

FREEDOM OF INFORMATION CENTER OF ARMENIA

YOU HAVE A RIGHT TO KNOW

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Published since 2001

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"Freedom of press: the right to know" photo exhibition



"Freedom of press: the right to know" is the theme of the photo exhibition that opened in Yerevan on May 3, 2010, to mark the World Press Freedom Day.

In 1993 the UN General Assembly has declared 3 May as World Press Freedom Day, representing an opportunity to commemorate the fundamental principles of press freedom and sensitize people from all walks of life of the critical importance of free and independent media. Today we are paying solemn tribute to journalists who have lost their lives in the line of duty. This year's theme for World Press Freedom Day, observed on 3 May, is "Freedom of Information: The Right to Know".

The event, organized by the Freedom of Information Center of Armenia NGO as part of the "Access to Information for Community Involvement" project funded by the US Agency for International Development (USAID), in cooperation with the OSCE Office in Yerevan and the UN Department of Public Information, brought together journalists, representatives of state institutions and civil society in Armenia.

The aim of the one week exhibition featuring over 30 unique images selected out of 300 submitted photos is to reflect ideas on the challenges and opportunities of exercising the right to know and to remind the government, media

representatives and public at large of their role in achieving this right.

The US Ambassador to Armenia noted in her speech: "To move forward in today's dynamic global environment, societies must tap into the creativity and talents of their people. This means trusting their citizens to make meaningful choices based on full information. I urge all of us to recommit to working for a more open and informed society in Armenia."

The Head of the OSCE Office in Yerevan, Ambassador Sergey Kapinos welcomed the exhibition as a creative way to show public perceptions about freedom of information and expression situation. "Free access to information is key to the respect of human dignity and serves as a critical tool enabling citizens to take active part in public life and helping them exercise their other human rights. This exhibition is a good opportunity to contemplate over these issues", he said.

President of the Freedom of Information Centre, Shushan Doydoyan added: "This is a special exhibition since everybody, including journalists, citizens, professional photogra-

"Freedom of press: the right to know" photo exhibition



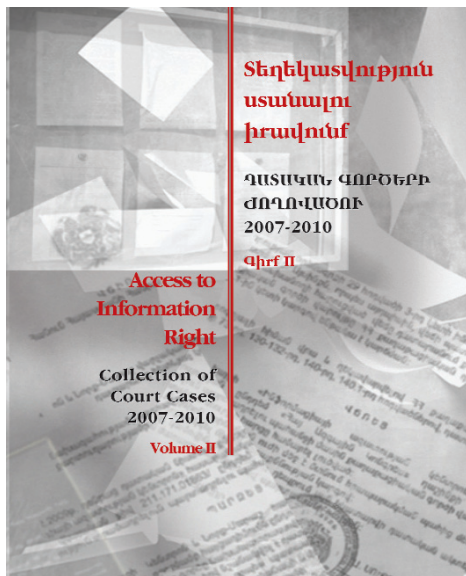
phers were invited to present their images on the topic. In the photos the heroes voice their disagreement towards violence against press freedom, as well as they try to exercise their access to information right despite obstacles and barriers they face”.

“Freedom of information is intrinsically linked to the basic human right of freedom of expression and therefore also fundamentally connected to press freedom, representing a crucial element to enable media to strengthen democratization, good governance and human development”, Dafina Gercheva, UN Resident Coordinator in Armenia mentioned.

More about the exhibition and the presented photos you can see in the FOICA's site:

<http://www.foi.am/en/content/201/>

Book Presentation and Summary of the FOI Judicial Practice



On the 17th of June the FOICA’s “The Right to Know: Collection of Court Cases 2007-2010” book presentation took place. It summarizes 20 court cases of the last four years, accompanied by all the related documents initiated by the Centre in the sphere of freedom of information in. The diversity of the court cases allows a number of analyses to be done regarding the FOI judicial practice.

The overall statistics of the FOI court cases filed in 2007-2009 has the following picture: from the 20 proceedings only 16 were finished out of which 6 cases were fully satisfied, 5 were partially satisfied, 4 were dismissed and one was quashed without being proceeded in essence. In 2 cases of partially satisfied the court itself has decided to uphold the claim of the FOICA partially. And the rest 3 cases were quashed since during the court hearing the defendant provided the FOICA all the requested information. In these 3 quashed cases, too, the FOICA had demanded that the officials be penalized but after the information was voluntarily provided, the FOICA renounced this claim.

Out of 16 satisfied cases that were initiated by the FOICA in 2007-2009 six were against village municipalities, three were against community administrations, two were against State Non-Commercial Organizations, two were

against political parties, one was against a city municipality, and one was against a court decision (see in the section “Bodies that have Violated the Freedom of Information”). In one of the cases the RA National Assembly was the defendant, for the case was about the constitutionality of the articles 151 and 152 of the RA Administrative Procedure Code. Thus, it should be noted that out of 16 cases that were initiated by the FOICA and were finished 11 have had positive outcome, and 5 cases have failed.

