

REPUBLIC OF ARMENIA

CRIMINAL CODE

(The Code has been adopted on April 18, 2003)

Article 103.1: Forfeiture

1. The property derived from or obtained, directly or indirectly, through the commission of crime, the income or other types of benefit gained through the use of such property; the instrumentalities and means used in or intended for use in the commission of crimes, which have resulted in gaining property; the property allocated for use in the financing of terrorism, the income or other types of benefit gained through the use of such property; the objects of smuggling transported through the customs border of the Republic of Armenia as specified under Article 215 of this Code and, in case of non-disclosure thereof, other property of corresponding value, except for the property of bona fide third parties and the property necessary for compensation of the damage inflicted on the aggrieved party and the civil claimant due to the crime, shall be subject to forfeiture for the benefit of the state.
2. In the meaning of this Code, a bona fide third party shall be the person who, when passing the property to another person, did not know or could not have known that it would be used or was intended for use in criminal purposes, as well as the person who, when acquiring the property from another person, did not know or could not have known that it was the proceeds of a criminal activity.
3. When there is a dispute between the aggrieved party and the bona fide third party over the property subject to forfeiture, such forfeiture shall be exercised through civil trial proceedings.
4. In the meaning of this Article, as well as, in the cases stipulated by other articles of this Code, in the meaning of such other articles property shall mean material goods of every kind, moveable or immovable objects of civil rights, including monetary (financial) funds, securities and property rights, documents or other instruments evidencing title to or interest in property, any interest, dividends, or other income generated by or accruing from such property, as well as neighboring and patent rights.

(Article 103.1 has been amended by HO-114-N of June 21, 2014)

Article 132.2: Trafficking of Child or Exploitation of Person Deprived of the Opportunity to Understand or Control the Nature and Significance of His Actions Due to Mental Disorder

1. Recruiting, transporting, transferring, harboring or receiving, for the purpose of exploitation, a child or a person deprived, in full or in part, of the opportunity to understand or control the nature and significance of his actions due to mental disorder, as well as exploiting such persons or placing them into conditions of exploitation shall be punished with imprisonment for a term

of seven to ten years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or practice certain activities for a term of up to three years.

2. The same action committed:

- 1) With respect to two or more persons;
- 2) By a group of persons in prior agreement;
- 3) By using one's official position;
- 4) Through violence or threat of violence;
- 5) Through abduction;
- 6) With respect to an obviously pregnant woman;
- 7) By crossing the state border of the Republic of Armenia to organize the transfer of the person;

Shall be punished with imprisonment for a term of ten to twelve years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or practice certain activities for a term of up to three years.

3. The actions provided in Part 1 or Part 2 of this Article:

- 1) Committed by an organized group;
- 2) Having recklessly caused the victim's death or other grave consequences;

Shall be punished with imprisonment for a term of twelve to fifteen years imprisonment, with or without confiscation of property, with or without deprivation of the right to hold certain positions or practice certain activities for a term of up to three years.

(Article 132.2 has been amended by HO-69-N of March 1, 2011)

ARTICLE 190: LEGALIZATION OF ILLICIT PROPERTY (MONEY LAUNDERING)

(The title has been changed by HO-114-N from June 21, 2014)

1. The conversion or transfer of property (knowing that such property is the proceeds of criminal activity) for the purpose of concealing or disguising the illicit origin of the property or of helping any person to evade the responsibility for the crime committed by him; or the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to or ownership of property (knowing that such property is the proceeds of criminal activity); or the acquisition or possession or use or disposition of property (knowing, at the time of receipt, that such property is the proceeds of criminal activity);

Shall be punished with imprisonment for a term of 2 to 5 years.

2. The same action committed:

- 1) In large amounts;
- 2) With prior agreement between a group of people;

Shall be punished with imprisonment for a term of 5 to 10 years, with or without confiscation of property.

