

PENITENTIARY CODE OF THE REPUBLIC OF ARMENIA

Adopted on 24 December 2004

GENERAL PART

SECTION 1

MAIN PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

Article 1. Penitentiary legislation of the Republic of Armenia

1. The penitentiary legislation of the Republic of Armenia comprises this Code and other legal acts.
2. The Penitentiary Code of the Republic of Armenia is based on the Constitution of the Republic of Armenia and the principles and norms of international law.

Article 2. Objectives of the Penitentiary Code of the Republic of Armenia

1. The tasks of the Penitentiary Code of the Republic of Armenia are as follows: to define the procedure and conditions for executing criminal sentences (hereinafter referred to as “sentences”) and for enforcing and serving medical coercive measures combined with the execution of a sentence, to ensure conditions necessary for rehabilitation of convicts, and to protect their rights and freedoms.

2. In order to achieve the tasks of this Code, the Penitentiary Code of the Republic of Armenia lays down the grounds for execution of sentences, the principles of the penitentiary legislation, the legal status of a convict, the safeguards for securing his or her rights and freedoms, the procedure for enforcing medical coercive measures combined with the execution of a sentence, for executing certain sanctions, for imposing probation in the event of conditional non-application of a sentence and for exercising supervision during the probation, as well as for releasing from sentence.

Article 3. Effect of the penitentiary legislation in time and space

1. The Penitentiary Code of the Republic of Armenia shall be applied in the territory of the Republic of Armenia.
2. Execution of sentences shall be governed by the penitentiary legislation effective at the time of the execution. Laws and other legal acts aimed at providing for more stringent procedure and conditions for executing sentences and for enforcing and serving medical coercive measures combined with the execution of a sentence, or at aggravating, in any other way, the condition of a convict, shall have no retroactive effect.

Article 4. Grounds for executing a sentence and enforcing medical coercive measures combined with the execution of a sentence

The grounds for executing a sentence, as well as for enforcing medical coercive measures combined with the execution of a sentence shall be a judgment of conviction or a decision of a court, which has taken legal effect, as well as an act of amnesty or pardon.

Article 5. Principles of the penitentiary legislation

The penitentiary legislation of the Republic of Armenia shall be based on the principles of humanism, lawfulness, equality of convicts before the law, differentiated and

individualised execution of sentences, and combination of sentences and correctional measures.

Article 6. Principle of humanism

1. The execution of a sentence as well as enforcement of medical coercive measures combined with the execution of a sentence shall have no recourse to physical violence against a person, as well as such actions that may cause social and psychological regression of a person.

2. No person deprived of liberty on the basis of a judgment of conviction shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No circumstance may serve to justify torture or other cruel, inhuman or degrading treatment or punishment.

Article 7. Principle of lawfulness

Officials of bodies and institutions executing sentences shall be authorised to carry out only actions reserved to them by law. Actions of officials may be appealed against before a court or another body provided for by law.

Article 8. Principle of equality of convicts before the law

The procedure and conditions for the execution of a sentence shall extend to all convicts irrespective of sex, race, colour, language, religion, political or other opinion, ethnic or social origin, membership to a national minority, birth, property or other status.

Article 9. Principle of differentiated and individualised execution of sentences

Differentiated and individualised execution of sentences is the targeted enforcement of coercive measures, as well as the targeted application of ways of rehabilitation of a

convict and of promoting his or her law-abiding behaviour, which shall be carried out by means of differentiating and individualising the personality of the convict.

Article 10. Principle of combination of sentences and correctional measures

For the purpose of correction and social rehabilitation of a convict, as well for the development of their law-abiding behaviour, a sentence may be combined with correctional measures provided for by law.

CHAPTER 2

LEGAL STATUS OF A CONVICT

Article 11. Legal Status of a convict

1. The Republic of Armenia shall protect the rights, freedoms and lawful interests of a convict during the execution of a sentence and shall ensure the lawfulness of coercive measures enforced against a convict.
2. During the execution of a sentence, the rights and freedoms of a convict may be restricted upon a judgment of conviction of a court, under this Code and other laws.
3. A convict may be discharged from the performance of civil responsibilities only in cases provided for by law.
4. The procedure for exercising the rights, freedoms, and performing the responsibilities of a convict shall be as prescribed by this Code and the internal regulations of correctional institutions. In the exercise of his or her rights, freedoms, and in the performance of his or her responsibilities, a convict shall not violate the procedure and conditions for serving the sentence, as well as shall not infringe upon the rights or lawful interests of others.

5. The rights and responsibilities of a convict who is a foreign national or stateless person shall be as defined by this Code, other laws as well as the international treaties of the Republic of Armenia.

Article 12. Rights of a convict

1. A convict shall have the right to:

(1) receive information, in his or her mother tongue or any other language he or she understands, on his or her rights, freedoms, and responsibilities, on the procedure and conditions for executing the sentence imposed by the court, any changes thereto, on proposals, requests and complaints, as well as on the relevant international instruments;

(2) be treated in a polite manner;

(3) address — in person, as well as through a defence counsel or a legal representative — the administration of the body or institution executing the sentence, their superior bodies, a court, the Prosecutor's Office, the Human Rights Defender, state and local self-government bodies, non-governmental unions and political parties, the mass media, as well as international bodies or organisations for the protection of human rights and freedoms with requests, complaints with regard to violations of his or her rights and freedoms;

(4) protection of health, including adequate food and medical care;

(5) social security;

(6) receive legal assistance;

(7) the security of his or her person;

(8) freedom of thought, conscience and belief, political or other views;

(9) communicate with the external world, including to maintain correspondence, receive visits, and have access to telephone communication, literature and available news media;

(10) rest, including outdoor walk or exercise and eight hour sleep at night;

- (11) be called by his or her name or surname;
- (12) address — with a request of personal reception — the administration of the body or institution executing the sentence and bodies exercising control and supervision over the activities of such body or institution;
- (13) participate in civil law transactions;
- (14) receive education, as possible and as prescribed by law and engage in creative work;
- (15) acquire additional food and basic necessities from the shop or booth of the institution executing the sentence or through its administration;
- (16) receive and send cash remittances, deliveries and parcels.

2. Other rights prescribed by law may be reserved to convicts.

3. A foreign national convict shall have the right to establish and maintain contacts with the diplomatic representation or consular office of his or her State in the Republic of Armenia. A convict who is a national of a State, which does not have a diplomatic representation or consular office in the Republic of Armenia, as well as a refugee or stateless convict shall have the right to establish and maintain contacts with the diplomatic representation or consular office of the State that has undertaken to protect the interests of such persons or with any national or international body for their protection.

