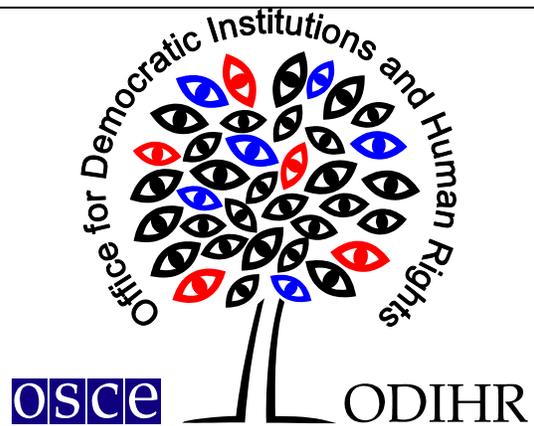


Warsaw, 1 June, 2005

Opinion-Nr.: TRAFF – ARM/030/2005
(IU/MASz)

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NOTE

ON THE DRAFT AMENDMENTS

TO THE CODE OF CRIMINAL PROCEDURE

OF THE REPUBLIC OF ARMENIA

The OSCE Office in Yerevan and the OSCE ODIHR take note of the revised package of draft amendments to the Code of Criminal Procedure of the Republic of Armenia concerning the protection of witnesses, victims and other parties to the criminal proceedings¹.

We note that certain progress had been achieved with the draft by removing the oral consent of the protected person from the provisions concerning the legal basis for the interception of communications, which is in line with the OSCE ODIHR recommendations.

We would like to mention, however, that most of the concerns expressed by the OSCE ODIHR in its earlier comments² still remain valid. We would like to reiterate the importance of the legislative framework in ensuring that victims and witnesses of crime receive truly comprehensive protection, and we have therefore listed some of the most pivotal points below, for your renewed consideration. Please refer to our previous comments for more detailed discussion of our concerns and recommendations.

We take this opportunity to express our readiness to continued assistance with the reform of legislation concerning victims and witnesses of crime, amongst others, trafficking in human beings and other organized crime. The OSCE ODIHR stands ready to provide more detailed comments on the draft amendments should the authorities request so.

¹ Translation of the amendments have been provided by OSCE Office in Yerevan.

² OSCE ODIHR Comments on the Draft Amendments to the Code of Criminal procedure of the Republic of Armenia, 31 January 2005, Warsaw, Opinion Nr.: TRAFF-ARM/001/2005.

Summary of OSCE ODIHR Recommendations:

1. Reform of the criminal procedure should include in-court witness protection in addition to out-of-court. It is recommended that such measures include a provision which would permit the hearing of witnesses in premises separate to the courtroom.
2. It is recommended that the definition of protected person is reviewed to make it clear that protection shall be extended to the family members or persons close to the witness (not limited to relatives) if the latter may be endangered.
3. It is recommended that the Draft include a provision introducing victim impact statements or victim statements of opinion, to be presented to the judge prior to trial.
4. For future reference, it is recommended that the reform of the criminal procedure be accompanied by incorporation of provisions related to victim assistance in other legislative acts. In particular, taking into consideration the special circumstances of victims of serious crime such as trafficking in human beings, which victims require the institution of further safeguards such as their exemption from punishment for offenses related to their status as trafficked persons, further provisions in this regards are recommended to be considered.