

Arménie : crime organisé et capacité de protection de l'État

Recherche rapide de l'analyse-pays

Berne, 28 janvier 2019

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Editeur

Organisation suisse d'aide aux réfugiés (OSAR)

Case postale, 3001 Berne

Tél. 031 370 75 75

Fax 031 370 75 00

E-mail: info@osar.ch

Internet: www.osar.ch

CCP dons: 10-10000-5

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1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. Qui sont les « voleurs dans la loi » (Vory v zakone) et sont-ils actifs en Arménie ? Si oui, quelles sont leurs activités ? Existe-t-il des informations sur un « voleur dans la loi » nommé « Italianez » ?
2. Existe-il une collusion entre les autorités, la police, les élites et les « voleurs dans la loi », en Arménie ?
3. Une personne menacée par des criminels, tels que les « voleurs dans la loi » peut-elle bénéficier d'une protection efficace de la part de la police ?
4. Existe-il un moyen de contrôle judiciaire en Arménie qui obligerait une personne à venir tous les mois signer un document dans un poste de police ?
5. Quels sont les documents d'identité habituellement délivrés aux citoyen-n-e-s arménien-n-e-s? Une personne qui a changé de nom obtient-elle automatiquement un passeport ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Présence et activités des « Vory v zakone » (« voleurs dans la loi ») en Arménie

Les « voleurs dans la loi », un réseau d'individus criminels qui trouve ses origines dans les goulags soviétiques. Il y aurait aujourd'hui 485 « voleurs dans la loi » à travers le monde. Selon *ArmenPress*, le phénomène des « voleurs dans la loi » a débuté dans les goulags soviétiques et est devenu une culture de prison dans la plupart des États post-soviétiques. Le statut formel de « voleurs dans la loi » est attribué à des criminels professionnels qui occupent une position importante dans l'univers du crime organisé et qui ont une autorité formelle sur des membres subalternes. Les criminels sont « couronnés » comme « voleurs dans la loi » par des membres éminents des syndicats du crime organisé et ceci en récompense pour une contribution de plusieurs années aux activités criminelles ou pour avoir passé de nombreuses années derrière les barreaux. Les « voleurs dans la loi » sont célèbres pour leurs tatouages distinctifs et leur code de conduite (*ArmenPress*, 18 mai 2018). Selon *Russia beyond*, les authentiques « voleurs dans la loi » auraient disparu dans les années 60 et aujourd'hui un « voleur dans la loi » serait juste le leader d'un gang criminel, même si certaines traditions ont été conservées comme par exemple le « couron-

nement » (attribution du titre) ou le fond commun « Obshak » détenu par les « voleurs ». Selon *Russia beyond*, qui se base sur le décompte de *Prime Crime*, en 2015 il y avait 485 « voleurs dans la loi » à travers le monde, dont les trois-quarts étaient en liberté. Un grand nombre coopèreraient avec des forces de police (*Russia beyond*, 21 juillet 2016).

Situé au sommet de la hiérarchie criminelle, les « voleurs dans la loi » contrôlent les activités d'autres groupes principalement actifs dans le trafic de drogue, des personnes et de biens. Les investissements massifs dans l'économie légale et de l'ombre leur permettent d'exercer une influence considérable, y compris au niveau politique. Selon *Interpol*, les « voleurs dans la loi » représentent le niveau supérieur dans la hiérarchie criminelle et contrôlent les activités d'autres groupes criminels situés hiérarchiquement plus bas. Leur influence s'étend aux groupes engagés dans des activités criminelles telles que le trafic de drogues, d'êtres humains et de voitures volées. Ils suivent leur propre code de l'honneur et d'éthique qui régle le comportement criminel. Les diverses nationalités représentées sont les Russes, les Arméniens, les Géorgiens et les Belarusses. Les « voleurs dans la loi » contribuent à un fond criminel, appelé « Obshak », qui est géré par le « voleur dans la loi » le plus haut placé et le plus influent. Ce fond, qui représente des milliards de dollars, est investi en actions, placements immobiliers et entreprises, souvent à des fins de blanchiment. Ces investissements massifs donnent aux « voleurs dans la loi » une grande influence sur certains secteurs d'activité économique et même sur l'économie globale (*Interpol*, juin 2017). Selon *Russia beyond*, ce fond est aussi utilisé pour soudoyer les gardiens de prisons et les directeurs de colonies pénitentiaires. Par ailleurs, selon *Pashkin*, le représentant d'un syndicat de police moscovite, cité par *Russia beyond*, les grosses sommes d'argent dont dispose ce réseau lui permettent de contrôler des entreprises et même des industries entières. Il peut acheter des cours, des procureurs et des enquêteurs (*Russia beyond*, 21 juillet 2016). Selon RFERL, qui cite le *Département du trésor américain*, les « voleurs dans la loi » sont engagés dans des activités de blanchiment d'argent, d'extorsion, de corruption, et de vol en Russie, en Europe et aux États-Unis. Ce réseau se serait étendu hors de Russie à la chute de l'empire soviétique (RFERL, 22 décembre 2017).

« Les voleurs dans la loi » auraient une présence et des activités limitées en Arménie. Il y aurait entre dix et douze « voleurs dans la loi » dans le pays. Depuis la « révolution de velours » de mai 2018, les autorités ont lancé des opérations de répression contre ce groupe. Selon *PONARS Eurasia*, dans les années 1990, le chef de la police, *Vano Siradeghian*, a rétabli le monopole de l'État sur la violence en mettant fin aux activités des « voleurs dans la loi » (*PONARS Eurasia*, février 2014). Toutefois, ceux-ci seraient toujours présents dans le pays. En 2018, *Crime Russia* rapportait que, selon un vétéran des forces de police, interviewé par *Sputnik Armenia*, il y avait entre dix et douze « voleurs dans la loi » dans le pays (*Crime Russia*, 20 juin 2018). Selon *Armenia News*, qui cite le journal *Zhoghovurd*, plusieurs « voleurs dans la loi » et autres criminels connus ont quitté l'Arménie, notamment suite à la « révolution de velours » de 2018. Les nouvelles autorités auraient convoqué les représentants du monde criminel pour les prévenir de faire profil bas et les avertir que toute activité criminelle serait lourdement punie (*Armenia news*, 23 mai 2018). Selon *ArmenPress*, les médias ont rapporté en mai 2018 que les autorités arméniennes avaient mis dix « voleurs dans la loi » en détention ainsi que plus de 30 autres criminels de haut grade dans le cadre d'une opération de répression du crime organisée à l'échelle nationale (*ArmenPress*, 18 mai 2018). Selon *Crime Russia*, les opérations contre le crime organisé seraient le résultat de la nomination du nouveau premier ministre, *Nikol*

Pashinyan, qui a suivi la « révolution de velours ». Les « voleurs dans la loi » auraient un champ d'action limité et seraient principalement actifs dans l'organisation de petites entreprises. Ils seraient divisés, sans leader, et ne parviendraient même pas à récolter de l'argent pour leur « fond commun ». Contrairement à la Russie, en Arménie les codes du crime organisé seraient flous et les problèmes entre gangs seraient réglés par de l'argent (*Crime Russia*, 4 juin 2018).

Pas d'information spécifique sur un « voleur dans la loi » appelé « Italianez ». Selon le courriel envoyé par une personne de contact de l'OSAR le 24 janvier 2019, il est probable que le nom « Italianez », qui veut dire « italien » en russe, soit une référence à un individu « voleur dans la loi », possiblement actif en Arménie. La personne de contact n'avait pas d'information spécifique sur cette personne qui ne semble pas figurer parmi les « voleurs dans la loi » connus en Arménie. Il est également possible que cet individu vive en Russie et exerce une influence sur des criminels opérants en Arménie. Selon la personne de contact, les « voleurs dans la loi » présents en Arménie coopèrent étroitement avec ceux en Russie.