Article 13. Responsibilities of a convict

1. A convict shall be obliged to:

- (1) demonstrate a law-abiding behaviour, comply with, and adhere to, the requirements of legal acts prescribing the procedure and conditions for serving the sentence or medical coercive measures combined with the execution of a sentence;
- (2) treat politely the officers and staff of the bodies or institutions executing sentences, persons visiting such bodies or institutions and other convicts;

- (3) observe the personal and general hygiene rules;
 - (4) treat with care the property of the institution executing sentences;
 - (5) comply with the lawful demands of the administration of the body or institution executing the sentence.
2. Convicts shall be subjected to liability prescribed by law in case of failure to fulfil their responsibilities, as well as the lawful demands of the administration of the bodies and institutions executing sentences.

Article 14. Differentiating the rights and responsibilities of a convict

The rights and responsibilities of a convict prescribed by this Code shall be differentiated based on the form of the sentence imposed upon the criminal judgment and, in specific cases, also the type of the correctional institution and the internal regulations established therein.

Article 15. Procedure for considering proposals, requests and complaints of a convict

1. A convict may lodge his or her proposals, requests and complaints every day, both in writing and orally. Written complaints shall be forwarded to the addressees no later than within one day.
2. Proposals, requests and complaints of a convict shall not be subject to censorship.
3. Proposals, requests and complaints lodged by a convict with respect to the decisions and actions of the administration of the institution or body executing the sentence, shall not suspend the execution of such decisions and actions.
4. Bodies and officials considering proposals, requests and complaints of a convict shall be obliged to consider them as and within the time-limits established by the legislation of the Republic of Armenia and to inform the convict of the decisions rendered.

5. Any form of persecution against a convict in case of lodging proposals, requests and complaints on violations of his or her rights and lawful interests, shall be prohibited. Persons who carry out such persecution shall bear a liability established by law.

CHAPTER 3

REHABILITATION OF A CONVICT

Article 16. Rehabilitation of a convict

Rehabilitation of a convict is the promotion of a respectful attitude of the convict towards a human being, society, rules and traditions of coexistence, as well as the promotion of his or her law-abiding behaviour for the purpose of enhancing and developing a healthy lifestyle of the convict.

Article 17. Main measures of rehabilitation of a convict

1. The main measures of rehabilitation of a convict shall be the established procedure and conditions for executing and serving sentences, the social, psychological, and legal activities carried out with the convict, the convict's engagement in work, education, culture, sports, and other similar occupation, as well as the social influence. Certain types of correctional measures shall be mandatory for juveniles.

2. Correctional measures shall be applied in view of the form of the sentence, the personality of the convict and behaviour demonstrated by him or her when serving the sentence, the nature and the degree of danger to public order of the crime committed, the attitude of the convict towards the crime committed by him or her, the term of the sentence, the type of the correctional institution as well as other circumstances conditioned by the principle of differentiated and individualised execution of sentences.

3. The participation of a convict in social, psychological, legal, and educational activities shall be taken into account when determining the degree of his or her rehabilitation, as well as when applying incentives and penalties against him or her.

CHAPTER 4

SUPERVISION AND CONTROL OVER EXECUTION OF SENTENCES

LIABILITY FOR FAILURE TO EXECUTE A JUDGMENT OF CONVICTION OF A COURT

Article 18. Judicial supervision

1. The administration of a body and institution executing a sentence shall inform the court of execution of the sentence.
2. The court shall, in the cases and as prescribed by law, consider the complaints of a convict against the actions of the administration of the body or institution executing the sentence.

Article 19. Agency supervision

The superior bodies and their officials shall, as prescribed by the Government of the Republic of Armenia, exercise agency supervision over the activities of bodies and institutions executing sentences.

Article 20. Prosecutorial control over execution of sentences and enforcement of medical coercive measures combined with the execution of a sentence

Prosecutorial control over execution of sentences and enforcement of medical coercive measures combined with the execution of a sentence shall be exercised as prescribed by the law of the Republic of Armenia “On the Prosecutor’s Office”.

Article 21. Public supervision

(title amended by HO-161-N of 8 July 2005)

1. Public supervision over execution of sentences shall be exercised through a group of public observers formed by the authorised public administration body of the Republic of Armenia (hereinafter referred to as “the authorised public administration body”).
2. The number of members of the group of public observers may not exceed 21. The term of office of a member of the group of public observers shall be three years.
3. The procedure for exercising public supervision over execution of sentences, as well as the composition and powers of the group of public observers shall be established by the authorised public administration body.

(Article 21 amended by HO-161-N of 8 July 2005)

Article 22. Entry into, and exit from, the place of execution of a sentence

(title edited by HO-161-N of 8 July 2005)

1. The procedure for entry into, and exit from, an institution executing a sentence shall be established by the head of the authorised public administration body.
2. The following shall have the right to an unimpeded entry into, and exit from, a place of execution of a sentence without a special permission:
 - (1) President of the Republic of Armenia, Chairperson of the National Assembly of the Republic of Armenia, Prime Minister of the Republic of Armenia, President of the Constitutional Court of the Republic of Armenia, President of the Court of Cassation of the Republic of Armenia, deputies of the National Assembly of the Republic of Armenia, head of the authorised public administration body or his or her relevant deputy;

(2) the Prosecutor General of the Republic of Armenia, his or her deputies as well as prosecutors who, as prescribed by law, exercise control over enforcement of sentences and other coercive measures;

(3) officials of superior bodies of the body or institution executing the sentence;

(4) representatives of international organisations, based on international treaties of the Republic of Armenia;

(5) the Human Rights Defender;

(6) judges of the Republic of Armenia who, as prescribed by law, consider matters relating to executing a sentence, complaints filed against an infringement of the rights and freedoms of a convict, as well as against the actions of the administration of the body or institution executing the sentence;

(7) public observers exercising public supervision over the execution of sentences.

2.1. In cases prescribed by law, other persons may be granted the right to an unimpeded entry into, and exit from, a place of execution of a sentence without a special permission.

2.2. Visits to convicts by the persons provided for in part 2 of this Article shall not affect the number of visits allowed to convicts, as established by this Code.

3. A person entering into, and exiting from, an institution executing a sentence, as well as his or her belongings may be subjected to examination by the administration of the institution executing a sentence.

(Article 22 edited by HO-161-N of 8 July 2005, supplemented by HO-15-N of 8 April 2008)

Article 23. Liability for failure to execute a court judgment

A representative of the authorities, public servant, official of a local self-government body, state, commercial, or other organisation, who fails to execute or impedes the execution of a criminal judgment or any other judicial act — having taken legal effect —

of a court, as well as a convict violating the requirements of a criminal judgment shall be bear liability as prescribed by law.

SPECIAL PART

SECTION 2

EXECUTION OF NONCUSTODIAL SENTENCES

CHAPTER 5

EXECUTION OF A FINE

Article 24. Execution of a fine

1. The execution of a fine shall be ensured by the given territorial body of the penitentiary service of the place of residence of a person sentenced to a fine (hereinafter referred to in this Chapter as “the convict”) — the Subdivision for Execution of Noncustodial Sentences.