As a rule, the main aim and claims of the FOICA - to provide the enquired information – were upheld by the court. This tendency proves that the execution of the right to seek and receive information and its judicial protection have progressed in the last four years. However, another claim – to take administrative sanctions against the officials who violate the right to be informed – was dismissed by the court. Only the case “FOICA vs. the mayor of

the village of Elpin and the village principality” was an exception. Here, for the first time, the court (judge: A. Poghosyan) took administrative sanctions against the official for violating the right to be informed.

The claims to take administrative sanctions against officials were mainly dismissed because of a legislative gap. This gap was uncovered by the RA Constitutional Court, when examining the FOICA’s claim to announce articles 151 and 152 of the RA Administrative Procedure Code as contradicting each other.

Also, for the first time, the FOICA, together with “Aravot” daily, legally questioned the fact that electronic enquiries were being left unanswered. The FOICA and “Aravot” had brought charges against the regional administrations of Shirak and Lori, because they had left “Aravot” daily’s journalist Aram Zakaryan’s electronic enquiries unanswered. This can be a good precedent for the other media outlets, too, whose journalists’ information enquiries are groundlessly denied or the answers arrive late. As in previous years, now too, sometimes just the fact of applying to the court is enough to restore the right to know. In a number of cases



the FOICA’s court cases were quashed, because the information was provided during the court hearing. Every court case about the freedom of information by itself has a great educational importance for the officials and the public. Besides, these court cases also have a preventive function for the violation of the right to know. They are unique warnings for the officials that should they hinder the implementation of the freedom of information; they will have to stand accountable in front of the court.

FOI COURT CASES

The RA Court of Cassation satisfied the FOICA's cassation claim once again

On April 22, 2010, the RA Court of Cassation published its decision and partially satisfied the FOICA's cassation claim annulling the decision of the RA Administrative Court over the case the FOICA vs. the Zartonk Village Mayor and the Village Municipality.

On February 7, 2009, the Freedom of Information Center sent an information request to the mayor of the Zartonk community in Armavir marz asking to provide the following:

1. The 2008 budget of the Zartonk community,
2. A copy of the Zartonk community 2008 budget implementation report.

The mayor of Zartonk did not reply to the FOICA's request for information. On March 20, 2009, the FOICA filed a lawsuit at the RA Administrative Court to demand the requested information and to impose an administrative fine on the mayor. The RA Administrative Court admitted a part of the FOICA's lawsuit and threw out the request to impose an administrative fine on the mayor of Zartonk.

On April 23, 2009, the FOICA complained to the RA Administrative Court, asking it to overturn the decision not to admit the part of the lawsuit about imposing a 50,000 AMD administrative fine on the mayor of Zartonk. On April 28, the RA Administrative Court upheld the FOICA's complaint. By doing this, the Court confirmed that the Freedom of Information Center has the right to file lawsuits asking to impose administrative sanctions on officials.

During the hearing on July 30, 2009, the FOICA's representative, Karen Mejlumyan, withdrew the part of the lawsuit asking to

require the mayor to provide information (the mayor of Zartonk had already provided the requested information to the FOICA before the hearing) and to impose a 50,000 AMD administrative penalty. However, he insisted on the request to consider the Zartonk mayor's inaction as unlawful.

On August 13, the RA Administrative Court decided to dismiss the case against the mayor of Zartonk, because the FOICA's representative had withdrawn two claims of in the lawsuit, and the Court found that the claim to consider the mayor's inaction as unlawful should also be dismissed, since judge A. Tsaturyan thought that "the RA Administrative Procedure Code does not provide for claims to consider action or inaction as unlawful, and therefore the administrative court has no jurisdiction over that claim."

It is worth noting that this was the first time that the RA Administrative Court denied the claim to consider actions of a local self-governance body as unlawful. Many of the FOICA's lawsuits with similar claims have been satisfied by the RA Administrative Court.

On September 15, 2009, the FOICA filed a cassation claim against the RA Administrative Court's decision. The Court of Cassation annulled the RA Administrative Court's decision and sent it to a new exam.

FOICA vs. Parakar Village Mayor and the Village Municipality

On May 31 RA Administrative Court of Etchmiadzin, reconsidered the suit of Freedom of Information Center versus Parakar rural community (Armavir region) and secured the demands of the plaintiff.

In December 2008, two residents of the village of Parakar, S. Ghazaryan and A. Nersisyan, complained to the Freedom of Information Center that the village mayor did not provide information to them.

On December 12, the FOICA sent a request for information to the mayor of Parakar, which included the questions from the villagers that had remained unanswered:

1. Is the 250-260 sq.m. land plot near the road, on the left bank of the main canal by building No. 1 on Mekenagortsneri Street, included in the list of restrictions in Article 60 of the RA Land Code?
2. If yes, then on what grounds and for what reasons?
3. If no, then please state so.

The reply received from the mayor in January 2009 was incomplete. Therefore, the FOI Center filed a lawsuit in a court to demanding a complete and full answer from the community leader. On July 30, 2009, the RA Administrative Court, presided by Judge A. Tsaturyan, heard the FOICA vs. the Mayor of Parakar and the Village Municipality case.