3 Liens entretenus par les « voleurs dans la loi » avec les autorités, la police et les élites en Arménie

Une corruption généralisée et quasi normalisée. De puissants oligarques qui contrôlent l'économie. Des mesures anti-corruption à l'impact limité. Selon le dernier rapport du *Département d'État des États-Unis* (USDOS), malgré l'existence de lois qui prévoient des sanctions pénales, la corruption reste très répandue en Arménie. Les oligarques liés au gouvernement, ou qui occupent des postes publics, monopolisent une bonne partie de l'économie. Les dénonciations de corruption dans la presse et ailleurs sont largement ignorées par le gouvernement. Pendant l'année 2017, des cas de corruption ont notamment été rapportés dans les secteurs de la construction, de l'administration publique, judiciaire ou encore de la police (USDOS, avril 2018). Selon *Transparency International*, en 2015 l'Arménie se classait en 94^{ème} position (sur 174 pays) en termes de perception du niveau de corruption. Une particularité de l'Arménie est la présence d'oligarques qui cueillent les fruits d'une économie de l'ombre estimée représenter 35 pourcents du PIB. Les réseaux de patronage et une manque de séparation claire entre l'entreprise privée et la fonction publique est un obstacle majeur à la mise en place de mesures anti-corruption (*Transparency International*, avril 2015). Selon le dernier rapport de *Freedom House*, la corruption est omniprésente au niveau de l'État et représente une importante source de tension avec la population. Malgré les promesses du premier ministre *Karapetyan* d'y remédier, peu de progrès ont été observés à la fin de l'année 2017. Selon un rapport de *Transparency International* de 2016, cité par le *Service d'immigration danois* (DIS), pour près de 77 pourcents des Arméniens, il n'est pas socialement acceptable de dénoncer des cas de corruption. Une large majorité des personnes interrogées estime également ne pas se sentir obligé de dénoncer des cas de corruption dont elles seraient témoin. Le parlement a adopté des mesures en

2017 pour lutter contre la corruption, avec notamment la création d'une *Commission de prévention de la corruption*, mais des initiatives similaires dans le passé n'ont produit que peu d'effets (*Freedom House*, avril 2018).

Une enquête en Allemagne révèle de possibles liens entre le gouvernement arménien et les « voleurs dans la loi ». La « révolution de velours » de 2018 aurait conduit à une rupture des liens entre le gouvernement et les groupes criminels. Selon *Trend news agency*, une enquête de journalistes allemands du *Spiegel* et MDR TV Channel publiée en 2018 a mis au jour des liens entre la mafia arménienne en Europe et le *Ministère arménien des affaires étrangères*. Des diplomates de ce ministère auraient aidé la mafia arménienne opérant en Allemagne sous le commandement de « voleurs dans la loi ». Selon *Yevgeny Mikhailov*, un présentateur TV et analyste politique russe, cité par *Trend news agency*, ces liens sont réels. Il ajoute que des liens entre *Serzh Sargsyan*, ancien président et premier ministre de l'Arménie, et les « voleurs dans la loi » sont connus depuis longtemps (*Trend news agency*, 29 novembre 2018). Selon un article de RFERL, les journalistes se sont basés sur une enquête longue de trois ans des services de sécurité allemands sur les activités des « voleurs dans la loi ». Cette enquête, qui s'est conclue en été 2018, a mené à l'ouverture de quatorze procédures judiciaires impliquant 42 personnes. Les journalistes ont également mené leur propre enquête sur les activités des « voleurs dans la loi » en Allemagne. Celle-ci les a conduits à accuser l'ambassadeur arménien en Allemagne d'entretenir des liens étroits avec les « voleurs dans la loi » (RFERL, 8 novembre 2018). Selon la personne de contact de l'OSAR (24 janvier 2019), des informations ont longtemps circulé dans les médias arméniens faisant état de liens étroits entre des « voleurs dans la loi » et des représentants de précédents gouvernements arméniens, y compris des policiers. Toutefois, depuis la « révolution de velours » de 2018, il semble que ces liens aient été rompus. Selon le courriel, daté du 28 janvier 2019, d'une personne de contact de l'OSAR qui travaille dans une ONG en Arménie, avant 2018 le gouvernement collaborait avec des groupes criminels, notamment pour faire pression sur le corps électoral pendant les élections. Toutefois, depuis la « révolution de velours », l'attitude du gouvernement a changé et cette collaboration aurait pris fin.

4 Capacité de protection de l'État pour des personnes menacées par le crime organisé

La police est considérée comme parmi les institutions les plus corrompues du pays. En 2013, seuls 30 pourcents des Arméniens déclaraient avoir confiance dans la police. Selon le DIS, qui se base sur des informations de *Transparency International*, la police est considérée par les citoyens comme la quatrième institution la plus corrompue du pays. La corruption est systémique et organisée et va de la base au sommet. Une des raisons de cette corruption est la manque d'indépendance de la police par rapport au président et aux élites politiques. L'influence et le népotisme sont utilisés à des fins de gains politiques. Selon une organisation internationale présente à Yerevan et citée par le DIS, la police n'hésite pas à clore ou retarder des dossiers en utilisant des failles administratives ou légales comme excuses (DIS, septembre 2016). Dans un rapport de 2013, *Transparency*

International notait que seuls 30 pourcents des Arménien-ne-s avaient confiance dans la police. Selon des observateurs, l'administration policière est gangrénée par la corruption et le népotisme et les pratiques abusives sont tolérées car le gouvernement utilise les forces de sécurité pour faire taire les leaders de l'opposition (Transparency International, 23 août 2013).

Une assistance policière très limitée pour les citoyen-ne-s ordinaires. Selon le DIS, qui cite l'*Armenian Helsinki Association of Human Rights* (Helsinki Association), la police n'est en mesure d'assister les citoyen-ne-s ordinaires que dans très peu de cas, notamment lorsqu'il s'agit de crime mineurs comme des vols, des bagarres de rue ou de la violence domestique. Si un-e citoyen-ne est en conflit avec un fonctionnaire, alors la police interviendra uniquement si elle reçoit un dessous-de-table. Un-e citoyen-ne sera plus réticent-e à demander la protection ou l'intervention de la police en cas de conflit avec une personne qui a des connections. En cas de conflit avec une personne politiquement ou économiquement influente, la police n'interviendra pas, même si elle reçoit un dessous-de-table. Les personnes puissantes sont en général au-dessus des lois et les citoyen-ne-s ordinaires ne bénéficient d'aucune protection de la police contre celles-ci, notamment en raison du risque de mesures de rétorsions. En cas de mauvais traitement de la part de la police, par exemple pendant une détention, et d'une plainte de la part de la victime, cette dernière pourra faire l'objet de menaces de la part des autorités. Une personne sera seulement protégée si elle obtient le statut officiel de victime ou de témoin dans la procédure criminelle. Si une personne porte plainte, que ce soit pour corruption ou mauvais traitement, et qu'elle ne peut en apporter la preuve, alors le risque est grand qu'elle sera accusée de diffamation et de porter de fausses accusations (DIS, septembre 2016).

Risques de collusion entre la police et des groupes criminels. Selon la personne de contact de l'OSAR (24 janvier 2019), il est difficile de juger de la capacité de la police à protéger une personne menacée par un groupe criminel. Même si il ne semble pas y avoir de coopération systématique entre la police et des groupes criminels, il n'est pas exclu qu'à titre individuel certains policiers aient coopéré avec des criminels. En effet, dans un pays où les salaires de policiers sont très modestes, des pots-de-vin de la part de groupes criminels peuvent représenter une proposition alléchante. Par ailleurs, selon cette personne, il n'existe par exemple pas de programme de protection de témoin ou de programme similaire.

Un système judiciaire corrompu, des juges sous influence. Peu de chance pour un citoyen ordinaire de bénéficier d'un procès équitable. Selon le DIS, qui cite plusieurs sources, le système judiciaire arménien est également corrompu. En Arménie, où les réseaux formels et informels jouent un rôle très important, il est possible d'influencer une procédure judiciaire. Une personne n'est donc souvent pas protégée par la loi mais par sa position officielle et ses moyens financiers. La corruption touche tous les échelons de la société. Les élites politiques et économiques sont profondément imbriquées et les personnes riches ont des liens étroits avec les politiciens et peuvent influencer la politique, mais aussi la justice. Citant des informations de *Transparency International*, le DIS note que les tribunaux sont perçus comme étant parmi les trois institutions les plus corrompues du pays. Cette corruption est systémique et va de la base au sommet. Lorsque des sommes importantes d'argent sont en jeu ou une personne publique influente est impliquée dans une procédure civile, la confiance dans le système judiciaire est souvent inexistante (DIS, septembre 2016). Selon le DIS, qui cite plusieurs sources, en raison de la corruption, un ci-

toyen ordinaire n'a pas réellement la possibilité d'obtenir une protection de la part du système judiciaire. Une personne peut ouvrir une procédure à tous les niveaux du système des tribunaux, y compris la *Cour de cassation*, mais sa seule chance d'avoir un procès équitable est d'aller jusqu'à la *Cour européenne des droits de l'homme* (CEDH). DIS cite notamment un rapport de l'*Ombudsman*, publié en 2013, qui révélait que la corruption affectait toutes les instances judiciaires du pays, avec des juges acceptant des pots-de-vin à différents niveaux (DIS, septembre 2016).