2. The convict shall be obliged to pay — without delay, completely and after the judgment of conviction of the court takes legal effect — the amount imposed as a fine upon the judgment of conviction, submitting the payment receipt to the body executing the sentence.

(Article 24 amended by HO-161-N of 8 July 2005, HO-120-N of 1 June 2006, edited by HO-182-N of 15 November 2006)

Article 25. Impossibility to pay a fine and its consequences

(title edited by HO-182-N of 15 November 2006)

1. A judge shall, upon the motion of the convict, taking into account the circumstance of impossibility of payment — without delay or completely — of a fine by the convict, fix for him or her a term of payment of maximum one year or permit the payment of the fine in instalments within the same term. The mentioned privilege shall be repealed, where the convict fails to pay in time the instalment or instalments of the amount imposed, and the remainder of the sentence shall be replaced with community service as prescribed by Article 26 of this Code.

2. When applying to court with a motion of providing for deferred payment of a fine or its payment by instalments, the convict shall substantiate the circumstance of impossibility of payment of the fine, as well as, where appropriate, give relevant clarifications with the purpose of verifying his or her property status.

(Article 25 edited by HO-182-N of 15 November 2006)

Article 26. Failure to pay a fine and its consequences

(title edited by HO-182-N of 15 November 2006)

1. In case of failure to pay a fine, it shall be replaced with community service for a term and as prescribed by the Criminal Code of the Republic of Armenia.

2. The Subdivision for Execution of Noncustodial Sentences shall, with the purpose of replacing a fine imposed on the convict upon a judgment of conviction with community service, file a motion with the court.

3. Where the fine has been paid in part, the term of community service shall be determined taking into account the paid part of the fine.

(Article 26 amended by HO-161-N of 8 July 2005, HO-120-N of 1 June 2006, edited by HO-182-N of 15 November 2006)

CHAPTER 6

EXECUTION OF DEPRIVATION OF THE RIGHT TO HOLD CERTAIN POSITIONS OR TO ENGAGE IN CERTAIN ACTIVITIES

Article 27. Deprivation of the right to hold certain positions or to engage in certain activities

1. The execution of the main sentence of deprivation of the right to hold certain positions or to engage in certain activities shall be ensured by the Subdivision for Execution of Noncustodial Sentences.
2. The execution of the additional sentence of deprivation of the right to hold certain positions or to engage in certain activities shall be ensured by the body or institution executing the main sentence, whereas upon serving the main sentence — by the Subdivision for Execution of Noncustodial Sentences.
3. In case of taking up military service or alternative service by a person sentenced to deprivation of the right to hold certain positions or to engage in certain activities (hereinafter referred to in this Chapter as “the convict”), Subdivision for Execution of Noncustodial Sentences shall send to the military commissariat or home station of the convict the copy of the criminal judgment with the purpose of continuing the serving of the sentence during the service.

(Article 27 amended by HO-161-N of 8 July 2005)

Article 28. Responsibilities of the administration of the place of employment of the convict

1. The requirements of a criminal judgment — having taken legal effect — on deprivation of the right to hold certain positions or to engage in certain activities shall be binding on the administration of the place of employment of the convict.

2. The administration of the place of employment of the convict shall:

(1) ensure compliance with the requirements of the judgment of conviction — having taken legal effect — on deprivation of the right to hold certain positions or to engage in certain activities within five days upon the receipt of the copy of the judgment of conviction and the notice of the penitentiary authority, as well as take measures to deprive the convict of the rights and privileges connected with holding the prohibited positions or engaging in the prohibited activities, formally informing thereon the relevant penitentiary authority or institution;

(2) submit — upon the request of the Subdivision of Execution of Noncustodial Sentences — documents relating to the execution of the sentence;

(3) in the event of amending or terminating the employment contract with the convict, inform thereon the Subdivision of Execution of Noncustodial Sentences within a five-day period;

(4) in the event of dismissal of the convict, who has not served the sentence, from a certain position held in state or other institutions or organisations, make an entry in his or her service record on the grounds, terms and the position the right to hold which he or she has been deprived of.

(Article 28 amended by HO-161-N of 8 July 2005)

Article 29. Responsibilities of bodies or organisations authorised to deprive of the right to engage in certain activities

1. The requirements of the criminal judgment of the court on deprivation of the right to engage in certain activities shall be binding on bodies or organisations which are authorised to issue or cancel a permission to engage in such activities.

2. Competent authorities or organisations shall be obliged to cancel, not later than within five days following the receipt of the copy of the judgment of conviction of the court and the notice of the Subdivision for Execution of Noncustodial Sentences, the permission of

the right to engage in the prohibited activities, or to suspend that permission for the period concerned, by depriving him or her of a relevant document which authorises him or her to engage in the given activities, formally informing thereon the Subdivision of Execution of Noncustodial Sentences.

3. Where the former permission to engage in prohibited activities is certified by a document other than the one specified in the criminal judgment, which has been issued for a longer term or contains a right to engage in another type of activities, the relevant authority shall make a note in the document certifying the permission on deprivation of the right to engage in relevant activities, by making a reference to the judgment of conviction and indicating the term of deprivation, and in case of impossibility of making a note, shall replace — free of charge — the document certifying the permission with another temporary document.

(Article 29 amended by HO-161-N of 8 July 2005)

Article 30. Calculation of the term of deprivation of the right to hold certain positions or to engage in certain activities

1. The term of deprivation of the right to hold certain positions or to engage in certain activities imposed as a main or as an additional sentence, shall be calculated upon the taking of legal effect of the judgment of conviction of the court, except for the cases provided for in part 3 of this Article.

2. Deprivation of the right to hold certain positions or to engage in certain activities shall, when imposed as an additional sentence together with holding in a disciplinary battalion, detention or imprisonment for a certain period, extend to the entire period of serving the main sentence; moreover, the term of the additional sentence shall be calculated upon serving the main sentence.

3. The period, during which the convict has held positions or has been engaged in activities prohibited to him or her, shall not be calculated within the term of deprivation of the right to hold certain positions or to engage in certain activities.

Article 31. Responsibilities of the convict deprived of the right to hold certain positions or to engage in certain activities

The convict shall be obliged to:

- (1) comply with the requirements of the judgment of conviction;
- (2) comply with the lawful demands of officers of the Subdivision for Execution of Noncustodial Sentences, submit documents which relate to the serving of the sentence;
- (3) inform, within a five-day period, the Subdivision for Execution of Noncustodial Sentences on employment, changing it, or dismissal.

(Article 31 amended by HO-161-N of 8 July 2005)

CHAPTER 7

EXECUTION OF COMMUNITY SERVICE

Article 32. Execution of community service

1. Execution of community service shall — on the basis of a judicial act — be ensured by Subdivision for Execution of Noncustodial Sentences at places determined by it.
2. A person sentenced to community service (hereinafter referred to in this Chapter as “the convict”) shall be obliged to appear before the Subdivision for Execution of Noncustodial Sentences within seven days after the judgment of conviction of the court takes legal effect.