3. The action stipulated by Part 1 or Part 2 of this Article committed:
 - 1) In especially large amounts;
 - 2) By an organized group;
 - 3) Through the abuse of official position;Shall be punished with imprisonment for a term of 6 to 12 years, with or without confiscation of property.
4. For the purposes of this Article, “large amount” shall mean the amount (value) exceeding 5000-fold of the minimal salary set at the time when the offence was committed, and “especially large amount” shall mean the amount (value) exceeding 10000-fold of the minimal salary set at the time when the offence was committed.
5. For the purposes of this Article, property constituting proceeds of criminal activity shall be the property specified under Part 4 of Article 103.1 of this Code, directly or indirectly derived from or obtained through the commission of crimes as stipulated in this Code.
(Article 190 has been changed and amended by HO-16-N from December 14, 2004; changed by HO-119-N from June 01, 2006; revised by HO-206-N from November 28, 2006 ; changed by HO-149-N from June 10, 2009; amended by HO-84-N June 21, 2014; changed and revised by HO-114-N from June 21, 2014)

Article 217. Terrorism

1. Terrorism, that is any action, or the threat of action, intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such action, by its nature or context, is to intimidate a population, or to exert pressure on a government body or an international organization or an official to make a decision or to do an act, or to abstain from these; as well as any other action recognized as terrorism by international treaties of the Republic of Armenia except for those specified under Article 218 of this Code, shall be punished with imprisonment for a term of five to ten years, with or without confiscation of property.
2. The same action committed:
 - 1) By a group of persons in prior agreement;
 - 2) ***(This Clause has been repealed by HO-114-N of June 21, 2014);***Shall be punished with imprisonment for a term of eight to twelve years, with or without confiscation of property.
3. The actions provided in Part 1 or Part 2 of this Article:
 - 1) Committed by an organized group;
 - 2) ***(This Clause has been repealed by HO-114-N of June 21, 2014);***
 - 3) Having recklessly caused a person's death or other grave consequences;

Shall be punished with imprisonment for a term of ten to fifteen years imprisonment, with or without confiscation of property.

4. A person who participated in the preparation of terrorism shall be exempted from criminal liability, if he contributed into the prevention of terrorism by advising the authorities on time or otherwise, and if his actions do not contain the elements of other crimes.

(Article 217 has been revised, changed and amended by HO-114-N of June 21, 2014)

Article 217.1: Financing of Terrorism

1. Financing of terrorism, that is the action of providing or collecting property by any means, directly or indirectly, with the knowledge that it is to be used or may be used, in full or in part, for committing terrorism or any of the acts specified under Article 218 of this Code, or by a terrorist organization or by an individual terrorist; or the action of providing financial services with the knowledge that such services are aimed at committing terrorism or any of the acts specified under Article 218 of this Code, or that the proceeds thereof are to be used by a terrorist organization or by an individual terrorist, shall be punished with imprisonment for a term of three to seven years, with or without confiscation of property.
2. The same action committed by a group of persons in prior agreement, or by an organized group, shall be punished with imprisonment for a term of eight to twelve years, with or without confiscation of property.
3. For the purposes of this Article, property shall be the property specified under Part 4 of Article 103.1 of this Code.

(Article 217.1 has been amended by HO-16-N of December 14, 2004; revised by HO-206-N of November 28, 2006; HO-81-N of May 26, 2008; HO-114-N of June 21, 2014)

Article 311.1: Receiving of Illegal Reward by a Public Servant Who is Not an Official Person

1. Receiving of illegal reward by a public servant who is not an official person, that is receiving or requesting or accepting the promise or offer to receive money, property, property rights, securities or any other advantage for own or another person by a public servant who is not an official person, personally or through an intermediary, in order to perform or to refrain from performing an act within his powers, or to facilitate performance of or refrainment from such an act by using his position, or to provide patronage or connivance with respect to the service, for the benefit of the person giving such reward or of the person introduced by him, shall be punished with a fine for an amount of two hundredfold to four hundredfold of the minimum salary, or with imprisonment for a term of up to three years, with deprivation of the right to practice certain activities for a term of up to three years.
2. Receiving of illegal reward by a public servant who is not an official person, in order to perform an obviously illegal act or inaction for the benefit of the person giving such reward or of the person introduced by him, shall be punished with imprisonment for a term of three to five years, with deprivation of the right to hold certain positions or practice certain activities for a term of up to three years.
3. The same action committed:
 - 1) By means of extortion;

- 2) In large amounts;
- 3) By a group of persons in prior agreement;
- 4) ***(This Clause has been repealed by HO-143-N of May 23, 2011);***

Shall be punished with imprisonment for a term of four to seven years.

4. The actions provided in Part 1 or Part 2 or in Part 3 of this Article:

- 1) Committed by an organized group;
- 1) In particularly large amounts;

Shall be punished with imprisonment for a term of five to ten years, with or without confiscation of property.

5. For the purposes of this Chapter, public servants shall be the persons holding any position stipulated by the nomenclature of public service positions under the Republic of Armenia Law on Public Service, or the persons enrolled in the personnel reserve of public service in the cases and manner prescribed by the law.

