by uniting to an organized group for the same purposes, as well as if it was committed by a member (members) of the organized crime to achieve its criminal purposes, as well as, committal of a crime by a person instructed by and not considered a member of the organized crime,

5. The person who created or directed an organized group, an organized crime, is subject to liability in cases envisaged in the appropriate articles of this Code: for the creation or direction of an organized group or an organized crime, as well as, for all crimes committed by them, if they were involved by his willfulness. Other persons involved in the organized crime are subject to liability for participation in this organization and for those crimes which they committed or prepared.

6. The persons mentioned in this Article incur liability without referral to Article 38 of the Special Part of this Code.

Article 223. Creation of criminal associations or participation in criminal association

1. Creation of criminal associations or leading a criminal association, is punished with imprisonment for 8-12 years, with or without property confiscation.

2. Participation in a criminal association, is punished with imprisonment for 6-10 years, with or without property confiscation.

3. The acts envisaged in part 1 or 2 of this Article with abuse of official position, are punished with imprisonment for 10-15 years, or deprivation of the right to hold certain posts or practice certain activities for up to 3 years, with or without property confiscation.

4. The person who informed the state bodies about the creation of a criminal association by oneself, or about the participation in the criminal association, and who contributed to the prevention of its activity, is exempted from criminal liability, if there are no other criminal elements in his actions.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

87. Subparagraphs 2 (a) and 2 (b) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

All FATF designated categories of predicate offenses are covered, as outlined below. In addition, tax evasion is criminalized through Articles 205 of the Criminal Code and constitutes a predicate offense for money laundering under Armenian law. Participation in an organized criminal group and racketeering - Articles 222, 223 & 224 CC. Terrorism, including terrorism financing - Articles 217, 388, 389 CC. Trafficking in human beings and migrant smuggling - Articles 132, 132.1, & 168 CC. Sexual exploitation, including sexual exploitation of children - Articles 132, 132.1, 166, 261 & 262 CC. Illicit trafficking in narcotic drugs and psychotropic substances - Articles 215, 266 CC. Illicit arms trafficking Article 215, 235 CC. Illicit trafficking in stolen and other goods Article 216 CC. Corruption and bribery Articles 200, 201, 311, 312 & 313 CC. Fraud Article 178, 184, 194, & 212 CC. Counterfeiting Currency Articles 202 & 203 CC. Counterfeiting and piracy of products Articles 197, 207 CC. Environmental crime Articles 281, 284, 286, 287, 288, 289, 291, 292, 295, 297 & 298 CC. Murder, grievous bodily injury Articles 104, 112, 113, 117 CC. Murder, grievous bodily injury Articles 104, 112, 113, 117 CC. Kidnapping, illegal restraining and hostagetaking Articles 131, 132, 133, 134, & 218 CC. Robbery or theft Articles 175-181, 234, 235, 238, 269, 383 CC. Smuggling Article 215 CC. Extortion Article 182 CC. Forgery Article 269 CC. Piracy Articles 220, 221 CC. Insider trading and market manipulation Articles 195, 199 & 214 CC.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

REPUBLIC OF ARMENIA CRIMINAL CODE

Article 190. Legalization of illicit proceeds (money laundering)

.....

5. For the purpose of this article "illicit property" shall mean any type of property, including assets, securities and property rights, and, in cases stipulated by international treaties of the Republic of Armenia, other objects of civil rights derived or obtained, directly or indirectly, through commission of offences defined by articles 104, 112-113, 117, 122, 131-134, 166, 168, 175-224, 233-235, 238, 261-262, 266-270, 281, 284, 286-289, 291-292, 295, 297-298, 308-313, 329, 352, 375, 383, 388 and 389 of this Code.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

88. Subparagraph 2 (c) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

...

(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Money laundering offences are punishable under Armenian law irrespective of the place where the predicate offence was committed. The Criminal Code of Armenia does not require that the latter be committed domestically, provided it would constitute a criminal offence/crime punishable under the Criminal Code of Armenia had it occurred domestically.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code of Armenia

Article 190

1. Conversion or transfer of property obtained in a criminal way, if it is known that such property was obtained as a result of criminal activities, which had the purpose of concealing or disguising the criminal origin of such property, or of assisting any person to avoid liability for a crime committed by such persons, or the concealment or disguising of the true nature, source, location, disposition method, movement, or rights with respect to, or ownership of such property, knowing that such property was obtained as a result of criminal activity, or the acquisition, possession, use or disposition of property, knowing, at the time of receipt, that such property had been obtained as a result of criminal activity.....

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

89. Subparagraph 2 (d) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

...

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)

(N) No

Please attach the text(s)

Please attach the text(s)

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

90. Subparagraph 2 (e) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

...

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

Does your country's domestic system contain fundamental principles as referred to in the provision above? (Check one answer).

(N) No

Article 190 of the Criminal Code of Armenia criminalizes money laundering regardless of whether the predicate offence has been committed by the money launderer or a third party. Self-laundering is therefore criminalized for all acts constituting money laundering.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code of Armenia

Article 190

1. Conversion or transfer of property obtained in a criminal way, if it is known that such property was obtained as a result of criminal activities, which had the purpose of concealing or disguising the criminal origin of such property, or of assisting any person to avoid liability for a crime committed by such persons, or the concealment or disguising of the true nature, source, location, disposition method, movement, or rights with respect to, or ownership of such property, knowing that such property was obtained as a result of criminal activity, or the acquisition, possession, use or disposition of property, knowing, at the time of receipt, that such property had been obtained as a result of criminal activity.....

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

91. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

24. Concealment

92. Article 24

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Article 334 CC adopted Concealment of crime. Article reads as follows: "Concealment of a grave or a particularly grave crime, as well as tools and means of the crime, crime traces or criminally acquired items, which had not been previously promised, if elements of crime defined by Article 334.1 are default." Article 24 of the Convention stresses the fact "when the person involved knows that such property is the result of any of the offences", while in Armenian CC is used "which had not been previously promised" definition. Obviously, in both cases concealer aware of committed crime.

At the same time, as noted in Article 334 CC, in case that crime had not been previously promised the acts and intention of perpetrator are directed to conceal a crime. There are no any causative links between concealment and crime.

In contrast with Article 24 of the Convention, Armenian CC envisages liability only for grave and particularly grave crimes, which had not been previously promised.

In accordance with Article 334 CC, paragraph 2, the spouse of the person who committed a crime and one's close relatives are not subject to criminal liability for concealment of the crime which had not been previously promised.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Article 334 CC adopted Concealment of crime. Article reads as follows: "Concealment of a

grave or a particularly grave crime, as well as tools and means of the crime, crime traces or criminally acquired items, which had not been previously promised, if elements of crime defined by Article 334.1 are default.”.

Article 24 of the Convention stresses the fact “when the person involved knows that such property is the result of any of the offences”, while in Armenian CC is used “which had not been previously promised” definition.

Obviously, in both cases concealer aware of committed crime. At the same time, as noted in Article 334 CC, in case that crime had not been previously promised the acts and intention of perpetrator are directed to conceal a crime. There are no any causative links between concealment and crime. In contrast with Article 24 of the Convention, Armenian CC envisages liability only for grave

and particularly grave crimes, which had not been previously promised. In accordance with Article 334 CC, paragraph 2, the spouse of the person who committed a crime and one’s close relatives are not subject to criminal liability for concealment of the crime which had not been previously promised.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

93. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

25. Obstruction of justice

94. Subparagraph (a) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

A number of provisions of the criminal law are responsible for obstruction of justice including corruption, and in the investigation of the criminal case.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

According to the part 1 of the Article 332 of the Criminal Code of the Republic of Armenia, in order to obstruct justice interference with the activities of the Court is punishable with a fine equal to two hundred-fold to four hundred-fold of the minimal wage, or arrest from one to three months, or imprisonment for 2 years maximum.

According to the part 2 of the same Article obstructing justice by preventing the comprehensive, objective and full investigation of the case by interfering in any way the activity of the prosecutor, investigator or any person making investigation is punishable with a fine equal to hundred-fold to three hundred-fold of the minimal wage, or with arrest from one to three months. The same acts committed by the person using his official position are punishable with the fine equal to three hundred-fold to five hundred-fold of the minimal wage, or imprisonment for 4 years maximum.

According to the Article 337 of the Criminal Code of Republic of Armenia hindering victim or witness from giving testimony or interfering their arrival to preliminary investigation bodies by force or by threat of violence is punishable with a fine equal to three hundred-fold to five hundred fold of the minimal wage, or with arrest for 3 months maximum, or imprisonment for 2 years maximum.

According to the part 1, Article 340 of the Criminal Code to bribe the victim or witness to give false testimony, or the expert to give wrong conclusion, or bribe the interpreter to make mistranslation is punishable with a fine equal to three hundred-fold to four hundred-fold of the minimal wage, or arrest for 2 months maximum. According to the part 2 of the same Article to oblige the victim or the witness to give false testimony, or expert to give wrong conclusion, or oblige the interpreter to mistranslate, or to oblige to refuse from giving testimony, accompanied by blackmail of relatives, or threatening to kill, to injury health, destruction of property is punishable with a fine equal to three hundred-fold to five hundred-fold of the minimal wage or arrest for 1 -3 months, or imprisonment for three years maximum.

According to the part 3 of the Article 340 of the Criminal Code of Republic of Armenia the same acts accompanied with infliction of not dangerous harm to life and health is punishable by imprisonment for 5 years maximum.

According to the part 4 of the same Article the same acts which are mentioned in the parts 1 and 2 which were: 1) committed by an organized group, 2) accompanied with infliction of dangerous harm to life and health, are punishable by imprisonment from three to eight years.

Article 341. Forcing testimony by the judge, by the prosecutor, by the investigator or by the person in charge of inquiry.

1. Forcing the suspect, the accused, the defendant, the aggrieved, the witness or the expert, or the translator, by the judge, the prosecutor, the investigator or person in charge of inquiry, by using extortion or any other illegal action, to make a false testimony, conclusion or translation, is punished with deprivation of the right to hold certain posts or practice certain activities for up to 5 years, or with arrest for the term of up to 3 months,

or with imprisonment for the term of up to 2 years.

2. The same action committed by the persons mentioned in part 1 by using torture, insult or other violence, are punished with imprisonment for the term of 3 to 8 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

3. The actions envisaged in parts 1 or 2 of this Article, which caused grave consequences, are punished with imprisonment for the term of 6 to 12 years, with deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

Article 347. Threat or violence in relation to preliminary investigation or administration of justice.

1. Threat to murder a judge or his close relatives, to inflict damage to health, destroy or damage property, concerned with the trial of the case or material in court, is punished with a fine in the amount of 300 to 500 minimal salaries, or with imprisonment for the term of up to 3 years.

2. The same action committed against a prosecutor, an investigator, person in charge of inquiry, defense lawyer, expert, court marshal or their relatives, concerning the preliminary investigation, the trial of the case or material in court, the sentence, verdict or other act, is punished with a fine in the amount of 200 to 400 minimal salaries, or with arrest for the term of 3 to 6 months, or with imprisonment for the term of up to 2 years.

3. The action envisaged in parts 1 or 2 of this Article, committed with violence not dangerous for life or health, is punished with imprisonment for the term of up to 5 years.

4. The action envisaged in parts 1, 2 or 3 of this Article, committed with violence dangerous for life or health, is punished with imprisonment for the term of 5 to 10 years.

Article 350. Entrapment for bribe or commercial bribe.

Entrapment for bribe or commercial bribe, i.e. to create artificial evidence or to blackmail an official or an executive or a manager of a commercial or other organization, an attempt to impose on them money, securities, other property or property services, is punished with a fine in the amount of 300-500 minimal salaries, or imprisonment for up to 5 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

Please provide examples of cases and attach case law if available.

95. Subparagraph (b) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with

this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

A number of provisions of the criminal law are responsible for obstruction of justice including corruption, and in the investigation of the criminal case.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

According to the part 1 of the Article 332 of the Criminal Code of the Republic of Armenia, in order to obstruct justice interference with the activities of the Court is punishable with a fine equal to two hundred-fold to four hundred-fold of the minimal wage, or arrest from one to three months, or imprisonment for 2 years maximum.

According to the part 2 of the same Article obstructing justice by preventing the comprehensive, objective and full investigation of the case by interfering in any way the activity of the prosecutor, investigator or any person making investigation is punishable with a fine equal to hundred-fold to three hundred-fold of the minimal wage, or with arrest from one to three months. The same acts committed by the person using his official position are punishable with the fine equal to three hundred-fold to five hundred-fold of the minimal wage, or imprisonment for 4 years maximum.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

96. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

26. Liability of legal persons

97. Paragraphs 1 and 2 of article 26

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

*Has your country established one or more of the forms of liability referred to in the provision above?
(Check one answer)*

(Y) Yes

Armenian legislation does not provide for criminal liability for legal persons. However. Legal persons involved in money laundering are subject to administrative sanctions pursuant to Article 28 of the Republic of Armenia Law on Combating Money laundering and Terrorism Financing. Sanctions may include fines, revocation, suspension or termination of the legal person's license and filing of a request with the courts to liquidate the legal person.

In accordance with Article 28 of the Law on Combating Money Laundering and Terrorism Financing, involvement of legal person (except for reporting entities) in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in Part 4, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 2000-fold amount of the minimal salary, as well as an action may be filed to the court requesting liquidation of the legal person in the manner established by law. Involvement of legal person, which is a reporting entity, in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in part 4, Article 55 of Criminal Code of the Republic of Armenia, but not less than 5000- fold amount of the minimal salary, as well as the license of such person may be revoked or suspended or terminated or otherwise the activity of reporting entity may be banned in the manner established by law.

The minimal salary is defined 1000 AMD when taken as basis for calculating fines. It means that the minimal threshold of fine applicable to regular legal persons is 2.000.000 AMD (5000 USD) and 5.000.000 AMD (12.500 USD) applicable to reporting entity legal persons.

Please cite the applicable measure(s)

Please cite the text(s)

**REPUBLIC OF ARMENIA LAW
ON COMBATING MONEY LAUNDERING AND
TERRORISM FINANCING**

**ARTICLE 28: SANCTIONS APPLIED TO LEGAL PERSONS FOR
INVOLVEMENT IN MONEY LAUNDERING AND TERRORISM
FINANCING**

1. Involvement of a legal person (except for reporting entities) in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in Part 4, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 2000-fold amount of the minimal salary, as well as an action may be filed to the court requesting liquidation of the legal person in the manner established by law.
2. Involvement of a legal person, which is a reporting entity, in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in Part 4, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 5000-fold amount of the minimal salary, as well as the license of such person may be

revoked or suspended or terminated, or otherwise the activity of the reporting entity may be banned in the manner established by law.

3. Involvement of a legal persons (except for reporting entities) in terrorism financing shall give rise to imposition of penalty at the value of the assets used for financing terrorism as specified in Part 5, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 10000-fold amount of the minimal salary, as well as an action shall be filed to the court requesting liquidation of the legal person in the manner established by law.

4. Involvement of a legal person, which is a reporting entity, in terrorism financing shall give rise to imposition of penalty at the value of the assets used for financing terrorism as specified in Part 5, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 20000-fold amount of the minimal salary, as well as the license of such person shall be revoked, or otherwise the activity of the reporting entity shall be banned in the manner established by law.

5. The sanctions stipulated by this Article shall be imposed on financial institutions by the Authorized Body in the manner established by the legislation regulating the activities of financial institutions.

6. The sanctions stipulated by this Article for non-financial institutions or individuals and for legal persons shall be imposed by the respective supervisory body and, in the absence of such body, by the Authorized Body in the manner established by the Code of Administrative Violations, as long as it does not contradict the requirements of this Law.

If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.

Please provide examples of implementation

No legal person was held liable for being involved in money laundering.

If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures, as available.

98. Paragraph 3 of article 26

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

Has your country established one or more of the forms of liability referred to in the provision above? (Check one answer)

(Y) Yes

No legal provision exists in the legislation, exempting natural persons from criminal responsibility for the offences of money laundering

Please cite the applicable measure(s)

Please cite the text(s)

No legal provision exists in the legislation, exempting natural persons from criminal responsibility for the offences of money laundering

Please provide examples of implementation, including recent cases where both natural and legal persons were liable

As mentioned in the replies to question 97, no legal person was held liable for money laundering.

Please provide any available statistics of such cases. Please provide per annum figures as available

99. Paragraph 4 of article 26

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Sanctions applicable to legal persons seem to be effective, proportionate and dissuasive, taking into account the punitive policy in Armenia. It is not possible to compare the sanctions applicable in money laundering cases with those applicable in other economic crimes, as Armenian legislation does not envisage corporate criminal liability.

Please cite the applicable measure(s)

Please cite the text(s)

REPUBLIC OF ARMENIA LAW ON COMBATING MONEY LAUNDERING AND TERRORISM FINANCING

ARTICLE 28: SANCTIONS APPLIED TO LEGAL PERSONS FOR INVOLVEMENT IN MONEY LAUNDERING AND TERRORISM FINANCING

1. Involvement of a legal person (except for reporting entities) in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in Part 4, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 2000-fold amount of the minimal salary, as well as an action may be filed to the court requesting liquidation of the legal person in the manner established by law.
2. Involvement of a legal person, which is a reporting entity, in money laundering shall give rise to imposition of penalty at the value of the received assets of crime as specified in Part 4, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 5000-fold amount of the minimal salary, as well as Armenia, but not less than 5000-fold amount of the minimal salary, as well as the license of such person may be revoked or suspended or terminated, or otherwise the activity of the reporting entity may be banned in the manner established by law.
3. Involvement of a legal persons (except for reporting entities) in terrorism financing shall give rise to imposition of penalty at the value of the assets used for financing terrorism as specified in Part 5, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 10000-fold amount of the minimal salary, as well as an action shall be filed to the court requesting liquidation of the legal person in the manner established by law.
4. Involvement of a legal person, which is a reporting entity, in terrorism financing shall give rise to imposition of penalty at the value of the assets used for financing terrorism as specified in Part 5, Article 55 of the Criminal Code of the Republic of Armenia, but not less than 20000-fold amount of the minimal salary, as well as the license of such person shall be revoked, or otherwise the activity of the reporting entity shall be banned in the manner established by law.
5. The sanctions stipulated by this Article shall be imposed on financial institutions by the Authorized Body in the manner established by the legislation regulating the activities of financial institutions.
6. The sanctions stipulated by this Article for non-financial institutions or

individuals and for legal persons shall be imposed by the respective supervisory body and, in the absence of such body, by the Authorized Body in the manner established by the Code of Administrative Violations, as long as it does not contradict the requirements of this Law.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

100. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

27. Participation and attempt

101. Paragraph 1 of article 27

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

1. The provision of Article 27, paragraph 1 of the Convention is established in Articles 37 CC (The notion of complicity) and 38 (Types of accomplices). As noted in Article 37 CC, willful joint participation of two or more persons in a willful crime is considered complicity. In accordance with Article 38 CC, paragraph 1: "The organizer, the abettor and the helper are considered the accomplices to the perpetrator". In contrast to the definition of "accomplice" in Article 27, paragraph 1 of the Convention, Armenian CC applies all four types of accomplices. Of course, the central role of the crime is occupied by the perpetrator. Pursuant to Article 38 CC, paragraph 2, the perpetrator is the person who immediately committed the crime or immediately participated in its committal with other persons (accomplices), as well as the one who committed the crime through the use of persons not subject to legal criminal liability or the persons who committed a crime through negligence.

In accordance with article 38 CC, paragraph 3, the organizer is the person who arranged or directed the committal of the crime, as well as, the one who created an organized group for committal of crime or criminal association or directed the latter. As noted in Article 38 CC, paragraph 4, the abettor is the person who abetted another person to the committal of crime through persuasion, financial incentive, threat or other means.

Pursuant to Article 38 CC, paragraph 5, the helper is the person who assisted to the crime

through pieces of advice, instructions, information or provided means, tools, or eliminated obstacles, as well as, the person who had previously promised to harbor the criminal, to hide the means and tools of crime, the traces of the crime or the items procured through crime, as well as, also, the person who had previously promised to acquire or sell such items.

The Article 39 CC refers to liability of accomplices. It reads as follows:

- «1. The co-perpetrators are subject to liability for the crime under the same article of this Code.
2. The organizer, the abettor and the perpetrator are subject to liability under the article which envisages the committed crime, referring to Article 38 of this Code, except those cases when they were at the same time the co-perpetrators of the crime.
3. The person who is not a special subject of the crime in the article of the Special Part of this Code, who participated in the committal of the crime envisaged in this Article, can be liable for this crime only as an organizer, an abettor or helper.
4. In the case when the crime was not completed for reasons beyond control of the perpetrator, the other accomplices are liable for the preparation of the crime or for complicity in the attempt at the crime.
5. If the organizer, the abettor or the helper fail in their actions for reasons beyond their control, then these persons are liable for the preparation of the respective crime.
6. The accomplices are subject to liability only for those aggravating circumstances of the crime of which they were aware.
7. When subjecting the accomplices to liability, the nature and degree of the participation of each of them in the crime are taken into account.».

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

1. The provision of Article 27, paragraph 1 of the Convention is established in Articles 37 CC (The notion of complicity) and 38 (Types of accomplices). As noted in Article 37 CC, willful joint participation of two or more persons in a willful crime is considered complicity. In accordance with Article 38 CC, paragraph 1: “The organizer, the abettor and the helper are considered the accomplices to the perpetrator”. In contrast to the definition of “accomplice” in Article 27, paragraph 1 of the Convention, Armenian CC applies all four types of accomplices. Of course, the central role of the crime is occupied by the perpetrator. Pursuant to Article 38 CC, paragraph 2, the perpetrator is the person who immediately committed the crime or immediately participated in its committal with other persons (accomplices), as well as the one who committed the crime through the use of persons not subject to legal criminal liability or the persons who committed a crime through negligence.

In accordance with article 38 CC, paragraph 3, the organizer is the person who arranged or directed the committal of the crime, as well as, the one who created an organized group for committal of crime or criminal association or directed the latter. As noted in Article 38 CC, paragraph 4, the abettor is the person who abetted another person to the committal of crime through persuasion, financial incentive, threat or other means.

Pursuant to Article 38 CC, paragraph 5, the helper is the person who assisted to the crime through pieces of advice, instructions, information or provided means, tools, or eliminated obstacles, as well as, the person who had previously promised to harbor the criminal, to hide the means and tools of crime, the traces of the crime or the items procured through crime, as well as, also, the person who had previously promised to acquire or sell such items.

The Article 39 CC refers to liability of accomplices. It reads as follows:

- «1. The co-perpetrators are subject to liability for the crime under the same article of this Code.
2. The organizer, the abettor and the perpetrator are subject to liability under the article which envisages the committed crime, referring to Article 38 of this Code, except those cases when they were at the same time the co-perpetrators of the crime.
3. The person who is not a special subject of the crime in the article of the Special Part of this Code, who participated in the committal of the crime envisaged in this Article, can be liable for this crime only as an organizer, an abettor or helper.
4. In the case when the crime was not completed for reasons beyond control of the perpetrator,

the other accomplices are liable for the preparation of the crime or for complicity in the attempt at the crime.

5. If the organizer, the abettor or the helper fail in their actions for reasons beyond their control, then these persons are liable for the preparation of the respective crime.

6. The accomplices are subject to liability only for those aggravating circumstances of the crime of which they were aware.

7. When subjecting the accomplices to liability, the nature and degree of the participation of each of them in the crime are taken into account.».

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

During 2010 - 9 persons were punished for participation of the crime envisaged by the Article 179 CC ("Squandering or embezzlement ").

During 2011 - 1 person was punished for participation of the crime envisaged by the Article 308 CC ("Abuse of official authority ") and 1 person -for participation of the crime envisaged by the Article 311 ("Taking bribes ") etc.

102. Paragraph 2 of article 27

2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

In accordance with Article 34 CC, attempt at a crime is the action (inaction) committed through direct willfulness immediately aimed at the committal of crime, if the crime was not finished for reasons beyond the person's control.

In contrast to the termin "attempt" applied by Armenian CC, Article 27, paragraph 2 of the Convention defines the follow notion: "any attempt to commit an offence ". Besides, in Article 34 CC attempt at a crime shall be committed only through direct willfulness.