The convict shall be engaged in community service, and the imposed sentence shall be executed within two years after the judgment of conviction takes legal effect. During the execution of community service, the execution of the sentence may be interrupted not more than once, for up to a one-year period.

The procedure and terms of engaging in community service shall be established by the Government of the Republic of Armenia.

3. Registration of the convict, supervision over compliance with the procedure and conditions for execution of the sentence, as well as explanation of the procedure and conditions for execution of the sentence shall be carried out by the Subdivision for Execution of Noncustodial Sentences..

4. The initiation of the term of execution of community service shall be calculated from the moment of *de facto* engagement of the convict in community service.

(Article 32 amended by HO-161-N of 8 July 2005, amended, edited by HO-120-N of 1 June 2006, supplemented by HO-182-N of 15 November 2006)

Article 33. Procedure for executing community service

1. During the whole term specified in the judgment of conviction, the convict shall be obliged to comply with the internal working regulations of the bodies or organisations where he or she performs community service, to perform the work conscientiously, to work in places determined for him or her, as well as to notify the Subdivision for Execution of Noncustodial Sentences in case of changing the place of residence.

2. Granting the convict regular annual leave at the main place of employment shall not suspend the execution of the sentence in the form of community service.

3. When the convict attains the retirement age or is recognised as a disabled person of first or second group, or has a serious illness obstructing the serving of the sentence, as well as in case of pregnancy, the Subdivision for Execution of Noncustodial Sentences shall file a motion with the court with the purpose of releasing from sentence or delaying the execution of the sentence.

4. Compensation for injuries incurred during the execution of community service shall be made as prescribed by the civil legislation of the Republic of Armenia.

5. In case of compulsory call up for the military service or alternative service by the convict, the execution of the sentence in the form of community service shall be suspended for the term of military or alternative service.

In case of serving a custodial sentence by the convict, the execution of the sentence in the form of community service imposed under part 4 of Article 51 of the Criminal Code of the Republic of Armenia shall be suspended for the term of serving the custodial sentence.

(Article 33 amended by HO-161-N of 8 July 2005, supplemented by HO-120-N of 1 June 2006, HO-182-N of 15 November 2006)

Article 34. Supervision over community service performance

1. For the purpose of supervising the performance of service determined for the convict, the Subdivision for Execution of Noncustodial Sentences shall maintain a community service time log, which shall be filled out, signed, and sealed by the administration of the authority or organisation arranging the service.

2. The convict shall be obliged to inform the Subdivision of Execution of Noncustodial Sentences of the performance of community service. The administration of the authority or organisation arranging the service may also inform the Subdivision of Execution of Noncustodial Sentences of community service performance, improper performance thereof, or the convict's evading the serving of the sentence.

3. The procedure for calculating the hours of community service shall be established by the Government of the Republic of Armenia.

(Article 34 amended, edited by HO-161-N of 8 July 2005)

Article 35. Liability of the convict

1. In the event of breaching the procedure and conditions for serving the sentence, the Subdivision for Execution of Noncustodial Sentences shall warn the convict of the liability prescribed by law.

2. The Subdivision for Execution of Noncustodial Sentences shall file a motion with a court with respect to a convict maliciously evading the performance of community service, requesting replacement of the remaining term of community service with detention or imprisonment for a certain term, within the timeframes prescribed by the Criminal Code of the Republic of Armenia.

3. A convict shall be considered maliciously evading the serving of the sentence in the form of community service, if he or she:

(1) has performed, during one month, less than 90% of the service provided for under the community service time log, without a good reason;

(2) has grossly violated the work discipline rules more than twice during a month when performing community service;

(3) has failed to appear, two or more times upon notification or when provided for by law, before the Subdivision for Execution of Noncustodial Sentences.

(Article 35 amended by HO-161-N of 8 July 2005, edited by HO-120-N of 1 June 2006)

CHAPTER 8

EXECUTION OF DEPRIVATION OF SPECIAL OR MILITARY TITLE, RANK, DEGREE, OR QUALIFICATION CLASS

Article 36. Execution of deprivation of special or military title, rank, degree, or qualification class

1. The execution of deprivation of special or military title, rank, degree, or qualification class shall be ensured by the authority or institution executing the main sentence.
2. Within a period of fifteen days upon receiving a copy of the judgment on deprivation of special or military title, rank, degree, or qualification class, and after the judgment of conviction takes legal effect, the authority or institution executing the main sentence shall send a copy of the judgment of conviction to the authority or official having awarded the title, rank, degree, or qualification class, in order to take appropriate actions.

Article 37. Procedure for execution of deprivation of special or military title, rank, degree, or qualification class

Within a period of 10 days upon receiving a copy of the judgment of conviction, the authority or official, having awarded special or military title, rank, degree, or qualification class, shall take appropriate actions to deprive the person sentenced to deprivation of special or military title, rank, degree, or qualification class (hereinafter referred to in this chapter as “ the convict”) of a special or military title, rank, degree, or qualification class, as well as shall take measures to deprive him or her of all the rights and privileges pertaining to the special or military title, rank, degree, or qualification class, formally informing thereon the relevant penitentiary authority or institution within a period of one month.

CHAPTER 9

EXECUTION OF CONFISCATION OF PROPERTY

Article 38. Execution of confiscation of property

1. Execution of confiscation of property shall be ensured by the penitentiary institution executing the main sentence.
2. Upon receipt of the judgment of conviction on confiscation of property, the penitentiary institution shall reserve the execution of the punishment to the Judicial Acts Compulsory Enforcement Service, which shall provide relevant information on execution or impossibility to execute the sentence.

Article 39. Procedure for execution of confiscation of property

Confiscation of property shall be executed as prescribed by the law of the Republic of Armenia “On Compulsory Enforcement of Judicial Acts”, taking into account the requirements of Article 40 of this Code.

Article 40. Property subject to confiscation

Property subject to confiscation shall include the property owned by the person sentenced to confiscation of property, except for the property provided for by the Annex to this Code.

CHAPTER 10

(chapter repealed by HO-120-N of 1 June 2006)

CARRYING OUT CORRECTIVE WORK

Article 41. Carrying out corrective work

(article repealed by HO-120-N of 1 June 2006)

Article 42. Conditions of serving a sentence in the form of corrective work

(article repealed by HO-120-N of 1 June 2006)

Article 43. Calculating time frames for corrective work

(article repealed by HO-120-N of 1 June 2006)

Article 44. Responsibilities of the administration of the place of work of a convict

(article repealed by HO-120-N of 1 June 2006)

Article 45. Procedure for making deductions from the salary of a convict

(article repealed by HO-120-N of 1 June 2006)

Article 46. Liability for violating the procedure and conditions of the sentence in the form of corrective work

(article repealed by HO-120-N of 1 June 2006)

SECTION 3

EXECUTION OF CUSTODIAL SENTENCES

CHAPTER 11

EXECUTION OF CONFINEMENT IN A DISCIPLINARY BATTALION

Article 47. Execution of confinement in a disciplinary battalion

1. Execution of confinement in a disciplinary battalion shall be ensured by the disciplinary battalion operating within the system of the government body authorised in the field of defence.
2. Military servicemen sentenced to confinement in a disciplinary battalion (hereinafter referred to in this Chapter as “the convict”) shall be convoyed, transported, and admitted to the disciplinary battalion as prescribed for persons sentenced to imprisonment for a certain term.

