

LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 22 March 2005

ON THE FIGHT AGAINST TERRORISM

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject matter of this Law

This Law shall define the legal and organisational grounds for the fight against terrorism in the Republic of Armenia and shall regulate relations pertaining to carrying out fight against terrorism.

Article 2. Objectives of the fight against terrorism

Organisation of the fight against terrorism in the Republic of Armenia shall be aimed at:

- (1) warning, detecting, preventing, disrupting terrorist activities and reducing the consequences thereof;
- (2) protecting persons, society and the State from terrorism;
- (3) disclosing and eliminating the reasons and conditions contributing to terrorist activities.

Article 3. Legal grounds for the fight against terrorism

The legal grounds for the fight against terrorism are the Constitution of the Republic of Armenia, the Criminal Code, Criminal Procedure Code and Civil Code of the Republic of Armenia, this Law, other laws and regulatory legal acts, as well as international treaties of the Republic of Armenia.

Article 4. Main principles of the fight against terrorism

General principles of the fight against terrorism shall be as follows:

- (1) lawfulness;
- (2) supremacy of warning measures;
- (3) single-handed administration of forces and means involved when conducting counter-terrorism operations;
- (4) inevitability of punishment for committing, as well as preparing and financing terrorist acts;
- (5) making minimum concessions to a terrorist in the cases of extreme necessity;
- (6) combination of open and confidential methods for the fight against terrorism;
- (7) complex use of preventive, legal, political, social and economic as well as advocacy measures;
- (8) supremacy of protection of the rights of persons exposed to danger as a result of a terrorist act;
- (9) minimum publicity of the methods, practices (tactics) and the composition of the participants of counter-terrorism operations.

Article 5. Main concepts used in the Law

The following main concepts shall be used in this Law:

(1) “terrorist act” - direct committal of a terrorism-related offence through explosion, arson, use or threat to use nuclear explosive elements, radioactive, chemical, biological, explosive, toxic and drastic substances, destruction of, causing damage to or seizure of means of transportation or other facilities, assault on the life of a government or public figure, a representative of a national, ethnic, religious or other groups of population, hostage taking, kidnapping, creating a danger for the purpose of inflicting damage to the life, health or property of indefinite group of persons by way of creating conditions for technogenic accidents and disasters, or a real threat of creating such danger, spreading threats in any form and by any means, human losses, causing significant property damage, or other actions entailing dangerous public consequences;

(2) “terrorist activities” - organising, preparing and carrying out a terrorist act, inducing to use violence against natural persons or organisations, as well as to destruct material objects for terrorist purposes, forming an illegal armed unit, organising a criminal group for the purpose of committing a terrorist act, as well as participating in such act, recruiting, arming, training terrorists, providing financing or other support to a terrorist organisation or a terrorist group;

(3) “terrorist” - a person having committed, prepared or attempted to commit a terrorist act;

(4) “fight against terrorism” - activities aimed at detecting, preventing, disrupting terrorist activities, reducing the consequences thereof;

(5) “counter-terrorism operation” - special measures aimed at detecting, preventing a terrorist act, as well as securing the interests of the State and safety of natural persons, neutralising terrorists and reducing the consequences of terrorist acts;

(6) “zone for carrying out a counter-terrorism operation” - certain parts of a locality, means of transportation, buildings, premises, structures and areas adjacent thereto, within the boundaries whereof the specified operation is carried out;

(7) “hostage” - person kidnapped or held for the purpose of forcing the State, an organisation or certain persons to perform a certain action or to refrain from performing it.

Article 6. International cooperation of the Republic of Armenia in the field of fight against terrorism

In the field of fight against terrorism, the Republic of Armenia shall, on the basis of international treaties of the Republic of Armenia, cooperate with foreign States, as well as international organisations carrying out fight against terrorism.

CHAPTER 2

ORGANISING THE FIGHT AGAINST TERRORISM

Article 7. Bodies carrying out fight against terrorism

The fight against terrorism shall be carried out by public administration bodies, within the scope of the powers vested in them by law.

The entities directly carrying out fight against terrorism shall be as follows:

- (1) the public administration body of the National Security Service of the Republic of Armenia;
- (2) the public administration body of the Police of the Republic of Armenia;
- (3) the public administration body for defence of the Republic of Armenia.

Other public administration bodies shall also take part in the fight against terrorism, within the scope of their powers enshrined by law.