Pursuant to Article 33 paragraph 2 and 3 the Attempt to commit a crime is considered an unfinished crime and the liability for attempts to commit a crime is under the same article of the Special Part of the Criminal Code as for complete crimes, referring to

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

In accordance with Article 34 CC, attempt at a crime is the action (inaction) committed through direct willfulness immediately aimed at the committal of crime, if the crime was not finished for reasons beyond the person's control. In contrast to the termin "attempt" applied by Armenian CC, Article 27, paragraph 2 of the Convention defines the follow notion: "any attempt to commit an offence ". Besides, in Article 34 CC attempt at a crime shall be committed only through direct willfulness. Pursuant to Article 33 paragraph 2 and 3 the Attempt to commit a crime is considered an unfinished crime and the liability for attempts to commit a crime is under the same article of the Special Part of the Criminal Code as for

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

During 2010 -2 persons were punished for attempt to commit the crime envisaged by the Article 311 CC ("Taking bribes")

During 2011 -4 persons were punished for attempt to commit the crime envisaged by the Article 179 CC ("Squandering or embezzlement")
etc.

Please provide examples of cases and attach case law if available.

103. Paragraph 3 of article 27

3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Article 35 CC established the notion of "Preparation of crime", i.e. "Preparation of a crime is the procurement of means or tools or their adaptation for committal of a direct willful crime, as well as willful creation of other conditions for committal of crime, if the crime was not finished for reasons beyond the person's control". In comparison with the Convention, the CC stresses two important elements of preparation of crime. These are:

1. Preparation is to commit a directly willful crime;
2. The crime was not finished for reasons beyond the person's control.

The formulation of Article 35 CC shows that preparation of crime is manifested in performing any of the following actions:

1. the procurement of means or tools;
2. their adaptation for committal of a direct willful crime;
3. willful creation of other conditions for committal of crime.

Pursuant to Article 33 paragraph 2 and 3 the preparation for grave and particularly grave crimes are considered an unfinished crime and the liability for the preparation for crime is under the same article of the Special Part of the Criminal Code as for complete crimes, referring to Article 35 of Criminal Code.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

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1. Preparation is to commit a directly willful crime;
2. The crime was not finished for reasons beyond the person's control.

The formulation of Article 35 CC shows that preparation of crime is manifested in performing any of the following actions:

1. the procurement of means or tools;
2. their adaptation for committal of a direct willful crime;

3. willful creation of other conditions for committal of crime.

Pursuant to Article 33 paragraph 2 and 3 the preparation for grave and particularly grave crimes are considered an unfinished crime and the liability for the preparation for crime is under the same article of the Special Part of the Criminal Code as for complete crimes, referring to Article 35 of Criminal Code.

Please provide examples of cases and attach case law if available.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available. Please describe how such information is collected and analysed.

104. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

29. Statute of limitations

105. Article 29

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Article 75 CC defines "Exemption from criminal liability as a result of expiry of the statute of limitation".

The main demand of the Convention is to establish a long statute of limitation in domestic law. Particularly, by the amendments of Criminal Code of Armenia, which was adopted on 9 February 2012 have raised the sanctions under Paragraph 1 of Article 312.1 CC, Article 200 CC, and Paragraphs 1 and 3 of Article 201 CC. In particular, it is now provided, under Paragraph 1 of Article 312.1 CC ("Giving unlawful Remuneration to a Public Servant Who is not an Official"), that giving unlawful remuneration to a public servant who is not an official shall be punished with a penalty in the amount of 200 to 400 minimal salaries or imprisonment for a maximum term of three years, with deprivation of the right to engage in certain activities for a maximum term of three years. Under Article 200 CC ("Commercial Bribe"), giving a commercial bribe shall be punished with a penalty in the amount of 200 to 400 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or imprisonment for a maximum term of three years. Under the amendment to Paragraph 1 of Article 201 CC ("Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests"), the sanction for bribery in sports has

been raised: giving a bribe under Article 201, including in sports, is punished with a penalty in the amount of 300 to 500 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or detention for a term of two to three months or imprisonment for a maximum term of three years. Under this Article, in addition to raising the sanctions for committing the relevant acts proscribed by the CC (Article 312.1 “Unlawful Remuneration to a Public Servant Who is not an Official,” Article 200 “Commercial Bribe,” and Article 201 “Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests”), the statutory limitation period for these offences has been increased, too: the statutory limitation period under Articles 312.1, Article 200, and Article 201 CC, which was previously two years, has been increased to five years.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Article 75 CC defines “Exemption from criminal liability as a result of expiry of the statute of limitation”.

The main demand of the Convention is to establish a long statute of limitation in domestic law. Particularly, by the amendments of Criminal Code of Armenia, which was adopted on 9 February 2012 have raised the sanctions under Paragraph 1 of Article 312.1 CC, Article 200 CC, and Paragraphs 1 and 3 of Article 201 CC. In particular, it is now provided, under Paragraph 1 of Article 312.1 CC (“Giving unlawful Remuneration to a Public Servant Who is not an Official”), that giving unlawful remuneration to a public servant who is not an official shall be punished with a penalty in the amount of 200 to 400 minimal salaries or imprisonment for a maximum term of three years, with deprivation of the right to engage in certain activities for a maximum term of three years. Under Article 200 CC (“Commercial Bribe”), giving a commercial bribe shall be punished with a penalty in the amount of 200 to 400 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or imprisonment for a maximum term of three years. Under the amendment to Paragraph 1 of Article 201 CC (“Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests”), the sanction for bribery in sports has been raised: giving a bribe under Article 201, including in sports, is punished with a penalty in the amount of 300 to 500 minimal salaries or deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years or detention for a term of two to three months or imprisonment for a maximum term of three years.

Under this Article, in addition to raising the sanctions for committing the relevant acts proscribed by the CC (Article 312.1 “Unlawful Remuneration to a Public Servant Who is not an Official,” Article 200 “Commercial Bribe,” and Article 201 “Bribing Participants and Organizers of Professional Sports Competitions and Commercial Entertainment Contests”), the statutory limitation period for these offences has been increased, too: the statutory limitation period under Articles 312.1, Article 200, and Article 201 CC, which was previously two years, has been increased to five years.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related court or other cases related to instances when you established a longer statute of limitations period or suspended the statute of limitations where an alleged offender had evaded the administration of justice. Please provide per annum figures, as available.

106. Technical Assistance

The following questions on technical assistance relate to the article under review in its

entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

30. Prosecution, adjudication and sanctions

107. Paragraph 1 of article 30

1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

In order to make more effective the combat against corruption Articles of CC are edited and listed by order 82 of Prosecutor General on 19 November 2008. Accordingly, as corruption crimes are considered offences mentioned below:

- 1) Article 179, paragraph 2, subparagraph 1 (Squandering or embezzlement).
- 2) Article 179, paragraph 3 (Squandering or embezzlement with abuse of official position).
- 3) Article 184, paragraph 2, subparagraph 3 (Infliction of damage to property by deception or abuse of confidence).
- 4) Article 187 (Hindrance to legal entrepreneurial and other economic activity.).
- 5) Article 190 paragraph 3, sub paragraph 3 (Legitimizing (legalizing) illegally obtained income).
- 6) Article 195 paragraph 2, sub paragraph 3 (Illegal anti-competition activity)
- 7) Article 200 (Commercial bribe)
- 8) Article 201 (Bribing the participants and organizers of professional and commercial sports competitions or shows).
- 9) Article 205 (Evasion from taxes, duties or other mandatory payments).
- 10) Article 214 (Abuse of authority by the employees of commercial or other organizations)
- 11) Article 215 paragraph 3, subparagraph 1 (Contraband)
- 12) Article 308 (Abuse of official authority)
- 13) Article 309 (Exceeding official authorities)
- 14) Article 310 (Illegal participation in entrepreneurial activity)
- 15) Article 311 (Taking bribes)
- 16) Article 311 1 (Taking bribes by a Public Servant who is not an Official).
- 17) Article 311 2 (Use of real or supposed influence for mercenary purposes).
- 18) Article 312 (Giving bribe).
- 19) Article 312 1 (Giving unlawful Remuneration to a Public Servant who is not an Official).
- 20) Article 313 (Bribery mediation).
- 21) Article 314 (Official forgery).
- 22) Article 315 2 (Unauthorized seizure of state or community owned lands, as well as failure in duties described by law to prevent and suspend unauthorized building of constructions and structures).
- 23) Article 332 paragraph 3 (Hindrance to administration of justice and conducting investigation).
- 24) Article 336 (Subjecting an obviously innocent person to criminal liability).
- 25) Article 341 (Forcing testimony by the judge, by the prosecutor, by the investigator or by the person in charge of inquiry).
- 26) Article 348 (Obviously illegal detention or arrest).
- 27) Article 349 paragraphs 2 and 3 (Forgery of evidence).
- 28) Article 351 (Illegal exemption from criminal liability).
- 29) Article 352 (Adoption of an obviously unjust court sentence, verdict or other court act).
- 30) Article 353 (Failure to carry out a court act)

31) Article 375 (Abuse of power, transgression of authority or administrative dereliction)

Consideration of Article 30, paragraph 1 of the Convention implies the examination of different articles of CC.

Thus, pursuant to Article 48 CC (The notion of punishment and its purposes): “1. Punishment is a means of state enforcement assigned by court sentence on behalf of the state to the person who has been found guilty of the crime, and is expressed in deprivation or restriction of one’s rights and freedoms, as envisaged by law.

2. The purpose of punishment is applied to restore social justice, to correct the punished person, and to prevent crimes”.

In accordance with Article 49 CC, the types of punishment are:

- 1) a fine;
- 2) prohibition to hold certain posts or practice certain professions;
- 3) public works;
- 4) deprivation of special titles or military ranks, categories, degrees or qualification class;
- 5) confiscation of property;
- 6) arrest;
- 7) service in disciplinary battalion;
- 8) imprisonment for a certain term;
- 9) life sentence.

The definition of types of punishment is to serve for the purposes of the punishment, which enables the court to take into consideration gravity of the offense and the offender. This is the tendency to define the types of punishment in sequence from less severe to more brutal punishment.

In accordance with Article 50 CC: “1. Fine, public works, arrest, service in disciplinary battalion, imprisonment for a certain term and life sentence are used only as basic punishments.

2. The prohibition to hold certain posts or practice certain professions are imposed both as basic and supplementary punishments.

3. Deprivation of special titles or military ranks, categories, degrees or qualification class, as well as confiscation of property are applied only as supplementary punishments.

4. Only one basic punishment can be assigned for one crime. One or more supplementary punishment can be added to the basic punishment in cases envisaged in this Code.

5. Confiscation of property and the prohibition to hold certain posts or practice certain professions, as supplementary punishment, can be assigned only in cases envisaged in the Special Part of this Code».

At the same time, basic or basic and supplementary punishment can be assigned for corruption crimes edited by order 82 of Prosecutor General. Particularly, only basic punishment can be assigned for Article 184, paragraph 2, subparagraph 3, Articles 187, 200, 201, 214, 310, 312, 313 and 375. Basic or basic and supplementary punishment can be assigned for Article 179, paragraph 2, subparagraph 1, Article 179, paragraph 3, Article 190 paragraph 3, sub paragraph 3, Article 195 paragraph 2, sub paragraph 3, Articles 205, 215, 308, 309, 311, 3111, 3112, 3121, 314, 3152, Article 332 paragraph 3, Articles 336, 341, 348, Article 349 paragraphs 2 and 3, and Articles 351, 352, 353.

Thus, the provision of article 30, paragraph 1 of the Convention is completely harmonized with CC.

Please cite the text regarding applicable sanction(s) or other measure(s)

Please cite the text(s)

In order to make more effective the combat against corruption Articles of CC are edited and listed by order 82 of Prosecutor General on 19 November 2008. Accordingly, as corruption crimes are considered offences mentioned below:

- 1) Article 179, paragraph 2, subparagraph 1 (Squandering or embezzlement).
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- 4) Article 187 (Hindrances to legal entrepreneurial and other economic activity.).
- 5) Article 190 paragraph 3, sub paragraph 3 (Legitimizing (legalizing) illegally obtained income).
- 6) Article 195 paragraph 2, sub paragraph 3 (Illegal anti-competition activity)
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- 8) Article 201 (Bribing the participants and organizers of professional and commercial sports competitions or shows).
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Consideration of Article 30, paragraph 1 of the Convention implies the examination of different articles of CC.

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- 8) imprisonment for a certain term;
- 9) life sentence.

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Thus, the provision of article 30, paragraph 1 of the Convention is completely harmonized with CC.

Please provide examples of implementation

If available, please provide information on criminal and non-imposed criminal sanctions

Where applicable, please provide information on the execution of sentences (e.g. time served, amount of money collection, etc.)

108. Paragraph 2 of article 30

2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s) or rules

Please cite the text(s)

Constitution of Republic of Armenia guarantees the fundamental human and civil rights and freedoms. As noted in

Article 16 of Constitution of Republic of Armenia: «Everyone shall have a right to liberty and security. A person can be deprived of or restricted in his/her liberty by the procedure defined by law and only in the following cases:

- 1) a person is sentenced for committing a crime by the competent court;
- 2) a person has not executed a legitimate judicial act;
- 3) to ensure the fulfillment of certain responsibilities prescribed by the law;
- 4) when reasonable suspicion exists of commission of a crime or when it is necessary to prevent the commission of a crime by a person or to prevent his/her escape after the crime has been committed;
- 5) to establish educational control over a minor or to present him/her to the competent body;
- 6) to prevent the spread of infectious diseases and other social dangers posed by mental patients, persons addicted to alcohol and drugs, as well as vagrants;
- 7) to prevent the unauthorized entry of a person into the Republic of Armenia, as well as to

deport or extradite him/her
to a foreign country.

Everyone who is deprived of his/her freedom shall in a language comprehensible to him/her
immediately be informed

of the reasons for this and of an indictment should such be brought against him/her Everyone
who is deprived of his/her

freedom shall have a right to immediately notify this to any person chosen by him/her.

If the arrested person is not detained within 72 hours by the court decision he/she must be
released immediately.

Every person shall have the right to recover damages in case when he/she has illegally been
deprived of freedom or

subjected to search on the grounds and by the procedure defined by the law. Every person shall
have the right to appeal

to a higher instance court against the lawfulness and reasons for depriving him/her of freedom or
subjecting to search.

No one shall be deprived of freedom for not honoring his/her civil and legal obligations.

No one shall be subjected to search otherwise than in conformity with the procedure prescribed
by the law».

Pursuant to Article 56.1 of Constitution of Republic of Armenia: «The President of the Republic
shall be immune. The

President of the Republic may not be prosecuted or held liable for actions arising from his/her
status during and after

his/her term of office. The President of the Republic may be prosecuted for the actions not
connected with his or her

status after the expiration of his/her term of office».

In accordance with Article 83.1, paragraph 6 of Constitution of Republic of Armenia: «The
Human Rights'

Defender shall be endowed with the immunity envisaged for the Deputy».

Article 9 of the law of the Republic of Armenia on Rules of Procedure of the National Assembly
defines the Immunity

of the Deputy. In particular, when exercising his/her powers and afterwards the Deputy may not
be prosecuted or held

liable for any action arising from his/her status of a Deputy, including any opinion expressed in
the National Assembly,

unless it is defamatory or insulting. A Deputy may not be involved as accused or remanded in
custody, nor may a

question on subjecting him/her to administrative liability through judicial procedure may be
initiated without the

consent of the National Assembly granted in the manner prescribed by Article 98 of this Law.

The Deputy may not be

arrested without the consent of the National Assembly granted in the manner prescribed by
Article 98 of this Law,

except for cases when caught in the act of committing a crime. In this case the Chairperson of
the National Assembly is
immediately notified.

Stipulating the immune guarantees, at the same time, the legislature does not limit the
mechanisms of

punishment and ensures equal and reasonable terms for the Criminal Procedure. In particular,
Article 23, paragraph 2

(Adversarial System of Criminal Proceedings) of the Criminal Procedure Code of the Republic of
Armenia (hereafter:

CPC) defines: "Criminal prosecution, defense, and final resolution of a case shall be separated
from each other and shall

be conducted by different bodies and persons".

Therefore, separated the functions of criminal prosecution, defense and final resolution the legislator creates the proper balance for effective investigation, prosecution of criminal offences and for final resolution of a case.

Please provide examples of implementation

Have there been concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents?

On 02.10.2012 at the special session of the National Assembly of the Republic of Armenia the Parliament decided to give consent to the motion of the General Prosecutor to implied XXX XXXXXyan (NA decision 025-N) as accused and to the imposition of a precautionary measure in the form of arrest against him.

XXXXX is accused for committing offences determined by Articles 179 and 180 of the Criminal Code of the Republic of Armenia. For Legitimizing (legalizing) illegally obtained income in particularly large amounts with characteristics of an action dangerous to the public: During the investigation of the criminal case brought by the Investigation Department of the National Security Service Adjunct to the Government of the Republic of Armenia on 25 May, 2012 sufficient proof was obtained to state, that the founder and president of the board of trustees of the “XXXXXXX” foundation has embezzled the great amounts of monetary resources trusted to him for providing to the foundation for charity purposes and later committed different actions towards legitimization of the illegally obtained monetary resources, thus committing serious offences determined by the point 1 of part 3 Article 179 and point 1 of part 3 Article 190 of the Criminal Code of the Republic of Armenia.

If there have been any relevant official inquiries or reports, please cite, summarize or attach relevant documents

Relevant official inquiries or reports can not be cited or attached, because investigation of the case is not completed yet, and publishing of any information or data may hinder an impartial criminal investigations and protection of human rights.

109. Paragraph 3 of article 30

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

3. The grounds of the criminal prosecution are set forth in the CPC. The Chapter 4 CPC established

Criminal prosecution in cases of public and private charges, grounds for Criminal Prosecution, circumstances excluding

Criminal Prosecution, etc.

Pursuant to Article 33 CPC: "Depending on the severity and nature of the committed crime, the criminal prosecution in

the criminal proceedings is implemented by public and private procedure. The crimes envisaged in article 183 of this

Code are considered private prosecution cases. All other cases are considered public prosecution cases. Criminal

prosecution can be implemented only in an instituted criminal case".

Article 34 defines grounds for Criminal Prosecution, particularly: "The person suspected in the commission of

crime can be arrested, officially accused, interrogated and involved as the accused and charged, by the investigator, the agency for inquest and the court, based on this Code. The prosecutor is obligated to support the prosecution in court as long as no circumstances have been revealed to rule out the criminal prosecution or the criminal case".

As noted in Article 35, paragraph 1: "Criminal case can not be instituted and criminal prosecution may not be

started and the instituted criminal case is subject to suspension, if:

1) in the absence of any criminal case;

2) if the alleged act contains elements of crime;

3) if the alleged act, which has resulted in damages, is legitimate under criminal law;

4) in the event of absence of a complaint of the injured, in cases prescribed by this Code;

5) in the event of reconciliation of the injured party and the suspect or the accused, in cases prescribed by this Code;

6) the prescription has expired;

7) against the person and upon a cause, with respect to whom and upon which cause the court has already passed a

judgment and such judgment has entered into legal force, or any other enforceable judicial decision is available to

exclude criminal prosecution.

8) against the person and upon the same charge, with respect to whom and upon which charge the agency for inquest,

the investigator, or the prosecutor has already made a decision denying criminal prosecution, and such decision is still in force.

9) At the moment of commitment of the crime the person had not reached the age punishable by law, as established by law.

10) The person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or to resume the case on occasion of new circumstances with regard to other persons.

11) The person refused to complete the crime of one's own accord, if the action already committed has no other formal elements of crime.

12) The person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia.

13) Amnesty act has been adopted.

Pursuant to Article 35: "Criminal prosecution is liable to termination and the case proceedings are liable to suspension,

if the involvement of the accused in the committed crime has not been proved, if all possibilities to obtain new

evidences have been expired. At any stage of pre-trial proceedings, the prosecutor, the investigator, and the agency for inquest, upon revelation of circumstances excluding the criminal prosecution, are making a decision on refusal from

criminal prosecution. The prosecutor is entitled to make such a decision also after taking the case to the court, but

before the beginning of the examination of the case in the court session. If the prosecutor

reveals at the court circumstances which exclude the criminal prosecution, he shall be obligated to announce his refusal from criminal prosecution of the accused. The announcement of the prosecutor on refusal from criminal prosecution of the accused shall serve as a ground for the court to dismiss the case and terminate criminal prosecution. The court, revealing circumstances excluding criminal prosecution, resolves the issue of cessation of the criminal prosecution of the accused. Based on paragraphs 6 and 13 of this article, suspension of the case and termination of criminal prosecution is not allowed if the accused objects to that. In these cases the proceedings continue as usual". In accordance with Article 36: "Criminal proceedings in cases mentioned in part 2 of article 33 of this Code are ceased and a statement of refusal from criminal prosecution shall be made in case of reconciliation between the injured and the suspect or accused". Article 37 CPC defines circumstances Giving Discretion to Refuse from Criminal Prosecution and from Criminal Case.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

110. Paragraph 4 of article 30

4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Under paragraph 4 of this article, State parties must take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings. This provision is mandatory requirement for national drafter.

Consequently, in national legislation shall be established appropriate prevention measures to the effect that they can post bail and avoid detention before their trial or their appeal. Article 134 CPC defined the notion and types of preventive measures. In line with Article 134 CPC, paragraph 1, preventive measures are measures of coercion taken towards the suspect or the accused to prevent their inappropriate behavior during the criminal proceeding and to ensure the execution of the sentence.

In accordance with Article 135 CPC, paragraph 1: "Preventive measure shall be executed by the court, prosecutor, investigator and inquiry body only when the material obtained for the criminal case provides sufficient reason to

assume that the suspect or the accused may:

- 1) hide from the body which carries out the criminal proceeding;
- 2) inhibit the pre-trial process of investigation or court proceeding in any way, particularly by means of illegal influence of the persons involved in the proceeding, concealment and falsification of the materials relevant to the case, negligence of the subpoena without any reasonable explanation;
- 3) commit an action forbidden by Criminal law;
- 4) avoid the responsibility and the imposed punishment;
- 5) oppose the execution of the verdict”.

Pursuant to Article 135, paragraph 2, arrest and the alternative preventive measure shall be executed in respect to the accused only for his commitment of a crime for which he may be imprisoned for more than a year; or there are sufficient grounds to suppose that the suspect or the accused can commit actions mentioned in the first part of the present Article.

As noted in Article 135, paragraph 3, while considering the issue of necessity and kind of the preventive measure the following shall be taken into account:

- 1) the nature and the degree of danger of the incriminated action;
- 2) the personality of the suspect or the accused;
- 3) the age and the health condition of the suspect or the accused;
- 4) sex;
- 5) the occupation of the suspect or the accused;
- 6) their marital status and availability of dependents;
- 7) their property situation;
- 8) availability of a permanent residence;
- 9) other relevant circumstances.

Article 136 defines the Procedure of the Execution of the Preventive measure, which reads as follows: “1. The

preventive measure shall be executed upon the order of the prosecutor, investigator, inquiry body or the court. The decision of the body which carries out the criminal proceeding shall be substantiated; it shall indicate the crime in which the suspect or the accused is suspected and prove the necessity of execution of one of the preventive measures.

2. Arrest or bail may be executed only upon decision of the court by appeal of the investigator or the prosecutor or on its own initiative while considering the criminal case. Bail may be executed by the court instead of the arrest upon petition being presented by the defense team.

When sufficient grounds for arrest as a preventive measure are available in respect of persons who have immunity from

criminal liability the prosecutor presented a petition of consent to the appropriate authorities.

3. The body which carries out the criminal proceeding shall announce its decision about the execution of the preventive measure to the suspect or the accused and hand him over the copy of the decision immediately upon announcing the decision.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or

other processes. Please provide per annum figures, as available.

111. Paragraph 5 of article 30

5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Article 30, paragraph 5, concerned early release or parole of persons convicted of such offences.

Pursuant to Article 19 CC: "Crimes are categorized, by nature and degree of social danger, as not very grave, medium

gravity, grave and particularly grave. The willful acts, for the committal of which this Code envisages maximal

imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts

committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment,

are considered not very grave crimes. Medium-gravity crimes are those willful acts for which this Code envisages a

maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which

this Code envisages a maximal punishment not exceeding ten years of imprisonment.

Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment. Particularly grave

crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life".

Corruption crimes included in CC may contain elements of medium gravity, grave or particularly grave crimes.

In accordance with Article 76 CC:

"1. The person sentenced to imprisonment or disciplinary battalion can be released on parole with his consent, if the

court finds that for his correction there is no need to serve the remaining part of the punishment. Also, the person can

be completely or partially exempted from supplementary punishment. When exempting from punishment on parole,

the court also takes into account the fact of mitigation of damage to the aggrieved by the convict.

2. When applying exemption from punishment on parole, the court can impose on the person the obligations envisaged

in part 5 of Article 70 of this Code, which the person will carry out during the unserved part of the punishment.