5 Contrôle judiciaire

Une personne qui a reçu une peine alternative, ou non-privative de liberté, devra se présenter tous les mois pour un contrôle. Celui-ci peut être effectué par la police. Selon l'*American Bar Association* (ABA), le système judiciaire arménien prévoit des peines alternatives, ou non-privatives de liberté. Celles-ci sont administrées par une unité appelée, le « Alternative Sentencing Unit » ou ASU. Lorsqu'une personne reçoit une peine non-privative de liberté, comme par exemple la liberté conditionnelle, elle est alors supervisée par l'ASU présente dans la région de lieu de résidence de cette personne. Parmi les obligations de cette personne figure celle de se présenter et de s'enregistrer à l'ASU tous les mois. Selon l'ABA, en raison de moyens très limités, l'ASU n'est pas en mesure d'appliquer des mesures de suivi très efficaces pour ces personnes. Dans certains cas, c'est la police qui joue le rôle de superviseur (ABA, avril 2010). Selon l'ONG *Human rights in Armenia* (HRA), il existe un certain nombre de peines non-privatives de liberté, ou peines alternatives, en Arménie depuis un certain temps déjà, mais la liberté surveillée, qui permet à un délinquant de purger sa peine tout en restant avec sa famille dans sa communauté, est un phénomène récent. La loi sur la liberté surveillée (Law on Probation) adoptée en mai 2016 est entrée en vigueur de manière graduelle et est pleinement effective depuis 2018. Les personnes qui peuvent en bénéficier sont celles en liberté conditionnelle, celles qui ont vu leur peine suspendue et celles condamnées à des peines non-privatives de liberté (HRA, 17 mai 2017). Selon la personne de contact de l'OSAR (24 janvier 2019), il existe un certain nombre d'accords bilatéraux entre la Russie et l'Arménie, notamment au niveau des agences de sécurité et des autorités judiciaires, et il est donc possible qu'une personne condamnée en Russie, libérée plus tôt et de retour en Arménie, soit obligée de s'enregistrer régulièrement avec le « Probation service » du Ministère de la justice arménien.

6 Documents d'identité

Le passeport est le document d'identité le plus répandu en Arménie. Des cartes d'identité sont également disponibles. Selon l'*Agence des Nations unies pour les réfugiés* (HCR), en vertu de la loi arménienne sur la citoyenneté, les documents certifiant la citoyenneté sont la carte d'identité et le passeport. Pour obtenir ces documents, une personne doit présenter, entre autres documents, son certificat de naissance (HCR, 2013). Selon une personne de contact de l'OSAR, contactée par téléphone le 22 janvier 2019, des cartes d'identité sont disponibles depuis plusieurs années en Arménie, mais le passeport reste le document d'identité le plus répandu. Selon *Arka news agency*, depuis juin 2018, les

citoyens arméniens peuvent s'adresser au service des passeports de la police pour obtenir des cartes d'identité selon une procédure simplifiée (*Arka news agency*, 21 juin 2018). En décembre 2013, *Arka news agency* rapportait qu'à partir du 1^{er} janvier 2014 le *département passeport et visa* de la police allait délivrer des cartes d'identité aux citoyens arméniens à la place de passeports (non-biométriques). Citant *Norayr Muradkhanyan*, chef du département, l'agence indiquait que 91 000 citoyens possédaient déjà une carte d'identité et que 4 500 citoyens possédaient un passeport biométrique (*Arka news agency*, 19 décembre 2013). Selon la personne de contact de l'OSAR (22 janvier 2019), si une personne a reçu l'autorisation de la part de l'administration de changer légalement de nom, alors celle-ci pourra également demander un nouveau passeport.

7 Sources

American Bar Association, avril 2010:

« The Alternative Sentencing Unit [hereinafter ASU] is a body within the Criminal Execution Department. It has territorial sub-units operating in regions and provinces of the City of Yerevan. Currently, it has 7 regional departments in the communities of Yerevan and 10 departments in the marzes. This division administers non-custodial types of punishments, carries out supervision over deferral of execution of punishment, grants conditional application of punishment, as well as carries out supervision over persons released on parole. Id. art. 6 [...]

When an offender receives a conditional non-incarcerative disposition, including probation, supervision of the offender is undertaken by the Alternative Sentencing Unit of the CED located in the region of the defendant's residence. Within three days of receiving the judgment or the decision of the court, the ASU officer prepares a personal file for the offender. The personal file includes information about the offender's personality, residence, and employment, as well as other information relevant for the execution of the sentence. [...]

If the offender personally appears at the ASU, an officer completes a registration card and explains the offender's rights and obligations, the liability imposed in case he violates his obligations, and the duty to appear at the ASU for registration for at least once a month. The offender must sign the notice of rights and obligations. If the offender does not appear at the ASU within 7 days, a notification letter is sent. Id. art. 50. [...]

When the offender has successfully completed probation, the ASU officer gives the offender a certificate of release from sentence and informs the police. Upon release from the sentence imposed by the court judgment the offender's personal file is archived. ALTERNATIVE PUNISHMENT DECREE arts. 58, 59.

As mentioned, implementation of many of the above dispositions is relegated to the ASU. Reportedly, this unit has an extremely small staff and only has a one-room office in the

CED. *There is one prosecutor in Yerevan assigned to work with the CED. While the CED has 13 total execution centers, only 4 are outside Yerevan.*

*The state of the ASU is severely detrimental to the effectiveness of monitoring and implementation of alternative measures, since the few staff members assigned to the unit are overworked. Most interviewees agreed that the level of supervision of offenders on probation is not as strict as it should be. An advocate stated there was really no meaningful supervision of probationers, as usually courts do not impose any obligations on offenders beyond appearing when asked and signing in at the CED office. Typically, it was reported that the offender is required to sign in with a CED caseworker at least once per month. It was reported that some police departments play a role in supervising probationers and employ a “personal card system” whereby they note new administrative or criminal violations committed by an offender. One prosecutor believed there needs to be stricter and more active supervision to prevent recidivism. This is especially true in the case of juveniles who often have “social problems” at home and may commit serious crimes. Closer and more effective supervision of younger offenders could prevent further criminal problems. **According to the ASU, there were 2,026 individuals on probation in 2009, and, of that number, 36 committed new crimes and were then sent to prison to serve their sentences. No statistics were available reflecting the total number of probation violations that did not result in the offender’s being sent to prison.** » Source: American Bar Association, Detention procedure assessment tool for Armenia, avril 2010, p.10,48-50: www.americanbar.org/content/dam/aba/directories/roli/armenia/armenia_dpat_final_04_2010_english.pdf.*

Arka news agency, 21 juin 2018:

« From June 21, 2018 a citizen of Armenia can apply to any passport department of Police, regardless of his/her place of registration for obtaining an ID-card, the press service of the Police said.

It said also a citizen can receive an ID card even if he/she does not have a registration in the state register. The police said this procedure was simplified to improve the quality of service to citizens. » Source: Arka news agency, Procedure for obtaining ID card changes for Armenian citizens, 21 juin 2018:

http://arka.am/en/news/society/procedure_for_obtaining_id_card_changes_for_armenian_citizens/.

Arka news agency, 19 décembre 2013:

« Armenia's police passport and visa department will start providing identification cards (ID) to Armenian citizens instead of passports on January 1, 2014, Norayr Muradkhanyan, chief of the department said on Thursday adding that the department will no longer issue the old-type passports.

He said old passports will be in force until expiration of their validity terms, and these passport holders are not obliged to get ID cards or biometric passports.

To get an ID passport, one has to pay 3,000 drams (\$7.4) as state duty. However, persons

under 16 who get their passport for the first time and those citizens receiving poverty benefits are exempted from payment.

Biometric passports will be needed only for trips abroad.

«Introduction of passports with biometric data is implied by European Neighborhood Program,» he said. «It will help Armenian citizens in their movement abroad and will facilitate the procedure of obtaining visas for trips to European countries. The passport validity term is 10 years.»

Citizens wanting to get biometrical passports have to pay 25,000 drams (\$61.6). ID cards and biometrical passports will be provided to citizens within 15 business days or within five business days, if necessary, for additional 5,000 drams.

Muradkhanyan said some 91,000 citizens already have ID cards, and about 4,500 have biometric passports. » Source: Arka news agency, Armenia's police department to start providing ID cards to citizens instead of passports on January 1, 2014, 19 décembre 2013: http://arka.am/en/news/society/armenia_s_police_department_to_start_providing_id_cards_to_citizens_instead_of_passports_on_january_/.

Armenia News, 23 mai 2018:

« Several thieves in law and known criminals have recently left Armenia, according to Zhoghovurd (People) newspaper.

“This occurred after the velvet revolution’s victory, when the new authorities actively began summoning representatives of the [country’s] criminal world to [police] departments to conduct explanatory work [with them].

“Law enforcement officials warned them not to travel around with many cars, to restrain themselves, and not to stand out. [Also, they were told that] if any unlawful manifestation were to occur by them, severe punishment will be inevitable,” wrote Zhoghovurd. » Source: Armenia News, Thieves in law, known criminals leave Armenia, 23 mai 2018:

<https://news.am/eng/news/452696.html>.

ArmenPress, 18 mai 2018:

« The Police of Armenia has responded to media reports claiming that law enforcement agencies have detained more than 10 “thieves-in-law” (vory v zakone) and more than 30 other high ranking criminals.

Asked by ARMENPRESS to comment on the media reports, Police HQ Press and PR director Ashot Aharonyan said: “Police are always carrying out preventive actions”.