(Article 7 amended by HO-98-N of 7 February 2018)

Article 8. Operative headquarters for counter-terrorism operations

For the purpose of coordinating the actions of the entities directly carrying out fight against terrorism and those of other public administration bodies, the Prime Minister of the Republic of Armenia may, when necessary, establish operative headquarters for counter-terrorism operations, which shall ex officio comprise the heads of public administration bodies listed in Article 7 of this Law.

Heads of other public administration bodies may also be included in the composition of the operative headquarters for counter-terrorism operations.

The overall management of operative headquarters for counter-terrorism operations shall be carried out by the Prime Minister of the Republic of Armenia, and the direct management - by the head of headquarters.

Based on the nature of measures to be undertaken in respect of counter-terrorism operations, the head of one of the public administration bodies listed in Article 7 of this Law shall be appointed to the position of the head of operative headquarters for counter-terrorism operations in every particular case.

(Article 8 amended by HO-98-N of 7 February 2018)

Article 9. Main functions of the bodies carrying out fight against terrorism

Public administration bodies carrying out fight against terrorism shall, within the scope of their powers prescribed by law:

- (1) develop and carry out organisational, regime-related, preventive, educational and other measures aimed at detecting, preventing, disrupting terrorist acts, reducing consequences, as well as revealing and eliminating the reasons and conditions contributing to the committal thereof;
- (2) establish specialised subdivisions for the fight against terrorism;
- (3) take part in the preparation of international treaties of the Republic of Armenia in the field of fight against terrorism;
- (4) develop recommendations on the improvement of the legislation of the Republic of Armenia concerning the fight against terrorism and submit them to the approval of Government of the Republic of Armenia.

(Article 9 amended by HO-98-N of 7 February 2018)

Article 10. Assistance to the bodies carrying out fight against terrorism

Public administration bodies and local self-government bodies of the Republic of Armenia, the citizens and organisations (irrespective of legal and organisational form and form of ownership) shall be obliged to provide assistance to the bodies carrying out fight against terrorism while performing their duties.

CHAPTER 3

CARRYING OUT COUNTER-TERRORISM OPERATIONS

Article 11. Forces and means used while carrying out counter-terrorism operations

Counter-terrorism operations shall be carried out by public administration bodies within the scope of the powers reserved thereto by law, with the involvement of special services, their specialised subdivisions for the fight against terrorism, including counter-terrorism combat groups.

While carrying out counter-terrorism operations, necessary weapons and special means, transportation, communication and other logistic means shall be used as prescribed by the legislation.

(Article 11 amended by HO-98-N of 7 February 2018)

Article 12. Legal regime of the zone for carrying out counter-terrorism operations

Persons carrying out counter-terrorism operations in the zone for carrying out counter-terrorism operations, shall be entitled to:

(1) undertake, where necessary, measures in order to temporarily restrict or prohibit the traffic of means of transportation and pedestrians on the streets and roads, to forbid the entry of citizens, means of transportation, including those of diplomatic representatives and consular offices into certain parts and facilities of the locality, to remove citizens from certain parts and facilities of the locality, as well as to remove means of transportation;

(2) check identification documents of citizens (including officials), and, in case of absence thereof, undertake measures for the purpose of verifying their identity - up to apprehension;

(3) arrest and bring before public administration bodies carrying out counter-terrorism operations or special services, the persons having committed or having attempted to commit actions aimed at impeding the legitimate orders of persons carrying out counter-terrorism operations, as well as actions related with unauthorised penetration or attempt of penetration into the zone for carrying out counter-terrorism operations;

(4) have unimpeded access (penetrate), in the cases and under the procedure provided for by the Constitution and laws of the Republic of Armenia, to residential and other premises, parts of the neighbouring locality, means of transportation owned by natural and legal persons (except for premises, areas and means of transportation owned by diplomatic and consular representatives), in order to prevent a terrorist act, as well as to pursue persons having committed or suspected of having committed a terrorist act;

(5) carry out personal inspection of citizens in case of entering into or leaving the zone for carrying out counter-terrorism operations, as well as carry out a check, by use of technical means, of items held thereby, means of transportation and goods transported by the latter;

(6) use communication means of organisations and natural persons for service-related purposes;

(7) use, in urgent cases, means of transportation owned by natural and legal persons for service-related purposes, except for means of transportation owned by diplomatic and consular representatives, international organisations.