Article 48. Procedure for and conditions of confinement in a disciplinary battalion

1. A certain procedure for the execution and serving the sentence shall be established in the disciplinary battalion, which shall ensure the rehabilitation of the convict, the performance of responsibilities and fulfilment of requirements of military service, the protection of the rights and lawful interests, control over the convict, and the personal safety of the military servant and the staff of the disciplinary battalion.
2. The convict shall be obliged to comply with the requirements of the internal regulations of the disciplinary battalion as defined by the authorised public administration body.

3. Under a special programme defined by the authorised public administration body, the command of the disciplinary battalion shall carry out physical and combat readiness courses for the convict.

4. In addition to the main rehabilitation measures, other rehabilitation measures conditioned by the nature of military service may be applied in respect of the convict.

Article 49. Peculiarities of the procedure and conditions for confinement in a disciplinary battalion

1. Regardless of the military rank and previously held position, the convict shall have the status of a private during the term of serving the sentence, and shall wear a uniform — without any insignia — of the sample established by the internal regulations of the disciplinary battalion.

2. The convict may be involved in unpaid public work, but for no longer than two hours a day.

3. In a disciplinary battalion, the convict shall be prohibited from holding cash money, including currency, securities, as well as objects and items prohibited under the internal regulations of the disciplinary battalion. Any cash, including currency, securities, and other valuables discovered shall be, as prescribed by the internal regulations of the disciplinary battalion, seized and held till the release from the sentence. Upon the order of the commander of the disciplinary battalion, objects and items seized from the convict shall be transferred for storage or destroyed, by drawing up a relevant protocol.

4. The list and quantity of food and basic necessities, which the convict is allowed to possess, purchase by non-cash settlement, or receive in parcels, deliveries and packages, shall be prescribed by the internal regulations of the disciplinary battalion. The convict may spend from his or her personal account an amount of up to thirty-fold of the minimum salary as defined in the Republic of Armenia (hereinafter referred to as “the minimum salary”) to purchase food and basic necessities.

Article 50. Contact of the convict with the external world

1. Appropriate conditions shall be created in the disciplinary battalion to ensure the contact of the convict with the family and the external world. To this end, short-term visit rooms shall be created in the disciplinary battalion, as well as communication stations and access to the news media, as possible.
2. The convict shall be entitled to at least two short-term visits per month. Visits shall be granted for close relatives, and for other persons upon the permission of the commander of the disciplinary battalion, as well as in cases provided for by law. The convict shall be granted visits with the defence council, without any limitation on the number or duration of such visits. Visits of the convict with the defence counsel shall take place in private and, if they so wish, a representative or representatives of the disciplinary battalion may be present at the visit.
3. The convict shall be allowed to receive and to send, at his or her own expense, parcels, deliveries and packages, to make and receive cash remittances without any limitation, as well as to maintain correspondence at his or her own expense, without any limitation on the number of letters and telegrams. The procedure for sending and receiving parcels, deliveries, packages, and letters, as well as for handing them over to the convict, shall be defined by the internal regulations of the disciplinary battalion.
4. The procedure and frequency of using communication means, including the telephone, shall be defined by the internal regulations of the disciplinary battalion.
5. Correspondence shall be maintained through the command of the disciplinary battalion and shall be subject to external examination, without examining the contents of the correspondence, in order to exclude the transfer of prohibited objects or substances. Letters received for the convict, while he or she is absent due to transfer, shall be forwarded to his or her new location.
6. In cases provided for in Article 80 of this Code, a short-term leave outside the disciplinary battalion may be granted to the convict for up to seven days, excluding the time required for departing and returning, which may not exceed three days. The time of

staying outside the disciplinary battalion shall be counted in the term of serving the sentence. The convict shall not be entitled to the leaves provided for military servants. Short-term leaves shall be granted no more than twice a year.

(Article 50 amended by HO-15-N of 8 April 2008)

Article 51. Incentives applied with respect to the convict

1. In accordance with the prescribed procedure, the following incentives may be applied with respect to the convict for demonstrating a law-abiding behaviour:

- (1) granting an additional short-term visit;
- (2) early cancellation of a penalty imposed earlier.

2. The convict may, upon the decision of the commander of the disciplinary battalion, be granted up to two additional short-term visits per year as an incentive.

3. In addition to the incentives defined in this Article, other incentives provided for by military manuals may also be applied.

(Article 51 amended by HO-120-N of 1 June 2006)

Article 52. Penalties applied with respect to the convict

1. The following penalties may, in accordance with the prescribed procedure, be applied with respect to the convict for breaching the procedure and conditions — defined by the internal regulations of the disciplinary battalion — for serving the sentence.

- (1) reprimand;
- (2) severe reprimand;
- (3) disciplinary detention for a period of up to fifteen days.

2. The convict shall serve the disciplinary detention in the punishment cell of the disciplinary battalion.

3. During the term of serving disciplinary detention, the Convict shall be prohibited from having visits, with the exception of cases provided for by law, using the telephone, receiving and sending cash remittances, deliveries and parcels, maintaining correspondence, making use of literature and the mass media, working, and participating in civil law transactions.

4. Penalties defined in part 1 of this Article shall be applied in the cases and as provided for by the internal regulations.

5. In addition to the sanctions defined in this Article, other penalties defined by military manuals may also be applied.

(Article 52 amended, supplemented by HO-120-N of 1 June 2006, amended by HO-15-N of 8 April 2008)

Article 53. Procedure for applying incentives and penalties with respect to the convict

The procedure for applying incentives and penalties with respect to the Convict and recording thereof by the commander of the disciplinary battalion shall be defined by the authorised public administration body in accordance with the military manuals.

Article 54. Provision of material conditions and medical and sanitary care for the convict

1. Material conditions and medical and sanitary care of the convict shall be provided in accordance with the standards prescribed by the military manuals.

2. The convict shall be provided with sanitation, hygiene, and anti-epidemiological conditions necessary for protection of health, in accordance with the standards prescribed for military servants.

3. Convicts who need inpatient treatment shall be transported, under convoy, to health care institutions designed for military servants and held in special hospital wards. Convicts shall be guarded as prescribed by the authorised public administration body.