The village mayor explained in the court that he did not provide a complete answer to the FOICA's request for information, because it was practically impossible. Since the list of land plots that may not be transferred with the right of ownership includes areas on which the gov-

ernment has adopted special decisions, the mayor of Parakar must have the relevant government decisions on the aforementioned plot in order to be able to provide information requested by the FOICA.

On August 13, 2009, the RA Administrative Court decided to reject the FOICA's claim, considering the fact that the RA government has not yet approved the relevant program that would include information about the land plot indicated by the FOICA. On September 15, 2009, the FOICA filed a Cassation claim against the RA Administrative Court's decision.

On March 19, 2010, the RA Court of Cassation decided to satisfy the FOICA's claim partially. Thus, the court annulled the RA Administrative Court's decision and sent it to a new exam.

On May 31, 2010, the RA Administrative Court examining the same case for the second time fully satisfied the FICA's claim against the Village Municipality of Parakar.

The Court decided to recognize the Parakar Mayor's inactions illegal and to oblige the Mayor of Parakar to provide the requested information. The Village Municipality of Parakar field a Cassation claim against the RA Administrative Court's decision. The date of the court hearing hasn't been appointed yet.

The Court of Cassation satisfied FOICA's claim

On June 09, 2010, The RA Court of Cassation fully satisfied FOICA's cassation claim. The Court annulled the RA Administrative Court's decision over the case FOICA vs. "Yerevan Urban Development and Investment Programs Department" SNCO and sent it to the same court for a new exam.

On February 27, 2009, the FOICA sent an information request to the "Yerevan Urban Development and Investment Programs Department" SNCO asking to provide the following information:

1. How much money was allocated to the Yerevan Urban Development and Investment Programs Department SNCO for 2006-2008 years' State Budget?
2. Which organizations did the SNCO sign contracts with in 2006, 2007 and 2008?
3. What was the volume of the profit of the SNCO received from the signed contracts during 2006, 2007 and 2008 years?

The SNCO answered that information included in the first question was published in the "State Budget" Law of the RA of the respective years, while the next two questions contain a commercial secret and not subject to be released.

FOICA appealed the SNCO's answer to the RA Administrative Court. On July 15, 2009, the Administrative Court decided to postpone the hearing of the court case for an indefinite period, because the respondent was in the process of liquidation. However, the court session was resumed in November, 2009.

On the 20th of November, 2009 during the court hearing the FOICA representative Karen Mejlumyan fully pursued the claim. Whereas, the representative of the SNCO did not accept the precision of any of the FOICA's claims, by

fully objecting the claim.

On the 7th of December, 2009 the RA Administrative Court issued a decision, dismissing the FOICA's claim.

The court had found that the SNCO had actually answered the FOICA's request for information by giving a comprehensive answer to the first part of the request. As for the 2nd and 3rd parts, the answers contained commercial secrets, for even though the SNCO is a non-commercial organization and does not pursue any commercial interests, the organizations that the SNCO has contracts with do pursue commercial interests. So, if the SNCO provided the FOICA with that information, it would mean that it was publishing the commercial secrets of those organizations.

In December, 2009 the FOICA appealed the RA Administrative Court's decision in the RA Court of Cassation.

On June 3, 2010, The RA Court of Cassation fully satisfied FOICA's claim. The Court of Cassation annulled the RA Administrative Court's decision over the case FOICA vs. Yerevan Urban Development and Investment Programs Department and sent it to a new exam. The first court hearing over the case FOICA vs. Yerevan Urban Development and Investment Programs Department will take place at the RA Administrative Court on October 5, 2010, at 16:30.

FOICA vs. Medical Center N.2 CJC

On April 27 court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan released the decision over the case Freedom of Information Center vs. Medical Center N.2 CJC.

On June 06, 2009, the “Freedom of Information Center” NGO sent an information request to the Medical Center N.2 CJC for the following information:

1. The order on medicine provision to the children up to 7 years old at the polyclinic of Medical Center N.2.
2. Copy of the list of the medicine provided free of charge.
3. Is there any other way to get free medicine, if the medicine, which is necessary for the sick child’s treatment, isn’t included in aforementioned list?
4. What can be done by the parents, if their child needs in a medicine which is included in the list, however, the doctor refuses to provide it?

The information request of FOICA remained unanswered. Thus, FOICA filed a lawsuit in the Court of the General Competence of Center and Nork-Marash administrative districts asking to obligate the respondent giving the requested information and imposing an administrative penalty (50.000 AMD fine) on the executive director of the Medical Center N.2 CJC Mr. Tigran Khachatryan.

At the session of December 2, 2009 the representative of Clinic No.2 gave reply to the request. The judge granted time for its review by the plaintiff.

On January 27, 2010, a court hearing over the case the “Freedom of Information Center” NGO vs. the Medical Center N.2 CJC took place at the Court of the General Competence of Center and Nork-Marash administrative districts.

During the court hearing the representative of FOICA Karen Mejlumyan presented the claim and insisted it, and the representative of the respondent objected against the claim finding that it should be rejected.