3. Exemption from punishment on parole can be applied only if the convict has actually served:

1) no less than one third of the punishment for not grave or medium-gravity crime;

2) no less than half of the punishment for a grave crime;

3) no less than two thirds of the punishment for a particularly grave crime, also, of the punishment assigned to the

person previously released on parole (if the parole was canceled on the grounds envisaged in part 6 of this Article)».

The CC defines a special order to release on parole in case of life sentence. In accordance

with Article 76, paragraph 5, a life-server can be released on parole, if the court finds that the person does not need to serve the punishment any longer and has in fact served no less than 20 years of imprisonment.

Pursuant to Article 76, paragraph 7, if a life-server deliberately commits a new crime, which is punishable by imprisonment, the period mentioned in part 5 of this Article is suspended until the expiry of the term for the new punishment.

Article 434 CPC regulated release on parole and replacement of the sentence with a less strict one. In line with it:

«The court, by petition of the body in charge of execution of punishment, releases on parole and substitutes the unserved part of the sentence with a less strict punishment. In relation to those who serve the sentence in the disciplinary battalion, the court applies these measures by petition of the administration of the disciplinary battalion. In the case when the court rejects the release on parole and substitution of the unserved part of the sentence with a less strict punishment, the repeated discussion of this issue can take place no sooner than in 6 months after the refusal».

It is important to mention Circumstances mitigating and aggravating the punishment.

As noted in Article 62 CC: "Circumstances mitigating liability and punishment are as follows:

- 1) committal of a not grave and medium-gravity crime, for the first time, by coincidental circumstances;
- 2) being under age at the moment of committal of the crime;
- 3) being pregnant when committing the crime or when assigning the punishment;
- 4) caring for a child under 14 years of age at the moment when assigning the punishment;
- 5) committal of crime as a result of hard living conditions or out of compassion;
- 6) committal of crime due to breach of proportionality of necessary defense, capturing a perpetrator, urgent necessity, justified risk or carrying out orders or instructions;
- 7) illegal or immoral behavior of the aggrieved which determined the crime;
- 8) committal of the crime under threat or enforcement, or under financial, service or other dependence;
- 9) surrender, assistance in solving the crime, exposing other participants of the crime, in searching the illegally acquired property;
- 10) offering medical or other assistance to the aggrieved immediately after the crime, voluntary compensation for the property and moral damage inflicted by the crime, or other actions aimed at the mitigation of the damage inflicted to the aggrieved.

2. When assigning a punishment, other circumstances, not mentioned in part 1 of this Article can be taken into account as mitigating ones.

3. If a circumstance mentioned in part 1 of this Article, is envisaged in the appropriate article of the Special Part of this Code as an element of a crime, then it can not be repeatedly taken into account as a circumstance mitigating the liability and the punishment".

Article 63 CC defines : "Circumstances aggravating the liability and punishment are as follows:

- 1) repeated committal of crime; committing crime as a trade, occupation;
- 2) causing severe consequences by the crime;
- 3) committal of crime in a group of individuals, in an organized group or as a part of criminal association;
- 4) particularly active role in the crime;
- 5) involvement into the committal of the crime of persons who obviously suffer from mental disorder or who are intoxicated, as well as involvement of persons who are still under age for criminal liability;
- 6) committal of crime by ethnic, racial or religious motives, for religious fanaticism, as

revenge for other people's

legitimate actions;

7) committal of crime to conceal another crime or in order to facilitate this crime;

8) committal of crime against an obviously pregnant woman, against children, other insecure and helpless persons, or

against persons dependent from the perpetrator;

9) committal of crime against a person or one's spouse, or close relative, which is related to the implementation of

service or public duty by this person;

10) committal of crime by a person whereby breaching the military or professional oath;

11) committal of crime with particular cruelty, treating the aggrieved with humiliation or torture;

12) committal of crime in a way that is dangerous for the society;

13) committal of crime under martial law or emergency situation, in conditions of a natural or other civil disaster, as

well as during mass disorder and turmoil;

14) committal of crime under the influence of alcohol, narcotic drugs or other intoxicating substances;

2. Based on the nature of the crime, the court may consider the circumstances mentioned in points 10 and 14 of part 1 of this Article not aggravating.

3. When assigning punishment the court can not take into account other circumstances not mentioned in part 1 of this Article.

4. If the circumstance mentioned in part 1 of this Article, is envisaged in the appropriate article of the Special Part of this Code as an element of a crime, then it can not be repeatedly taken into account as a circumstance aggravating the liability and the punishment".

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

112. Paragraph 6 of article 30

6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.

Has your country established the procedures described above? (Check one answer)

(Y) Yes

Please cite the applicable procedure(s) or other measure(s)

Please cite the text(s)

The provision of the Article 30, paragraph 6 is adopted in Article 152 of CPC of Armenia.

One of the coercive measures is Temporary Suspension from Work, in line with it: «1. The prosecutor as well as

the inquiry body and the investigator with the consent of the prosecutor may suspend the accused who is a state

employee from his work, if there is enough reason to assume that he may hinder the process of

the case investigation, of
the compensation of damages caused by the crime or may continue to be involved in criminal activities while holding
his post.

2. The order about suspension from work shall be forwarded to the administrator of the office who, within 3 days after receiving the order, shall execute it and inform the person or the body which made the decision about suspension of its execution.

3. Suspension from work shall be canceled upon the decision of the court, judge or prosecutor as well as of the investigator or inquiry body, when there is no necessity to execute this preventive measure».

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

113. Subparagraph 7 (a) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(a) Holding public office;

Has your country established the procedures described above? (Check one answer)

(Y) Yes

Please cite the applicable procedure(s) or other measure(s)

Please cite the text(s)

In accordance with Article 52 CC, deprivation of the right to hold certain posts is a prohibition to hold certain positions in state and local self-government bodies, organizations, and the deprivation of practicing certain professions is a prohibition to hold certain occupations related to the nature of the crime (Article 52, paragraph 1).

This type punishment includes two parts:

1. deprivation of the right to hold certain posts is a prohibition to hold certain positions in state and local self-government bodies;

2. deprivation of practicing certain professions is a prohibition to hold certain occupations. Both these measures are connected with each other, because deprivation of the right to hold certain posts implies, also deprivation of practicing certain professions.

As noted in Article 52: "Prohibition to hold certain posts or practice certain professions, as a basic punishment is established for the term of 2 to 7 years for willful crimes, and from 1 to 5 years, for crimes through negligence, and as supplementary punishment, from 1 to 3 years. Deprivation of the right to hold certain posts or to practice

certain professions can be applied in cases when the court, basing on the nature of the crime committed by the offender during the period of his/her holding the post or practicing certain a profession, does not find it possible for him/her to hold certain posts or to practice certain professions. Prohibition to hold certain posts or practice certain professions connected with service in disciplinary battalion, arrest and imprisonment for a certain term as supplementary punishment the term of punishment is applied to the whole term of basic punishment, videlicet the term of supplementary punishment is calculated after serving of basic punishment. In the rest of situations, the term of supplementary punishment is calculated at the time of the sentence comes into legal.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

114. Subparagraph 7 (b) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

...

(b) Holding office in an enterprise owned in whole or in part by the State.

Has your country established the procedures described above? (Check one answer)

(Y) Yes

See Subparagraph 7 (a) of article 30.

Please cite the applicable procedure(s) or other measure(s)

Please cite the text(s)

See Subparagraph 7 (a) of article 30.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Please provide examples of implementation

115. Paragraph 8 of article 30

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Armenian legislation does not limited State Bodies to exercise their powers with civil servants.
Civil Service
Council of Republic of Armenia adopted order (number 124) on Defining the procedure for conducting an investigation
on 22 November 2012. Paragraph 5 of the order defines: "In case of features of crimes and offenses are founded in official materials of investigation, the appropriate state agencies are informed about it by the decision of the Council, and an internal investigation of the procedure continues".

Please provide examples of implementation and related disciplinary cases

116. Paragraph 10 of article 30

10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable reintegration programme(s) or measure(s)

Please cite the text(s)

Armenian legislation promotes the reintegration into society of persons convicted of offences. In particular, Article 121 of Penitentiary Code of the Republic of Armenia defines responsibilities of the administration of the institution executing the sentence in issues with respect to settling the work and living of the convict released from sentence. In line with it: "1. In regard with the issues concerning the social rehabilitation of convicts, the administration of the institution executing the sentence shall cooperate with social and other organisations and bodies. Relevant measures shall be undertaken in advance to prepare the convict for release.
2. No later than three months prior to the release date, the administration of the institution executing the sentence shall notify the local self-government body and State Employment Service in charge for the place chosen by the convict as his or her residence on the upcoming release of the convict, his or her work capacity, education, profession and availability of housing.
3. A convict who has attained pension age, or has been recognized as disabled of the first or second group may, at his or her request and by recommendation of the administration of the institution executing the

sentence, be referred by social security bodies to institutions provided for the disabled or elderly people (nursing home)". Pursuant to Article 122 of Penitentiary Code of the Republic of Armenia: "1. The administration of correctional institution shall provide a person released from sentence with a free trip to his place of residence or the amount of money necessary for such a trip at least within the territory of the Republic of Armenia, as well as food necessary for such a trip, and in case of the absence of resources-the required seasonal clothing. Lump sum monetary assistance may also be provided to him or her.

2. When a person released from the sentence needs someone to look after his health, or is pregnant, or has a child under 3 years old, as well as in case of releasing a juvenile, the administration of the institution executing the sentence shall notify his or her relatives and others about the release in advance, and if there is no one to be notified, the necessary assistance shall be provided by the administration of correctional institution.

3. Convicts referred to in the second part of this Article shall be sent to the place of their residence accompanied by their relatives, other persons or an officer of the correctional institution".

Please provide examples of implementation

If you collect statistics on recidivism rates, please provide them

117. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

31. Freezing, seizure and confiscation

118. Subparagraph 1 (a) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Article 55, part 4 of the Criminal Code of Armenia foresees compulsory confiscation of the instruments used or intended for use in the commission of money laundering and predicate offences. It is worth mentioning that 20 out of 29 corruption offences are predicated to money laundering. Consequently the requirement in question is largely implemented under Armenian legislation.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Article 55 of the Criminal Code of Armenia

.....

4. Confiscation is mandatory with regard to illicit property, inter alia the property derived or obtained, directly or indirectly, from legalization of illicit proceeds and commission of offences defined by article 190 of this Code, including income or other benefits from the use of that property, the instruments used or intended for use in the commission of those offences, and, if the illicit property has not been discovered, other property of corresponding value. The property should be confiscated regardless of whether it is owned or held by a defendant or by a third party.

Please provide examples of implementation

If available, please provide information on the number and types of cases in which proceeds were confiscated. Please provide per annum figures, as available.

If available, please provide information on the amount of proceeds of offences established in accordance with this Convention confiscated. Please provide per annum figures, as available.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

119. Subparagraph 1 (b) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

...

(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(P) Yes, in part

Article 55, part 4 of the Criminal Code of Armenia foresees compulsory confiscation of the instruments used or intended for use in the commission of money laundering and predicate offences. It is worth mentioning that 20 out of 29 corruption offences are predicated to money laundering. Consequently the requirement in question is largely implemented under Armenian legislation.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Article 55 of the Criminal Code of Armenia

.....

4. Confiscation is mandatory with regard to illicit property, inter alia the property derived or obtained, directly or indirectly, from legalization of illicit proceeds and commission of offences defined by article 190 of this Code, including income or other benefits from the use of that property, the instruments used or intended for use in the commission of those offences, and, if the illicit property has not been discovered, other property of corresponding value. The property should be confiscated regardless of whether it is owned or held by a defendant or by a third party.

.....

Please provide examples of implementation

If available, please provide information on the amount/types of property, equipment or other instrumentalities confiscated

If available, please provide information on recent cases in which such confiscations took place

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

120. Paragraph 2 of article 31

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Both the Criminal Procedure Code and the Law on Operative-Search Activities provide for a range of measures to identify and trace property that is or may become subject to confiscation. Further provisions dealing with access to confidential information held at financial institutions are provided for in the Banking Secrecy Law and the AML/CFT Law. The measures provided for in the Law on Operative-Search Activities include control over correspondence, mail, telegrams, phone conversations and other communications, internal observations of a person or premises by means of technical devices, controlled delivery and purchase of goods and services, and access to financial data and secret control over the financial transactions from financial institutions. The mentioned measures are available both parallel to investigations and prior to the initiation of a criminal case.

The Criminal Procedure Code further provides for the seizure of evidence and documents and the issuance of search warrants by the courts. Investigative measures pursuant to the Criminal Procedure Code are only available after a case has been instigated.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Law on Operative and Search Activities

Article 14. Types of the operational and search measures

1. During the operational and search activities the following operational and search measures can be performed:

- 1) operational request;
- 2) acquisition of the operational information;
- 3) collection of the comparative examinations' samples;
- 4) control purchase;
- 5) controllable supply and purchase;
- 6) examination of items and documents;
- 7) external observation;
- 8) internal observations;
- 9) identification of the person;
- 10) examination of the buildings, facilities, locations, structures and vehicles;
- 11) control over the correspondence, postal, telegram and other communications;
- 12) control over the telephone conversations;
- 13) operational introduction;
- 14) operational experiments;
- 15) provision of the access to financial data and secret control over the financial transactions;
- 16) imitation of bribe taking and bribe giving.

Criminal Procedure Law

Article 225. Grounds for conducting search

1. The investigator, having sufficient ground to suspect that in some premises or in some other place or in possession of some person, there are instruments of crime, articles and valuables acquired by criminal way, as well as other items or documents, which can be significant for the case, conducts a search in order to find and take the latter.
2. The search can also be conducted to find searched-for persons and corpses.
3. The search is conducted only by a court decision.

(additions in article 225 dated on 25.05.06 HO-91-N)

Article 226. Grounds for seizure

1. When necessary to take articles and documents significant for the case, and provided it is known for sure where they find themselves and in whose possession, the investigator conducts seizure.
2. The seizure of documents which contain state secrets is conducted only by permission of the prosecutor and in agreement with the administration of the given institution.
3. No enterprise, institution or organization, no official or citizen has the right to refuse to give the investigator the articles, documents or their copies which he would demand.

If available, please provide information on the cases and amount of money/value of property frozen or seized. Please provide per annum figures, as available

Please provide examples of implementation

121. Paragraph 3 of article 31

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Armenia has not established asset management fund to specifically dispose of the frozen, seized or confiscated property. Confiscated property is being transferred to the RA Budget and afterwards is used based on necessity. As to frozen/seized property, it is preserved under the Article 236 of the Criminal Procedure Code of Armenia. No contract can be concluded on the frozen/seized property.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Criminal Code

Article 55. Confiscation of property

1. Confiscation of property is the compelled and ultimate deprivation of the property or its part found to be owned by the defendant and its conversion into the state's ownership.

Criminal Procedure Code

Article 236. The preservation of seized property

1. Except real estate and large-sized items, other seized property as a rule is taken away.
2. Precious metals and stones, diamonds, foreign currency, cheques, securities and lottery tickets are handed for safe keeping to the Treasury of the Republic of Armenia, cash is paid to the deposit account of the court which has jurisdiction over this case, other taken items are sealed and kept at the body which made a decision to seize the property or is given for safe keeping to the apartment maintenance office or local self-government representative.
3. The seized property that has not been taken away is sealed and kept with the owner or manager of the property or his full-age members of his family who are advised as to their legal responsibility for spoiling or alienation of this property, for which they undersign.

Please provide examples of implementation

Please provide any reports or assessments of the administration of frozen, seized or confiscated property

122. Paragraph 4 of article 31

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Article 55, part 4 of the Criminal Code of Armenia envisages confiscation of property of corresponding value.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Article 55

....

4. Confiscation is mandatory with regard to illicit property, inter alia the property derived or obtained, directly or indirectly, from legalization of illicit proceeds and commission of offences defined by article 190 of this Code, including income or other benefits from the use of that property, the instruments used or intended for use in the commission of those offences, and, if the illicit property has not been discovered, other property of corresponding value. The property should be confiscated regardless of whether it is owned or held by a defendant or by a third party.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Please provide examples of implementation

123. Paragraph 5 of article 31

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Armenia has not established asset management fund to specifically dispose of the frozen, seized or confiscated property.

Confiscated property is being transferred to the RA Budget and afterwards is used based on necessity. As to frozen/seized property, it is preserved under the Article 236 of the Criminal Procedure Code of Armenia. No contract can be concluded on the frozen/seized property.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Criminal Code

Article 55. Confiscation of property

1. Confiscation of property is the compelled and ultimate deprivation of the property or its part found to be owned by the defendant and its conversion into the state's ownership.

Criminal Procedure Code

Article 236. The preservation of seized property

1. Except real estate and large-sized items, other seized property as a rule is taken away.
2. Precious metals and stones, diamonds, foreign currency, cheques, securities and lottery tickets are handed for safe keeping to the Treasury of the Republic of Armenia, cash is paid to the deposit account of the court which has jurisdiction over this case, other taken items are sealed and kept at the body which made a decision to seize the property or is given for safe keeping to the apartment maintenance office or local self-government

representative.

3. The seized property that has not been taken away is sealed and kept with the owner or manager of the property or his full-age members of his family who are advised as to their legal responsibility for spoiling or alienation of this property, for which they undersign.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

124. Paragraph 6 of article 31

6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Income or other benefits derived from proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled are subject to confiscation and respective provisional measures under Article 55 of the Criminal Code of Armeian and Article 233 of the Criminal Procedure Code.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Criminal Code

Article 55

....

4. Confiscation is mandatory with regard to illicit property, inter alia the property derived or obtained, directly or indirectly, from legalization of illicit proceeds and commission of offences defined by article 190 of this Code, including income or other benefits from the use of that property, the instruments used or intended for use in the commission of those offences, and, if the illicit property has not been discovered, other property of corresponding value. The property should be confiscated regardless of whether it is owned or held by a defendant or by a third party.

Criminal Procedure Code

Article 233

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1.1 During the investigation of criminal case on the basis of articles 104, 112-113, 117, 122, 131-134, 166, 168, 175-224, 233-235, 238, 261-262, 266-270, 281, 284, 286-289, 291-292, 295, 297-298, 308-313, 329, 352, 375, 383 and 389 of the Criminal Code of the Republic of Armenia, the prosecuting body shall impose seizure on the property derived or obtained, directly or indirectly, through commission of those offences, including income or other benefits, instruments used or intended to be used in the commission of those

offences, immediately after their disclosure. Seizure on that property will be imposed regardless of whether it is owned or held by a defendant or a third party.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

125. Paragraph 7 of article 31

7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The issue of bank secrecy is regulated by the RA Law on Bank Secrecy, RA Law on Combating Money Laundering and Terrorism Financing, Criminal Procedure Code, and RA Law on Operative and Search Activities.

In the preliminary stages of evidence gathering, when there is not an open criminal case, law enforcement bodies can obtain financial secrecy, including bank secrecy, on the ground of Article 29 of RA Law on Operative and Search Activities through the operative-search activity of ensuring the access to the financial data and secret control over the financial transactions. According to the mentioned article, this operation is the receipt of information from banking and other financial organizations about banking and other accounts (deposits), as well as permanent control over the financial transactions without the knowledge of the persons that those transactions are about.

After the instigation of a criminal caselaw enforcement bodies can obtain bank secrecy on the basis of Article 10 of the RA Law on Bank Secrecy and Article 172 of the Criminal Procedure Code. The mentioned articles provide for the access to bank secrecy of a suspect or accused.

In spite of the fact, that legal entities cannot be a suspect or accused, information containing bank secrecy on the mentioned subjects can be obtained through involving somebody controlling the legal entity as a suspect or accused. This way of application is the case in the practice very often. Regardless of the said, where there is a suspect or a case of money laundering, the law enforcement bodies can have access to bank secrecy through the financial intelligence unit, Financial Monitoring Center, operating in the structure of the Central Bank of Armenia. Pursuant to Article 13.1 of the RA Law on Bank Secrecy and Article 13 of the RA Law on Combating Money Laundering and Terrorism Financing, the Financial Monitoring Center is obliged to respond to a request of law enforcement bodies if the request contains sufficient justification of a suspicion on money laundering or if there is a case of money laundering.

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

**Republic of Armenia Law
on Bank Secrecy**

ARTICLE 131. Provision of Information Constituting Bank secrecy in the frameworks of Combating the Legalization of Proceeds from Crime and Financing of Terrorism The Central Bank shall directly inform criminal investigation authorities if the analysis of information defined by the Armenian law On Anti-Money Laundering and Combating Financing of Terrorism carried out by the Central Bank reveals that there has been a case or an attempt of money laundering or financing of terrorism. In addition to the submitted information or on the basis of a request received from criminal investigation authorities the Central Bank may provide information containing bank secrecy. On the basis of the Armenian law On Anti-Money Laundering and Combating Financing of Terrorism, the Central Bank may provide banking secrecy data to foreign financial intelligence units.
Article 13 1 is amended according to AL-14-N, 14.12.041, AL-84-N, 26.02.08
Republic of Armenia

Code of Criminal Procedure

Article 172

**Republic of Armenia Law
on Combating money Laundering and
Terrorism Financing**

**ARTICLE 13: INTERRELATIONS BETWEEN AUTHORIZED BODY
AND OTHER AUTHORITIES**

1. For the purpose of effectively combating money laundering and terrorism financing, the Authorized Body shall cooperate with other state bodies in the manner and within the frameworks established by this Law, including cooperation with supervisory and criminal investigation authorities, by means of or without concluding bilateral agreements.
2. The Authorized Body shall cooperate with supervisory bodies in the manner established by Article 26 of this Law, for the purpose of ensuring compliance of reporting entities with the requirements of this Law and the legal acts adopted on basis of this Law.
3. The Authorized Body shall send a statement to criminal investigation authorities, when it has reasonable suspicions of money laundering and terrorism financing based on the analysis of a report filed by a reporting entity in the manner established by this Law, or of other information. Along with the statement or later on, in addition to the statement, other materials evidencing the circumstances laid down in the statement may be presented to criminal investigation authority. The statement or the materials sent in addition to it may contain information constituting secrecy as prescribed by law.
4. Upon the request of criminal investigation authorities, the Authorized Body shall provide the available information, including the information constituting secrecy as prescribed by law, provided that the request contains sufficient justification of a substantiated suspicion or case of money laundering or terrorism financing. Such information shall be provided within a 10-day period, unless a different timeframe is specified in the request or, in the substantiated opinion of the Authorized Body, a longer period is necessary for answering the request.
5. Where the information stipulated by Part 1 (4 and 5) of Article 10 of this Law is requested, reporting entities, state bodies, including supervisory and law enforcement authorities, should provide such information to the Authorized Body within a 10-day period, unless a different timeframe is specified in the request or, in the substantiated opinion of the state body, a longer period is necessary for answering the request.
6. Criminal investigation authorities shall notify the Authorized Body about the decisions taken as a result of considering the statement stipulated by Part 3 of this Article, as well as about the decisions taken as a result of preliminary investigation whenever a criminal case is initiated, within a 10-day period after taking such decisions.

Republic of Armenia Law

on Operational and Search Activities

Article 29. Ensuring the access to the financial data and secret control over the financial transactions

Ensuring the access to the financial data and secret control over the financial transactions is the receipt of information from banking and other financial organizations about banking and other accounts (deposits), as well as permanent control over the financial transactions

without the knowledge of the persons that those transactions are about.

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures, as available.

Please provide examples of implementation

126. Paragraph 8 of article 31

8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

Has your country adopted and implemented the measures described above? (Check one answer.)

(N) No

The issue of reversed burden of proof has been discussed within the "Interagency Standing Commission on Fight against Counterfeiting Currency, Plastic Cards, and Other Payment Instruments, against the Money Laundering, as well as Financing terrorism in the Republic of Armenia" established by the President of the Republic of Armenia. The Commission stated that reversed burden of proof contradicts to the presumption of innocence under RA Constitution.

Please provide an account of your country's efforts to date to implement the provision under review.

Constitution of the Republic of Armenia
Article 21
Everyone charged with a criminal offence shall be presumed innocent until proved guilty by the court judgment lawfully entered into force as prescribed by law.
The defendant shall not be obliged to prove his/her innocence. The remaining suspicions shall be interpreted in favor of the defendant.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

127. Paragraph 9 of article 31

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

The rights of bona fide third parties are protected under Article 55 of the Criminal Code of Armenia.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Criminal Code of Armenia

Article 55

....

6. Confiscation shall not apply to the property needed by the defendant or his/her dependants, as defined by law, and also to the property of bona fide third parties as defined by parts 4 and 5 of this article.