(Article 12 amended by HO-98-N of 7 February 2018)

Article 13. Conducting negotiations with terrorists

For the purpose of preserving the life and health of citizens, material values, as well as examining the possibility of preventing terrorist acts without use of force, the conduct of negotiations with terrorists while carrying out counter-terrorism operations shall be permitted.

Negotiations with terrorists shall be conducted only by the person (persons) specifically authorised by the head of operative headquarters for the fight against terrorism or by the official carrying out direct management of counter-terrorism operations.

Conduct of negotiations with terrorists shall not serve as a ground or condition for terrorists to be exempt from liability.

Article 14. Restriction of information on counter-terrorism operations

Dissemination of information on counter-terrorism operations shall be prohibited if it:

- (1) reveals the special technical methods and practices of carrying out the counter-terrorism operation;
- (2) may hinder the counter-terrorism operation and pose danger to the life and health of citizens;
- (3) is targeted at the advocacy or justification of terrorism;
- (4) contains information on the employees of public administration bodies, special services and their specialised subdivisions for the fight against terrorism taking part in the counter-terrorism operation, as well as on persons having rendered assistance in the carrying out such operation.

(Article 14 amended by HO-98-N of 7 February 2018)

Article 15. Completion of counter-terrorism operations

Counter-terrorism operations shall be deemed to be completed, where the terrorist act has been prevented (disrupted), and the danger posed to the life and health of citizens in the zone for carrying out counter-terrorism operations has been eliminated.

CHAPTER 4

COMPENSATION OF THE DAMAGE CAUSED AS A RESULT OF A TERRORIST ACT AND SOCIAL REHABILITATION OF AFFECTED PERSONS

Article 16. Compensation of the damage caused as a result of a terrorist act

Compensation of the damage caused to natural and legal persons as a result of a terrorist act shall be carried out at the expense of the State Budget of the Republic of Armenia, in the amounts and under the procedure provided for by the civil legislation of the Republic of Armenia.

Article 17. Social rehabilitation of persons affected as a result of a terrorist act

Provision of services for social rehabilitation of persons affected as a result of a terrorist act shall be carried out at the expense of the State Budget of the Republic of Armenia.

The procedure for providing legal, psychological, medical and other types of aid to the mentioned persons shall be established by the Government of the Republic of Armenia.

CHAPTER 5

LEGAL AND SOCIAL PROTECTION OF PERSONS TAKING PART IN THE FIGHT AGAINST TERRORISM

Article 18. Guarantees for legal protection of persons taking part in the fight against terrorism

Actions carried out by officials and employees of public administration bodies carrying out fight against terrorism, as well as by persons having rendered assistance to these officials and employees while lawfully performing their official duties, which were aimed at protecting the life and health, constitutional rights and legitimate interests of citizens, as well as at ensuring public safety and state security against criminal infringements, shall not be deemed as crime.

Actions carried out in observance of the norms regulating the operations for the fight against terrorism and provided for by the legislation of the Republic of Armenia as well as carried out within the scope of official duties or while repaying public duty and aimed at protecting the rights and legitimate interests of citizens, preventing a more significant danger posed to public safety and state security, shall be deemed as lawful if, under the given circumstances, there were no other possibilities of fulfilling official duties or public duty.

In the course of carrying out counter-terrorism operations, infliction of a forced damage to the life, health and property of terrorists, as well as to other protected interests, on the grounds and to the extent provided for by law, shall be permitted.

Persons taking part in the fight against terrorism shall, in accordance with the legislation of the Republic of Armenia, be exempt from liability for the damage caused while carrying out counter-terrorism operations.

(Article 18 amended by HO-98-N of 7 February 2018)

Article 19. Guarantees for social protection of persons taking part in the fight against terrorism

Social protection of employees of public administration bodies carrying out fight against terrorism, that of their family members and persons rendering assistance to public administration bodies carrying out fight against terrorism, shall be carried out as prescribed by the legislation of the Republic of Armenia.

(Article 19 amended by HO-98-N of 7 February 2018)

CHAPTER 6

SUPERVISION OVER THE LAWFULNESS OF CARRYING OUT FIGHT AGAINST TERRORISM

Article 20. Supervision over carrying out fight against terrorism

Supervision over carrying out fight against terrorism shall be exercised as prescribed by the legislation of the Republic of Armenia.

CHAPTER 7

FINAL PROVISION

Article 21. Entry into force of the Law

This Law shall enter into force on the day following its official promulgation.

**President
of the Republic of Armenia**

R. Kocharyan

19 April 2005
Yerevan
HO-79-N