On April 27, 2010 the Court of the General Competence of Center and Nork-Marash administrative districts published the decision over the case the “Freedom of Information Center” NGO vs. the Medical Center N.2 CJC. Before that, the Medical Center N.2 CJC had already provided the requested information. Therefore the Court rejected the second demand of FOICA to subject the executive director of the Medical Center N.2 CJC Mr. Tigran Khachatryan to an administrative penalty.

*All documents related to the filed court cases in the field of FOI can be found in the FOICA’s official website:
<http://www.foi.am/en/rcontent/14/>*

In Search for Tax Information

By Gayane Papyan

Numerous complaints of the taxpayers testify that the information on tax legislation and amendments made is far from being sufficient and available for people. And the authorities, who hold responsibility, forgetting the requirement of Article 10 of the Tax Law, namely to provide the taxpayers with timely and complete awareness of the tax amendments made, tax legislation, the application of the provisions of legal regulations, still continue assuring that getting tax information is merely the problem and responsibility of the taxpayers.

As an experienced accountant it is easy for me”, says Mrs. Gohar who has worked as an accountant for already 20 years and has learned by her own work experience that the taxpayer himself must be interested to dig and find the information needed.

“She carries it all on her shoulders. The tax inspection cares little, it may say it has issued the law we should have known”, she says and as an illustration mentions numerous cases that have happened to her, when she witnessed the tax officer saying to the taxpayer, “You should have known, who is to blame for this? The law has been issued; we haven’t kept it a secret, have we? It has been sold in bookstores; the TV channels have covered the subject. You should have inquired, you should have worked properly.” In a way it may be understood. But to be frank they are hardly willing to make information available. If taxpayer calls them to ask how to handle a certain problem, they will skip that matter. They will not provide detailed information but will just give slight instruction. It is good if one understands, if not then they can do their job within the frames of administrative fines, penalties and penalty actions”, mentions Mrs. Gohar with bitterness.

In order to find out what mechanisms the tax authorities use to inform the taxpayers about the tax legislation and amendments made, first

we turned to the Department of Public Relations of the State Committee for Revenues of the RA Government. The tax authorities mainly provide timely and complete awareness to the taxpayers about the tax amendments, tax legislation, the application of the provisions of the adopted tax regulations by means of the notices posted on the bulletin boards in the tax inspections. Our visits to the tax authorities and our conversations with the taxpayers have revealed how successfully the tax inspection carries out its function of providing information.

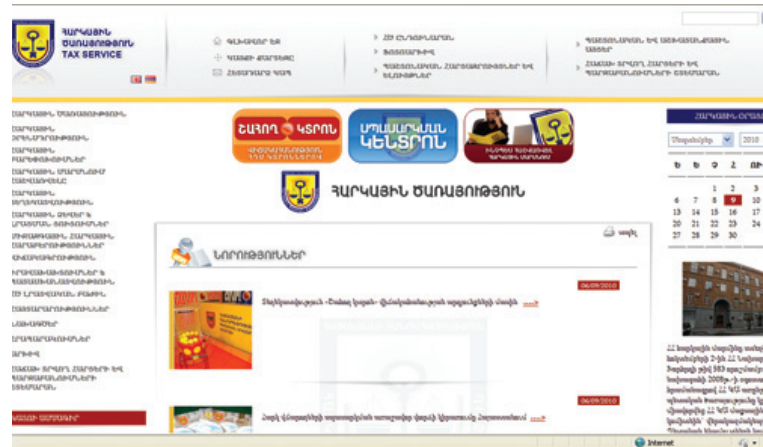
The information boards on the walls of Spandaryan district Tax Inspection of the State Tax Service contain notices, government resolutions, reference samples, application forms. It is quite impressive at first sight, but most of them are already old stuff in fact. “When I came, I had some free time, so I decided to read the notices on the bulletin board. All of them are papers dated 2007”, says one of the taxpayers.

The deputy chief of the Tax Inspection Mr. Karen Sahakyan refused to provide official information motivating his refusal by the necessity of getting his supervisor’s permission, and the supervisor expected his supervisor’s permission in his turn. “In this case you will have to wait, for how long I cannot say”, warns Mr. Sahakyan considerately. It turns out that in

order to photograph the information boards a permission of the supervisors is again needed even if it is done with the view of keeping the society informed. In Deputy Chief's opinion I can only take amateur photos, by my mobile for instance, only for myself.

A floor downstairs Myasnikyan District Tax Inspection is located. Here also the notice boards contain application forms, instructions, notification papers, government resolutions, reference forms, orders... But like the previous ones most of them are out-of-date and need to be updated. My first job is to exercise my constitutionally stated and protected right of a journalist to take photos till I am compelled to get a supervisor's permission here as well. Here taxpayers Babken and his wife are filling in some documents in the waiting lounge. "We are completely deprived of any information on this field. It is already 6 years we have worked and now they have issued these cash registers, for Cash Register Receipts", says Babken. To the question "Will not you look through the laws in order to be able to work?" he gives the following answer, "We have no knowledge, like first-graders." Another taxpayer says that he mainly buys literature on tax legislation from book-stores, but he learns about the amendments late. He hardly trusts Official Bulletins, "You never know what they contain and if they are worth buying. The content may be of no use to you, and I have no access to the Internet."