Aharonyan refused to give other details – neither confirming nor denying the media reports.

According to online reports, Armenian law enforcement agencies have detained more

than 10 “thieves-in-law” and more than 30 other high ranking criminals in a nationwide crackdown. The report claimed that agents apprehended a 43-year-old man on May 17 who is considered to be a “thief-in-law”. The 43-year-old is said to have arrived from Ukraine recently.

Earlier the same news website, *shamshyan.com*, reported **Armenian law enforcement agencies have launched a nationwide crackdown on organized crime.**

This phenomenon, known as thief-in-law, emerged in the infamous Soviet gulags and became a prison culture in most of post-Soviet states.

“Thief-in-law” is a specifically granted formal status of a professional criminal who enjoys an elite position within the organized crime environment and employs informal authority over its lower-status members. Criminals are “crowned” as thieves-in-law by senior members of the organized crime syndicates for many years of contributions to the criminal business or long record behind bars.

Thieves-in-law are known for their distinctive tattoos and code of conduct. » Source: ArmenPress, Police reportedly target “thieves-in-law”, mafia royalty: authorities turn to Glomar response, 18 mai 2018: <https://armenpress.am/eng/news/934026.html>.

Crime Russia, 20 juin 2018:

« Today the Armenian police have conducted a large-scale operation throughout the country. The houses of thieves in law and criminal masterminds were rummaged. In particular, the siloviki ‘visited’ the crime lords Gevorg Melikyan (Gevorik Oshakansky), Artem Mikaelyan (Artem Gorissky), Artur (Tuy) Kanakersky, and kingpins known as Virabik and Kannevskoy.

The information on who of them has been detained is not known yet.

To recap, the cleanup of underworld began in the country in May this year after Nikol Pashinyan came to power. He was appointed Prime Minister of Armenia under the pressure of numerous demonstrations that took place in Yerevan.

The staff of the Armenian Police Department for Combatting Organized Crime and the Main Criminal Investigation Directorate detained local crime bosses by the score and held preventive talks with them, recommending them to stop engaging in their illegal activities.

Earlier, the Armenian police also thwarted a gathering of thieves in law, which was to take place in one of the Yerevan hotels. A day before that, the law enforcement agencies forced grandson of Aslan Usoyan (Ded Khasan) Irakly to leave the country.

Such stepped-up actions of the siloviki allowed some experts to surmise that regarding this the new authorities of Armenia want to take after neighboring Georgia, known for its effective battle against crime lords.

A veteran of law enforcement agencies told Sputnik Armenia there are now about 10-12 thieves in law in the country. Among the most active are Gevorg Melikyan (Gevorik

Oshakansky), Suren Avetisyan (Suro Leninakansky), Rafael Khoetsyan (Afo), Zhirayr Brutyan (Zhiro), Alexander Makaryan (Alo), Norayr Piloyan (Koncho), as well as Samvel Arutyunyan (Maneti tkha Samo), who has recently returned from Ukraine, and Andranik Sogoyan (Zap), mostly living abroad. » Source: Crime Russia, Purges of thieves in law swept Armenia, 20 juin 2018: <https://en.crimerrussia.com/criminalauthorities/purges-of-thieves-in-law-swept-armenia/>.

Crime Russia, 4 juin 2018:

« Last week, Yerevan police dispersed a thieves' meeting. And the day before that, the grandson of Aslan Usoyan (aka Ded Hasan), Irakly, was expelled from the capital of Armenia, shamshyan.com reported.

Since Nikol Pashinyan became the country's Prime Minister as a result of the so-called 'velvet revolution,' the local security officials have been paying increasing attention to the local crime lords. In the middle of last month, it was reported that more than a dozen thieves in law had been detained, who was then taken to police stations and with whom a preventive conversation was held. In particular, all detainees were advised to adopt a more discreet profile and not irritate others with their defiant behavior, or better abandon the old way of life altogether.

As law enforcement bodies veteran told Sputnik-Armenia, there are about 10-12 thieves in law in the country, the oldest of whom is 82 years old. This is the only representative of the early formation — Vanik Ter-Pogosyan. He tries to stay away from the current underground life of the country, minding its own gasoline business.

The other bright representatives of his generation – Vazgen Nersisyan (Vzgo), Maels Mkrtchyan (Kndo), Asatur Petrosyan (Aso Leninakansky), Rafik Khoetsyan (Khoy), Karlen Tovmasyan (Gizh Karlen), and others – have already died of old age or illnesses.

Among the current thieves in Armenia, the interviewee mentioned Gevork Melikyan (Gevork Oshakansky), Suren Avetisyan (Suro Leninakansky), Raphael Khoetsyan (Afo), Zhirayr Brutyan (Zhiro), Aleksandr Makaryan (Alo), Norayr Piloyan (Koncho), as well as Samvel Arutyunyan (Maneti tkha Samo), who has recently returned from Ukraine, and Andranik Sogoyan (Zap), who mainly lives abroad. The latter travels between Turkey and the UAE and does not feel like returning to his native country since he can face a serious confrontation with other thieves in a fight for influence, the source believes.

The law enforcer also mentioned Armen Arutyunyan, also known as Armen Kanevskoy, as one of the last important thieves. He died in a hospital in Astrakhan after a long illness in 2010. While in Armenia, the thief had lived in the Terjan hotel (in the Silikyan district of Yerevan) and had been able to solve any questions. Politicians, oligarchs, and show business stars often turned to him with their problems. "They would come with a suitcase, put it on the table, and bowed to him, knowing that he would help solve their problem," the source notes.

The current thieves in law are very limited in their actions — they never get involved in politics and are mainly engaged in the organization of small business. They are divided, they do not have a leader, and do not even collect money for the 'common fund.'

Especially since unlike in Russia, the codes of the underworld are very blurred here; any 'gangland' issues can be solved for money.

Recently, according to the Sputnik-Armenia's source, no large meetings have been held in the country, at which some global issues would have been solved. There is no big money and no interest groups; Armenia is a quiet harbor, he concluded. » Source: Crime Russia, Armenia: there are 10-12 thieves in law, and they never get involved in politics, 4 juin 2018: <https://en.crimerrussia.com/criminalauthorities/armenia-there-are-10-12-thieves-in-law-and-they-never-get-involved-in-politics/>.

DIS, septembre 2016:

« Access to the police in case of a private conflict

The Armenian Helsinki Association of Human Rights (Helsinki Association) stated that the police can only in a very few cases assist ordinary citizens, and only in minor cases that involves petty crimes such as theft, street fights and domestic violence. If a citizen has a conflict with a low-level public official, the police would only intervene, if the citizen pays enough money in bribery. According to an anonymous source located in Armenia, if a private person has a conflict with another person, the police will normally deal with the conflict. However, according to the same source, citizens are less willing to approach the police or other authorities in conflicts or disputes involving a "well-connected" person. Sources consulted emphasised that if a citizen has a conflict with a person that is either well-connected or have a powerful political or financial position, the chances of an intervention or a fair result would be rather small. If a victim of a private conflict with a politically and/or economically powerful person approaches the police to seek protection, the police neither can nor will assist, even if the citizen pays a bribe. A case would likely be opened, but the case handling by the police would be ineffective and unsuccessful. In general, powerful people are above the law and ordinary citizens are not protected by the law in such cases. If the police somehow get involved, even involuntarily, they too are at risk of repercussions. According to an anonymous source located in Armenia an example of this could be observed in media reports in the winter 2015-2016, when a jeep driven by a relative of an influential person was involved in a traffic incident smashing several cars, including a police vehicle. In the end a police officer was blamed for the accident and was charged with the responsibility.

Repercussions against witnesses/victims

*According to the Helsinki Committee, the risk of repercussions depends on, how vulnerable a victim of a conflict is. **If victims of ill-treatment by authorities in detention facilities file a complaint against a police officer, the authorities could put pressure on victims by threatening that their conditions could worsen, if they complain. People would only be protected by the authorities, if they are granted a criminal procedural status as victim or witness or similar. Furthermore, there are no requirements in the legislation to present evidence, when filling a complaint regarding, for instance, corruption. On the other hand if no evidence can be presented to support the complaint, the risk for the plaintiff to be charged for filing a false report or slander is high and could therefore be considered as a mean to exert pressure to complainants. [...]***

1.1.3. Corruption and Integrity

The police are recognised by the citizens as one of the most corrupt institutions in Armenia. According to Transparency International's Global Corruption Barometer the police are placed as number four on the list of most corrupt institutions in Armenia. In the Armenian police, as with other state institutions, the corruption is systemic, as it starts from the bottom level and goes all the way to the highest management in an organised system.

The primary reason for the corruption is the lack of independence of the police that have no independence from the president and the political elite. Influence and nepotism is being used to achieve political aims.