(Article 54 amended by HO-120-N of 1 June 2006)

CHAPTER 12

ENFORCEMENT OF DETENTION

Article 55. Enforcement of detention

1. Detention shall be executed by correctional institutions.
2. Detention imposed on a military serviceman shall be executed by a garrison disciplinary isolator.
3. A person sentenced to detention (for purposes of this chapter, hereinafter referred to as “a Convict”) shall, as a rule, serve the whole term of the sentence in the same place of serving the sentence. A Convict may be transferred from one place of serving the sentence to another in case of his illness or for the purpose of ensuring his personal security, or in other exceptional circumstances that impede to serve the sentence by the Convict in that place.

(Article 55 amended by HO-120-N of 1 June 2006)

Article 56. Procedure and conditions for serving the detention

1. Convicts shall be held in conditions of strict isolation, in accordance with separate confinement standards laid down in Article 68(1) of this Code.
2. Convicts shall be subject to sentence-serving conditions prescribed under this Code and other legal acts for confinement of persons sentenced to imprisonment and who is

serving the sentence in closed-type correctional institutions, with the exception of the peculiarities prescribed in this Code for detention as a type of punishment. Convicts shall not be entitled to visits, with the exception of visits of the defence attorney and in the cases provided for by parts 3 and 5 of this Article, as well as in the cases provided for by the law. Convicts shall not be entitled to maintain correspondence or to receive parcels deliveries and packages, with the exception of essentials and seasonal clothing. Convict's primary or secondary vocational education shall not be arranged.

3. Once a month, juvenile convicts shall be granted an up to four-hour short visit with parents or other legal representative.

4. The convict shall be entitled to at least one hour, and juvenile convicts — to at least two hours of outdoor walk per day.

5. In personal exceptional circumstances prescribed by Article 80 of this Code, the Convict may be allowed to use the telephone or have an up to four-hour short visit upon the decision of the head of institution.

(Article 56 supplemented by HO-15-N of 8 April 2008)

Article 57. Engaging convicts in unpaid work

Convicts shall be engaged in unpaid work as prescribed by Article 88 of this Law.

Article 58. Incentives applied with respect to convicts

In accordance with the prescribed procedure, the head of institution executing the sentence may apply the following incentives in respect of convicts:

- 1) prolongation of outdoor walk time by one hour for a period of up to one month,
- 2) permission for one-time or up to one month's telephone use,
- 3) permission to receive parcels, deliveries and packages.

Article 59. Penalties applied with respect to a convict

1. In accordance with prescribed procedure the following penalties may be applied with respect to a convict for breaching the procedure and conditions for serving the sentence prescribed by the internal regulations:

1) reprimand,

2) transfer to a punishment cell for up to ten days.

2. During his or her stay in a punishment cell, a convict shall be prohibited from receiving and sending cash remittances, using literature, the mass media, and working.

3. Penalties prescribed in part 1 of this Article shall be applied in the cases provided for and as prescribed by the internal regulations.

Article 60. Procedure for applying incentives and penalties with respect to a Convict

The incentives and penalties with respect to a convict shall be applied as prescribed by Articles 94 and 97 of this Code.

Article 61. Provision of material conditions and medical and sanitary care for the convicts

1. The material conditions and medical and sanitary care for a convict shall be provided in accordance with the standards prescribed in Articles 74, 75, 76, and 83 of this Code for those sentenced to imprisonment.

2. Material conditions and medical and sanitary care for military serviceman sentenced to detention shall be provided by the standards prescribed by the military manuals.

A military serviceman sentenced to detention and those who need hospital treatment shall be transported, under convoy, to health care institutions designed for military servicemen and held in special hospital wards. The protection of the mentioned persons shall be ensured by the head of the garrison of the given institution.

3. Convicts who need hospital treatment shall be transported, under convoy, to health care institutions designed for military servicemen and held in special hospital rooms. The protection of the convicts shall be ensured according to the procedure established by the authorised public administration body.

(Article 61 supplemented by HO-120-N of 1 June 2006, HO-141-N of 13 June 2006)

CHAPTER 13

GENERAL PROVISIONS ON THE EXECUTION OF CERTAIN TERM OR LIFE IMPRISONMENT

Article 62. Execution of certain term or life imprisonment

Certain term or life imprisonment shall be executed by correctional institutions.

Article 63. Referral of a person sentenced to a certain term or life imprisonment to correctional institution

1. A person sentenced to a certain term or life imprisonment (for purposes of this chapter, hereinafter referred to as, "a convict") shall be referred to serve the sentence no later than within 20 days after entering the judgment of conviction into force and receiving the executive order to enforce it. During this period, a convict shall be entitled to short visits of close relatives or others.

2. A convict shall be referred to serve the sentence in accordance with the procedure defined by the Authorized Public Administration Body.

Article 64. Transportation of the convicts.

1. A convict shall be transported under convoy and, if necessary, under medical supervision, in a vehicle with sufficient light and air ventilation, which does not cause extra physical discomfort for him. During transportation, the convict shall be provided with appropriate material and sanitary-hygienic conditions, and be protected, as possible, from insults and public curiosity.

2. The convict shall be transported at the expense of the State.

3. The convict shall be transported in separation, in accordance with the requirements provided for by Article 68 of this Code.

Article 65. Admission of the convicts to correctional institutions

1. A convict shall be admitted to a correctional institution by the administration of the institution in question, as prescribed by the internal regulations of correctional institutions.
2. For the purposes of medical examination and adaptation to the conditions of the correctional institution, a convict transferred to a correctional institution shall be placed in a quarantine unit for a period of up to seven days. The convict shall be held in the quarantine unit in at least the same conditions as those of serving the sentence. The peculiarities of the convicts' stay in the quarantine unit shall be defined by the internal regulations of correctional institutions.
3. Immediately after placement in the quarantine unit, a convict transferred to a correctional institution shall be informed of his fundamental rights and obligations and the internal regulations of the correctional institutions. A statement confirming this notification shall be attached to the convict's personal data file.

Article 66. Registration of convicts

1. Immediately after being transferred to a correctional institution, a convict shall be registered in registers and personal data cards provided specifically for this purpose.
2. A personal data file shall be maintained for each convict. The personal data file shall include regularly updated information on the convict's person and the execution of his sentence, including information on measures of restraint applied in respect of the convict in the past, as well as the dates of admitting the convict to the correctional institution and releasing him or her from sentence. The personal data file shall be accessible for the convict and for persons authorised to have such access.
3. The administration of the correctional institution shall guarantee the protection of the convict's personal data from public curiosity.

Article 67. Notification of the place of serving the sentence

1. The administration of the correctional institution shall immediately inform the convict's close relatives or any other persons specified by the convict of the convict's admission to a correctional institution or his transfer from one institution to another.
2. The administration of the correctional institution shall not be entitled to inform the persons mentioned in paragraph 1 of this Article of the convict's whereabouts, if the convict has requested in writing to do so, with the exception of juvenile convicts.