"The law was amended on the 15th of April. I buy the Bulletin at the beginning of January for the laws in force for the given year, and I was not aware of any amendments. If you buy goods and sell them, fines are imposed from the moment of buying till the moment of selling, and we did not possess that information. We should have known beforehand that if the goods were for sale, the tax had to be paid at once.' He means VAT deferral. 'A lot of fines were imposed. We ask why they have not post-



ed the information on the bulletin board of the Tax Inspection, they say that it is our duty to be informed', the accountant tells us the story that has happened to him.

Shahumyan district Tax Inspection of the State Tax Service of the RA Government is less crowded than the previous ones. Here the camera fixes the wall-posted samples of applications (Sealing and Confirming Sales Books, Sealing and Confirming Revenue Books) and forms (Sealing and Confirming Cash Books, Submitting Applications to Chiefs), as well as the poster named "Three Simple Steps", detailing the procedure of getting registered as a taxpayer. Notices and resolutions on Cash Registers prevail.

Thus, the regional tax authorities do not quite manage to cope with their duty of providing the taxpayers with information by means of notices posted on the walls, particularly with timely and complete information on amendments made, and the State Committee for Revenues fails to control, as "the posting is under the responsibility and supervision of regional authorities", they clarify at the Public Relations Department of the State Committee for Revenues.

The official web site of the State Committee for Revenues <http://www.taxservice.am>, is a good source of information on tax sphere. "Generally

www.foi.am

I make use of the Tax Inspection official web site. I cannot say it is sufficient, there are certain things that are not easily understood, and you may say that they are written on purpose for us not to make out anything. The amendments appear on the site on time, but only the web site is not enough", says one of the taxpayers. Unlike the notices posted on the walls in the tax inspections, the Web site can really be a satisfactory source of information. Tax Service, Tax Legislation, Tax Reforms, Registration by Tax Authorities, Tax Information, Tax Forms and Completion Instructions, Statistics, Tax Law Violations and Liability, Notices, Archives, Contact and other useful sections and subsections of the web site can greatly promote the acquisition of knowledge and information on this sphere.

At the Public Relations Department of the State Committee for Revenues they also informed us that within a year the State Committee for Revenues is planning to open five service centers for taxpayers throughout the country. "A service center dealing with the acceptance of e-statements is already in operation, and Arabkir Service Center will open one of these days. Groups of highly skilled specialists will work at the centers, which will provide the taxpayers with consultation on all the questions that interest them", we are assured at the Public Relations Department. The taxpayers can make use of the provided services in different ways: by visiting, calling, via e-mail (also ordinary mail) and fax. In some cases when the taxpayer is not provided with the necessary information at the moment, the answer will be given within 7 days at the utmost.

The State Committee for Revenues considers regional visits to be an efficient way of providing awareness. But in the regions only those, who live, work and pay taxes right there, know how the matter stands in reality. Lernik, who is a resident of Lori Marz, has paid taxes of about

AMD 500 000 annually at Toumanyanyan Regional Tax Inspection for already 15 years. He gets tax information from tax inspectors, mainly verbally. But cases when the law is amended and the inspectors provide the information late are not rare. One must know the laws and the lack of knowledge does not release from liability. 'But they amend a hundred laws every other month, you can hardly make them out even if you are a law expert,' he complains.

Lernik says that except for the notices about term changes for the submission of tax statements and suchlike there is no information on tax laws at all on the walls of Toumanyanyan Regional Tax Inspection. Problems have arisen several times because of the lack of information. '7-8 years ago I was told that when submitting annual statements, a mandatory tax of 15 per cent of the goods bought should be paid if the goods were got at the market without any certifying documentation. And in those days there was no certifying documentation at all. I faced a huge problem, as a tax of several hundred thousands accrued. I tell them had they warned me on the 29th or the 30th of December I would have terminated my company's operation, they reply that I was supposed to know about it. But where from was I supposed to be aware of the decree dated December 28th?" he exclaims indignantly. In the regions, where the taxpayers have no chance of learning about current developments, where the Internet is not available, where only the satellite broadcasting of three Armenian TV channels is available, how can one expect the least degree of information awareness? Only one thing is certain: the farther the place is from the center, the more extensive unauthorized activities are exercised by the tax authorities and the harder the "supervisor's" control becomes.

The Assurance of Freedom of Information in the Website of the Prosecutor General's Office of the Republic of Armenia

The website of the Prosecutor General's Office of the Republic of Armenia is active since 2005, and in 2010 it was renewed and changed, improving the mechanisms of providing information and the website's security.