According to an international organisation (1) in Yerevan, **the police appear well-functioning on a formal level, but practically there are several problems and challenges of corruption that raise international concern. Cases are being closed or postponed indefinitely using administrative or legal loopholes as excuses.** There are reform efforts in the law enforcement sector that are financially and technically supported by international donors, but a sustainable result requires stronger political will and determination of the decision-makers, according to the source.

The Prosecutor General's Office would not deny that Armenia have inherited a system of corruption from the former Soviet Union, but the office highlighted that the problem is not special for Armenia, since it also exists in the surrounding former Soviet republics.

According to the Prosecutor General's Office, reports of corruption are being investigated; all phone calls to the police are recorded, why it would not be possible to "cover up" and not investigate allegations of a criminal offence. The Prosecutor is responsible for the legality of the cases, and therefore he also reviews the phone recordings.

The Prosecutor General's Office has the power to refer a case for further investigation to the Special Investigation Service, and at the same time controls the legality and effectiveness of investigations conducted by the service, and decides if charges should be pressed. [...]

Corruption

Many sources highlighted the problem of corruption in the Armenian judiciary. Armenia is a country of formal and informal networks, which makes it easy to influence a case. The general consensus is that a person in Armenia is not protected by law, but by his/her official position and financial means. Corruption permeates all levels of society. The political and economic elite in Armenia are intertwined; rich people are well-connected with the politicians and can influence politics, as well as justice.

The same sources indicated that **due to corruption an ordinary citizen would have no real possibility to seek protection with the judiciary. People can file cases before all levels of the court system, including the Court of Cassation, but the only option for a fair trial is to file a case at the European Court of Human Rights.** Several sources referred to the special report published by the Ombudsman in 2013 describing the systematic mechanisms of corruption. **The report revealed that corruption affected all judicial instances with**

judges taking bribes at various levels. The Ombudsman identified more than 200 legal cases in which judicial rulings were swayed by money paid (up to 50,000 USD) by one or the other of the parties.

According to Transparency International Global Corruption Barometer, the courts are perceived to be among the three worst corrupt state institutions in Armenia. The corruption is systemic and starts from the bottom level and goes up to the highest management, where managers at all levels have systemised the amount of money, their subordinates must pay every month. In civil cases the general trust in the judiciary system is almost non-existing when a large amount of money or an influential public official is involved. The parties in the case would be prompted to believe that a judge could be subject to temptation of taking a bribe, according to several sources.

The Association of Judges acknowledged that corruption exists in Armenia, since people are filing complaints about corruption. However, the source stated that **the biggest threat to the independence of the judiciary was the judges' low salaries and pensions.**

The Prosecutor General's Office noted that powerful or well-connected persons have no influence in the court rooms. If bribes were paid, such a case would immediately be filed for the European Court of Human Rights. Therefore people can no longer hide a problem or pay to make a case disappear. Several sources stated that there have been some positive signs of improvements. In some administrative cases people are beginning to win cases in courts concerning compensation after the authorities violated their rights. The sources also highlighted the better education of a new generation of younger judges that are inspired by international case-law from among other the European Court of Human Rights. These young judges care more for their reputation and have a stronger belief in justice. The salaries are also improving. » Source: Danish Immigration Service (DIS), Armenia State Actors, Political Situation, Vulnerable Groups and Citizenship Report from a Fact Finding Mission to Yerevan, Armenia 3 April to 15 April 2016, September 2016, p.10-19:
www.ft.dk/samling/2015/almedel/UUI/bilag/244/1666184.pdf.

Freedom House, 11 avril 2018:

« Corruption is rampant through the government and remains a significant point of tension with the Armenian public. Despite promises by Prime Minister Karapetyan to curb corruption, very little progress was made by the close of 2017.

In its 2017 findings, the Caucasus Barometer, an annual survey by the Caucasus Research Resource Center, asked Armenians about their trust in various institutions, among other questions. Respondents named the president, executive branch, courts, National Assembly, and political parties among the institutions that they "fully distrusted." **According to Transparency International's 2016 Global Corruption Barometer, which examined 119 countries, corruption and distrust of the government's ability to address it remain major concerns for the Armenian public. Just under a quarter of those surveyed in Armenia reported paying bribes for public services, suggesting that high-level, systemic corruption, rather than petty abuse of office, is likely the main source of popular grievance. Alarmingly, 77 percent of Armenian respondents—the highest proportion of any country—considered reporting corruption to be socially unacceptable, and 67 percent said that they would not feel obliged to report corruption even if they directly witnessed it.**

The government passed several laws that, if effectively implemented, could improve anticorruption efforts. In June, legislators adopted a proposal to establish the Corruption Prevention Commission, an entity empowered to monitor conflicts of interest and ethical conduct by public officials, receive and analyze income and asset declarations, and request prosecution of officials that it finds to engage in misconduct. Similar bodies have existed in the past with virtually no success. **A currently existing entity, the Anticorruption Council, was established in February 2015 and had not produced any significant results by the end of 2017.** The new commission is expected to begin activities in 2018. Also in June, legislators approved a measure to establish a dedicated website for corruption reporting.

Despite the constant lip service that ruling elites pay to the fight against corruption, evidence of commitment remained low. A few low-ranking officials faced prosecution for abuse of office in 2017. However, **high-ranking members of the political elite and their inner circles remain immune to anticorruption efforts.**

Former chief judicial enforcer Mihran Poghosyan, who resigned in 2016 after investigative journalists exposed his off-shore assets based on the Panama Papers cache, escaped prosecution in 2017. The SIS dropped its investigation into his case in January, and in April, Poghosyan won a seat in the National Assembly as an HHK candidate. In December, the Association of Investigative Journalists—the publisher of the popular outlet Hetq—sued the SIS for denying it access to the official document stating the agency's decision to drop the case.

The Council of Europe's Group of States Against Corruption (GRECO) published its latest compliance report on Armenia in December. **While GRECO noted that the government had met some anticorruption recommendations, notably the criminalization of a wide range of corruption-related offenses, the body also emphasized that Armenia remains far from an acceptable level of compliance with its standards.** Most significantly, the report noted that the government had not addressed any of its recommendations for preventing corruption among members of the National Assembly.

In December, Karapetyan called for the formation of a sweeping new anticorruption strategy. He also requested that his government form monitoring and assessment tools for currently ongoing anticorruption activities. It remains unclear whether this call to renew anticorruption efforts will be accompanied by more commitment than the many others issued by officials in the past. » Source: Freedom House, Armenia Country Profile, 11 avril 2018: <https://freedomhouse.org/report/nations-transit/2018/armenia>.

HCR, 2013:

« It is necessary to note that birth registration does not normally grant citizenship per se, however, the registration act documents the birth place of the child, as well as the citizenship of the parents, i.e. those bases which allow establishing the legal bond between the child and the state and to lay the foundations for obtaining citizenship in the future. **According to RA Citizenship Act documents certifying Armenian citizenship are identification card and passport.** As to children under the age of 16, their Armenian citizenship is certified, inter alia, by birth certificate¹¹ provided that the grounds for obtaining Armenian citizenship are present. **Further, the law on the Passport of an RA Citizen provides that in order to receive a passport, along with other documents, the applicant must present his/her birth**

certificate. *In the light of the aforesaid, birth registration becomes an important prerequisite for proving Armenian citizenship.* » Source: Agence des Nations unies pour les réfugiés (HCR), Study of Birth Registration Procedure in the Republic of Armenia: Problems and Prospects for Overcoming Them, 2013, p.8: https://www.un.am/up/library/Birth%20Registration_Armenia_eng.pdf.

HRA, 17 mai 2017:

« **Probation is a new phenomenon in Armenia, though there have been a number of alternative sentences that kept offenders out of prison.** The Alternative Sanctions Enforcement Division, an agency, which became a basis of the State Probation Service, created in 2016, enforced those sentences.

Probation gives the offenders a chance to serve their sentence while remaining with their families in the community. Probation keeps offenders away from the influence of criminal subculture and helps them to stay crime-free. Probation also facilitates possible victim-offender reconciliation process.

The direct and indirect aims of the probation. **The Alternative Sanction Enforcement Division, the predecessor of the Probation Service, was mostly endowed with supervision over offenders sentenced to non-custodial sanctions.** The newly created Probation Service has much wider focus and diverse functions. It is supposed to develop an individual approach to each beneficiary. The probation officer has to discover criminogenic factors in each case, check the offender's past, current needs, social and family situation, mental state, and pressing problems. The officer then develops an individual supervision plan, assists in getting a job or profession and facilitates legal or psychological consultations. Such holistic method of work with offenders is a crucial dimension of the work of the Probation Service and completely new phenomenon for Armenia.

Another indirect aim of the probation is to reduce prison overcrowding. According to the official data, approximately 5000 AMD is spent daily on each prisoner.

The reforms of legislation and piloting of new devices is obviously important, but the probation officer, the person directly working with offenders, is the most critical element in this matter.