Article 68. Separate confinement of convicts in correctional institutions

In correctional institutions, the following convicts shall be held separately:

1. Men and women;
- (2) Juveniles and adults, with the exception of cases specified in part 1 of Article 109 of this Code;
- (3) Persons sentenced to imprisonment for the first time, with the exception of those who have been sentenced for particularly grave crime, and Convicts who have served imprisonment sentence in the past;
- (4) Employees or former employees of courts, law-enforcement, tax and customs authorities, and compulsory or contractual military officers or former military servants, and police servicemen or former military servicemen and other convicts;
- (5) The convict with diseases which are dangerous to the surroundings and to other Convicts;
- (6) The convict whose life or health is under a threat, and other Convicts, upon the decision of the administration of the correctional institution;
- (7) Persons sentenced to certain term imprisonment for committing a crime by negligence and persons sentenced for an intentional crime;

(8) Persons sentenced to a certain term imprisonment and persons sentenced to life imprisonment;

2. In medical correctional institutions, in medical subdivisions of correctional institutions, and in correctional institutions that have children's homes under their jurisdiction, the requirements of this Article concerning separate confinement of convicts shall be applied to a possible extent.

3. The requirements of this Article concerning separate confinement of convicts may not be observed, if they participate in social, psychological, legal, labour, educational, cultural, sports, and other similar activities organised for them within the same institution, as well as in other cases prescribed by this Code.

(Article 68 supplemented by HO-120-N of 1 June 2006, amended by HO-9-N of 8 April 2008)

Article 69. Serving the whole term of sentence in one correctional institution

1. As a rule, a convict shall serve the whole term of his sentence in one correctional institution.

2. The transfer of a convict from one correctional institution to another institution of the same type for continuing the further serving of the sentence shall be permitted for reasons of his illness, the reorganisation or liquidation of the correctional institution, ensuring the personal security of the Convict, and other extraordinary circumstances that hinder the Convict's further stay in the correctional institution.

CHAPTER 14

REGULATION IN CORRECTIONAL INSTITUTIONS AND MEANS OF ENSURING COMPLIANCE WITH THE REGULATION

Article 70. Regulation in correctional institutions and basic requirements thereof

1. Regulation is the entirety of the procedure and conditions for executing and serving the sentence prescribed by laws and other legal acts in a correctional institution.

2. The aim of Regulation established in correctional institutions is:

(1) To provide conditions for confinement of the convict in a correctional institution, which do not degrade him or her;

(2) To minimize, as much as possible, the psychological differences between imprisonment and liberty;

(3) To ensure the contact with family and the external world;

(4) To support a convict to develop skills and abilities that will help him arrange his life after release from the sentence.

3. The main requirements of the Regulation of correctional institution are to ensure mandatory differentiated isolation of a convict from society and, in cases prescribed by this Code, from other convicts, to ensure that the convict properly performs his responsibilities, to provide different conditions for confinement of Convict based upon the Convict's personality and behaviour and the nature and degree of social danger of the crime committed by him or her, and to put a convict under continuous control in order to exclude the commission of new crimes or other offences by them.

Article 71. Regulation of correctional institution in emergency situations

1. In the event of natural disasters, emergency situations in the location of correctional institutions, during martial law, mass disorders, mass riots of convicts, and an imminent

threat of attack on the correctional institution, state of emergency may be declared in the correctional institution.

2. State of emergency shall be declared and shall be terminated by the head of the Authorized Public Administration Body for the term of up to 30 days. In exceptional cases, the term of the state of emergency may also be extended for up to 30 days or, in cases of epidemiological threat, until the need for such state becomes unnecessary.

3. In the event of the state of emergency, the exercise by the convict of a number of rights under this Code may be suspended by means of reinforcing guarding and supervision measures, limitation of the receipt of parcels, deliveries, packages, and cash remittances, limitation of visits, and taking other measures prescribed by the legislation. The internal regulations of correctional institution in case of declaring state of emergency shall be defined by the Government of the Republic of Armenia.

4. In the event of imminent threat to the life and health of the convict, the administration of correctional institution, and other persons, the head of the correctional institution may take all appropriate measures within the limits of those prescribed in part 3 of this Article and, in doing so, informing immediately the Head of the Central Body of the Penitentiary Service and the Head of the Authorised Public Administration Body.

5. In the event of declaring state of emergency, the administration of correctional institution shall immediately inform the Convicts about it.

(Article 71 edited by HO-161-N of 8 July 2005)

Article 72. Internal regulations of correctional institutions

1. Internal regulations shall be established in correctional institutions, which shall provide for the procedure for admitting convict to correctional institutions, the rules of conduct of the convict, the list and quantity of objects and items that the convict may not possess, the procedure for seizure of the prohibited objects, the procedure for the search of the convict, his or her belongings, and of the place where they stay within the institution, the

procedure for holding visits, receiving correspondence, and delivery of parcels, deliveries, and packages to the convict, the procedure for telephone use, the daily regime, and other issues arising in regard with this Code and other legal acts.

2. Convicts shall be provided with an opportunity to obtain additional information on the internal regulations of correctional institutions. The whole text of the internal regulations or excerpts from it shall be posted in places of the correctional institution, which are visible for everyone.

3. The internal regulations of correctional institutions shall be established by this Code and by the Government of the Republic of Armenia.

CHAPTER 15

CONDITIONS FOR SERVING THE SENTENCE IN CORRECTIONAL INSTITUTIONS

Article 73. Living space of persons sentenced to imprisonment

The living space provided for the convict in correctional institutions shall comply with the construction and sanitary-hygienic standards defined for common living space and shall ensure their health protection. The size of living space per a convict in a correctional institution may not be less than 4 square meters.

Article 74. Personal hygiene of convicts

1. Convicts shall be provided with conditions meeting the needs of their hygiene, which do not degrade them.

2. The conditions and rules concerning the maintenance of personal hygiene of the convict shall be defined by internal regulations of correctional institutions and by other legal acts.

3. The portion of supplies necessary for the maintenance of personal hygiene of the convict shall be defined by the Government of the Republic of Armenia.

Article 75. Clothing and bedding for convicts

1. The convict shall be provided with clothing of unified sample in accordance with their sex, season, and climate conditions. The convict shall bear a name badge on his or her clothes.

2. The clothing of the convict shall not be in any way depressing or degrading. The model of the clothing for the convict shall be defined by the internal regulations of correctional institutions.

3. The convict shall be provided with individual sleeping accommodation and bedding.

4. The quantities and terms of use of clothing and bedding provided to the convict shall be established by the Government of the Republic of Armenia.

Article 76. Food for the convicts

1. During the term of serving the sentence, the convict shall be provided with food necessary for regular functioning of his or her organism, the daily average portions thereof shall be established by the Government of the Republic of Armenia.

2. It shall be prohibited to somehow deteriorate the quality of food or to decrease its nutritional value from the established portions, particularly as a penalty.

3. Pregnant women, nursing mothers, juvenile or ill convicts shall be provided with additional food; the portions thereof shall be established by the Government of the Republic of Armenia.