Please provide examples of implementation and, if available, information on recent cases where bona fide third parties were involved and their rights were protected

128. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

32. Protection of witnesses, experts and victims

129. Paragraph 1 of article 32

1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Part 12 of the Criminal Procedure Code of Republic of Armenia is completely dedicated to protection of persons participating in criminal proceedings. Especially Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection. The protection of a person involved in a criminal trial, his family member, his relative is made by the body conducting the criminal proceedings. The body conducting criminal proceedings discovering, that the person needs protection, based on written application of the person or on it's own initiative, decides to take the measure of protection, which is liable to immediate execution. Protection measures taken on the application of a person being protected by the body conducting the criminal proceedings is pending immediately, but no later than within 24 hours. The decision shall immediately be reported to the applicant and a copy of the relevant decision should be sent.

The Article 98.1 of the Criminal Code defines the protection measures :

- 1) formal warning of the person who is expected to be threatening violence or other crime against the person being protected ,
- 2) protection of the personal information of the person being protected ,
- 3) provision of personal security, protection of house and other property of the person being protected,
- 4) providing personal protection of the person being protected and warning him about the danger,
- 5) Using technical resources and wiretapping telephone and other conversations
- 6) Ensuring the safety of the person being protected arrival to the body conducting criminal proceedings ,
- 7) Choosing such preventive measures for the suspect that will exclude the possibility of violence or other crime against the person, being protected,
- 8) Transfer the person being protected to other residence,
- 9) Replacing the identification documents or changing the appearance of the person being protected,
- 10) Changing the place of work, service and study of the person being protected ,
- 11) Withdrawal of specific individuals from the courtroom or holding closed-door court session,
- 12) Questioning the person being protected in the courtroom without publishing the identity information

Please provide examples of implementation

If available, please provide information on the number of witnesses or experts and their relatives or other persons close to them who have required protection and how long they needed it. Please provide per annum figures since, as available.

If you have a witness protection programme, how many witnesses or experts and their relatives or persons close to them have entered it? Please provide per annum figures, as available.

Do you have an estimated cost per protected person ?

130. Subparagraph 2 (a) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection. The protection of a person involved in a criminal trial, his family member, his relative is made by the body conducting the criminal proceedings.

The Article 98.1 of the Criminal Code defines the protection measures :

- 1) formal warning of the person who is expected to be threatening violence or other crime against the person being protected ,
- 2) protection of the personal information of the person being protected ,
- 3) provision of personal security, protection of house and other property of the person being protected,
- 4) providing personal protection of the person being protected and warning him about the danger,
- 5) Using technical resources and wiretapping telephone and other conversations
- 6) Ensuring the safety of the person being protected arrival to the body conducting criminal proceedings ,
- 7) Choosing such preventive measures for the suspect that will exclude the possibility of violence or other crime against the person, being protected,
- 8) Transfer the person being protected to other residence,
- 9) Replacing the identification documents or changing the appearance of the person being protected,
- 10) Changing the place of work, service and study of the person being protected ,
- 11) Withdrawal of specific individuals from the courtroom or holding closed-door court session,
- 12) Questioning the person being protected in the courtroom without publishing the identity information

Please provide examples of implementation

If applicable and available, please provide information on the number of witnesses or experts who have received physical protection, type of protection received and cost

131. Subparagraph 2 (b) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

...

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable rule(s), policy(ies) or other measure(s)

Please cite the text(s)

Articles of the 12th chapter of the Criminal Procedure Code of RA are related to the protection of persons participating in criminal proceedings.

Thus, according to the 3rd part of the article 53 of the Criminal Procedure Code of RA the prosecutor, during administration of the procedural management, is also entitled to undertake measures for the protection of the injured, the witness, and other persons participating in the criminal proceedings.

Each person participating in a criminal trial, who can report information that will be important for the identify of the crime and for detecting the performer, and as a result may be endangered his, his family's members, relatives or close relatives life, health, property, rights and legal interests, has the right of protection (Article 98).

The body conducting the criminal proceedings discovering that the protected person needs protection based on the written request of that person or by its own initiative, takes measures of necessary protective measures which are mandatory to be applied.

The request of the protected person for protective measures is considered Immediately by the body conducting the criminal proceedings, but not later than within 24 hours from its receipt. The decision that has been made is immediately advised to the applicant and the copy of the decision is sent to him.

The head of administration of a place of the maintenance of detainees, places of the maintenance of arrested or correctional facility may apply to the body conducting the criminal proceedings on its own initiative or upon the request of the person for protection of respectively the detainee, arrested or imprisonment person.

Measures of Protection,

- 1) an official warning to a person, from whom the threat of violence or other crime performing is possible
- 2) protection of the information on the protected persons identity.
- 3) provision of the personal security of the protected person, his residence and

other property protection

4) providing the protected person with the personal protection measures and reporting about the threat.

5) use of technical measures of control, phonetapping and tapping of other messages

6) ensure the safety of appearance of the protected person to the body conducting the criminal proceedings

7) choose concerning the suspect or the accused of such a preventive measure that will exclude the possibility of violence or other crime towards the guarded person.

8) temporary transportation of the guarded person to another residence

9) replacement of identification documents of the guarded person or change of his appearance

10) change of a place of work, service or study of the guarded person

11) removal of the individuals from the courtroom or carrying out the closed session

12) interrogation of the guarded person in the court without disclosure of his personal information

In case of need it can be carried out more than one measure of protection.

The order and conditions of implementation of the measures of protection are established by the legislation of the Republic of Armenia.

Protection of the person which is subject to protection, can be carried out and in the territory of the foreign state in an order and on the conditions provided by international treaties of the Republic of Armenia.

Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, without obvious participation in trial proceedings with other participants, can be done through audio-visual and technical equipment (gauze, protective screen membrane) with a limited number of trial participants, alerting the need to maintain secrecy.

In exceptional circumstances, the court may release the person under the protection of, the obligation to participate in the proceedings, with the written assurances previously given his testimony.

If necessary, the presiding judge at the court can stop the video recording of the trial or examination as provided for by the Article 9813 in the Criminal Procedure Code

Please provide examples of implementation

If applicable and available, please provide information on recent cases in which witnesses or experts have given testimony using video or other communications technology

132. Paragraph 3 of article 32

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable agreement(s), arrangement(s) or other measure(s)

Please cite the text(s)

The answer to this question is given in the answer to the question 131

Please provide examples of implementation

If applicable and available, please provide information on the number of witnesses or experts who have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.

133. Paragraph 4 of article 32

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

In your domestic legal system, do the provisions of this article also apply to victims insofar as they are witnesses? (Check one answer)

(Y) Yes

Please cite the applicable policy(ies), arrangement(s), agreement(s) or other measure(s)

Please cite the text(s)

Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection.

Please provide examples of implementation

If you have a protection programme, how many victims have been protected by it and in how many different cases? Please provide per annum figures, as available.

If applicable and available, please provide information on the number of victims who have received physical protection. Please provide per annum figures, as available.

If applicable and available, please provide information on the number of victims who have been permitted to give testimony in a manner that ensures their safety, such as video or other communications technology. Please provide per annum figures, as available.

If applicable and available, please provide information on the number of victims that have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.

134. Paragraph 5 of article 32

5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection.

The Article 98.1 of the Criminal Code defines the protection measures :
.... 11) Withdrawal of specific individuals from the courtroom or holding closed-door court session, 12) Questioning the person being protected in the courtroom without publishing the identity information

Please provide examples of implementation

If available, please provide information on the number of victims who have presented their views and concerns at any stage of criminal justice proceedings against offenders. Please provide per annum figures, as available.

135. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

33. Protection of reporting persons

136. Article 33

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Part 12 of the Criminal Procedure Code of Republic of Armenia is completely dedicated to protection of persons participating in criminal proceedings. Especially Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection. The protection of a person involved in a criminal trial, his family member, his relative is made by the body conducting the criminal proceedings.

The Article 98.1 of the Criminal Code defines the protection measures : 1) formal warning of the person who is expected to be threatening violence or other crime against the person being protected , 2) protection of the personal information of the person being protected , 3) provision of personal security, protection of house and other property of the person being protected, 4) providing personal protection of the person being protected and warning him about the danger, 5) Using technical resources and wiretapping telephone and other conversations 6) Ensuring the safety of the person being protected arrival to the body conducting criminal proceedings , 7) Choosing such preventive measures for the suspect that will exclude the possibility of violence or other crime against the person, being protected, 8) Transfer the person being protected to other residence, 9) Replacing the identification documents or changing the appearance of the person being protected, 10) Changing the place of work, service and study of the person being protected , 11) Withdrawal of specific individuals from the courtroom or holding closed-door court session, 12) Questioning the person being protected in the courtroom without publishing the identity information

Please provide examples of implementation including related court or other cases

137. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

34. Consequences of acts of corruption

138. Article 34

With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

If the RA International Treaties establish other procedural norms, than provided by the RA Civil Procedure Code, then the norms of the International treaty are applied.

The intereted persons are entitled to apply to court, in accordance with the procedure established in this Code, for the protection of their rights, freedoms and legal interests stipulated and envisaged in the Constitution of the Republic of Armenia, laws and other legal acts or agreements.

If the international agreements of the Republic of Armenia establish norms differing from the ones stipulated in law or other legal acts, then the norms of the international agreement are applicable.

A transaction is invalid on the bases established by the present Code by virtue of its declaration as such by a court (an avoidable transaction) or independent of such declaration (a void transaction). Upon demand of one of the parties a contract may be changed or rescinded by decision of a court only in case of a substantial breach of the contract by the other party or in other cases provided by a statute or contract.

A breach of a contract by one party shall be recognized as substantial if it entails for another party such damage that it to a significant degree is deprived of that which it had the right to expect at the conclusion of the contract.

According to Article 467 of the RA Civil Code, A change in the contract in connection with a substantial change in circumstances shall be allowed by decision of a court in exceptional cases when the rescission of the contract would contradict societal interests or cause damage to the parties significantly exceeding the expenditures necessary for performance of the contract on the terms as changed by the court.

According to Article 136 of the Civil Code of the Republic of Armenia, The conclusion of the verdict concerning a dispute about signing or amending an agreement indicates the ruling on each disputable clause of the agreement, and the verdict on the enforced signing of the agreement indicates those clauses on which the parties are obliged to sign an agreement.

Moreover, it is necessary to note, that according to the Article 275 of the RA Civil Code, If property has been acquired for compensation from a person who did not have the right to alienate it, of which the acquirer did not know and could not have known (a good-faith acquirer), then the owner has the right to recover this property from the acquirer only in the case when the property was lost by the owner or by a person to whom the property was transferred by the owner for possession or was stolen from one or the other, or left their possession in another manner against their will.

If the property was acquired without compensation from a person who did not have the right to alienate it, the owner has the right to recover the property in all cases.

Money and also bearer commercial paper and securities may not be recovered from a good-faith acquirer.

As for the recognition of corruption as a factor to changing or rescission, the RA Code does not establish that fact separately.

Although, according to part 4 of the Article 55 of RA Criminal Code the confiscation of the property obtained illicitly, including the legitimization of illegally obtained income and as the result of commitment of offences defined by the Article 190 of the RA Criminal Code the emerged or obtained property, including the income or other benefits resulted by the usage of that property, the tools used for commitment of the offence or tools provided to be used for commitment of the offence, and in case illicitly obtained property is not found, then the confiscation of another property equivalent of that property is obligatory. That property is subject to confiscation, irrespective of the circumstance of being the property of the sentenced person or a third person or its possession.

In this case, though, according to the Constitutional Court Decision CCD-983 of 12.07.11, the part 4 of the Article 55 of the RA Criminal Code, that determines: “That property is subject to confiscation, irrespective of the circumstance of being the property of the sentenced person or a third person or its possession” with its commentary that after the confiscation the protection of the property interests and the right to property of the victim (the legal holder) are not guaranteed, has been recognized invalid and contradicting to the provisions of part 5 Article 20 and part 2 of the Article 31 of the Constitution.

Please provide examples of implementation including related court or other cases

139. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

35. Compensation for damage

140. Article 35

Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

According to the Article 59 of the RA Criminal Procedure Code, the victim has a right to receive compensation of damages caused by actions prohibited by the Criminal Code, in a manner established by the law. Moreover, according to the Article 168 of the Criminal Procedure Code the Court Costs include the amounts of money paid to the victim as a compensation of damages caused by the offence.

Please provide examples of implementation and, if available, information on recent cases, including amount and type of compensation emanating from legal proceedings initiated by a victim against those responsible for a damage resulting from an act of corruption

141. Technical Assistance

The following questions on technical assistance relate to the article under review in its

entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

36. Specialized authorities

142. Article 36

Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies), institutional arrangements, law(s) or other measure(s):

Please cite the text(s)

The Government of the Republic of Armenia, taking as its point of reference the provisions of international instruments and domestic legislation relating to the problem of corruption, has accorded the fight against corruption high priority among its activities. A national anti-corruption strategy and a programme of measures to implement that strategy for the period 2009-2012, establishing the State policy of the Republic of Armenia in that area, together with objectives and expected results, have been prepared and adopted.

One of the specialized anti-corruption body is Police of the Republic of Armenia. In fighting corruption, Police 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.

A specialized Directorate is included in structure of Police, i.e. the General Directorate for Combating Organized Crime. 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 Department (Department for Combating Corruption and Economic Crime) responsible for carrying out special operations to uncover and prosecute corruption has been established within the General Directorate for Combating Organized Crime. The staff of the Department is included with specialized professionals.

Armenia is also combating corruption through its membership of international organizations engaged in anti-corruption efforts; through the consequent implementation of the recommendations made and safeguards established by international professional organizations

and agencies; and through its ratification of international conventions and fulfilment of the requirements stipulated in those instruments.

The national police are engaged in close cooperation with a number of international agencies, including the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and the International Monetary Fund with a view to adopting international best practices.

Please provide information on the measures adopted to ensure the independence of the specialized body

The Anti-corruption Council and the Anti-Corruption Strategy Implementation Monitoring Commission are functioning. Civil society organizations are increasingly active in Armenia. The report reflects numerous anticorruption activities conducted by civil society groups on their own or in co-operation with the Government.

The institutional framework of specialised anti-corruption policy and coordination bodies has not changed since 2006. It includes two non-permanent bodies - the Anti-Corruption Council and the Anti-Corruption Strategy Implementation Monitoring Commission.

As already mentioned in the 1st round of monitoring report, the Anti-corruption Council was created on 1 June 2004 on the basis of the President Decree N° PD-100-N "On establishment of the Council for combat with corruption" (2004 President Decree). The Anti-Corruption Council is chaired by the Prime Minister and is composed of the Vice President of the National Assembly, President of the Control Chamber, Chief of Government Staff, Minister of Justice, Adviser to the President, Head of the President's Oversight Service, the Prosecutor General, President of the Central Bank and the Chair of the State Committee for Protection of Economic Competition. The main functions of the Council are to coordinate implementation of anti-corruption strategy, organize development of anticorruption action plans in public agencies, take measures to implement the strategy and international obligations and commitments in Armenia, discuss recommendations submitted by the Anti-Corruption Strategy Implementation Monitoring Commission.

The Council operates through regular meetings that formally should be held twice every four months. The Anti-corruption Council's next meeting headed by the Prime Minister Tigran Sargsyan held in the Government, which was attended by Deputy Speaker of the Parliament Edward Sharmazanov, General Prosecutor Aghvan Hovsepyan, Chief of Police Vladimir Gasparyan, Minister of Justice Hrayr Tovmasyan, Head of Control service of the President Hovhannes Hovsepyan, "Heritage", OEK, HYD political parties as well as a number of non-governmental and international organizations.

The measures directed on increase of efficiency of anti-corruption policy fulfilled by the government were presented during the meeting. Various

proposals were made.

Particularly, it was proposed to create specialized working groups, which will allow considerably deepen the quality of analysis of prevailing 3-4 spheres and to establish the corruption reasons, to provide publicity of projects and to involve the representatives of civil society in these works.

The Prime Minister highlighted the importance of involvement the civil society representatives in decision-making and control for its implementation. Summarizing the meeting, the Prime Minister thanked the representatives of NGOs and political parties for participation and hoped that they will present their offers which will be discussed.

The Prime Minister also noted that for significantly increasing the capacity of the reforms essential to have the support of international donor organizations.

The Anti-Corruption Strategy Implementation Monitoring Commission was established also by the 2004 President Decree. The Monitoring Commission is headed by a Presidential Assistant. The functions of the Commission are to monitor the implementation of the Anti-Corruption Strategy and internal anti-corruption programmes, by involving the public, the mass media and civil society representatives; study practice of international organizations, the public bodies of the Republic of Armenia in the area of the fight against corruption and develop recommendations; monitor fulfilment of obligations and commitments stemming from international agreements and the recommendations made by international organizations; conduct expert analysis of normative acts and submit recommendations on their improvement.

The 2004 President Decree foresee establishment of permanent and temporary working (expert) groups under the Monitoring Commission. So, the Monitoring Commission had established twelve working groups of in different strategic areas, for example, education and public health.

If available, please provide information on how staff is selected and trained

Requirements for a police officer are detailed described in law on Police Service and the requirements in connection with a professional, physical education, health, established by the Government of the Republic of Armenia (Government Decision on 23.01.2003 , N-175-N).

A large-scale project on police education reform was initiated by the Armenian police in 2010. Creating new educational programs for police trainees gives the best chance for democratic reforms to become entrenched and to have more professional staff for Police. This radical overhaul of the police education system led to the introduction of the new three-tier Educational Complex, where the lowest tier - the Police Training Centre - will provide six-month basic training course; the intermediate tier - the Police College - provides a two-year course for the middle-group police officers; and the top tier - the Police Academy - provides both Bachelors and Masters degrees. A greater focus is now placed on practical work to complement the classroom-based learning. After graduation of the Police College, new police officers must now work for one year after which, depending on performance, they can apply for higher level education at the Police Academy. An innovative admissions procedure for the newly established education system has also been developed where a new testing system was instituted. Education reform is essential in having a professional police service. The new police education system is a challenging and long-term process.

According to the law on Police Service (Article 16) police officers have to pass the training courses in every 5 years in Armenian or the foreign educational centres. Training procedures and conditions prescribed by the Government decision (23.01.2003 decision number 174-N).

At the same time to carry out the process of release of police officers more transparent and legally justified November 15, 2010, the National Assembly has adopted the amendments in law on "Police Service" and clearly listed in Article 42 the grave violations that should be the only reason for apply "release from police" disciplinary sanction.

Please provide examples of implementation

143. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Armenian law enforcement agencies need an assistance in the field of collecting evidences to combat the crimes related on corruption. Particularly, the assistance could be as a legal advising, trainings for law enforcement officers etc.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)

legal advising, trainings

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

37. Cooperation with law enforcement authorities

144. Paragraph 1 of article 37

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Government of the Republic of Armenia adopted Decision on defining the order of encouragement of supporting individuals, as well as the procedure of awards presentation (Decision number 43-N) on 16 January 2003.

In accordance with paragraph 2 of the present Order, to support Police of the Republic of Armenia Chief of police

of the Republic of Armenia, Prime Minister of the Republic of Armenia encourage, as well as President of the Republic of Armenia institutes the awards those persons, who with their exemplary behavior and devotion or endangering their lives and health have made a certain contribution to protect people's life, their rights and freedoms set forth in the Constitution of the Republic of Armenia, all forms of property, State and public order from criminal encroachments. Paragraph 2 of the Order defines: "For supporting Police Of the Republic of Armenia citizens of the Republic of Armenia and foreigners, as well as stateless persons can be instituted for encouragement".

Please cite the applicable measure(s)

Please cite the text(s)

Article 37 of the Criminal Procedure Code of Republic of Armenia defines that the Court, Prosecutor, and also investigator with the consent of prosecutor, may cancel the investigation of the criminal case and stop the criminal prosecution in cases provided by Articles 72, 73, 74 of the Criminal Code of the Republic of Armenia. In accordance with Article 72 of the Criminal Code of Republic of Armenia, the first time a person has committed a misdemeanor crime may be exempted from criminal liability after committing the crime, if he voluntarily surrendered, assisted in solving the crime, or otherwise compensated for the damage caused by the crime. Article 223 part 4 of the Criminal Code defines that if the person, who has created a criminal association, leded criminal association or participated or cooperated in criminal association, and voluntarily reported about that and assisted in solving the crime, this person may be exempted from criminal liability if his actions do not contain any other crime.

The government of the Republic of Armenia, in 2010, October 3, provided in paragraph of the concept 1.18 of the Code of Criminal Procedure. The project is characterized by a fundamental principle of innovation, which should significantly improve the current system of criminal procedure and contribute to increasing the effectiveness of the criminal justice. In particular, it is planned to provide in pre-trial proceedings the prosecutor's discretion to prosecute, as well as sign in the interest of justice pre-trial agreement and cooperation with the accused and the special terms and conditions of act making.

Please provide examples of implementation

If available, please provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds. Please provide per annum figures, as available.

145. Paragraph 2 of article 37

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

In accordance with Article 72 of the Criminal Code of Republic of Armenia, the first time a person has committed a misdemeanor crime may be exempted from criminal liability after committing the crime, if he voluntarily surrendered, assisted in solving the crime, or otherwise compensated for the damage caused by the crime.

Article 223 part 4 of the Criminal Code defines that if the person, who has created a criminal association, leded criminal association or participated or cooperated in criminal association, and voluntarily reported about that and assisted in solving the crime, this person may be exempted from criminal liability if his actions do not contain any other crime.

Please cite the applicable measure(s)

Please cite the text(s)

Provision of Article 37, paragraph 2 of the Convention is prescribed in Article 62 CC, paragraph 1, subparagraph 9. In line with it: "surrender, assistance in solving the crime, exposing other participants of the crime, in searching the illegally acquired property" are considered as circumstances mitigating liability and punishment. Although, the mentioned circumstances are not prescribed separately, but each of them defines specific mitigating measure.

For supporting investigation bodies to disclose a crime, the offender helps to find the crime instruments and means, informs about circumstances of case, etc.

"Exposing other participants of the crime and searching the illegally acquired property", also concerned with assistance in solving the crime. On the other hand, the above-mentioned actions can be considered as separate mitigating circumstances.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes related to instances where punishment of an accused person who provided substantial cooperation was mitigated. Please provide per annum figures, as available.

146. Paragraph 3 of article 37

3. Each State Party shall consider providing for the possibility, in accordance with the fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Third paragraph of Article 37 of the Convention is about supporter of investigation bodies.

In accordance with Article 12, paragraph 1 of the Law on Operational-investigative Activities, for preparation and conducting the operational-search activity, contracts may be signed with the adult legally capable persons, or they can be engaged in operational-search activity free of charge preserving the confidentiality. Cooperation is possible by consent of the persons'. These persons shall be obliged not to publicise the information, which they have obtained in the course of cooperation, and shall have no right to supply a deliberately false information to the Operational-investigative bodies.

The Operational-investigative bodies are obliged to keep in a secret personal data of the persons rendering them assistance on the confidential principle. Pursuant to Article 13, paragraph 1 of the Law on Operational-investigative Activities, the persons collaborated

with Operational-search bodies shall be exempted from the criminal liability in conformity with the legislation.

In accordance with Article 72 CC, paragraph 1 (Exemption from Criminal Liability in Case of Effective Regret), the person who committed for the first time a not grave or medium-gravity crime can be exempted from criminal liability, if he, after the committal of the crime, surrendered, assisted in solving the crime of his own accord, compensated or mitigated the inflicted damage in some other way.

At the same time, the remarkable fact is that a series of articles set forth in CC are reviewed once again related to Article 72 CC. Particularly, Paragraph 4 of Article 312 (Giving a Bribe), Paragraph 4 of Article 312.1 (Unlawful Remuneration of a Public Servant Who is not an Official), and Paragraph 5 of Article 200 (Commercial Bribe) of the CC have been revised in line with Article 72 CC (Exemption from Criminal Liability in Case of Effective Regret). As a result of amending and supplementing the CC by Law HO-18-N adopted by the National Assembly on 9 February 2012, the consistency of the relevant paragraphs of the aforementioned articles was improved. In particular, a provision was introduced in Paragraph 5 of Article 200 CC, based on which the person giving a commercial bribe is exempted of criminal liability, if the bribe was extorted. Moreover, under the amendments to the Criminal Code, provisions were introduced in Paragraph 4 of Article 312 CC, Paragraph 4 of Article 312.1 CC, and Paragraph 5 of Article 200 CC, which provide a time period (no more than three days) for exemption from criminal liability, during which the person giving the bribe must voluntarily inform the law-enforcement bodies of giving the bribe.

Please provide examples of implementation

If available, please provide information (statistics, types of cases, outcome) on legal (civil, administrative or criminal) cases or other process related to instances where immunity from prosecution was granted to persons who had provided substantial cooperation. Please provide per annum figures.