The close work with the probationer is at the heart of the function of probation. Probation officers have to make every effort to increase the offenders' chances to integrate back to the society. In the past, the staff of the penitentiary institutions was responsible for this, but in fact, this was outside of their area of expertise. That is what the newly created specialized agency will focus on.

The Law on Probation was adopted in May 2016. It will enter into force gradually, some of the provisions this year, all of them - in the beginning of 2018. To date the beneficiaries of probation are parolees, persons under suspended sentence and those sentenced to non-custodial sanctions.

The State Probation Service started its probationary period. This probationary period is not only for those, who are sentenced to a non-custodial punishment, but also for the staff of the

Probation Service and in general for the whole system of criminal justice. And most importantly, it is a probationary period for the society to change its attitude of rejection and the mindset. » Source: Human Rights in Armenia (HRA), Armenian Probation is on "Probation", 17 mai 2017: www.hra.am/en/point-of-view/2017/05/17/probation.

Interpol, juin 2017:

« **"Thieves in Law" or "Thieves professing the code" have been identified by Project Millennium as a priority area of investigation.**

"Thieves in Law" are at the highest level in the criminal hierarchy, controlling the activities of other criminal groups lower down. The influence of the "Thieves in Law" extends across groups engaging in a wide variety of crimes, such as trafficking in drugs, human beings and stolen vehicles.

"Thieves in Law" follow their own code of honour and ethics which regulate criminal behaviour. They are of various nationalities including Russian, Georgian, Armenian and Belarusian.

They contribute to a common criminal fund – the "Obshak" – which is managed by the most influential and high-ranking "Thieves in Law". This represents billions of dollars and is invested in shares, real estate and companies.

Money is invested in legitimate companies – with the "Thieves in Law" often having great influence in activities and control of a particular sector – as well as in shadow companies used for money laundering. In this way, criminal funds are generated and distributed through both legal and illegal channels, with an impact on the global economy. » Source: Interpol, Project Millennium, juin 2017: <https://www.interpol.int/Crime-areas/Organized-crime/Project-Millennium>.

PONARS Eurasia, février 2014:

« This memo addresses current police reforms in the Republic of Armenia. We analyze these reforms' origins, assess their successes and failures, and compare them with similar reforms adopted in other post-Soviet countries, notably Georgia. We find that police reforms in Armenia, as in other post-Soviet states, have been highly state- dominated though not completely insulated from civil society. Although reforms have reduced some forms of graft, improved the technical capacity of the police, and reduced "red tape," there has been less progress toward improving police accountability to citizens. Also, in contrast to Georgia's police reform efforts, Armenia's reforms have relied far less on personnel changes such as the dismissal and replacement of corrupt police officers.

Both "commercialization" and corruption were rife among Armenian police until recently. In contrast to Russia, Armenia did not actually become a "criminal state," but Armenian police services were severely compromised by corruption and nepotism. Such practices were (and to some extent, still are) tolerated by the government as tools to use against opposition politicians. **According to a 2002 TsRR/TI-Armenia survey, Armenian heads of households and small and medium business enterprises (SMEs) considered the police and prosecutor-general's office to be the most corrupt state institutions. There were few serious**

official efforts to address police corruption in the first two post-Soviet decades, apart from a presidential decree on police reform in 2006 under former President Robert Kocharyan, which appears to have had little practical effect. However, more substantive policy changes intended to improve police services began to be implemented in 2008 and some results became observable in late 2011 and 2012. [...]

Evaluation

What drives these reforms? **Like their Georgian equivalent, Armenia's police reforms are aimed at restoring the state's monopoly on violence, which had been established to a large extent by 1990s-era police chief Vano Siradeghian who put an end to the thieves-in-law in Armenia. Officials believed this monopoly had been compromised by the ability of criminal groups to co-opt the police. The new policies also reaffirm the power of high-ranking officials to control informal rents derived from public office and to determine how and by whom such rents can be appropriated. By attacking the most visible aspects of police dysfunction (e.g., rude and overtly corrupt highway police), the reforms also aim at creating an image of a modern functioning society, both for Western observers and for Armenian citizens.**

As to whether these reforms have actually benefited citizens, caution and nuance are required. True, police are now more disciplined and possibly more circumspect in their treatment of civilians. Surveys suggest that citizens do perceive some improvements in officers' day-to-day behavior. In a Gallup press release, it was reported that almost 70 percent of Yerevan residents surveyed in November 2012 either strongly or somewhat agreed with the statement that police service had improved over the last year. However, it is also true that the reforms have not emphasized formalized accountability to civilian authorities for ongoing management of the police or disciplining of wrongdoing by them. Nonetheless, we can see visible improvements in police work in Yerevan since the end of 2011.

Finally, in an interesting contrast with Georgia, we note that Armenia's police reforms did not follow a regime transition. It seems likely that **the limited personnel replacement observed in Armenia reflects that the government must move cautiously in dismissing police officers, as well as civilian employees of the MIA, as such dismissals implicate the power of senior officers and other high-ranking officials.** (Likewise, Georgian police reforms were more closely integrated with other administrative changes than appears to be the case in Armenia, although more research is needed on this point.) However, as in Georgia, it is also noteworthy that **most of the Armenian reforms concern day-to-day "street" policing rather than the policing of high-level economic crime or other official misconduct.** According to several respondents who work in NGOs, a serious attempt to come to grips with the latter would entail, at a minimum, independent auditing and inspection of government ministries, and the creation of genuine judicial independence for Armenia's courts. While NGOs are sometimes invited to help implement some reforms, the political decisions that led to those new policies remain highly closed to participation from the public.

In short, Armenia's police reforms emerged out of a different political context than Georgia's, somewhat limiting their scope. However, as in Georgia, Armenian reforms are ultimately aimed at removing glaring abuses that sully the image of the state, rather than at subjecting the police to ongoing oversight by citizens or civil society. » Source: PONARS

Eurasia, Police Reform in Armenia: Revolution or Evolution?, février 2014:
www.ponarseurasia.org/memo/police-reform-armenia-revolution-or-evolution.

RFERL, 8 novembre 2018:

« Armenia says it has no intention of removing its ambassador in Berlin after a German investigative report alleged that the envoy may have ties to a brutal Armenian mafia ring operating in that country.

Armenian Deputy Foreign Minister Karen Nazarian told RFE/RL that the ministry is in contact with German officials "to clarify the credibility of the allegations that were made in the media" about Ambassador Ashot Smbatian and the Armenian Embassy in general having links to a criminal group.

"These are certain allegations made in the media. I don't think that we should take steps based on media reports," Nazarian added.

The allegations come from a report based on a three-year covert investigation by various German security services into the activities of an Armenian-led branch of an infamous criminal group Berlin has dubbed the "Thieves-In-Law," which operates throughout Europe and reportedly has tentacles in sports and diplomatic circles.

The magazine Der Spiegel and MDR TV and Radio say they obtained copies of the final report of the investigation, code-named FATIL (Fight Against Thieves-In-Law), which concluded this summer and led to the opening of 14 criminal cases involving 42 people.

In addition, a combined team of Der Spiegel and MDR reporters spent five months investigating the German operations of the notorious Thieves-In-Law -- a powerful, worldwide criminal group that originated in the Soviet prison system and is known for its ruthlessness and for having its own elaborate legal culture.

The reports assert that, in March, Smbatian offered the Armenian Embassy's support in the investigation but Germany's Federal Criminal Police Office told investigators to reject the offer because it could not rule out "possible fusion" between the diplomatic mission and Thieves-In-Law criminal groups operating in Germany.

Other law enforcement bodies in Germany were also cautioned about cooperating with Armenian authorities, the media organizations reported.

In particular, German security services reportedly suspected that Smbatian -- appointed ambassador in 2015 by then-Armenian President Serzh Sarkisian -- had links to criminal groups, though they offered no specific proof.

'Absurd' Allegations

Smbatian, who was also named Armenian ambassador to Liechtenstein on October 30, has called allegations of his involvement with criminal groups "absurd" and from the "rumor mill,"

tagesschau.de reported. His lawyer also declared an allegation that Smbatian was a member of the Thieves-In-Law to be "nonsense."

Smbatian obtained a last-minute injunction from a Berlin court on November 6 that barred the broadcast of a *Der Spiegel*/MDR documentary on the German investigation on November 7.

The film, *The Godfather In Germany*, details the Thieves-In-Law's alleged operations in Germany and other parts of Europe, where it purportedly collaborates with Italian and Russian mafia groups, including in the distribution of counterfeit money.

MDR said it did not have enough time after the November 6 court decision to make the necessary changes to the documentary as required by the legal order and thus had to postpone its broadcast.

It also added that it will appeal the court order.

It is unclear why Smbatian, 49, wanted to prevent the broadcast.

The Armenian Foreign Ministry says it will take no action against Smbatian until it investigates the media reports.