We attach great importance to provision of public with true and verified information on the Prosecutor Bodies activities, and hope that this method of electronic communication will assist to the transparency of the Prosecutor's Office activities. Due to this site you can be informed on the struggle against crime and events concerning the Prosecutor's Office. Besides, you can be introduced to the statistical data and the changes of the legal field." With these words of RA Prosecutor General Agvan Hovsepyan does the official website of the Prosecutor General's Office of the Republic of Armenia welcome its readers - www.genproc.am

If we were to evaluate the website according to the evaluation standards of the presence of information and publicity, we can fact that it is quite a successful website. Unlike the websites of a number of RA state bodies and ministries, the website of the prosecutor's office is clearly structured , due to which even an Internet-illiterate person can easily search and find the information he/she needs. Almost all the laws, legal acts and documents related to the prosecutor's office can be easily found on the website.

One of the advantages of the website can be considered the fact that all the information on the prosecutor's office has the appropriate

links, by clicking on which one can read the laws, decisions or orders, according to which matters are regulated. For example, although in the "Legislation" section of the website one can find the "Law on Prosecutor's Office", in the "Board of the Prosecutor's Office" section, too, one can read the abovementioned law. The advantage of this is that while getting information on any function of the prosecutor's office, the reader is also easily informed about the normative legal acts, through which that specific function is realized.

In the "Working Procedure" section it thoroughly discusses the rules of discussing citizens' applications and complains and citizen reception in the prosecutor's office. It thoroughly explains what kinds of acts the prosecutor can use while executing his/her commissions – whether to do a first warning, pass a verdict, appeal, submit a petition or a request. This section also provides information about the methods of appealing prosecutor's acts.

In the "Legislation" section of the website of the RA Prosecutor General's Office one can find the legal acts related the RA Prosecutor General's Office, as well as regulating the activities of the prosecutor office, including relevant international documents.

The "Documentation" section includes information about the following - "Departmental



Documents” (petitions and orders), “Complains, Applications”, “Statements” on the activities of the RA Prosecutor General's Office and criminal state in the RA, and “Budget Allowances”. All subsections are saturated with the appropriate information. For instance, in the section “Budget Allowances” one can article learn what the money given by the prosecutor’s office has been spent on. However, here the budget implementation statements are missing, which would have made the public control over budget implementation more effective.

In the “News” section, besides the daily news, press releases, articles and speeches, one can also find information on the vacancies available in the prosecutor’s office. There is also an interesting subsection – “Discussions”, where it is stated, “In this website of the prosecutor’s office you can learn the outcomes, problems, achievements of the studies related to the spheres of activities of the prosecutor’s office and present your comments on them. We think that this discussion format will promote the involvement of a vaster group of society in developing and implementing criminal policy,

and strengthening the prosecutor’s office - public link.” However, only one topic has been put to discussion – “Reference about crimes against sexual immunity and sexual freedom” – to which only one citizen has responded.

In the section “Corruption” one can get information about the types of corruption crimes, as well as reports on uncovering these crimes.

The website has a “Multimedia” section, where there are photo and video materials. The “Videos” subsection includes videos aired on different televisions about the activities of the prosecutor’s office. Besides, there you can also find videos and interview from the RA Prosecutor General’s meetings.

The website of the prosecutor’s office also has “Prosecutor’s School”, “International Co-Operation”, “Links” and “Hot Line” sections.

The website gives the opportunity to write to the prosecutor’s office via e-mail. To do this one is requested to fill in some information, giving one’s name, surname, country of permanent residence and an e-mail, which will assure a contact back. “Please, write your questions, suggestions and comments clearly, which will be proceeded according to the law. Incomplete references or those written not in Armenian are not subject to discussion,” – is written in this section. However, nothing is said about how many days it takes to respond the electronic inquiries, or what a citizen can do if electronic inquiries are left unanswered – who to turn to, how to prove that he/she has sent an inquiry, who to complain to, etc.

Unlike some other official websites, all the sections of the website of the prosecutor’s office are active and include the appropriate information. One of the advantages of the website is that it is periodically and successively updated.

Moreover, the website also allows the readers to learn the content of the website through the RA Prosecutor General's Office subscription.

The website is trilingual. Naturally, the armenian version is in the best state. However, same cannot be said about the website's English and Russian versions. For example, both in the English and in the Russian versions there is a "Statistics" section, but they are both empty. Same can be said about the "Vacancies" subsection. Even more, this subsection is completely missing in the Russian version.

As for updating the news, the English and Russian versions of the website again yield the Armenian version. And if in August in the English version of the website one can find news from July, then in the Russian version the last news dates back to February.

Among the shortcomings of the website of the Prosecutor General's Office of the Republic of Armenia should be mentioned the absence of a site map. There is not a separate section about the press secretary of the prosecutor's office, officials responsible for the freedom of information and news and/or press departments. This information is in the "Territorial Sub-Divisions" subsection, together with the information about the Staff of the Prosecutor's office of the

Republic of Armenia. In general, information about freedom of information is missing from the website – e.g. the RA law "About the Freedom of Information", the order of receiving information. There is no information on the data under the control of the prosecutor's office, about their classification and status. The website does not provide an appropriate method for enquiring for information. Moreover, nothing is said about who to give the enquiries to. Another disadvantage of the website can be considered the fact that there are no forms for written inquiries, neither there are any directions for writing them, as well as information on statistical and brief data about the inquiries received, including the bases of dnials, and information on the person authorized to clarify the information subject to mandatory publication.