147. Paragraph 4 of article 37

4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Article 98 of the Criminal Procedure Code of the Republic of Armenia defines that each person involved in a criminal trial, who can report information which may affect the disclosure of crime and for identifying the performer, which may danger his, his relative's, his family's, life, health, property, rights and legitimate interests has the right to protection. The protection of a person involved in a criminal trial, his family member, his relative is made by the body conducting the criminal proceedings. The

body conducting criminal proceedings discovering, that the person needs protection, based on written application of the person or on its own initiative, decides to take the measure of protection, which is liable to immediate execution. Protection measures taken on the application of a person being protected by the body conducting the criminal proceedings is pending immediately, but no later than within 24 hours. The decision shall immediately be reported to the applicant and a copy of the relevant decision should be sent.

The Article 98.1 of the Criminal Code defines the protection measures :

- 1) formal warning of the person who is expected to be threatening violence or other crime against the person being protected ,
- 2) protection of the personal information of the person being protected ,
- 3) provision of personal security, protection of house and other property of the person being protected,
- 4) providing personal protection of the person being protected and warning him about the danger,
- 5) Using technical resources and wiretapping telephone and other conversations
- 6) Ensuring the safety of the person being protected arrival to the body conducting criminal proceedings ,
- 7) Choosing such preventive measures for the suspect that will exclude the possibility of violence or other crime against the person, being protected,
- 8) Transfer the person being protected to other residence,
- 9) Replacing the identification documents or changing the appearance of the person being protected,
- 10) Changing the place of work, service and study of the person being protected ,
- 11) Withdrawal of specific individuals from the courtroom or holding closed-door court session,
- 12) Questioning the person being protected in the courtroom without publishing the identity information

Article 37 of the Criminal Procedure Code of Republic of Armenia defines that the Court , Prosecutor, and also investigator with the consent of prosecutor, may cancel the investigation of the criminal case and stop the criminal prosecution in cases provided by Articles 72, 73, 74 of the Criminal Code of the Republic of Armenia. In accordance with Article 72 of the Criminal Code of Republic of Armenia, the first time a person has committed a misdemeanor crime may be exempted from criminal liability after committing the crime, if he voluntarily surrendered , assisted in solving the crime , or otherwise compensated for the damage caused by the crime. Article 223 part 4 of the Criminal Code defines that if the person, who has created a criminal association, leded criminal association or participated or cooperated in criminal association, and voluntarily reported about that and assisted in solving the crime, this person may be exempted from criminal liability if his actions do not contain any other crime.

The government of the Republic of Armenia, in 2010, October 3, provided in paragraph of the concept 1.18 of the Code of Criminal Procedure. The project is characterized by a fundamental principle of innovation, which should significantly improve the current system of criminal procedure and contribute to increasing the effectiveness of the criminal justice. In particular, it is planned to provide in pre-trial proceedings the prosecutor's discretion to prosecute, as well as sign in the

interest of justice pre-trial agreement and cooperation with the accused and the special terms and conditions of act making.

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

4. CPC of RA is harmonized with protective measures of such persons described in Article 37, paragraph 4 and Article 32 of the Convention.

Thus, The Chapter 12 CPC concerns to the persons participating in criminal proceedings. The National Assembly of the Republic of Armenia adopted the Armenian Republic Law Amending and Supplementing the Criminal Procedure Code of the Republic of Armenia (Law number HO-91-N) on 25 May 2006. As a result, a series measures are regulated, i.e. measures and grounds of protection, the rights and obligations of the protected person, etc.

In accordance with Article 98 CPC, upon discovery of the need to protect the injured, defense attorneys, witnesses, the accused and other persons participating in the criminal proceedings from criminally punishable encroachments, the body of criminal proceedings, at the request of these persons or by its own initiative, takes measures of necessary protective measures.

Protective measures are mandatory to be applied, if the persons participating in the criminal proceedings or their close relatives were physically threatened, in connection with the participation of the latter in the proceedings.

CPC of RA amended with a new Article 98.1, which defines protective measures.

Pursuant to Article 98 CPC, protective measures are:

- 1) officially forewarn a person who may commit the threat of violence or other crime against protected person;
- 2) protection of identification data of the protected person;
- 3) preservation of security of the protected, his/her residence and other property;
- 4) provide for individual protection measures and assert the danger;
- 5) the use of technical means of control, confidential listening of telephone and other communications;
- 7) changing the place of residence;
- 8) changing the place of work, study or service;
- 9) withdrawing separate persons from the hall of court or conducting of closed-door court sessions, etc.

Several measures of protection can be applied, when it is necessary.

The order and terms of the Implementation of protective measures are stipulated by the legislation of the Republic of Armenia.

The protection of the protected person, also, can be conducted in the territory of a foreign country, in accordance with the order and terms of the international treaties of the Republic of Armenia.

Please provide examples of implementation

If available, please provide information on the number of cooperating defendants/offenders who have received physical protection, how long they required protection, type of protection received and cost. Please provide per annum figures, as available.

If you have a defendant/offender protection programme, how many cooperating defendants/offenders have entered it? Please provide per annum figures, as available.

If applicable and available, please provide information on the number of cases where cooperating defendants/offenders have been permitted to give testimony using video or other communications technology. Please provide per annum figures, as available.

If applicable and available, please provide information on the number of cooperating defendants/offenders who have been relocated to other States through arrangements or agreements. Please provide per annum figures, as available.

148. Paragraph 5 of article 37

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable agreement(s), arrangement(s) or other measure(s)

Please cite the text(s)

At a Criminal Case in the territory of the Republic of Armenia persons acting as a witness, victim, civil defendant, civil claimant, their representatives, experts or specialists, who are outside the territory of the Republic of Armenia, can be invited to the Republic of Armenia in a manner established by RA International Treaty, to perform investigative or judicial actions with their participation along with the court, prosecutor, investigation bodies conducting the criminal proceedings of the corresponding case.

During judicial actions with the participation of those persons the rules of the Criminal Procedure Code apply, with the exceptions established by the corresponding International Treaties.

As for exempting them from criminal persecution, the same norms can be applied towards them, as for the citizens of the Republic of Armenia.

Please provide examples of implementation including related court or other cases

149. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

38. Cooperation between national authorities

150. Article 38

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

- (a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or
- (b) Providing, upon request, to the latter authorities all necessary information.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

By the presidential decision 01.06.2004 number 100-N was approved the staff of the anti- corruption council and the statute of his activities. 10 high ranking officials were included in this Council. Prime Minister of armenia is the head of the council.

By the government decision at 04 May 2006 (N-645-N) was approved the terms of providing and receiving information by National Central Bureau of Interpol Police of Armenia. According to paragraph 2 of terms relevant information is exchanged by different national authorities: National Security Service, Ministry of Defence, Justice, Culture, Prosecution Service, State Revenue Committee, Central Bank. All these institutions can share through Police (INTERPOL) information related to crime, including corruption offenses.

Please provide examples of implementation

If available, please provide information on the number of times and cases in which such information has been shared. Please provide per annum figures, as available.

151. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

39. Cooperation between national authorities and the private sector

152. Paragraph 1 of article 39

1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Criminal Code of the Republic of Armenia provides norms to encourage cooperation between law enforcement bodies and citizens of the Republic of Armenia and also the citizens of other countries who live in Armenia and stateless persons in the fight against corruption.

According to the part 5 of the Article 189 of the Criminal Code of the Republic of Armenia person who committed acts provided in the Articles 188, 189, 193, 194, 205 and 206 can be exempted from criminal liability in the case of compensation of the damage caused by the crime and

compensation of registered fines.

According to the part 5 of the Article 200 of the Criminal Code of the Republic of Armenia the person giving commercial bribery can be exempted from criminal liability in the case if there has been a bribe extortion or the person who gave bribe voluntary informed law enforcement bodies no later than three days after.

According to the part 4 of the Article 312 of the Criminal Code of the Republic of Armenia the person who gave bribe can be exempted from criminal liability in the case if there has been a bribe extortion or if that person voluntary informed law enforcement bodies no later than three day after.

According to the part 4 of the Article 312 of the Criminal Code of the Republic of Armenia the person who gave illegal remuneration can be exempted from criminal liability if there has been extortion of illegal remuneration or the person who gave illegal remuneration voluntary informed law enforcement bodies no later than three day after.

Please cite the applicable measure(s)

Please cite the text(s)

In 2008 The Memorandum of Understanding was signed between the Financial Monitoring Center of the Central Bank of the Republic of Armenia and the Police of the Republic of Armenia.

Please provide examples of implementation

If available, please provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities

153. Paragraph 2 of article 39

2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Criminal Code of the Republic of Armenia provides norms to encourage cooperation between law enforcement bodies and citizens of the Republic of Armenia and also the citizens of other countries who live in Armenia and stateless persons in the fight against corruption.

According to the part 5 of the Article 189 of the Criminal Code of the Republic of Armenia person who committed acts provided in the Articles 188, 189, 193, 194, 205 and 206 can be exempted from criminal liability in the case of compensation of the damage caused by the crime and compensation of registered fines.

According to the part 5 of the Article 200 of the Criminal Code of the

Republic of Armenia the person giving commercial bribery can be exempted from criminal liability in the case if there has been a bribe extortion or the person who gave bribe voluntary informed law enforcement bodies no later than three days after.

According to the part 4 of the Article 312 of the Criminal Code of the Republic of Armenia the person who gave bribe can be exempted from criminal liability in the case if there has been a bribe extortion or if that person voluntary informed law enforcement bodies no later than three day after.

According to the part 4 of the Article 312 of the Criminal Code of the Republic of Armenia the person who gave illegal remuneration can be exempted from criminal liability if there has been extortion of illegal remuneration or the person who gave illegal remuneration voluntary informed law enforcement bodies no later than three day after.

Please cite the applicable measure(s)

Please cite the text(s)

As it stated also about paragraph 1 Article 37 The Government of the Republic of Armenia adopted "the Republic of Armenia Government Decision on defining the order of encouragement of supporting individuals, as well as the procedure of awards presentation" (Decision number 43-N) on 16 January 2003.

Please provide examples of implementation

If you have hotlines or other mechanisms for offences to be reported, how many reports have you received? Please provide per annum figures, as available.

If financial incentives are offered to encourage such reports, please provide details, available reports and relevant statistics

If anonymous reports are given due consideration by appropriate authorities, how many of the reports received have contributed to the investigation or prosecution of an offence established in accordance with the Convention? Please provide per annum figures, as available.

154. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Civil society, the contribution of which is the most important means of

ensuring
the effectiveness of the activities of State agencies, currently plays no such
role in
Armenia. A further key to success in combating corruption is active and effective cooperation
between law enforcement agencies and civil society.

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(CAPREP) Capacity-building programmes for authorities responsible for the establishment and management of reporting programmes and mechanisms

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

40. Bank secrecy

155. Article 40

Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

Has your country adopted the mechanisms described above? (Check one answer)

(Y) Yes

The issue of bank secrecy is regulated by the RA Law on Bank Secrecy, RA Law on Combating Money Laundering and Terrorism Financing, Criminal Procedure Code, and RA Law on Operative and Search Activities.

In the preliminary stages of evidence gathering, when there is not an open criminal case, law enforcement bodies can obtain financial secrecy, including bank secrecy, on the ground of Article 29 of RA Law on Operative and Search Activities through the operative-search activity of ensuring the access to the financial data and secret control over the financial transactions. According to the mentioned article, this operation is the receipt of information from banking and other financial organizations about banking and other accounts (deposits), as well as permanent control over the financial transactions without the knowledge of the persons that those transactions are about.

After the instigation of a criminal case law enforcement bodies can obtain bank secrecy on the basis of Article 10 of the RA Law on Bank Secrecy and Article 172 of the Criminal Procedure Code. The mentioned articles provide for the access to bank secrecy of a suspect or accused.

In spite of the fact, that legal entities cannot be a suspect or accused, information containing bank secrecy on the mentioned subjects can be obtained through involving somebody controlling the legal entity as a suspect or accused. This way of application is the case in the practice very often. Regardless of the said, where there is a suspect or a case of money laundering, the law enforcement bodies can have access to bank secrecy through the financial intelligence unit, Financial Monitoring Center, operating in the structure of the Central Bank of Armenia. Pursuant to Article 13.1 of the RA Law on Bank Secrecy and Article 13 of the RA Law on Combating Money Laundering and Terrorism Financing, the Financial Monitoring Center is obliged to respond to a request of law enforcement bodies if the request contains sufficient justification of a suspicion on money laundering or if there is a case of money laundering.

Please cite the applicable mechanism(s):

Please cite the text(s)

**Republic of Armenia Law
on Bank Secrecy**

ARTICLE 131. Provision of Information Constituting Bank secrecy in the frameworks of Combating the Legalization of Proceeds from Crime and Financing of Terrorism

The Central Bank shall directly inform criminal investigation authorities if the analysis of information defined by the Armenian law On Anti-Money Laundering and Combating Financing of Terrorism carried out by the Central Bank reveals that there has been a case or an attempt of money laundering or financing of terrorism. In addition to the submitted information or on the basis of a request received from criminal investigation authorities the Central Bank may provide information containing bank secrecy. On the basis of the Armenian law On Anti-Money Laundering and Combating Financing of Terrorism, the Central

Bank may provide banking secrecy data to foreign financial intelligence units. Article 13 1 is amended according to AL-14-N, 14.12.041, AL-84-N, 26.02.08

**Republic of Armenia Code of Criminal Procedure
Article 172**

**Republic of Armenia Law
on Combating money Laundering and
Terrorism Financing**

**ARTICLE 13: INTERRELATIONS BETWEEN AUTHORIZED BODY
AND OTHER AUTHORITIES**

1. For the purpose of effectively combating money laundering and terrorism financing, the Authorized Body shall cooperate with other state bodies in the manner and within the frameworks established by this Law, including cooperation with supervisory and criminal investigation authorities, by means of or without concluding bilateral agreements.
2. The Authorized Body shall cooperate with supervisory bodies in the manner established by Article 26 of this Law, for the purpose of ensuring compliance of reporting entities with the requirements of this Law and the legal acts adopted on basis of this Law.
3. The Authorized Body shall send a statement to criminal investigation authorities, when it has reasonable suspicions of money laundering and terrorism financing based on the analysis of a report filed by a reporting entity in the manner established by this Law, or of other information. Along with the statement or later on, in addition to the statement, other materials evidencing the circumstances laid down in the statement may be presented to criminal investigation authority. The statement or the materials sent in addition to it may contain information constituting secrecy as prescribed by law.
4. Upon the request of criminal investigation authorities, the Authorized Body shall provide the available information, including the information constituting secrecy as prescribed by law, provided that the request contains sufficient justification of a substantiated suspicion or case of money laundering or terrorism financing. Such information shall be provided within a 10-day period, unless a different timeframe is specified in the request or, in the substantiated opinion of the Authorized Body, a longer period is necessary for answering the request.
5. Where the information stipulated by Part 1 (4 and 5) of Article 10 of this Law is requested, reporting entities, state bodies, including supervisory and law enforcement authorities, should provide such information to the Authorized Body within a 10-day period, unless a different timeframe is specified in the request or, in the substantiated opinion of the state body, a longer period is necessary for answering the request.
6. Criminal investigation authorities shall notify the Authorized Body about the decisions taken as a result of considering the statement stipulated by Part 3 of this Article, as well as about the decisions taken as a result of preliminary investigation whenever a criminal case is initiated, within a 10-day period after taking such decisions.

Republic of Armenia Law on Operational and Search Activities

Article 29. Ensuring the access to the financial data and secret control over the financial transactions

Ensuring the access to the financial data and secret control over the financial transactions is the receipt of information from banking and other financial organizations about banking and other accounts (deposits), as well as permanent control over the financial transactions without the knowledge of the persons that those transactions are about.

Please provide examples of implementation

156. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

41. Criminal record

157. Article 41

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)

The Article 17 of the Criminal Code prescribes the legal significance of a person's conviction outside the Republic of Armenia.

The court ruling in a foreign country can be taken into account, provided the RA citizen, foreign citizen or a stateless person was convicted for a crime committed outside the RA, and committed a repeated crime in the RA.

In accordance with above mentioned, recidivism, unserved punishment or other legal consequences of a foreign court ruling are taken into account when qualifying the new crime, assigning punishment, and exempting from criminal

liability or punishment.

The copies of Court Verdicts against the citizens of the Republic of Armenia regarding the offences established by the Convention Against Corruption or any other crimes are transferred to the Ministry of Justice of the Republic of Armenia, based on the procedure established by the International Treaties in the sphere of Legal Assistance. The Ministry of Justice of the Republic of Armenia reports the data provided by those copies both to the General Prosecutor's Office of the Republic of Armenia and to the Department General of Criminal Investigation of the RA Police. The presented information has the aim of support the law enforcement bodies in usage of the information at service related necessity.

158. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

IV. International cooperation

44. Extradition

170. Paragraph 1 of article 44

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Criminal Procedure Code of the Republic of Armenia defines two different legal regimes of legal assistance in criminal case 1. Giving legal assistance in criminal matters in accordance with international treaties (Chapter 54 of the Criminal Procedure Code), 2. Issuance of legal assistance in criminal matters in the absence of contracts (Chapter 54.1 of the Criminal Procedure Code of the Republic of Armenia).

Armenia acceded to the European Convention on extradition (13.12.1957). According to the part 1 of the Article 2 of the European Convention on extradition Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at

least one year or by a more severe penalty. Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party, the punishment awarded must have been for a period of at least four months.

Please cite the applicable measure(s), including your policy on dual criminality

Please cite the text(s)

According to the Article 478 of the Criminal Procedure Code of the Republic of Armenia, sending the case materials for continuation of the criminal prosecution. In the case of the crime committed by a foreign citizen in the territory of the Republic of Armenia and in the case of his departure from the country, all materials of the initiated case are forwarded to the procurator of the Republic of Armenia which decides the issue of sending them to the appropriate institutions of the foreign country for the continuation of the investigation.

Article 487 of the Criminal Procedure Code of the Republic of Armenia

The institution which received the request must, when required, extradite the person who

is in the territory of its country in order to subject him to criminal liability or to execute a court verdict.

Extradition for subjecting the person to criminal liability is done for actions which are

considered punishable in the country which sent the request and country which received

and the envisaged punishment is in the form of imprisonment for not less than 1 year.

Extradition for the execution of the verdict is done for those actions which are considered

punishable in the country which sent the request and country which received and the

person was sentenced to no less than six months of imprisonment or more.

Article 488 of the Criminal Procedure Code of the Republic of Armenia

Refusal from extradition

Extradition is not allowed, if: at the moment of the receipt of the requirement, appropriate criminal prosecution can not be initiated in the legislation of the requiring country or the verdict can not be executed for reasons of expiration of the prescription period, or on other legal grounds; a verdict or decision to terminate the proceedings or criminal prosecution which came into effect, has already been executed in relation to the person.

is allowed to refuse from extradition, if: the person whose extradition is required is the citizen of the country which received the request or he was granted a political asylum;

the crime was committed in the territory of the country which received the request;

the person whose extradition is required is prosecuted for political, racial or religious

asons.

he person whose extradition is required is prosecuted for the commitment
f a military
ime in peaceful time;
he country which applied for extradition does not provide reciprocity in this
omain.

Please provide examples of implementation, including cases where dual criminality issues were raised and resolved

The Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.
The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007.
The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010.
The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

171. Paragraph 2 of article 44

2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Republic of Armenia does not make extradition conditional on the existence of a treaty and can receive a request for extradition from another State Party with which
it has no extradition treaty only based on diplomatic arrangements. Armenia may consider this Convention as a legal basis for extradition in respect of any offence to which it applies because almost all offences covered by this Convention are punishable under the domestic law of the Republic of Armenia.

Please provide examples of implementation, including related court or other cases

If available, please provide information on extraditions granted for offences not punishable under your domestic law

172. Paragraph 3 of article 44

3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

173. Paragraph 4 of article 44

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

As the legislation of the Republic of Armenia does not define the notion of “political offence” or that of “offence connected with a political offence”, the Republic of Armenia, being requested for extradition on such grounds, will grant extradition if the offence mentioned in the request is considered as such under its ordinary criminal law or under the International Treaties in force in the Republic of Armenia.

174. Paragraph 5 of article 44

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

Does your country make extradition conditional on the existence of a treaty? (Check one answer)

(Y) Yes

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

According to the Article 6 of the Constitution of Republic of Armenia the international treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail. It follows, that the norms stipulated by the International Treaties ratified by the Republic of Armenia are applicable in the Republic of Armenia.

Additionally, the corresponding Articles of the Chapter 54¹ regulate the relations that arise in the case of absence of International Treaties related to legal assistance in criminal matters, when agreements are reached through diplomatic channels

Please provide examples of implementation, including related court or other cases

If applicable and available, please provide information on extraditions granted without an extradition treaty, using this Convention as the legal basis

175. Paragraph 6 of article 44

6. A State Party that makes extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

Does your country make extradition conditional on the existence of a treaty? (Check one answer)

(Y) Yes

The Criminal Procedure Code of the Republic of Armenia defines two different legal regimes of legal assistance in criminal case 1. Giving legal assistance in criminal matters in accordance with international treaties (Chapter 54 of the Criminal Procedure Code), 2. Issuance of legal assistance in criminal matters in the absence of contracts (Chapter 54.1 of the Criminal Procedure Code of the Republic of Armenia).

Armenia acceded to the European Convention regulating sector of extradition (13.12.1957). According to the part 1 of the Article 2 of the European Convention on extradition Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty. Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party, the punishment awarded must have been for a period of at least four months.

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which this article applies? (Check one answer)

(Y) Yes

Has your country informed the Secretary-General of the United Nations as prescribed above? (Check one answer)

(N) No

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

176. Paragraph 7 of article 44

7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 478. Extradition of Crime Perpetrators to a Foreign State

1. Citizens of foreign states that have committed crimes in the territory of the Republic of Armenia, as well as persons without citizenship residing permanently in a foreign state may, for the purpose of initiating criminal proceedings against them in the respective foreign state or continuing proceedings initiated in the Republic of Armenia in accordance with this Code in such foreign state, be extradited to such foreign state in the cases prescribed by an international treaty to which such state and the Republic of Armenia are parties.

All the documents and other materials regarding the crime committed by the person being extradited, which are available in the proceedings of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, shall also be transferred to the competent authorities of such foreign state in accordance with the procedure prescribed in the respective international treaty.

If the international treaty does not prescribe the procedure of transferring documents and other materials, then their transfer may be carried out in accordance with agreement reached between either the central authorities of the Republic of Armenia and the respective foreign state, or the directly communicating court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia and the competent authorities of the foreign state.

One copy of each transferred document shall be retained in the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that prepared or transferred the documents.

2. Extradition of persons referred to in Part 1 of this Article to a foreign state for the purposes described in such Part 1 may be performed during the period from the time the criminal act is committed by such persons in the Republic of Armenia or the criminal case is instigated against them till the time the verdict is taken in respect of such persons, or during any other period prescribed under the respective international treaty of the Republic of Armenia.

CHAPTER 541.

LEGAL ASSISTANCE IN CRIMINAL MATTERS IN THE ABSENCE OF INTERNATIONAL TREATIES

Article 482. Conditions of Legal Assistance Provision in the Absence of International Treaties

1. If there are no international treaties between a foreign state and the Republic of Armenia on the provision of legal assistance in the performance of procedural actions in criminal cases, then mutual legal assistance between the competent authorities and officials of such foreign state (hereinafter, "competent authorities") and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body may be provided in exceptional cases in accordance with agreement on the provision of mutual legal assistance between such foreign state and the Republic of Armenia, reached via diplomatic channels, which shall be agreed upon in advance:

1) With the Republic of Armenia Ministry of Justice-in respect of procedural actions in criminal cases pending before court and of the execution of the judgment; or

2) With the General Prosecutor's Office of the Republic of Armenia-in respect of procedural actions in criminal cases at the pre-trial stage.

2. The provision of mutual legal assistance and the communication between the competent authorities of the foreign state and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the procedure laid down in Part 1 of this Article shall continue until an international treaty/-ies is/are concluded regarding the appropriate matter, or until both the Republic of Armenia and the respective foreign state join an effective multilateral treaty on the provision of mutual legal assistance in criminal case, unless the Republic of Armenia or the respective foreign state have already terminated their agreement on mutual legal assistance unilaterally or bilaterally via diplomatic channels.

3. During the provision of mutual legal assistance in accordance with the procedure laid down in Part 1 of this Article, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body shall communicate with other authorities of such foreign state through either the Republic of Armenia Ministry of Justice or the Office of the General Prosecutor-as determined in accordance with the rules of Article 475 hereof.