"We sent an inquiry," said Nazarian. "It concerns very delicate issues, in particular the activities of our diplomatic mission and the reputation of its head. I cannot say more at this stage. Let's wait for the results."

'Sobering' Conclusions

***Der Spiegel* and MDR claim that, in the investigative report about FATIL, German officials established that Armenian mafia groups have developed "deep roots" and created a "strong network" in Germany.**

***Der Spiegel* called the conclusions of the FATIL report and the media outlets' joint research into the criminal groups to be "sobering."**

It said those mafia groups -- which it says are involved in everything from manipulating slot machines to extortion and money-laundering and even human trafficking -- have "considerable financial resources" and could be a "threat to the rule of law."

The report is also said to mention Armenian-German IBO world light-heavyweight boxing champion Karo Murat, his brother Koko, and Armenian-German former WBO and IBF middleweight champion Arthur Abraham; but officials said they failed to find any concrete evidence of their involvement in the Armenian mafia group's activities, *Der Spiegel* and MDR reported.

Koko does admit to being present at a bloody shoot-out between Armenian mafia clans at a casino in the eastern German city of Erfurt in 2014, but told the *Der Spiegel*/MDR reporters that neither he nor his brother have any contacts with the mafia.

Abraham did not reply to a list of questions from the *Der Spiegel*/MDR reporters about the reported ties to the criminal group, while Karo Murat denied having any business associa-

tions with members of the mafia. He also denied being present at the Erfurt incident even though police allegedly found his mobile phone and a car registered to him at the scene.

Armenian mafia groups are suspected of having operated in Germany since shortly after the 1991 dissolution of the U.S.S.R., when immigrants from Armenia and other former Soviet republics arrived in substantial numbers.

But German security officials turned greater attention to the groups after the 2014 casino shootout between rival Armenian gangs in Erfurt, where the Thieves-In-Law are suspected of having a base.

The classified report also cites possible suspicions in 2005 when the Berlin Public Prosecutor's Office reportedly investigated Smbatian for money laundering, Der Spiegel reported.

And in 2008 -- when Smbatian was a staffer at the Armenian Embassy in Berlin -- Germany's Federal Intelligence Service began an investigation into whether the future ambassador was engaged in smuggling, but later suspended the probe due to a lack of evidence.

Smbatian said he has no knowledge of any previous investigations of him in Germany.

Albert Weiler, a member of the Bundestag from the German state of Thuringia (where Erfurt is the capital), said he was shocked to hear reports about Smbatian having alleged mafia links.

"I cannot imagine that he is doing anything wrong," Weiler, who leads a German-Armenian Forum, told Der Spiegel. "If he were [involved in such things] that would set back my image of mankind a bit." » Source: RFERL, Armenia Backs Berlin Envoy Despite Reported Ties To Mafia In Germany, 8 novembre 2018: <https://www.rferl.org/a/armenia-backs-berlin-envoy-smbatian-mafia-ties-germany/29590378.html>.

RFERL, 22 décembre 2017:

« [...] The Thieves-in-Law group, according to the Treasury Department, allegedly engaged in money laundering, extortion, bribery, and robbery in Russia, Europe, and the United States for years, the department said in a statement.

"Treasury is designating the Thieves-in-Law as part of a broader strategy to disrupt the financial infrastructure of transnational criminal organizations that pose a threat to the United States and our allies," office director John Smith said. [...]

U.S. and European intelligence agencies have long warned about the formidable networks of organized-crime groups that emerged out of the former Soviet Union and spread into Europe, North America, and East Asia after the Soviet collapse.

Intelligence officials have also warned the groups are frequently tapped by government agencies in Russia and elsewhere to conduct officially sanctioned operations.

"Russian-based organized-crime groups in Europe have been used for a variety of purposes, including as sources of 'black cash,' to launch cyberattacks, to wield political influence, to traffic people and goods, and even to carry out targeted assassinations on behalf of the Kremlin," Mark Galeotti, a New York-based expert on Russian law enforcement and crime, said in a widely read paper published in April.

The sanctions were the third such measure to be taken in as many days by the Treasury Department.

On December 21, 52 people were blacklisted under the Global Magnitsky Act, a 2016 U.S. law that imposes financial and travel restrictions against people deemed to have committed human rights abuses or corrupt activity.

That list included the eldest daughter of late Uzbek President Islam Karimov, the son of Russian Prosecutor-General Yury Chaika, a Ukrainian riot-police commander, and others.

And a day prior, Treasury hit the leader of Russia's Chechnya region and four others under an earlier iteration of the law known simply as the Magnitsky Act, named for Russian whistleblower Sergei Magnitsky who was imprisoned after uncovering a scheme that stole \$230 million from the Russian treasury. Magnitsky died in prison in 2009.

That law infuriated the Kremlin, and Moscow has complained repeatedly about it. » Source: Radio Free Europe/Radio Liberty (RFERL), Reputed Organized-Crime Bosses From Russia, Elsewhere Hit By New U.S. Sanctions, 22 décembre 2017: www.rferl.org/a/russia-us-sanctions-thieves-in-law-ex-soviet-organized-crime/28933871.html.

Russia beyond, 21 juillet 2016:

« Vory v zakone, or "thieves-in-law," are originally a Soviet phenomenon. They first appeared in the 1930s – people who did not accept the Soviet regime and went into the criminal underground. "Thief" is not a profession, but a title backed by the thieves' "law," or code of conduct.

*According to these rules, you cannot marry, have a residence permit, job, property, any contacts with the government and, most importantly, commit "unworthy" acts. Unworthy, of course, according to the thieves' own morality: to not rat on others, to repay debts, to not be associated with sports teams, etc. But the title gave them **the right to act as arbitrators in the criminal world.***

However, in truth these "thieves" disappeared back in the early 1960s, when the death penalty was introduced for the involvement in gangs, said Mikhail Pashkin, chairman of the coordinating council of the Moscow and Moscow Region police trade union.

These days, a "thief-in-law" is just the leader of a criminal gang, with the exception of a few traditions that have been preserved: the ceremony of "crowning" (the awarding of this title), and the thieves' cashbox – the so-called obshchak (common fund), which is held by the "thieves."

Mob bosses share their recommendations at a skhodka, or a general assembly, then a decision is made. All this happens at calm and not crowded places: They sit in a hotel or an expensive restaurant (an outsider will not even understand what is going on), on a ship or at a graveyard. Today, the status of "thief-in-law" can be bought, but it is something that is not discussed.

"This is too vulgar," a source from Prime Crime, a news agency specializing in the criminal world, told RBTH on condition of anonymity. "The status can be earned. Most of all, large financial investments are welcome."

The price is different for each person. One who is not worthy of becoming a "thief" cannot buy this status even for a million rubles (\$15,830), while others may get it for a few hundred thousand.

"If they really need the money, they can crown even an unsuitable person for a million," said the Prime Crime source. "In five minutes, they will uncrown him for the very first mistake, but keep the money to themselves."

The common fund is used to buy prison warders and the heads of penal colonies. "There is a phone in the cell, food from restaurants, girls are brought there," said Mikhail Pashkin. "One 'thief,' who was in prison in Smolensk, was taken to Moscow every weekend, allegedly for investigative procedures. He paid for the hotel rooms for his convoy officers and flew to the Canary Islands."

'They buy courts, prosecutors, investigators'

In 2015, Prime Crime counted 485 "thieves-in-law" around the world. Of these, only a quarter – 118 people – were then behind bars. According to Pashkin, a great many cooperate with law enforcers.

In 2008, one of the "thieves" leaked information about a planned assembly to operatives. As a result, a scene worthy of a film adaptation in Hollywood took place: a rented boat with mob bosses, helicopters with special forces, a descent on ropes onto the deck, the capture of the deck-house. Thirty-nine "thieves" were arrested then. However, most of them were released just a day later.

*"They detain them, take down their data, sometimes plant drugs or weapons on them and then let them go, because they have nothing to charge them with," say members of the police trade union. **Cases over the organization of or participation in a criminal group often fall apart for alleged lack of evidence, though senior police and government officials are widely suspected of having links to organized crime.***

"Today, the thieves are spreading their influence far beyond the borders of the former USSR," said the Prime Crime source. "This is an entire corporation." In Russia, they have their representatives in every town and even village.

"Now, they control large cash flows, companies, entire industries," said Pashkin. "They buy courts, prosecutors, investigators."

When there was a shooting incident at a restaurant involving Shakro's men, police responded to the call, but not only did they not interfere with the conflict, they "settled down in their Gazel van like in a movie theater. One of the policemen even grabbed a plate of snacks from the restaurant," a witness told the Kommersant business daily.

Now, after the arrest of the "king of thieves," there will be a new divvying-up in the criminal world. "A thief, however influential and authoritative he may be, cannot run things while behind bars. Shakro's place will be taken by someone else in the near future," said the Prime Crime source. » Source: Russia beyond, 'Thieves-in-law': Russia's close-knit criminal corporation, 21 juillet 2016: www.rbth.com/politics_and_society/2016/07/21/thieves-in-law-russias-close-knit-criminal-corporation_613841.

