

Armenian Courts Accused of Systemic Corruption

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Highest appeals court disputes ombudsman's findings, and insists bribery is punished, not encouraged.

In a damning report on the state of Armenia's judiciary, the country's official ombudsman has alleged that the system is corrupt from top to bottom.

A spokesman for the highest appeals court has denied the claims made in the 80-page report published in December, while the prosecution service has asked for more details of the alleged criminal acts set out in the document.

In his report, Ombudsman Karen Andreasian identified more than 200 legal cases in which judicial rulings were swayed by money paid by one or other of the parties. The bribes payable in each case were even regulated by an informal scale which went up to 50,000 US dollars.

The ombudsman's report also alleged that the judiciary was controlled by a "criminal system" operated by Armenia's supreme appeals court, the Court of Cassation. Individual judges in this court were awarded their own "zones" or spheres of influence in the court system.

According to a judge quoted anonymously in the report, "a Cassation Court judge gave me a memo containing the text of a ruling in a particular case, and instructed me to present it as my own opinion".

The Court of Cassation denied the allegations made by the ombudsman. Court spokesman Arsen Babayan said the report was "far removed from reality".

"Of course we cannot say that the entire court system is entirely uncorrupt. But on the other hand, I can say with certainty that the court's leadership has responded very firmly to every case of corruption," Babayan told IWPR.

Asked how many judges had been found guilty of corruption in the last decade, Babayan said there had been no convictions.

While judges dispute the report's findings, many working lawyers say it reflects their own experience.

Tigran Hayrapetyan, who has become famous for defending green activists and protesters in a series of high-profile trials, says he comes up against corruption in the court system every day.

"How do you interpret the fact that a court will take wildly differing decisions on similar cases. Isn't that proof that we have a corrupt system?" he said. "My colleagues and I from the Lawyers' Chamber have been protesting for the last few months to demand government action against corruption in the legal system. We fully endorse the ombudsman's report."

Another lawyer, Hayk Alumyan, told IWPR that the report and its author carried sufficient weight to force the authorities into taking action.

"The ombudsman is not just any old person, and if he writes that the justice system is mired in corruption and that judges are not independent, then the authorities are obliged at least to launch an investigation and throw some light on the situation," Alumyan said. "The ombudsman's report talks about crimes, but it doesn't have the right to launch an investigation. These powers reside with the law-enforcement agencies, so they should open an investigation."

Prosecutor General Gevorg Kostanyan has written to Andreasian asking for information about specific cases.

"Without facts, prosecutor general's office will not be able to deal with the troubling questions raised by your report, which would appear to constitute crimes," the prosecutor's letter said.

Vardan Hambardzumyan, 28, described one case which the police are already looking into, a lawsuit which his aunt brought against his father over a house they inherited jointly.

"My aunt went to court to try to get the house made her exclusive property. We were dragged into the judicial process, and they told us we must pay in order to get a ruling in our favour," Hambardzumyan said. "It was apparent to us that the court would rule in favour of whoever paid the most."

Mikael Danielyan, head of the Helsinki Association of Armenia, believes the problem goes beyond venality and has its roots instead in the failure to establish a properly independent judicial arm in post-Soviet

Armenia.

“In reality, the courts in Armenia are not independent. The situation remains the same as it was in Soviet times. The courts are dependent on the political authorities,” Danielyan said. “This is the main reason for corruption in our legal system, as judges are not guided by the law. They do whatever the government tells them to do.

“As for the corruption which pervades the system and the pressure that judges are under, the ombudsman was just saying what we’ve all known for a long time.”

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