These shortcomings should be fixed in every official website, because it is the demand of the article 7, section 5 of the RA "Law about Freedom of Information", and only after this demand is fulfilled can we say that the website of the Prosecutor General's Office of the Republic of Armenia fully assures the availability and publicity of information.

Freedom of Information in the Administrative Districts of Yerevan

On the 28th of June, 2010 the Freedom of Information Center of Armenia sent information inquiries to the heads of all the administrative districts of Yerevan with the purpose to find out where in these administrative districts there are paid parking lots. Is there any legal act, based on which strangers in Yerevan streets are charging for parking? Are those charges legal? If not, then who can people complain to when they are asked to pay for parking their cars? The FOICA had also requested information about whether any contracts have been signed for parking services in the administrative districts of Yerevan and had asked for copies of these contracts.

This initiative of the FOICA not only allowed to find out how many paid parking lots there are in Yerevan and how legal the charges are, but also showed how the demands of the RA “Law about Freedom of Information” are fulfilled by the administrative districts.

As was mentioned, the FOICA’s information inquiry allowed to find out how accurately do the administrative districts follow the RA “Law about Freedom of Information”.

It is worth mentioning that none of the inquiries of the FOICA were left unanswered.

First, let’s talk about the content of the answers received from the administrative districts: **it turns out that no paid parking lots operate under Arabkir, Erebuni, Avan, Shengavit, Davtashen, Nork-Marash, Nubarashen administrative districts. Thus, neither are there any contracts signed for parking services.** It was mentioned in the answers that no cases have been detected when strangers or unknown organizations charged illegally for parking in these administrative districts. Moreover, Arabkir and Davtashen administra-

tive districts recommended that people should call the police when illegally demanded to pay for parking. So, in the abovementioned administrative districts it is illegal to charge for parking.

According to the answers received from **Malatia-Sebastia, Kanaker-Zeytun, Nor Nork and Ajapniak administrative districts, there do operate paid parking lots there.**

So, there are two paid parking lots in **Malatia-Sebastia** administrative district – both are between Raffi and Svachyan streets.

In **Kanaker-Zeytun** administrative district there are 8 paid day parking lots – one is in front of the Relay factory, in the following addresses – Aharonyan 2, Nersisyan 9, D. Anhaght 23, Nersisyan 7, Fanarjyan 76 – as well as there are two parking lots at the “Victory” park.

According to the answer received from **Nor Nork** administrative district, under this administrative district there are 5 paid parking lots, which are given to rent and operate in the area around the entrance of #2 Ambulatory hospital (Gyurjyan street), Gay avenue (the area between “Nork” shopping mall and the gas sta-



tion), in the area adjoining the baths on Safaryan street, on Gay avenue in front of the stairs of the central entrance of #7 market, in the area to the left of #7 market from Safaryan street till Gay avenue.

There is only one paid parking lot in **Ajapniak** administrative district – at the crossing of Margaryan and Bashinjaghyan streets.

The only answer which context did not answer any of the questions brought forward by the FOICA's information inquiry was the one received from **Center administrative district** of Yerevan. In this response it was stated that taking into consideration the fact that the city of Yerevan now has a new legal status – Yerevan community – a necessity has arisen to reconsider the order of renting and operating parking lots in Yerevan. Moreover, this matter is in a discussion stage in Yerevan city hall. However, here nothing was mentioned about whether there are any paid parking lots or signed contracts.

As for the timing of the responses, Nubarashen, Nork-Marash, Ajapniak and Nor Nork administrative districts were the bests. They responded to the FOICA's information inquiry before the five days defined by the law:

although the FOICA had sent the inquiries on the 28th of June, 2010, the answer from Nubarashen district municipality was received one day after, and the answers from Nork-Marash, Ajapniak and Nor Nork district municipalities arrived in 3 days.

The rest of the administrative districts responded to the FOICA's inquiry as follows: Kanaker-Zeytun administrative district – in 7 days, Davtashen, Shengavit, Malatia-Sebastia, Avan administrative districts – in 8 days, Erebuni and Arabkir administrative districts – in 9 days.

In this regard Center administrative district was the worst. Although their response was dated 09.07.2010, i.e. 10 days after the inquiry was sent, the FOICA received it three weeks late.

Almost all the administrative districts have given comprehensive and appropriate answers to the FOICA's inquiry. So, Arabkir, Erebuni, Avan, Shengavit, Davtashen, Nork-Marash, Nubarashen, Kanaker-Zeytun and Ajapniak administrative districts have given final answers. However, it is worth mentioning that except Kanaker-Zeytun and Ajapniak administrative districts, in none of the rest of the administrative districts operate paid parking lots. Hence, there are no signed contracts, either. Although there are 8 paid parking lot in Kanaker-Zeytun administrative district, there are no contracts here, either, because the service of all of these parking lots realizes "Ertasharjh" company, which fully belongs to the administrative district. The best was the answer received from Ajapniak administrative district: here answers to all the questions of the FOICA were included, as well as the documents related to the only paid parking lot in this administrative district were provided.