(Article 311.1 has been amended by HO-49-N of April 30, 2008; changed by HO-143-N of May 23, 2011; revised by HO-173-N of May 26, 2011; and amended by HO-18-N of February 9, 2012)

Article 311.2: Using of Real or Alleged Influence for Mercenary Purposes

1. Using of real or alleged influence for mercenary purposes, that is receiving or requesting or accepting the promise or offer to receive money, property, property rights, securities or any other advantage by an official person or by a public servant who is not an official person, personally or through an intermediary, in order to facilitate performance of or refrainment from an act within his powers, or to provide patronage or connivance with respect to the service, for the benefit of a legal entity or a natural person, shall be punished with a fine for an amount of two hundredfold to four hundredfold of the minimum salary, or with imprisonment for a term of up to three years.

2. The same action committed for an obviously illegal act or inaction, shall be punished with imprisonment for a term of three to five years.

3. The same action committed:

- 1) By means of extortion;
- 2) In large amounts;
- 3) By a group of persons in prior agreement;
- 4) ***(This Clause has been repealed by HO-143-N of May 23, 2011);***

Shall be punished with imprisonment for a term of four to seven years.

4. The actions provided in Part 1 or Part 2 or in Part 3 of this Article:

- 2) Committed by an organized group;
- 2) In particularly large amounts;

Shall be punished with imprisonment for a term of five to ten years, with or without confiscation of property.

(Article 311.2 has been amended by HO-49-N of April 30, 2008; changed by HO-143-N of May 23, 2011; and amended by HO-18-N of February 9, 2012)

Article 312.1: Giving of Illegal Reward to a Public Servant Who is Not an Official Person

1. Giving of illegal reward to a public servant who is not an official person, that is promising or offering or providing to a public servant who is not an official person money, property, property rights, securities or any other advantage for own or another person, personally or through an intermediary, in order to perform or to refrain from performing an act within his powers, or to facilitate performance of or refrainment from such an act by using his position, or to provide patronage or connivance with respect to the service by a public servant who is not an official person, for the benefit of the person giving such reward or of the person introduced by him, shall be punished with a fine for an amount of two hundredfold to four hundredfold of the minimum salary, or with imprisonment for a term of up to three years, with deprivation of the right to practice certain activities for a term of up to three years.
2. Giving of illegal reward committed in large amounts shall be punished with a fine for an amount of three hundredfold to five hundredfold of the minimum salary, or with imprisonment for a term of up to four years.
3. Giving of illegal reward:
 - 1) In particularly large amounts;
 - 2) Committed by an organized group;Shall be punished with imprisonment for a term of two to five years.
4. The person having given illegal reward shall be exempted from criminal liability, if there has been extortion of illegal reward, and if the person has voluntarily informed the criminal prosecution authorities and assisted in detecting the crime before the criminal prosecution authorities became aware of it and in any case no later than in three days after committal of the offense.

(Article 312.1 has been amended by HO-49-N of April 30, 2008; revised, changed and amended HO-18-N of February 9, 2012; and revised by HO-14-N of May 16, 2014)

Article 312.2: Giving of Illegal Reward for Using of Real or Alleged Influence

1. Giving of illegal reward to a person for using his real or alleged influence, that is promising or offering or providing to a person money, property, property rights, securities or any other advantage for own or another person, personally or through an intermediary, in order to facilitate performance of or refrainment from an act within his powers, or to provide patronage or connivance with respect to the service by an official person or by a public servant who is not an official person, for the benefit of the person giving such reward or of the person introduced by him, shall be punished with a fine for an amount of two hundredfold to four hundredfold of the minimum salary, or with imprisonment for a term of up to three years.
2. Giving of illegal reward committed in large amounts shall be punished with a fine for an amount of four hundredfold to six hundredfold of the minimum salary, or with imprisonment for a term of up to four years.
3. Giving of illegal reward:
 - 1) In particularly large amounts;
 - 2) Committed by an organized group;

Shall be punished with imprisonment for a term of two to five years.

4. The person having given illegal reward shall be exempted from criminal liability, if there has been extortion of illegal reward, and if the person has voluntarily informed the criminal prosecution authorities and assisted in detecting the crime before the criminal prosecution authorities became aware of it and in any case no later than in three days after committal of the offense.

(Article 312.2 has been amended HO-18-N of February 9, 2012; and revised by HO-14-N of May 16, 2014)