4. The Republic of Armenia Ministry of Justice shall, through the Republic of Armenia Ministry of Foreign Affairs, provide to the central competent authority of such foreign state the text of this Chapter translated into a language that is acceptable for such state, which the latter can use throughout the provision of mutual legal assistance and shall receive the appropriate law of such state in turn.

Please provide examples of implementation (i.e. information on recent extradition cases between your country and other States parties for offences established in accordance with this Convention)

177. Paragraph 8 of article 44

8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s), including relevant domestic law(s) and conditions

Please cite the text(s)

The Criminal Procedure Code of the Republic of Armenia.

Article 487. Extradition

1. Upon receipt of the request to extradite a crime perpetrator from the competent authority of a foreign state, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body shall undertake measures in accordance with the procedure defined in Paragraphs 1-3 of Article 479(1) of this Code to receive authorization to extradite the person concerned and to extradite him to the foreign state for the purpose of subjecting him to criminal liability or executing the verdict in respect of him.

2. Extradition for subjecting the person to criminal liability is done for actions which are considered punishable in the country which sent the request and in the Republic of Armenia, and the envisaged punishment is in the form of imprisonment for not less than 1 year.

3. Extradition for the execution of the verdict is done for those actions which are considered punishable in the country which sent the request and in the Republic of Armenia, and the person was sentenced to no less than six months of imprisonment for committing such actions.

Please provide information on conditions and grounds upon which extradition requests were refused

The offenders of foreign nationality, as well as stateless persons that have a residency right in a foreign country, in order to start criminal proceedings in the corresponding foreign State or continuing the criminal proceedings in accordance with Criminal Procedure Code of the Republic of Armenia in the corresponding foreign State, can be extradited to the foreign State in cases envisaged by the International Treaty to which both the Republic of Armenia and the corresponding State are parties.

When it is envisaged by RA International Treaties the extradition of an offender to a Foreign State party to that Convention, and if not defined otherwise by Treaty, then concerning the person in the territory of the Republic of Armenia:

- 1) decisions on extradition permission or rejecting the extradition is made by the RA General Prosecutor, if the case is in the stage of pre-trial proceedings.
- 2) the decision on rejecting the extradition is made by the RA Minister of Justice, if the case is in the stage of trial proceedings, as well as in cases, where there is a court verdict entered into force.
- 3) the decision on extradition permission is made by the corresponding Court reviewing the case or the Court delivering the verdict, with the pleading of the Minister of Justice when the case is in the stage of trial proceedings or there is a court verdict entered into force.

According to the Article 16 of the Criminal Code the citizens of the Republic of Armenia who committed a crime in another state are not extradited to that state.

In accordance with an international treaty of the Republic of Armenia, the foreign citizens and the stateless persons who committed a crime outside the territory of the Republic of Armenia and who find themselves in the Republic of Armenia, can be extradited to a foreign state, for criminal liability or to serve the punishment.

The persons specified above are not extradited to foreign states if there are serious reasons to believe that they can be subjected to torture there.

If the legislation of the country seeking extradition of persons who committed a crime envisages death penalty for the given crime, then the extradition of persons who committed a crime can be turned down, unless the party seeking extradition presents satisfying assurances to this country that the death penalty will not be executed.

In case of refusal to extradite the person who committed a crime, the prosecution for the crime committed in the territory of a foreign country is done in accordance with the legislation of the Republic of Armenia.

According to the Article 488 of the Criminal Procedure Code of the Republic of Armenia in case when Armenia receives a request for extradition from another State Party with which it has no extradition treaty,

1. The extradition request of the Foreign Country is refused, if:
 - 1) at the time of receiving the extradition request by the competent body of the Republic of Armenia, according to the Law of the Requesting Party, criminal

persecution cannot be initiated, the court sentence cannot be implemented due to the expiry of the limitation periods or other legal basis;

2) There is a court judgment that entered into force or a decision on termination of the proceedings and refusal from criminal persecution against the person for the same offence;

3) the request is about extradition of an Armenian National;

4) in case of extradition, according to the law of the Requesting Country, death sentence (execution) may be implemented, and the Requesting Country does not provide sufficient guarantees that such sentence will not be implemented if the person is extradited.

2. The extradition request of the person *can be refused*, if the person, who is being requested for extradition:

1) legitimately received a right to political asylum in the Republic of Armenia;

2) is being persecuted with political, racial or religious motives;

3) is being persecuted for committing a military crime at times of peace;

4) has committed the crime in the territory of the Republic of Armenia.

The extradition can also be refused, if the Requesting Party does not provide reciprocity in the sphere of mutual assistance in criminal matters.

Please provide examples of implementation

178. Paragraph 9 of article 44

9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 478. Extradition of Crime Perpetrators to a Foreign State

1. Citizens of foreign states that have committed crimes in the territory of the Republic of Armenia, as well as persons without citizenship residing permanently in a foreign state may, for the purpose of initiating criminal proceedings against them in the respective foreign state or continuing proceedings initiated in the Republic of Armenia in accordance with this Code in such foreign state, be extradited to such foreign state in the cases prescribed by an international treaty to which such state and the Republic of Armenia are parties.

All the documents and other materials regarding the crime committed by the person being extradited, which are available in the proceedings of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, shall also be transferred to the competent authorities of such foreign state in accordance with the procedure prescribed in the respective international treaty.

If the international treaty does not prescribe the procedure of transferring documents and other materials, then their transfer may be carried out in accordance with agreement reached between either the central authorities of the Republic of Armenia and the respective foreign state, or the directly communicating court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia and the competent authorities of the foreign state.

One copy of each transferred document shall be retained in the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that prepared or transferred the documents.

2. Extradition of persons referred to in Part 1 of this Article to a foreign state for the purposes described in such Part 1 may be performed during the period from the time the criminal act is committed by such persons in the Republic of Armenia or the criminal case is instigated against them till the time the verdict is taken in respect of such persons, or during any other period prescribed under the respective international treaty of the Republic of Armenia.

Please provide examples of implementation including related court or other cases

179. Paragraph 10 of article 44

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Article 478. Extradition of Crime Perpetrators to a Foreign State

1. Citizens of foreign states that have committed crimes in the territory of the Republic of Armenia, as well as persons without citizenship residing permanently in a foreign state may, for the purpose of initiating criminal proceedings against them in the respective foreign state or continuing proceedings initiated in the Republic of Armenia in accordance with this Code in such foreign state, be extradited to such foreign state in the cases prescribed by an international treaty to which such state and the Republic of Armenia are parties.

All the documents and other materials regarding the crime committed by the person being extradited, which are available in the proceedings of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, shall also be transferred to the competent authorities of such foreign state in accordance with the procedure prescribed in the respective international treaty.

If the international treaty does not prescribe the procedure of transferring documents and other materials, then their transfer may be carried out in accordance with agreement reached between either the central authorities of the Republic of Armenia and the respective foreign state, or the directly communicating court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia and the competent authorities of the foreign state.

One copy of each transferred document shall be retained in the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that prepared or transferred the documents.

2. Extradition of persons referred to in Part 1 of this Article to a foreign state for the purposes described in such Part 1 may be performed during the period from the time the criminal act is committed by such persons in the Republic of Armenia or the criminal case is instigated against them till the time the verdict is taken in respect of such persons, or during any other period prescribed under the respective international treaty of the Republic of Armenia.

If applicable and available, please provide information on recent court or other cases in which a person whose extradition was sought and who was present in your territory has been taken into custody and cases in which other appropriate measures were taken to ensure his or her presence at extradition proceedings (please describe those measures)

Please provide examples of implementation

180. Paragraph 11 of article 44

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic

law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite and summarize the applicable practice(s) or measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 479. Body Authorized to Take Decision on Extradition

1. If an international treaty of the Republic of Armenia prescribes the extradition of a crime perpetrator to a foreign state that is a party to such treaty, and if the treaty does not provide otherwise, then the following bodies shall have the power to authorize extradition of a person who is in the Republic of Armenia territory:

1) Upon motion by the prosecutor for the respective area, a court of the Republic of Armenia, which has jurisdiction over the area in which criminal prosecution of the person subject to extradition was instigated, provided that the case is in the pre-trial stage;

2) Upon motion by the Republic of Armenia Minister of Justice, a court of the Republic of Armenia, which is trying the criminal case instigated against the person subject to extradition;

3) Upon motion by the Republic of Armenia Minister of Justice, a court of the Republic of Armenia, which has jurisdiction over the area in which the person subject to extradition, who has been convicted to a conditional sentence by a final judgment of court, is registered, or a court of the Republic of Armenia, which has jurisdiction over the area in which is located the penitentiary institution where the person subject to extradition is serving a sentence under a final judgment of court.

2. If the international treaty provides that a Republic of Armenia citizen shall or may be extradited to a foreign state, then the extradition decision may be taken by the Republic of Armenia court that has administrative territorial jurisdiction over the area in which such person is registered.

In cases prescribed by this Part 2, the Republic of Armenia General Prosecutor shall file motion with the respective court on the extradition of the Republic of Armenia citizen in question, if the case against such person is at the pre-trial stage, and the Minister of Justice shall file motion, if the case against such person is at the judicial trial stage or if the person has been convicted to a conditional sentence or is serving any sentence under a final judgment of court, or if the inquiry concerning his extradition has been received from an international court.

3. To resolve the matter of extradition in cases prescribed under Parts 1 and 2 of this Article, the Republic of Armenia General Prosecutor or Minister of Justice, as the case may be, shall, within seven days of receiving the necessary extradition-related documents from the competent authorities of the foreign state or from the international organization in accordance with the established procedure, submit such documents to the competent court of the Republic of Armenia.

4. The person subject to extradition shall be given the possibility of expressing himself orally or in writing concerning the issue subject to review. To this end, the person may be present in court when the extradition issue is being reviewed.

The decision of the competent court regarding extradition under this Part may be appealed to the Cassation Court in accordance with the procedure defined in this Code. The Cassation Court shall review the appeal and take a decision within 10 days of receiving the decision of the court.

5. If an international treaty of the Republic of Armenia makes extradition contingent upon the provision of any guarantee to the Republic of Armenia by the foreign state that is a party to such treaty, then the adequacy or acceptability of such guarantee for the Republic of Armenia shall be determined by the Cassation Court of the Republic of Armenia upon presentation by the Republic of Armenia General Prosecutor in cases at the pre-trial stage or by the Republic of Armenia Minister of Justice in cases at the judicial or enforcement stage. The decision of the Republic of Armenia Cassation Court on adequacy or acceptability of the guarantee shall be received prior to the extradition of the person.

6. If the extradition of any person, including a Republic of Armenia citizen, to the foreign state or international court is refused, but there are sufficient grounds under this Code to instigate criminal prosecution against him regarding the act for which his extradition was requested by the foreign state or international court, then the body taking decision on refusal shall be obliged to instigate criminal prosecution of the person, and in cases provided under the respective international treaty of the Republic of Armenia, such body shall, in accordance with the procedure defined in such international treaty, borrow the respective criminal case from the court of the foreign state or from the international court, and admit the case instigated by the competent authorities of a foreign state into its jurisdiction and carry out criminal prosecution in accordance with the procedure defined in this Code.

Article 480. Extradition of a Crime Perpetrator to the Republic of Armenia by a Foreign State

1. In cases and in accordance with the procedure prescribed in the international treaties of the Republic of Armenia, persons who committed a crime in the Republic of Armenia and are in the territory of a foreign state may be extradited to the Republic of Armenia by such foreign states for the purpose of their criminal prosecution for crimes committed in the Republic of Armenia.

For the same purpose, and in cases and in accordance with the procedure prescribed in the international treaties of the Republic of Armenia, foreign states may extradite to the Republic of Armenia citizens of the Republic of Armenia that have committed a crime in the territory of such foreign states.

2. When carrying out criminal prosecution of the persons referred to in Part 1 of this Article in the territory of the Republic of Armenia, the rules of this Code shall apply, subject to exceptions provided in the respective international treaty.

3. If the foreign state refuses to extradite the requested person to the Republic of Armenia, then the court, prosecutor, investigator, or pre-trial investigation body shall, in cases and in accordance with the procedure prescribed in the respective international treaty, transfer the criminal case that is in their proceedings to the competent authorities of the respective foreign state for the purpose of performing criminal prosecution of such person.

4. If an international treaty of the Republic of Armenia makes extradition contingent upon the provision of any guarantee by the Republic of Armenia to the foreign state that is a party to such treaty, then such guarantee shall be given by the Cassation Court of the Republic of Armenia upon presentation by the Republic of Armenia General Prosecutor in cases at the pre-trial stage or by the Republic of Armenia Minister of Justice in cases at the judicial or enforcement stage.

The Criminal Code of the Republic of Armenia.

Article 16. Extradition of persons who committed a crime.

1. The citizens of the Republic of Armenia who committed a crime in another state are not extradited to that state.

2. In accordance with an international treaty of the Republic of Armenia, the foreign citizens and the stateless persons who committed a crime outside the territory of the Republic of Armenia and who find themselves in the Republic of Armenia, can be extradited to a foreign state, for criminal liability or to serve the punishment.

3. The persons specified in part 2 of this Article are not extradited to foreign states if there are serious reasons to believe that they can be subjected to torture there.

4. If the legislation of the country seeking extradition of persons who committed a crime envisages death penalty for the given crime, then the extradition of persons who committed a crime can be turned down, unless the party seeking extradition presents satisfying assurances to this country that the death penalty will not be executed.

5. In case of refusal to extradite the person who committed a crime, the prosecution for the crime committed in the territory of a foreign country is done in accordance with the legislation of the Republic of Armenia.

If available, please provide information on recent court or other cases submitted for prosecution by your authorities (statistics, types of cases, outcomes). Please provide per annum figures, as available

Please provide examples of implementation

181. Paragraph 12 of article 44

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

Is your country in compliance with this provision? (Check one answer.)

(N) No

According to the Article 30.1 of the Constitution of the Republic of Armenia the nationals of the republic of Armenia are not subject to extradition to other country, except the cases provided by the international treaties which Armenia has ratified.

The Republic of Armenia has not ratified any international treaty which provides to extradite its own nationals.

Please provide an account of your country's efforts to date to implement the provision under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

182. Paragraph 13 of article 44

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

A virdict of a foreign State concerning a citizen of the Republic of Armenia and not subject to extradition on that ground can be recognized and implemented in the Republic of Armenia according to the Articles of the Chapter 54³ of the RA Criminal Procedure Code of RA.

The grounds of recognition of foreign States' Court Virdicts in the Republic of Armenia, the types of virdicts (decisions) subject to recognition are established by the RA International Treaties signed with the foreign State or by Treaties which both the corresponding country and the RA are Parties to. There are no International Treaties that the RA is a Party to that establish the recognition and implementation of the foreign States' Courts heretofore.

According to the method stipulated in the Articles of the above mentioned Chapter of the RA Criminal Procedure Code the recognition of the foreign Sates' Virdicts is factually implemented only in cases stipulated by the International Treatates during transfer of sentenced persons.

Please provide examples of implementation

If applicable and available, please provide information on court or other recent cases in which such a sentence has been enforced

183. Paragraph 14 of article 44

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

The Criminal Procedure Code of the Republic of Armenia.

1. According to the Articles 478.1, 478.2, 478.3, 491, 492 of the Criminal Procedure Code the persons under arrest have the right to lodge objections, access freely the protocol of arrest, as well as the copy of the decision of temporary detention, a copy of the decision on choosing the preventive measure, have an attorney, waiver of attorney and protect their own interests in the court themselves, to meet with the lawyer unhindered, withdraw his or his attorney's appeal, protest against the decisions of the investigation body, prosecutor or the court.

2. Persons who do not speak the language of the criminal proceedings have the right to use the services of an interpreter, paid for by the state. Persons who do not speak the language are given the copies of the documents, mentioned above, in the language they speak.

3. The investigating authority, in writing, explains the rights of arrested persons and ensure their implementation.

4. The question of temporarily detained or arrested for extradition person's meeting with relatives or other persons is solved by the authority considering the petition for extradition.

Please provide examples of implementation, including related court or other cases

184. Paragraph 15 of article 44

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies), practice(s), or measure(s)

Please cite the text(s)

The Criminal Code of the Republic of Armenia.

Article 16. Extradition of persons who committed a crime.

1. The citizens of the Republic of Armenia who committed a crime in another state are not extradited to that state.

2. In accordance with an international treaty of the Republic of Armenia, the foreign citizens and the stateless persons who committed a crime outside the territory of the Republic of Armenia and who find themselves in the Republic of Armenia, can be extradited to a foreign state, for criminal liability or to serve the punishment.

3. The persons specified in part 2 of this Article are not extradited to foreign states if there are serious reasons to believe that they can be subjected to torture there.

4. If the legislation of the country seeking extradition of persons who committed a crime envisages death penalty for the given crime, then the extradition of persons who committed a crime can be turned down, unless the party seeking extradition presents satisfying assurances to this country that the death penalty will not be executed.

5. In case of refusal to extradite the person who committed a crime, the prosecution for the crime committed in the territory of a foreign country is done in accordance with the legislation of the Republic of Armenia.

If applicable and available, please provide information on recent court or other cases where extradition was refused on such grounds

Please provide examples of implementation

185. Paragraph 16 of article 44

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

The offences on fiscal matters are not provided by the legislation of the Republic of Armenia as a basis for refusing to extradite.

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

Armenia acceded to the European Convention on extradition (13.12.1957).

Second Additional Protocol to the European Convention on Extradition
Article 2

Article 5 of the Convention shall be replaced by the following provisions:

"Fiscal offences

For offences in connection with taxes, duties, customs and exchange extradition shall take place between the Contracting Parties in accordance with the provisions of the Convention if the offence, under the law of the requested Party, corresponds to an offence of the same nature.

Extradition may not be refused on the ground that the law of the requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, custom or exchange regulation of the same kind as the law of the requesting Party."

Please provide examples of implementation

Please provide information on recent cases in which extradition involving fiscal matters was not refused

186. Paragraph 17 of article 44

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code of the Republic of Armenia.

Article 490. Additional Information

1. If the extradition request does not contain all the necessary information, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body that received the request may demand additional information and, if necessary, define a term of up to one month for the provision of such information.
2. If the foreign state's competent authority that submitted the request fails to present the additional information in the period specified in Part 1 of this Article, then the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body that received the request must release the person subject to extradition, if he was detained in accordance with the detention order of the foreign state's competent authority sent in attachment to the request and with the decision of a competent court of the Republic of Armenia in accordance with the procedure defined in this Code.

Please provide examples of implementation

Please provide information on recent court or other cases and illustrations of relevant exchanges between your country and other States

187. Paragraph 18 of article 44

18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite any other bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been cited in previous answers related to this article

Please cite the text(s)

Armenia acceded to the European Convention on extradition (13.12.1957).
The Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.
The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007.
The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010.
The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

Please provide examples of implementation including related court or other cases

Armenia acceded to the European Convention on extradition (13.12.1957).
The Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.
The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007.
The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010.
The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

188. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

45. Transfer of sentenced persons

189. Article 45

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite applicable bilateral or multilateral agreement(s) or arrangement(s) related to the provision under review.

Please cite the text(s)

The Republic of Armenia is a party to bilateral and multilateral international agreements governing the transfer of prisoners.

Participation in multilateral treaties:

1. European Convention on the Transfer of Sentenced Persons of 21/3/1983.
2. Convention "On Civil, Family and Criminal Law Issues Legal Assistance and Legal Relationships" signed in Minsk at 22/1/1993 within the scope of CIS.
3. Convention "On Civil, Family and Criminal Law Issues Legal Assistance and Legal Relationships" signed in Kishinev at

07/10/2002 within the scope of CIS.

4. Convention on the transfer of convicted persons for further punishment signed in Moscow at 6/3/1998 within the scope of CIS.

Bilateral treaties of the Republic of Armenia in the sphere of transfer of sentenced persons are:

1. Treaty between the Republic of Armenia and Georgia on the transfer of sentenced persons, signed in Tbilisi 06/04/1996.
2. Treaty between the Republic of Armenia and Ukraine on the transfer of sentenced persons, signed in Kiev 1/3/2001.
3. Treaty between the Republic of Armenia and the Islamic Republic of Iran on the transfer of sentenced persons, signed in Tehran 12/11/2012.

Please provide examples of implementation including related court or other cases

190. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

46. Mutual legal assistance

191. Paragraph 1 of article 46

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

The Republic of Armenia acceded various international agreements on legal assistance in criminal cases, including European Convention on Mutual legal Assistance in criminal matters 20.04.1959, Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (signed on January 22, 1993 in Minsk. Besides, the Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.

The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007. The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010. The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

Please summarize applicable mutual legal assistance laws and arrangements, including existing bilateral or multilateral agreement(s).

Please provide the summary.

The Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.
The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007.

The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010.
The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

Please provide examples of implementation including related court or other cases

192. Paragraph 2 of article 46

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code of the Republic of Armenia defines two different legal regimes of legal assistance in criminal case 1. Giving legal assistance in criminal matters in accordance with international treaties (Chapter 54 of the Criminal Procedure Code), 2. Issuance of legal assistance in criminal matters in the absence of contracts Chapter 54.1 of the Criminal Procedure Code of the Republic of Armenia).

CHAPTER 54. LEGAL ASSISTANCE IN CRIMINAL CASES IN ACCORDANCE WITH INTERNATIONAL TREATIES

Article 474. Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.

2. When performing procedural actions prescribed under this Code in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority shall apply the rules of this Code, subject to the exceptions provided in the respective international treaties.

When performing procedural actions in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority may apply the criminal procedure legislation of the respective foreign state, if their application is provided under a valid international treaty to which both the Republic of Armenia and such foreign state are parties.

Inquiries of the competent authorities of foreign state shall be made in the time periods prescribed under this Code, unless the respective international treaty prescribes otherwise.

Article 475. Bodies Implementing Communication in Matters of Legal Assistance

1. Communication regarding the provision of legal assistance in criminal cases under international treaties of the Republic of Armenia shall be performed:

- 1) Through the Office of the Republic of Armenia General Prosecutor-in cases of inquiries regarding the performance of procedural actions at the pre-trial stage;
- 2) Through the Republic of Armenia Ministry of Justice-in cases of inquiries regarding the performance of

procedural actions at the trial stage.

If so prescribed under the international treaties of the Republic of Armenia, communication may be implemented also through diplomatic channels via the diplomatic and consular institutions of the Republic of Armenia in foreign states, which shall, upon receipt of the appropriate inquiries, immediately forward them to the competent authority referred to in this Part for execution.

2. If the inquiry for procedural actions is made by the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, then they shall prepare inquiries in accordance with the international treaties of the Republic of Armenia and submit them to the competent authority referred to in Part 1 of this Article to be forwarded to the competent authority of the foreign state for execution.

Once the inquiry of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body has been fulfilled by the competent authorities of the foreign state and presented to the competent authority referred to in Part 1 of this Article, the execution of the inquiry shall be immediately forwarded to the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that originally made the inquiry.

3. If the inquiry on the performance of procedural actions was made by the competent authorities of the foreign state and forwarded to the competent authority referred to in Part 1 of this Article in accordance with the international treaties of the Republic of Armenia, then such authority shall refer the inquiry for execution to the Republic of Armenia court, prosecutor, investigator, or pre-trial investigator body that, in accordance with this Code, has standing to execute the inquiry.

The court, prosecutor, investigator, and pre-trial investigation body shall, upon execution of the instruction, refer it to the competent body referred to in Part 1 of this Article, which shall forward the execution to the competent authority of the foreign state.

4. In cases prescribed by the international treaties of the Republic of Armenia, making, delivering, and forwarding the results of an inquiry on the performance of procedural actions may be made by means of direct communication between the respective competent authority of the foreign state and the respective court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia.

If the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body does not have the legal capacity to execute the inquiry received from the competent authority of the foreign state by means of direct communication, it shall immediately forward the inquiry to the respective competent court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia and notify the respective competent authority of the foreign state about it.

The Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, which has legal capacity and has received the forwarded inquiry, shall execute the inquiry and submit the execution results to the competent authority of the foreign state in accordance with the procedure defined in this Part, at the same time providing notice to the respective body of the Republic of Armenia, as prescribed under Part 1 of this Article, about the inquiry and its execution.

In cases prescribed in this Part, the respective court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia shall notify the respective competent authority mentioned in Part 1 of this Article of the receipt and execution of each inquiry mutually performed on the basis of direct communication, and provide a brief report on the name of the body making the inquiry (name and position of official), the content of the inquiry, the executing body or official, description of the execution, and the dates of receiving and executing the inquiry.

5. If the execution of an inquiry received from a competent authority of the foreign state in accordance with the international treaties of the Republic of Armenia is impossible or is not in line with the given international treaty, then the respective authority of the foreign state shall, in accordance with this Article, notify that the execution is impossible and explain the reasons.