Transparency International, avril 2015:

« Armenia ranks 94 out of the 174 countries assessed by Transparency International's Corruption Perceptions Index 2014, with a score of 37 on a scale from 0 (highly corrupt) to 100 (very clean). A particular feature of corruption in Armenia is the presence of so-called "oligarchs" who enjoy the fruits of a shadow economy estimated to account for around 35 per cent of Armenia's GDP. Patronage networks and a lack of clear separation between private enterprise and public office act as an important barrier to effective anti-corruption efforts. It is not surprising, therefore, that 82 per cent of people in Armenia believe that corruption in the public sector is a problem or a serious problem, with the judiciary and the civil service perceived to be the sectors most affected by corruption.

At the same time, only 21 per cent of Armenians believe that the government is effective in its anticorruption efforts, 16 despite the adoption of successive anti-corruption strategies (see below).

Armenia has also recently introduced a new electoral code that strengthens the oversight and control over party finances, as well as a new public service law designed to prevent conflicts of interest, corruption and undue influence among civil servants and high-level public officials.

However, whistleblower protection provisions in the law are considered to be weak, and Armenia still lacks an independent anti-corruption agency. » Source: Transparency International, The state of corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine, avril 2015, p.12:

http://files.transparency.org/content/download/1913/12662/file/2015_StateOfCorruption_AMAZGEMDUA_EN.pdf.

Transparency International, 23 août 2013:

« Corruption in Armenia is endemic and widespread, permeating all levels of society. The public administration, particularly the judiciary, the police and the health sector, are especially vulnerable to corruption. This situation is echoed by Armenia's poor performance in most areas assessed by governance indicators.

The political crisis that followed the 2008 elections unveiled the need for deep reform of the country's governance structure and sparked a new political will for change in the government. This led to a wave of reforms being adopted with the aim to modernise the state, such as the

adoption of an anti-corruption strategy, a new Electoral Code and a new Law on Public Service, among other reforms. Entrenched corruption, strong patronage networks, a lack of clear separation between private enterprise and public office, as well as the overlap between political and business elites render the implementation of anti-corruption efforts relatively inefficient. What is more, the governance deficiencies of Armenia are made worse by and, at the same time, feed a pervasive political apathy and cynicism on the part of citizens, who do not see an impactful role for themselves in the fight against corruption. A largely controlled media environment further aggravates this situation. [...]

One of the most significant corruption issues in Armenia is the blurred line between the political elite and business people (see section on patronage), which deepens the risk of grand corruption occurring. The Constitution forbids members of parliament to own or run a business while in office, but this ban is often ignored (International Crisis Group 2012). Powerful officials and politicians frequently have control over private firms through hidden partnerships or relatives (US Department of State 2012a). The absence of clear separation between private enterprise and public office leads to gross manipulations of government procurement, abetted by the poor implementation of the existing regulations, which results in inefficiencies and opacity in the bidding system (Freedom House 2013a). One of the historical gaps in Armenia's procurement regulation is the abuse of the recourse to "emergency procurement" or "unforeseen situations" as preconditions allowing the conduct of single-source procurement. This can be explained partially by the lack of clarity of the relevant legislations with regards to "unforeseen situations". The World Bank has expressed its concern over the unjustified use of single-source procurement in Armenia (Transparency International Anti-Corruption Centre 2011a). The government has taken steps to try to tackle the problem of grand corruption with the adoption of a new law on procurement in 2011. [...]

Armenia is not a significant regional financial centre and the money laundering risk is not major. **The country's geographic location, however, makes it vulnerable to various forms of trafficking (International Monetary Fund 2010). According to the US Department of State, drugs such as amphetamines from Russia and Turkey and heroin from Afghanistan are trafficked through the country and are also abused domestically (US Department of State 2013a). Money laundering in Armenia uses the system of remittances from the diaspora, as well as from high level transactions such as real estate and the gold market (US Department of State 2013a). The fact that Armenia is a cash-based economy presents additional challenges to the implementation of anti-money laundering efforts.**

Armenia is a source country for women, men and children subjected to human trafficking and forced labour. Armenian women and girls are subjected to trafficking for sexual exploitation within the country as well as in Turkey and the United Arab Emirates. Persons subjected to trafficking for forced labour are mostly sent to Russia and Turkey (US Department of State 2013b). [...]

The police are recognised by the citizens as one of the four most corrupt institutions of Armenia, according to Transparency International's GCB 2013. Echoing citizens' impression of impunity and distrust for the judiciary, only 30 per cent of the individuals surveyed by the 2012 Caucasus barometer said that they trusted the police.

The Armenian police have been reported to regularly abuse their power, to employ torture to obtain confessions, and to mistreat persons in custody or arrest (US Department of State 2012b). Observers note that Armenia's police administration is permeated with corruption and nepotism, and that abusive practices are tolerated because the government uses the security forces to silence opposition leaders (PONARS Eurasia 2012).

The police are a self-governing administration that reports directly to the president since Armenia does not have an interior ministry since 2002. The Council of Europe recommended that the government consider creating such a ministry since the current arrangement limits the oversight and control of the police administration (International Crisis Group 2012). The relevant authorities are reluctant to investigate reported cases of torture and abuse, and sometimes push citizens into retracting complaints (Human Rights Watch 2013). » Source: Transparency International, Overview of corruption and anti-corruption in Armenia, 23 août 2013:

www.transparency.org/files/content/corruptionqas/Overview_of_corruption_in_Armenia_1.pdf.

Trend News Agency, 29 novembre 2018:

« The investigation of German journalists about the links of the Armenian mafia in Europe with the Armenian Foreign Ministry shouldn't be surprising, because this is true, Yevgeny Mikhailov, a famous Russian TV anchor and political analyst, told Trend.

He was commenting on the information published Nov. 28 on the website "Crime Russia", based on the investigation carried out by Der Spiegel and MDR TV Channel in this regard.

Results of a journalistic investigation carried out by Der Spiegel and MDR TV Channel implying that high-ranked Armenian diplomats 'patronize' 'Armenian mafia' operating in Germany under the leadership of thieves-in-law compromised the reputation of the local Armenian diaspora, sparked lawsuits, and caused diplomatic tensions between the two countries, according to the website.

"In early November, Der Spiegel weekly newspaper and the Thuringian branch of Mitteldeutscher Rundfunk TV Company have partially published results of their joint journalistic investigation based on the 19-page report produced by the Federal Criminal Police Office (Bundeskriminalamt, BKA), thus, announcing the forthcoming premiere of a documentary entitled "Godfathers in Germany — Armenian Mafia and thieves-in-law" (Paten in Deutschland — die armenische Mafia und die Diebe im Gesetz)," the website reported.

"According to the journalists, a well-conspired and sophisticated 'Armenian mafia' network infiltrates a number of big German cities running various illegal businesses, including credit frauds, counterfeiting of money, laundering of criminal proceeds, racketeering, drug trafficking, and prostitution," the report said.

The publication drew attention to the fact that the Armenian Foreign Ministry often fell into extremely ambiguous situations from the time of Serzh Sargsyan's rule, Mikhailov said.

He noted that cases of interaction between Serzh Sargsyan and thieves in law have

long been known, and it is no secret that many of the authorities were hiding in Armenia after the persecution began in Russia.

*“Money laundering, drugs, smuggling, prostitution are only a small part of the Armenian mafia’s activities around the world,” Mikhailov said. **“The fact that the German special services started the investigation shows that they are interacting with Russian colleagues who have already gained successful experience in combating criminal ethnic groups. In Russia, Armenians also often stand at the head of many criminal groups that withdraw cash money and are engaged in other criminal activities.”** » Source: Trend News Agency, Analyst: Armenians often stand at head of many criminal cash withdrawal groups in Russia, 29 novembre 2018: <https://en.trend.az/other/commentary/2987053.html>.*

USDOS, 20 avril 2018:

« The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous allegations of government corruption throughout the year.

Although the constitution prohibits individuals engaged in entrepreneurial activity from holding public office, company executives and oligarchs continued to occupy seats in the newly elected National Assembly, and various government officials used their offices to promote their private business interests. In the view of many observers, oligarchs linked to the government or holding government posts monopolized the economy. Moreover, authorities reportedly ignored media and other reports implicating government officials in corrupt practices.

Corruption: There were numerous media reports of systemic government corruption in areas ranging from construction, public administration, the judiciary, procurement practices, and provision of grants by the state (including the presidential administration), health care, taxation, law enforcement, education, and the military. There were also allegations of embezzlement of state funds, the involvement of government officials in questionable business activities, and tax and customs privileges for government-linked companies. » Source: Département d'Etat des Etats-Unis (USDOS), Country Reports on Human Rights Practices for 2017, Armenia, 20 avril 2018: www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277137#wrapper.

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