Malatia-Sebastia, Nor Nork and Center admin-

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Administrative districts sent incomplete answers to the inquiries of Freedom of Information Center of Armenia. Although Malatia-Sebastia and Nor Nork administrative districts did respond to the questions in the FOICA's inquiry, they did not provide copies of the contracts signed for paid parking services in these administrative districts.

The timing, as well as the appropriateness of the answer from Center administrative district was the worst. In fact, Center administrative district never answered to any of FOICA's questions.

For giving incomplete answers, the heads of Malatia-Sebastia and Nor Nork administrative districts, and the head of Center administrative district – for providing absolutely no information at all – were included in the quarterly Black List of the FOICA.

So, there are no paid parking lots in Arabkir, Erebuni, Avan, Shengait, Davtashen, Nork-Marash and Nubarashen administrative districts. Thus it is illegal to charge money for parking in these administrative districts. And in Malatia-Sebastia, Kanaker-Zeytun, Nor Nork and Ajapniak administrative districts paid parking lots operate only in the abovementioned addresses. In places other than these it is also illegal to charge money for parking.

Information Booths in the Courts of Yerevan

Since October, 2009 in all the courts of Yerevan “Datalex” public information booths have been installed. In the word “Datalex” the Armenian word “dataran” (“court”) and the Latin word “lex” (“law”) are combined.

This system allows receiving information about court proceedings in process, the case and the court hall, the date when the case entered court, the day the case was accepted, other dates, the judge and about the conflicting sides. Till the end of the year it is planned to install such booths in all the courts of the Republic. They already exist in Kapan, Echmiatsin, Gyumri, Vanadzor, Abovyan and a number of other cities that have a newly built court building.

Due to the monitors in the court buildings, citizens can search the information they need in the databases of CAST and Arlis systems, which contain legal acts (the Constitution, laws, verdicts, international pacts, etc.). They can also search for information in the official websites of the RA state governing bodies.

“The installation of the system aims to give the public a real tool for realizing public control over the judicial system, because today it assures the transparency of the process and context of every court case in the judicial system. Particularly, it will become possible to follow the procedures of any court case – be informed of the status and history of the case, study the dates, verdicts, as well as the complete look of the final judicial acts. In this case exception is only the information about closed court cases,” – this is how Press Secretary of the RA Ministry of Justice Lana Mshetsyan explained the importance of installing the “Datalex” system.

People, having to deal with courts, also find the “Datalex” system useful. According to advocate of the Chamber of Advocates of the Republic of Armenia Karen Mezhlumyan, “It is a very actual and operative system, which allows control over court processes. This, in its turn, helps prevent frauds by citizens. It also facilitates office work in courts. For example, there is a citizen in Armenia – Hrach Grigoryan – who has court hearings against dozens of people in different courts (even against his father who died 5 years ago, his wife and his children). Particularly, he brought an action against his sister, who lives in Moscow, but H. Grigoryan mentioned a Yerevan address. He received a letter and answered it on behalf of his sister. As a result of this the court passed a verdict, causing the sister to lose some stationary. This system solves such abuses. One should write the name and surname of a person in “Datalex” and all the court cases related to that person appear.”

Karen Mezhlumyan thinks that today “Datalex” is one of the best means of preventing the present abuses in court proceedings. “The effectiveness of this system will increase even more when it becomes available even online. This virtual connection between courts already exists, it can be put on Internet, a separate website or a relevant section in the website of the RA Ministry of Justice can be created. This will be very actual for Armenia. Because a vast majority of Armenians are working abroad, due to this system they will be able to get informa-

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tion about themselves all around the world.”

Citizens have also started using the above-mentioned information booths. “This is very good news. Today it is easy to get information about judicial processes. Thanks to “Datalex” one easily learns about a court case and the numbers of court halls, the day a case enters the court and when a proceeding starts,” said citizen Armen Hakobyan.

Director of the Judicial Reforms Project Implementation Unit Arthur Tunyan informed, that “Datalex” system is planned to be made online. “The datalex.am website already exists, which is still in a working stage and is closed. Till the end of the year the system will also be available online.”

“We have received only positive responses about “Datalex”, so far. Of course, mainly lawyers use the system, but citizens also gradually start using it,” stated A. Tunyan.

A. Tunyan also told about some cases when during court hearings lawyers have referred to “Datalex” system. “There are precedents, when the judge has tried to direct the judicial process differently; however, the lawyer has intervened, referring to “Datalex”, stating that there is a verdict passed by the same judge to a similar case, which contradicts the judge’s present approach.”

It should be added, that it is also planned to upload the recordings of court cases into this information booths.

BLACK LIST

THESE OFFICIALS HAVE VIOLATED PEOPLES' RIGHT OF INFORMATION IN THE
SECOND QUARTER OF 2010

- 1. Mr. Gagik Tamrazyan** Mayor of Ashtarak
- 2. Mrs. Emma Shaboyan** Notary of the Center notarial area
- 3. Mr. David Ohanyan** Leader of Malatia-Sebastia administrative district
- 4. Mr. Gagik Gyanjumyan** Leader of Center administrative district

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