CHAPTER 54¹.

LEGAL ASSISTANCE IN CRIMINAL MATTERS IN THE ABSENCE OF INTERNATIONAL TREATIES

Article 482. Conditions of Legal Assistance Provision in the Absence of International Treaties

1. If there are no international treaties between a foreign state and the Republic of Armenia on the provision of legal assistance in the performance of procedural actions in criminal cases, then mutual legal assistance between the competent authorities and officials of such foreign state (hereinafter, "competent authorities") and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body may be provided in exceptional cases in accordance with agreement on the provision of mutual legal assistance between such foreign state and the Republic of Armenia, reached via diplomatic channels, which shall be agreed upon in advance:

1) With the Republic of Armenia Ministry of Justice-in respect of procedural actions in criminal cases pending before court and of the execution of the judgment; or

2) With the General Prosecutor's Office of the Republic of Armenia-in respect of procedural actions in criminal cases at the pre-trial stage.

2. The provision of mutual legal assistance and the communication between the competent authorities of the foreign state and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the procedure laid down in Part 1 of this Article shall continue until an international treaty/-ies is/are concluded regarding the appropriate matter, or until both the Republic of Armenia and the respective foreign state join an effective multilateral treaty on the provision of mutual legal assistance in criminal case, unless the Republic of Armenia or the respective foreign state have already terminated their agreement on mutual legal assistance unilaterally or bilaterally via diplomatic channels.

3. During the provision of mutual legal assistance in accordance with the procedure laid down in Part 1 of this Article, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body shall communicate with other authorities of such foreign state through either the Republic of Armenia Ministry of Justice or the Office of the General Prosecutor-as determined in accordance with the rules of Article 475 hereof.

4. The Republic of Armenia Ministry of Justice shall, through the Republic of Armenia Ministry of Foreign Affairs, provide to the central competent authority of such foreign state the text of this Chapter translated into a language that is acceptable for such state, which the latter can use throughout the provision of mutual legal assistance and shall receive the appropriate law of such state in turn.

Article 483. Contents of Request for Mutual Legal Assistance

1. An instruction, inquiry, or request (hereinafter, "request") sent to the competent authority of a foreign state concerning the performance of certain procedural actions on the basis of reciprocity shall be prepared in writing,

signed by the official sending it, and endorsed by a seal of the Republic of Armenia court, prosecution office, or pre-trial investigation body.

2. The request for legal assistance in the performance of procedural actions shall contain:

- 1) The name of the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body sending such request;
- 2) The name of the foreign state's body to which the request is addressed;
- 3) The name of the case and the nature of the request;
- 4) Information on the persons regarding whom the request is sent, including their names, patronymics, and surnames, birth year, month, day, place (address), citizenship, occupation, place of residence (whereabouts), and for legal entities-the name and location (address);
- 5) A description of circumstances that need to be revealed and a list of documents and evidence anticipated from the authority that fulfills the request; and
- 6) Information on the factual circumstances of the crime, its qualification, nature and scale of damage, if any, and other information available to the one sending the request, which may facilitate efficient fulfillment of the request.

Article 484. Fulfillment of Request for Procedural Actions

1. A request submitted by a foreign state's competent authority for the provision of mutual legal assistance in criminal cases shall be fulfilled by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be fulfilled, then the documents shall be returned to the foreign state's competent authority that sent the request, together with a description of the obstacles to its fulfillment.

A request shall not be fulfilled and shall be returned, if its fulfillment may disturb the independence, constitutional order, sovereignty, or national security of, or contradict the legislation of the Republic of Armenia.

Please provide examples of implementation and related court or other cases, whether you were a requesting or a requested State

193. Subparagraphs 3 (a) to 3 (i) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- (a) Taking evidence or statements from persons;
- (b) Effecting service of judicial documents;
- (c) Executing searches and seizures, and freezing;
- (d) Examining objects and sites;
- (e) Providing information, evidentiary items and expert evaluations;
- (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- (h) Facilitating the voluntary appearance of persons in the requesting State Party;
- (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;

Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

CHAPTER 54. LEGAL ASSISTANCE IN CRIMINAL CASES IN ACCORDANCE WITH INTERNATIONAL TREATIES

Article 474. *Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations*

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.

2. When performing procedural actions prescribed under this Code in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority shall apply the rules of this Code, subject to the exceptions provided in the respective international treaties.

Article 475. Bodies Implementing Communication in Matters of Legal Assistance

1. Communication regarding the provision of legal assistance in criminal cases under international treaties of the Republic of Armenia shall be performed:

1) Through the Office of the Republic of Armenia General Prosecutor-in cases of inquiries regarding the performance of procedural actions at the pre-trial stage;

2) Through the Republic of Armenia Ministry of Justice-in cases of inquiries regarding the performance of procedural actions at the trial stage.

If so prescribed under the international treaties of the Republic of Armenia, communication may be implemented also through diplomatic channels via the diplomatic and consular institutions of the Republic of Armenia in foreign states, which shall, upon receipt of the appropriate inquiries, immediately forward them to the competent authority referred to in this Part for execution.

2. If the inquiry for procedural actions is made by the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, then they shall prepare inquiries in accordance with the international treaties of the Republic of Armenia and submit them to the competent authority referred to in Part 1 of this Article to be forwarded to the competent authority of the foreign state for execution.

Once the inquiry of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body has been fulfilled by the competent authorities of the foreign state and presented to the competent authority referred to in Part 1 of this Article, the execution of the inquiry shall be immediately forwarded to the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that originally made the inquiry.

3. If the inquiry on the performance of procedural actions was made by the competent authorities of the foreign state and forwarded to the competent authority referred to in Part 1 of this Article in accordance with the international treaties of the Republic of Armenia, then such authority shall refer the inquiry for execution to the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body that, in accordance with this Code, has standing to execute the inquiry.

The court, prosecutor, investigator, and pre-trial investigation body shall, upon execution of the instruction, refer it to the competent body referred to in Part 1 of this Article, which shall forward the execution to the competent authority of the foreign state.

4. In cases prescribed by the international treaties of the Republic of Armenia, making, delivering, and forwarding the results of an inquiry on the performance of procedural actions may be made by means of direct communication between the respective competent authority of the foreign state and the respective court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia.

If the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body does not have the legal capacity to execute the inquiry received from the competent authority of the foreign state by means of direct communication, it shall immediately forward the inquiry to the respective competent court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia and notify the respective competent authority of the foreign state about it.

The Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, which has legal capacity and has received the forwarded inquiry, shall execute the inquiry and submit the execution results to the competent authority of the foreign state in accordance with the procedure defined in this Part, at the same time providing notice to the respective body of the Republic of Armenia, as prescribed under Part 1 of this Article, about the inquiry and its execution.

In cases prescribed in this Part, the respective court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia shall notify the respective competent authority mentioned in Part 1 of this Article of the receipt and execution of each inquiry mutually performed on the basis of direct communication, and provide a brief report on the name of the body making the inquiry (name and position of official), the content of the inquiry, the executing body or official, description of the execution, and the dates of receiving and executing the inquiry.

5. If the execution of an inquiry received from a competent authority of the foreign state in accordance with the international treaties of the Republic of Armenia is impossible or is not in line with the given international treaty, then the respective authority of the foreign state shall, in accordance with this Article, notify that the execution is impossible and explain the reasons.

Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.

194. Subparagraphs 3 (j) and 3 (k) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

...

(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;

(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.

Can your country afford the forms of mutual legal assistance listed in the provision above? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

According to instructions or requests of the RA Courts, Prosecutors, Investigators or Investigation bodies (from now on inquiries) the performance of interrogations, examinations, seizures, searches, expertises and other judicial actions provided by the current Code, as well as the the performance of judicial actions in the territory of the Republic of Armenia with the inquiry of the competent bodies of foreign States are enacted according to the RA International Treaties in a manner established by those Treaties and RA Criminal Procedure Code.

During judicial performances with the inquiry of competent bodies of the foreign States in the territory of the Republic of Armenia the RA Courts, Prosecutors, Investigators and Investigation bodies apply the norms established by the Code with the exceptions established by the corresponding International Treaties.

During performance of judicial actions according to the inquiry of the competent bodies of the foreign State the RA Court, Prosecutor, Investigator and Investigation body can implement the norms of the Criminal Procedure Code of the corresponding foreign State, if the implementation of those is provided by the International Treaty ratified by both the Republic of Armenia and the corresponding foreign State (Article 474 of the Criminal Procedure Code).

Please provide examples of implementation of these measures, including court or other cases in which you have made or received a request for forms of mutual legal assistance listed in the provision under review.

195. Paragraph 4 of article 46

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party to this Convention.

Is it possible for your country to transmit information as described above?

(Y) Yes

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

According to the Article 475 of the Criminal Procedure Code of RA, the inquiry of judicial actios in cases provided by the RA International Treaties, the delivery of the inquiry and the transfer of execution results can be implemented through the communication of the foreign state competent body and RA corresponding Court, Prosecutor, Investigator and Investigation bodies.

In fact, if the inquiry through direct communication recieved from the competent body of the foreign State is not included in the competency of the RA Court, Prosecutor, Investigator or Investigation bodies that has recieved the inquiry, then the inquiry is immediately redirected to the competent RA Court, Prosecutor, Investigator or Investigation body, and a notice is sent to the foreign State's corresponding competent body that addressed the inquiry.

The competent Court, Prosecutor, Investigator or the Investigation body that recieved the inquiry through redirecting runs the inquiry and transfers it to the competent body of the foreign State in a manner established by the current part of the Article, stimulanilously sending a notice to the RA corresponding body about the inquiry and its execution according to the part 1 of the current Article.

In cases established by the current part, the corresponding RA Court, Prosecutor, Investigator and Investigation body sends a notice to the competent body noted in the first part of the current Article about each inquiry mutually completed through direct communication, its acquirance and execution, laconicly noting the name of the inquiring body (the name and the position of the official), the content of the inquiry, the executing body or official, content of the execution, the time of the issuance and execution of the inquiry.

If the execution of the inquiry received by the competent body of the foreign State is impossible or is not posed by the corresponding International Treaty, then the corresponding body of the foreign State, in a manner established by the current Article, sends a notice about the impossibility of execution of the inquiry and its reasons.

Please provide examples of implementation and related mutual legal assistance and other cases.

196. Paragraph 5 of article 46

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restriction on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a

case, the receiving State Party shall notify the transmitting State Party prior to disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

According to the Article 172 of the RA Criminal Procedure Code, measures prescribed by law shall be taken during a criminal proceeding to secure the confidentiality of the information which constitutes an official, commercial or any other secret protected by law.

While carrying out court proceedings, no information which constitutes an official, commercial or any other secret protected by law shall be gathered, preserved, used or disseminated without necessity. Upon the order of the court as well as of the inquiry body, investigator, prosecutor, the participants of the investigation and other court proceedings shall not disclose any of the mentioned information, for which they sign a document.

According to the Article 474, with the inquiry of the foreign State's competent body during interrogation, examination, seizure, search, expertise and other judicial actions the RA Court, Prosecutor, Investigator, Investigation body implement the norms of the RA Criminal Code, with the exceptions established by the corresponding International Treaties.

Please provide examples of implementation and related mutual legal assistance and other cases.

197. Paragraph 8 of article 46

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code of Armenia.

Article 474. Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations.

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the

international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.

Article 484. Fulfillment of Request for Procedural Actions

1. A request submitted by a foreign state's competent authority for the provision of mutual legal assistance in criminal cases shall be fulfilled by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be fulfilled, then the documents shall be returned to the foreign state's competent authority that sent the request, together with a description of the obstacles to its fulfillment.

A request shall not be fulfilled and shall be returned, if its fulfillment may disturb the independence, constitutional order, sovereignty, or national security of, or contradict the legislation of the Republic of Armenia.

The Criminal Code of Armenia.

Article 47 part 2

5. According to the international treaties of the Republic of Armenia, if it is impossible to fulfill the request of the competent authority of the foreign country or it runs counter to the international treaty, the competent authority of the foreign country is being informed according to the same article about the reasons why it is impossible to answer the request.

Please provide examples of implementation, including recent cases in which bank secrecy rules or issues did not impede effective mutual legal assistance

198. Subparagraph 9 (a) of article 46

9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies), practice(s), or other measure(s)

Please cite the text(s)

Republic of Armenia does not make the absence of dual criminality conditional in case of conduction of mutual legal assistance in accordance with the international treaty. Dual criminality is conditional and key aspect only in implementation of treaties on extradition and transfer of sentenced persons.

Please provide examples of implementation and related mutual legal assistance and other recent cases

199. Subparagraph 9 (b) of article 46

(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;

Is your country in compliance with this provision? (Check one answer.)

(N) No

Republic of Armenia does not make the absence of dual criminality conditional in case of conduction of mutual legal assistance in accordance with the international treaty. Dual criminality is conditional and key aspect only in implementation of treaties on extradition and transfer of sentenced persons.

Please provide an account of your country's efforts to date to implement the provision under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

200. Subparagraph 9 (c) of article 46

(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies), practice(s), or other measure(s)

Please cite the text(s)

According to the Article 6 of the Constitution of the Republic of Armenia international treaties are an integral part of the legal system of Armenia. If an international treaty stipulates norms other than those stipulated in the contract, the provisions of these rules are being applied. It follows that the rules applicable to the international treaties ratified by Armenia in Armenia are applicable.

Please provide examples of implementation, including related court or other cases

201. Paragraph 10 of article 46

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

In accordance with the Article 481 at a criminal case in the territory of the Republic of Armenia persons acting as a witness, victim, civil defendant, civil claimant, their representatives, experts or specialists, who are outside the territory of the Republic of Armenia, can be invited to the Republic of Armenia in a manner established by RA International Treaty, to perform investigative or judicial actions with their participation along with the court, prosecutor, investigation bodies conducting the criminal proceedings of the corresponding case.

During judicial actions with the participation of those persons the rules of the Criminal Procedure Code apply, with the exceptions established by the corresponding International Treaties.

In case when the sentenced person is acting as a witness, victim, so he/she can be invited to the Republic of Armenia in a manner established by RA International Treaty, to perform investigative or judicial actions as well.

Please provide examples of implementation, including related court or other cases

202. Paragraph 11 of article 46

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The abovementioned procedure may be implemented only in case if it is stipulated by the international treaty acting between the Republic of Armenia and other foreign country.

Please provide examples of implementation, including related court or other cases

203. Paragraph 12 of article 46

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or measure(s):

Please cite the text(s)

Considering the fact that the legal arrangements regarding the transfer of sentenced persons are not established by RA legal acts, the transfer of sentenced persons is arranged through measures and conditions determined by International Treaties.

Please provide examples of implementation, including related court or other cases

204. Paragraph 13 of article 46

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

Has your country established a central authority(ies) as described above? (Check one answer)

(Y) Yes

Please cite the applicable arrangement(s) or measure(s)

Please cite the text(s)

The Criminal Procedure Code of Armenia.

Article 475. Bodies Implementing Communication in Matters of Legal Assistance

1. Communication regarding the provision of legal assistance in criminal cases under international treaties of the Republic of Armenia shall be performed:

- 1) Through the Office of the Republic of Armenia General Prosecutor-in cases of inquiries regarding the performance of procedural actions at the pre-trial stage;
- 2) Through the Republic of Armenia Ministry of Justice-in cases of inquiries regarding the performance of procedural actions at the trial stage.

If so prescribed under the international treaties of the Republic of Armenia, communication may be implemented also through diplomatic channels via the diplomatic and consular institutions of the Republic of Armenia in foreign states, which shall, upon receipt of the appropriate inquiries, immediately forward them to the competent authority referred to in this Part for execution.

2. If the inquiry for procedural actions is made by the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, then they shall prepare inquiries in accordance with the international treaties of the Republic of Armenia and submit them to the competent authority referred to in Part 1 of this Article to be forwarded to the competent authority of the foreign state for execution.

Once the inquiry of the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body has been fulfilled by the competent authorities of the foreign state and presented to the competent authority referred to in Part 1 of this Article, the execution of the inquiry shall be immediately forwarded to the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body that originally made the inquiry.

3. If the inquiry on the performance of procedural actions was made by the competent authorities of the foreign state and forwarded to the competent authority referred to in Part 1 of this Article in accordance with the international treaties of the Republic of Armenia, then such authority shall refer the inquiry for execution to the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body that, in accordance with this Code, has standing to execute the inquiry.

The court, prosecutor, investigator, and pre-trial investigation body shall, upon execution of the instruction, refer it to the competent body referred to in Part 1 of this Article, which shall forward the execution to the competent authority of the foreign state.

4. In cases prescribed by the international treaties of the Republic of Armenia, making, delivering, and forwarding the results of an inquiry on the performance of procedural actions may be made by means of direct communication between the respective competent authority of the foreign state and the respective court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia.

If the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body does not have the legal capacity to execute the inquiry received from the competent authority of the foreign state by means of direct communication, it shall immediately forward the inquiry to the respective competent court, prosecutor, investigator, or pre-trial investigation body of the Republic of Armenia and notify the respective competent authority of the foreign state about it.

The Republic of Armenia court, prosecutor, investigator, and pre-trial investigation body, which has legal capacity and has received the forwarded inquiry, shall execute the inquiry and submit the execution results to the competent authority of the foreign state in accordance with the procedure defined in this Part, at the same time providing notice to the respective body of the Republic of Armenia, as prescribed under Part 1 of this Article, about the inquiry and its execution.

In cases prescribed in this Part, the respective court, prosecutor, investigator, and pre-trial investigation body of the Republic of Armenia shall notify the respective competent authority mentioned in Part 1 of this Article of the receipt and execution of each inquiry mutually performed on the basis of direct communication, and provide a brief report on the name of the body making the inquiry (name and position of official), the content of the inquiry, the executing body or official, description of the execution, and the dates of receiving and executing the inquiry.

5. If the execution of an inquiry received from a competent authority of the foreign state in accordance with the international treaties of the Republic of Armenia is impossible or is not in line with the given international treaty, then the respective authority of the foreign state shall, in accordance with this Article, notify that the execution is impossible and explain the reasons.

Please provide examples of implementation

If applicable and available, please provide recent court or other cases

205. Paragraph 14 of article 46

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

Is your country in compliance with this provision with regard to the communication of requests for mutual legal assistance? (Check one answer)

(P) Yes, in part

Please cite the applicable measure(s) and language(s)

Please cite the text(s)

Requests shall be made in writing in a language acceptable to the requested State Party. But, unfortunately, Armenia has not notified the Secretary-General of the United Nations on language acceptable to Armenia.

Please provide examples of implementation including related court or other cases

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)

(N) No

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria (uncac.cop@unodc.org).

206. Paragraphs 15 and 16 of article 46

15. A request for mutual legal assistance shall contain:

- (a) The identity of the authority making the request;
- (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
- (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;
- (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
- (e) Where possible, the identity, location and nationality of any person concerned; and
- (f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s) and types of additional information you may need

Please cite the text(s)

The Criminal Procedure Code.

Article 483. Contents of Request for Mutual Legal Assistance

1. An instruction, inquiry, or request (hereinafter, "request") sent to the competent authority of a foreign state concerning the performance of certain procedural actions on the basis of reciprocity shall be prepared in writing, signed by the official sending it, and endorsed by a seal of the Republic of Armenia court, prosecution office, or pre-trial investigation body.
2. The request for legal assistance in the performance of procedural actions shall contain:
 - 1) The name of the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body sending such request;
 - 2) The name of the foreign state's body to which the request is addressed;
 - 3) The name of the case and the nature of the request;
 - 4) Information on the persons regarding whom the request is sent, including their names, patronymics, and surnames, birth year, month, day, place (address), citizenship, occupation, place of residence (whereabouts), and for legal entities-the name and location (address);
 - 5) A description of circumstances that need to be revealed and a list of documents and evidence anticipated from the authority that fulfills the request; and
 - 6) Information on the factual circumstances of the crime, its qualification, nature and scale of damage, if any, and other information available to the one sending the request, which may facilitate efficient fulfillment of the request.

Please provide examples of implementation and related cases

207. Paragraph 17 of article 46

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 474. Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.
 2. When performing procedural actions prescribed under this Code in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority shall apply the rules of this Code, subject to the exceptions provided in the respective international treaties.
- When performing procedural actions in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority may apply the criminal procedure legislation of the respective foreign state, if their application is

provided under a valid international treaty to which both the Republic of Armenia and such foreign state are parties.
Inquiries of the competent authorities of foreign state shall be made in the time periods prescribed under this Code, unless the respective international treaty prescribes otherwise.

Please provide examples of implementation

Please provide information on requests executed in ways specified in the request other than those envisaged in your domestic law

208. Paragraph 18 of article 46

18. Whenever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

Does your country permit hearings of individuals mentioned above to take place by video conference as described above? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

In the Republic of Armenia is widely used the performance of legal assistance on petitions of the motions presented by the representatives of the foreign state's law enforcement agencies. During the execution of petitions is also used videocall.

Please provide examples of implementation, including related court or other cases

209. Paragraph 19 of article 46

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

Is your country in compliance with this provision? (Check one answer.)

(N) No

The legislation of the Republic of Armenia does not provide for such a provision.

Please provide an account of your country's efforts to date to implement the provision under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

210. Paragraph 20 of article 46

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code

Article 474. Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.

Please provide examples of implementation and cases in which it was not possible to comply with the requirement of confidentiality

211. Paragraph 21 of article 46

21. Mutual legal assistance may be refused:

- (a) If the request is not made in conformity with the provisions of this article;
- (b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, order public or other essential interests;
- (c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;
- (d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

Does your country's legal system recognize any ground for refusal? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code

Article 484. Fulfillment of Request for Procedural Actions

1. A request submitted by a foreign state's competent authority for the provision of mutual legal assistance in criminal cases shall be fulfilled by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be fulfilled, then the documents shall be returned to the foreign state's competent authority that sent the request, together with a description of the obstacles to its fulfillment.

A request shall not be fulfilled and shall be returned, if its fulfillment may disturb the independence, constitutional order, sovereignty, or national security of, or contradict the legislation of the Republic of Armenia.

If applicable and available, please provide information on court or other cases in which you refused mutual legal assistance

If applicable and available, please provide information on other cases in which you were refused mutual legal assistance

212. Paragraph 22 of article 46

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 484. Fulfillment of Request for Procedural Actions

1. A request submitted by a foreign state's competent authority for the provision of mutual legal assistance in criminal cases shall be fulfilled by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be fulfilled, then the documents shall be returned to the foreign state's competent authority that sent the request, together with a description of the obstacles to its fulfillment.

A request shall not be fulfilled and shall be returned, if its fulfillment may disturb the independence, constitutional order, sovereignty, or national security of, or contradict the legislation of the Republic of Armenia.

Please provide examples of implementation

213. Paragraph 23 of article 46

23. Reasons shall be given for any refusal of mutual legal assistance.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 484. Fulfillment of Request for Procedural Actions

1. A request submitted by a foreign state's competent authority for the provision of mutual legal assistance in criminal cases shall be fulfilled by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the general rules of this Code (Chapters 1-53).

2. If the request cannot be fulfilled, then the documents shall be returned to the foreign state's competent

authority that sent the request, together with a description of the obstacles to its fulfillment.

A request shall not be fulfilled and shall be returned, if its fulfillment may disturb the independence, constitutional order, sovereignty, or national security of, or contradict the legislation of the Republic of Armenia.

Please provide examples of implementation, including related court or other cases

214. Paragraph 24 of article 46

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

Article 474. *Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations*

1. Interrogation, search, seizure, examination, expert examination, and other procedural actions prescribed under this Code shall be performed in a foreign state at the instruction or request (hereinafter, "inquiry") of Republic of Armenia courts, prosecutors, investigators, and pre-trial investigation authorities, and the procedural actions prescribed under this Code shall be performed in the Republic of Armenia upon inquiry by competent authorities and officials (hereinafter, "competent authorities") of a foreign state in accordance with the international treaties of the Republic of Armenia and in conformity with the procedure laid down in such treaties and this Code.

2. When performing procedural actions prescribed under this Code in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority shall apply the rules of this Code, subject to the exceptions provided in the respective international treaties.

When performing procedural actions in the territory of the Republic of Armenia upon inquiry by competent authorities of a foreign state, the Republic of Armenia court, prosecutor, investigator, and pre-trial investigation authority may apply the criminal procedure legislation of the respective foreign state, if their application is provided under a valid international treaty to which both the Republic of Armenia and such foreign state are parties.

Inquiries of the competent authorities of foreign state shall be made in the time periods prescribed under this

Code, unless the respective international treaty prescribes otherwise.

Please provide information on the customary length of time between receiving requests for mutual legal assistance and responding to them

There is no stipulated time-limit for the implementation of the requests for mutual legal assistance prescribed by the law. The customary length depends on the concrete judicial activity. In any case if the criminal case is in the stage of pre-trial proceedings mutual legal assistance may be provided from one month up to one year, in case of trial proceedings mutual legal assistance may be provided approximately from one month up to 6 months.

Please provide examples of implementation and related cases

215. Paragraph 25 of article 46

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

216. Paragraph 26 of article 46

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

Is your country in compliance with this provision? (Check one answer.)

(N) No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the implementation of the provision under review

Please provide an account of your country's efforts to date to implement the provision under review.

217. Paragraph 27 of article 46

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for

a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Procedure Code.

Article 499. Scope of Criminal Prosecution of Extradited Person

1. If a person has been extradited and placed under the jurisdiction of the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation authority in accordance with the procedure laid down in this Chapter for the purpose of initiating or continuing criminal prosecution against him, or executing his sentence, then the person may not, without the consent of the foreign state's competent authority that authorized his extradition, be subjected to criminal prosecution and a sentence for a crime committed prior to his extradition for which he was not extradited.

2. A person may not be extradited to a third state without the consent of the competent authority of the foreign state that authorized the extradition.

3. The consent of the competent authority of the foreign state that authorized extradition shall not be required, if the extradited person, who is a foreign citizen or a stateless person, does not leave the Republic of Armenia territory upon completion of the respective procedural actions against him in the Republic of Armenia territory, or-if he was convicted-then within 30 days of completing his sentence or being conditionally released from the sentence, or, if he returns to the Republic of Armenia voluntarily after having left it. The period mentioned above shall not include the time during which the extradited person could not have left the Republic of Armenia territory due to reasons that did not depend on him.

Article 499s. Appearance in the Republic of Armenia

1. On the basis of mutual legal assistance arrangements, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body may summon to the Republic of Armenia witnesses, victims, civil respondents, civil claimants, their representatives, experts, and specialists in a criminal case conducted by the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body, which are known to be outside of the Republic of Armenia in the territory of the foreign state the competent authorities of which are receiving the respective request.

2. If other persons voluntarily and by consent appear to the Republic of Armenia, then the court, prosecutor, investigator, or pre-trial investigation authority carrying out criminal prosecution in the respective criminal case shall perform procedural actions with their participation in accordance with the procedure defined in this Code, subject to the following reservations: if the person who appeared is a citizen of a foreign state or a stateless person residing in a foreign state, then the procedural actions of apprehension, monetary fine, or criminal punishment for refusing to testify or avoiding testimony or giving obviously false testimony or an obviously false opinion may not be applied in respect of such person.

3. Other persons may be summoned and appear to the Republic of Armenia by expression of their free will, despite the lack of arrangements between their state and the Republic of Armenia on mutual legal assistance. Other persons appearing to the Republic of Armenia under this Part shall be subject to the rules of Part 2 of this Article."

Please provide examples of implementation, including related court or other cases

218. Paragraph 28 of article 46

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be

required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable policy(ies) or other measure(s)

Please cite the text(s)

The Republic of Armenia acceded various international agreements on legal assistance in criminal cases, including European Convention on Mutual legal Assistance in criminal matters 20.04.1959, Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (signed on January 22, 1993 in Minsk. Besides, the Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006.

The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007. The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010. The Republic of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

Please provide examples of arrangements related to such costs.

Examples of arrangements related to such costs can be provided during the on-site visits.

219. Subparagraph 29 (a) of article 46

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

In the scope of legal assistance Armenia can provide any legal acts and Governmental records if they are not protected as a state or trade or official secret.

Please provide examples of implementation

If available, please provide information on how such records, documents or information can be obtained and how they were provided to the requesting State Party

220. Subparagraph 29 (b) of article 46

29. The requested State Party:

...

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

Is your country in compliance with this provision? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

If it is stipulated by the international treaty between the Republic of Armenia and the requesting State Party.

Please provide examples of cases where such information was provided.

221. Paragraph 30 of article 46

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

The Republic of Armenia acceded various international agreements on legal assistance in criminal cases, including European Convention on Mutual legal Assistance in criminal matters 20.04.1959, Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (signed on January 22, 1993 in Minsk. Besides, the Republic of Armenia has signed bilateral extradition treaty with Georgia in 05.07.2006. The Republic of Armenia has signed bilateral extradition treaty with the Islamic Republic of Iran in 15.04.2007. The Republic of Armenia has signed bilateral extradition treaty with Egypt in 23.03.2010. The Republic

of Armenia has signed bilateral extradition treaty with Syria in 20.04.2002.

Please provide examples of implementation including related court or other cases

The Prosecutor General's Office of the Republic of Armenia has signed a cooperation memorandum between the prosecution offices indicated below:

Lithuania, Alma-Ata	08.10.1992.
China, Beijing	09.09.1999.
Slovakia. Yerevan, Armenia	10.1999.
Georgia, Tbilisi	21.07.2005
Latvia. Yerevan, Armenia	08.08.2005
Belarus, Minsk	10.2005
Russia. Yerevan, Armenia	22.09.2006
Kazakhstan, Astana	06.11.2006
Hungary. Yerevan, Armenia	06.07.2007
Ukraine, Kiev.	13.11.2008
Czech Republic. Yerevan, Armenia	18.05.2009
Romania, Bucharest	13.09.2010
Moldova, Kishinev	29.01.2012

222. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

47. Transfer of criminal proceedings

223. Article 47

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

The Criminal Code of the Republic of Armenia.

Article 16. Extradition of persons who committed a crime.

1. The citizens of the Republic of Armenia who committed a crime in another state are not extradited to that state.
2. In accordance with an international treaty of the Republic of Armenia, the foreign citizens and the stateless persons who committed a crime outside the territory of the Republic of Armenia and who find themselves in the Republic of Armenia, can be extradited to a foreign state, for criminal liability or to serve the punishment.
3. The persons specified in part 2 of this Article are not extradited to foreign states if there are serious reasons to believe that they can be subjected to torture there.
4. If the legislation of the country seeking extradition of persons who committed a crime envisages death penalty for the given crime, then the extradition of persons who committed a crime can be turned down, unless the party seeking extradition presents satisfying assurances to this country that the death penalty will not be executed.
5. In case of refusal to extradite the person who committed a crime, the prosecution for the crime committed in the territory of a foreign country is done in accordance with the legislation of the Republic of Armenia.

Article 498. Compulsory Criminal Prosecution

1. The Republic of Armenia prosecutor or court shall, upon request submitted by the competent authority of a foreign state in accordance with the procedure laid down in this Chapter, and in accordance with this Code, perform criminal prosecution of Republic of Armenia citizens, foreign citizens, and stateless persons whose extradition was refused and who are suspected of having committed a crime in the territory of the foreign state requesting extradition.
2. If the crime for which a criminal case was instigated raises civil claims of persons who suffered damage from such crime, then their respective claims, if they have so motioned, shall be reviewed in the frameworks of the proceedings in the same case in accordance with this Code.

Please provide examples of implementation

If available, please provide information on recent court or other cases in which proceedings for the prosecution of an offence of corruption have been transferred to and from you

224. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

48. Law enforcement cooperation

225. Subparagraph 1 (a) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Prosecutor General's Office with the National Security Agency and Cyber Crime Control Department started to determine the mechanisms of cooperation between the republic of Armenia and other Countries and other international specialized bodies in ensuring mutual legal assistance and cooperation in 2007. In the process of permanent cooperation and target work of the Special investigation department of National Security Agency has examined growth of cases of money laundering offense characteristics.

Prosecutor General's Office of the Republic of Armenia National Security Agencies and Department of Cyber Crime established close business relations with the Financial Monitoring Center of the Central bank of Armenia which has resulted the reachment of special agreements such as the rapid response to suspicious transactions, operative exchange of information in order to achieve the desired result.

Currently the department has assumed the coordination of the work between law enforcement agencies involved in the fight against money laundering and terrorism financing , such as National Security Agency , Police , State Revenue Committee and Financial Monitoring Center.

During the preparation of the materials and investigation Financial Monitoring Center and National Security Agency cooperate with the Police and with tax and customs authorities, and other authorities, in connection with these agreements were signed between them in 2008.

Please cite the applicable measure(s)

Please cite the text(s)

Bilateral and multilateral relations were established between Republic of Armenia with other countries concerning combating of the crime including the corruption. The main documents related this area which has signed Armenia are:

1. Agreement On legal assistance in criminal matters: April 20, 2002, Abu Dhabi;
2. Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on Legal Assistance in Criminal Matters: 10 April, 1995;
3. Agreement between the Republic of Armenia and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters: 08 July, 2005;
4. Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on Extradition: 10 April, 1995;
5. Agreement On legal assistance in criminal matters between the Government of the Republic of Armenia and the Government of the Georgia: 12 May, 1993;
6. European Convention on Mutual Assistance in Criminal Matters: 4 March, 2009;
7. Agreement between the Government of the Republic of Armenia and the Government of the Italian Republic on Police Cooperation: 23 April , 2010;
8. Agreement On legal assistance in criminal matters between the Government of the Republic of Armenia and the Government of the Republic of Poand: 06 September, 2004;
9. Agreement between the Government of the Republic of Armenia and the Government of the Republic of Cyprus on co-operation in combating organized and other forms of crime: 27.02.2008, etc.

In the scope of mentioned agreements are involved provisions concerning with corruption.

for instance In the Article 1 of Agreement between the Government of the Republic of Armenia and the Government of the Republic of Cyprus on co-operation in combating organized and other forms of crime (27.02.2008), it is written that the Contracting Parties shall co-operate in combat, disclosure, suppression, prevention and prosecution of organized crime and other forms of crime including money laundering and corruption.

Armenia is also combating corruption through its membership of international organizations engaged in anti-corruption efforts; through the consequent implementation of the recommendations made and safeguards established by international professional organizations and agencies; and through its ratification of international conventions and fulfilment of the requirements stipulated in those instruments.

The national police are engaged in close cooperation with a number of international agencies, including the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and the International Monetary Fund with a view to adopting international best practices.

Armenian authorities are also collaborating with the other countries in the frame of Organization of the Black Sea Economic Cooperation (BSEC) which was established on June 25, 1992, in Istanbul, when the Summit Declaration was signed by the Heads of State and Government of eleven countries - Republic of Albania, Republic of Armenia, Republic of Azerbaijan, Republic of Bulgaria, Georgia, Hellenic Republic, Republic of Moldova, Romania, Russian Federation, Republic of Turkey and Ukraine. Republic of Serbia joined the Organization as a Member State in 2004.

The priorities of BSEC as indicated in its Charter formulate the cooperation areas as trade and economic development, banking and finance as well fighting crime, etc.

On October 2, 1998, in Kerkyra the "Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms" was adopted.

In this context should mention the Chapter 54 of CPC in which is defined interrelations of courts, prosecutors and inquest bodies with appropriate institution of foreign countries and officials in legal assistance in criminal cases. Especially by Articles 474 to 481 is regulated the matters concerning to Procedure of Providing Legal Assistance in Criminal Cases Involving International Relations, Bodies Implementing Communication in Matters of Legal Assistance, Executing Inquiries Prescribed under Several International Treaties, Refusal to Execute Inquiries Made on the Basis of International Treaties, Extradition of Crime Perpetrators to a Foreign State, Summoning Witnesses, Victims, Civil Case Claimants, Civil Case Respondents, Their Agents, Experts, and Specialists to the Republic of Armenia and Performing Procedural Actions.

In The Chapter 54.1 of CPC of Armenia is described the legal assistance in criminal matters in the absence of international treaties. The Article 482 reads as follows:

Article 482 Conditions of Legal Assistance Provision in the Absence of International Treaties

1. If there are no international treaties between a foreign state and the Republic of Armenia on the provision of legal assistance in the performance of procedural actions in criminal cases, then mutual legal assistance between the competent authorities and officials of such foreign state (hereinafter, "competent authorities) and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body may be provided in exceptional cases in accordance with agreement on the provision of mutual legal assistance between such foreign state and the Republic of Armenia, reached via diplomatic channels, which shall be agreed upon in advance:

1) With the Republic of Armenia Ministry of Justice-in respect of procedural actions in criminal cases pending before court and of the execution of the judgment; or
2) With the General Prosecutor's Office of the Republic of Armenia-in respect of procedural actions in criminal cases at the pre-trial stage.

2. The provision of mutual legal assistance and the communication between the competent authorities of the foreign state and the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body in accordance with the procedure laid down in Part 1 of this Article shall continue until an international treaty/-ies is/are concluded regarding the appropriate matter, or until both the Republic

of Armenia and the respective foreign state join an effective multilateral treaty on the provision of mutual legal assistance in criminal case, unless the Republic of Armenia or the respective foreign state have already terminated their agreement on mutual legal assistance unilaterally or bilaterally via diplomatic channels.

3. During the provision of mutual legal assistance in accordance with the procedure laid down in Part 1 of this Article, the Republic of Armenia court, prosecutor, investigator, or pre-trial investigation body shall communicate with other authorities of such foreign state through either the Republic of Armenia Ministry of Justice or the Office of the General Prosecutor-as determined in accordance with the rules of Article 475 hereof.

4. The Republic of Armenia Ministry of Justice shall, through the Republic of Armenia Ministry of Foreign Affairs, provide to the central competent authority of such foreign state the text of this Chapter translated into a language that is acceptable for such state, which the latter can use throughout the provision of mutual legal assistance and shall receive the appropriate law of such state in turn. „

In the next articles (articles 483 - 499.7) are defined the regulations about Contents of Request for Mutual Legal Assistance, Sending Criminal Case Materials to a Foreign State for Initiating or Continuing Criminal Prosecution, Request on Conducting Criminal Case Proceedings, Notification of Results of Criminal Case Proceedings, Transfer of Objects, Procedure of Applying to Foreign Competent Authorities for Mutual Legal Assistance and Using Materials Obtained in Such Way, Basis for Communication with International Bodies, Procedure of Communication with International Bodies and Provision of Legal Assistance in Criminal Cases, etc.

Please provide examples of implementation

Do you have a database through which information can be shared?

If available, please provide examples of recent cases in which your law enforcement authorities have exchanged information with those of other State Parties for offences covered by this Convention (please describe the aspects of such offences covered by information exchanges)

in 2011, one official investigative demand was presented to Russia to examine an armenian citizen suspected of fraud (Article 314 CC). respectively, the required information has been received and used in the subsequent investigation.

in 2011 there was also 2 demands to Russia for testimony suspected persons for commission acts described by Article 179 Criminal Code of Armenia ("Squandering and embezzlement").

in 2012 one demand was present to Russia for testimony suspected person for commission acts described by Article 179 Criminal Code of Armenia ("Squandering and embezzlement").

If applicable, please provide information on exchange of information for recent cases involving other criminal activities

226. Subparagraph 1 (b) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

- (ii) The movement of proceeds of crime or property derived from the commission of such offences;
- (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Procutor General's Office with the National Security Agency and Cyber Crime Control Department started to determine the mechanisms of cooperation between the republic of Armenia and other Countries and other international specialized bodies in ensuring mutual legal assistance and cooperation in 2007.

In 1989 in Paris was founded FATF (Financial Actions Task Force). FATF has developed recommendations which established the international standards of the fight against money laundering and terrorism financing.

The Republic of Armenia is a member of the MONEYVAL, specialized committee of the Council of Europe since 2006, which carries out implementing a system of mutual evaluation of fight against money laundering and terrorism financing. On the regular sessions of the committee in Strassburg, the Armenian delegation includes the prosecutors of the department, which had a positive impact on everyday work on cases of money laundering in terms of introduction of international best practice.

The fight against money laundering and terrorism financing has been the subject of investigation by various international organizations (UN, The Council of Europe, EU, The International Monetary Fund, World Bank, FATF, MONEYVAL), conferences, seminar classes, consultations convened between them have a permanent nature.

Please cite the applicable measure(s)

Please cite the text(s)

Above mentioned agreements and documents contain regulations about sharing of information concerning criminal activities including corruption.

Armenia also cooperate with other States Parties in the frame of International Criminal Police Organization (INTERPOL).

Armenia was represented in The First StAR-INTERPOL Asset Recovery Focal Points Meeting (14-15 December 2010) which was organized by the Stolen Asset Recovery (StAR) Initiative, a partnership between the World Bank and United Nations Office on Drugs and Crime, together with the INTERPOL, in cooperation with the US Department of State. This is a secure platform of law enforcement officials who are available 24 hours a day, seven days a week, to respond to emergency requests for assistance when a failure to act may cause law enforcement services to lose a money trail.

74 jurisdictions have become part of the Focal Points platform.

The objectives of the First StAR-INTERPOL Focal Points Meeting were to provide the focal points with a forum for discussion of the actions that need to be taken to strengthen international cooperation amongst practitioners.

Specifically, it was intended to allow focal points to:

- exchange experiences on the operational aspects of the StAR-INTERPOL Asset Recovery Focal Points platform and views on how its capacity could be improved;
- exchange information on issues of common interest prior to the Fourth Intersessional Meeting of the Open-Ended Intergovernmental Working Group on Asset Recovery of the UNCAC;
- create a conduit for dissemination of technical products on asset recovery; and

-- explore how to develop the platform into a global network of law-enforcement and other anti-corruption professionals which would build upon the experiences of existing networks in asset recovery.

The meeting brought together representatives from participating focal points agencies, various networks related to asset confiscation and recovery, central authorities responsible for providing mutual legal assistance, and other experts. The outcome of the meeting was presented to the meeting of the Fourth Open-ended intergovernmental Working Group on Asset Recovery.

Please provide examples of implementation, including related court or other cases

229. Subparagraph 1 (e) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

...

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

The Prosecutor General's Office with the National Security Agency and the Crime Control Department started to determine the mechanisms of cooperation between the Republic of Armenia and other Countries and other international specialized bodies in ensuring mutual legal assistance and cooperation in 2007. In the process of permanent cooperation and target work the Special investigation department of National Security Agency has witnessed growth of cases of money laundering offense characteristics.

Prosecutor General's Office of the Republic of Armenia National Security Agencies and Department of Cyber Crime established close business relations with the Financial Monitoring Center of the Central bank of Armenia which has resulted the reachment of special agreements such as the rapid response to suspicious transactions, operative exchange of information in order to achieve the desired result.

Currently the department has assumed the coordination of the work between law enforcement agencies involved in the fight against money laundering and terrorism financing, such as National Security Agency, the Police, State Revenue Committee and Financial Monitoring Center. In case if Financial Monitoring Center reveals suspicious financial transactions the information is being sent to Prosecutor General's Office and to National Security Agency, then the materials are being prepared to verify the legitimacy of the case and to give legal assessment, if any of the characteristics match the features of the Article 190 of the Criminal Code the question to initiate a criminal case is being solved.

During the preparation of the materials and investigation Financial Monitoring Center and National Security Agency cooperate with the Police

and with tax and customs authorities, and other authorities, in connection with these agreements were signed between them.

In 1989 in Paris was founded FATF (Financial Actions Task Force). FATF has developed recommendations which established the international standards of the fight against money laundering and terrorism financing.

The Republic of Armenia is a member of the MONEYVAL, specialized committee of the Council of Europe since 2006, which carries out implementing a system of mutual evaluation of fight against money laundering and terrorism financing. On the regular sessions of the committee in Strassburg, the Armenian delegation includes the prosecutors of the department, which had a positive impact on everyday work on cases of money laundering in terms of introduction of international best practice.

The fight against money laundering and terrorism financing has been the subject of investigation by various international organizations (UN, The Council of Europe, EU, The International Monetary Fund, World Bank, FATF, MONEYVAL), conferences, seminar classes, consultations convened between them have a permanent nature.

231. Paragraph 2 of article 48

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Has your country entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States parties? (Check one answer.)

(Y) Yes

The Prosecutor General's Office with the National Security Agency and Cyber Crime Control Department started to determine the mechanisms of cooperation between the Republic of Armenia and other Countries and other international specialized bodies in ensuring mutual legal assistance and cooperation in 2007. In the process of permanent cooperation and target work the Special investigation department of National Security Agency has witnessed growth of cases of money laundering offense characteristics.

Prosecutor General's Office of the Republic of Armenia National Security Agencies and Department of Cyber Crime established close business relations with the Financial Monitoring Center of the Central bank of Armenia which has resulted the reachment of special agreements such as the rapid response to suspicious transactions, operative exchange of

information in order to achieve the desired result.

Currently the department has assumed the coordination of the work between law enforcement agencies involved in the fight against money laundering and terrorism financing, such as National Security Agency, the Police, State Revenue Committee and Financial Monitoring Center. In case if Financial Monitoring Center reveals suspicious financial transactions the information is being sent to Prosecutor General's Office and to National Security Agency, than the materials are being prepared to verify the legitimacy of the case and to give legal assessment, if any of the characteristics match the features of the Article 190 of the Criminal Code the question to initiate a criminal case is being solved.

During the preparation of the materials and investigation Financial Monitoring Center and National Security Agency cooperate with the Police and with tax and customs authorities, and other authorities, in connection with these agreements were signed between them.

In 1989 in Paris was founded FATF (Financial Actions Task Force). FATF has developed recommendations which established the international standards of the fight against money laundering and terrorism financing.

The Republic of Armenia is a member of the MONEYVAL, specialized committee of the Council of Europe since 2006, which carries out implementing a system of mutual evaluation of fight against money laundering and terrorism financing. On the regular sessions of the committee in Strassburg, the Armenian delegation includes the prosecutors of the department, which had a positive impact on everyday work on cases of money laundering in terms of introduction of international best practice.

The fight against money laundering and terrorism financing has been the subject of investigation by various international organizations (UN, The Council of Europe, EU, The International Monetary Fund, World Bank, FATF, MONEYVAL), conferences, seminar classes, consultations convened between them have a permanent nature.

233. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(Y) Yes

Paragraph 3 of article 48 of the Convention refers to States Parties cooperation within their means to respond to offences covered by this Convention committed through the use of modern technology. In this context Armenia need an assistance to enhance cooperating tools in this area.

Which challenges are you facing in (fully) adopting/implementing the article under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

new technologies, advising process or consulting program.

Which of the following forms of technical assistance, if available, would assist your country in (fully) implementing the article under review? (Check all the answers that apply)

(BEST) Summary of good practices/lessons learned

(TECDB) Technological assistance (e.g. set-up and management of databases/information-sharing systems)

(EXREL) On-site assistance by a relevant expert

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

49. Joint investigations

234. Article 49

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

Has your country adopted and implemented the measures described above? (Check one answer)

(P) Yes, in part

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

Armenia hasn't concluded any bilateral or multilateral international treaty concerning the possibility of establishment of the joint investigative bodies, but there isn't excluded the possibility of joint investigations on a case-by-case basis.

Please provide examples of implementation

If available, please provide information on all joint investigations and joint investigative bodies

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

235. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Do you require technical assistance for the (full) implementation of the article under review? (Check one answer)

(N) No

50. Special investigative techniques

236. Paragraph 1 of article 50

1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable measure(s)

Please cite the text(s)

In Article 14, paragraphs 1 to 5 of the Law on Operational-intelligence Activities, “controlled delivery and purchase,, are established as separate operational-intelligence measures.

Article 7 defines The order of usage of special technical means;

Article 13 defines Legal and social protection the family members, defendants of a persons cooperating with the subjects of operative-search activity.

In 2012 signed the joint order between Police, National Security Service, and the State Revenue Committee of Armenia on cooperation in exercise of “controlled delivery and purchase” operational-intelligence measure. Now it must be registered by the Ministry of Justice of Armenia for coming into the force. Except of this the law enforcement agencies of Armenia (Police, National Security Service, State Revenue Committee, Military Police) in accordance with the law on Operational-Intelligence activities could exercise the Internal surveillance and the External surveillance as Operational-intelligence measures. During these operational measures the officers of law enforcement bodies have to use diverse technical means for tracking and recording appropriate information.

According to new draft on code of criminal Procedure of Armenia which is approved by the Government and has sented to National Assembly of Armenia, the evidences derived by the methods described in this Article should be admissible in court.

If available, please provide related statistical data on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures, as available.

If available, please provide information on recent cases in which controlled delivery or other special investigative techniques have been used and admitted in court

Please provide examples of implementation, including related court or other cases

237. Paragraph 2 of article 50

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to

conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

Is your country in compliance with this provision? (Check one answer.)

(P) Yes, in part

Please cite the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

On 20 october, 2011 in Batumi , between Police of Republic of Armenia and Ministry of Internal Affairs of Georgia was signed an agreement on cooperation in operational-intelligence activities and exchange of information on criminal matters.

Please provide examples of implementation

If available, please provide information on recent cases in which bilateral or multilateral agreements or arrangements have facilitated the use of special investigative techniques

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.