4. The convict shall be provided with drinking water.

Article 77. Acquisition of food and basic necessities by convicts

1. During a month, convicts may spend their means to acquire food and basic necessities, as well as office supplies, books, newspapers, journals, and other literature, the total value of which may not exceed 30-fold of the minimum salary.
2. The procedure for acquisition of food and basic necessities, as well as the list of objects that may not be sold to the convicts shall be defined by the internal regulations of correctional institutions.

Article 78. Outdoor walk for convicts

1. Outdoor walk for convicts shall be organised during daytime in special open-air space provided for this purpose.
2. The duration of outdoor walk for convicts shall be defined by this Code, considering the type of the correctional institution.
3. Duration of outdoor walk for convicts may not be shorter than one hour per day.

Article 79. Procedure and conditions for movement outside the correctional institution without convoy or escort

1. A convict who is serving his or her sentence in a correctional institution and has been left in a detention facility to perform logistics works may, depending on the type of work, be permitted to move outside the boundaries of the correctional institution or the detention facility without convoy or escort.
2. Permission for a convict to be out of the boundaries of the correctional institution or the detention facility without convoy or escort shall be issued or shall be abolished by a decision of the head of the correctional institution or detention facility.
3. Permission to be out of the boundaries of the correctional institution or the detention facility without convoy or escort may only be provided to the convicts with demonstrated

law-abiding behaviour, after they have served at least one quarter of the term of the sentence.

4 It shall not be permitted to take the convicts out of the boundaries of the correctional institution or the detention facility without convoy or escort in the cases of particularly dangerous or dangerous recidivism, contagious and parasitic disease dangerous for the surroundings, as well as convicts with bacillary tuberculosis, convicts who have not completed the treatment of their sexually transmitted diseases or are HIV-positive, or to persons sentenced to life imprisonment.

5. The rules of conduct of convicts who have a permission to move outside the boundaries of the correctional institution or the detention facility without convoy or escort shall be established by the internal regulations of the correctional institutions or detention facilities.

Article 80. Granting short-term leaves to convicts

1. Convicts, with the exception of those sentenced for particularly dangerous recidivism or particularly grave crimes, may be granted short-term leaves in exceptional personal circumstances (such as the death or serious life-threatening disease of close relatives, or a natural disaster that has inflicted considerable material damage upon the convict or his or her family) or for the purpose of social rehabilitation. The convict, who has a disabled child or has a child in the children's home adjunct to the correctional institution, may be granted short-term leaves for placing his or her child in the children's home or at relatives' house.

2. Short-term leaves shall be granted for up to seven days, excluding the time required to get to and return from the destination, which may not exceed three days. Convicts serving sentences in open correctional institutions may be granted a short-term leave for the purpose of social rehabilitation for a maximum of one month, excluding the time required to get to and return from the destination, which may not exceed three days.

Convicts serving sentences in semi-open, semi-closed, or closed correctional institutions shall be granted no more than two short-term leaves per year.

3. Convicts who have mental illness not excluding sanity, or convicts recognised as disabled of the first or second group, who need permanent care due to their health status, as well as juvenile convicts, shall be granted short-term leaves only if they are accompanied by a relative or by another person.

4. Convicts who suffer bacillary tuberculosis, or alcoholism or drug addiction, or have not completed treatment of their sexually-transmitted disease or other contagious or parasitic diseases, which are dangerous for the surroundings, or convicts who are HIV-positive, or are present during anti-epidemiological activities carried out in the correctional institution, may be granted short-term leaves, if the doctor, psychiatrist, or relevant specialist have given an opinion stating that the convicts in question are not dangerous to the society or themselves, or if such danger is eliminated by means of accompanying them, which should be compensated by the convict.

5. A convict, who is negatively characterised, may be granted a short-term leave only if he or she shall be accompanied by a representative or representatives of the administration of the correctional institution

6. In case of granting a short-term leave, convicts may wear their regular or other clothes.

Article 81. Procedure for granting short-term leaves to convicts

1. Short-term leaves shall be granted by a decision of the head of the correctional institution, taking into account the personality of the convict and the behaviour demonstrated by him or her, the graveness of the committed crime, and the term of serving the sentence. An application may be rejected by a substantiated decision of the head of the correctional institution.

2. An application for granting short-term leave due to exceptional personal circumstances shall be considered within one day, and for the purposes of social rehabilitation, within three days.
3. The period of short-term leave shall be calculated within the term of serving the sentence.
4. Expenses related to the short-term leaves shall be borne by the convicts or, if they are insolvent, travel expenses may be borne by the state.
5. A convict, who evades returning to the correctional institution within the prescribed term, shall be subject to criminal liability.
6. The procedure for granting short-term leaves to the convict shall be defined by the internal regulations of the correctional institutions.

Article 82. Peculiarities of serving the sentence for pregnant women, nursing mothers and the convict who has a child

1. If necessary, a children's home may be established within the correctional institution, which shall offer proper conditions for children's living and development. The convict may place his or her child under the age of three years in the children's home of the correctional institution and may interact with his or her child during work-free hours without any restriction. The convict may be allowed to live together with the child.
2. Upon the consent of the convict, his or her child under the age of three years may be placed under the care of a relative or, if the bodies of trusteeship and guardianship so decide, under the care of other persons, and after the child attains the age of three, the child may be sent to a children's home and to another relevant institution of the convict's own choice.
3. After a child held in the children's home of the correctional institution attains the age of three, the head of the correctional institution may extend the duration of the child's

stay at the children's home until the parent finishes serving the sentence, provided that less than two years of the sentence are left.

Article 83. Medical and sanitary care of the convict

1. Medical and sanitary care and medical and prophylactic aid for the convict shall be organised in accordance with the healthcare legislation of the Republic of Armenia.

The procedure for organising medical and sanitary care and medical and prophylactic aid for the convict, for having access to medical institutions of healthcare bodies and involving their medical staff for that purpose shall be established by the Government of the Republic of Armenia.

2. A medical correctional institution shall be organised for the purpose of ensuring the effective performance of medical and sanitary care and medical and prophylactic aid for the convict.

3. The administration of the correctional institution shall ensure the performance of sanitary-hygienic and anti-epidemiological measures aimed at the health protection of the convict.

4. The administration of the correctional institution shall be liable for non-performance or improper performance of sanitary-hygienic and anti-epidemiological measures aimed at the health protection of the convict.

(Article 83 edited by HO-161-N of 8 July 2005)

Article 84. Material liability of the convict

1. The convict shall be liable for material damage inflicted upon the state, natural or legal persons during the term of serving his or her sentence as prescribed by law.

2. The convict shall compensate the damage inflicted upon the correctional institution, as well as any additional expenses incurred with regard to his or her escape from the

correctional institution or his or her treatment in connection with the injury intentionally inflicted upon him or her.

3. Any amount of material damage levied from the convict by mistake shall be refunded to the convict and credited to his or her personal account.

CHAPTER 16

LABOUR, EDUCATION, AND CULTURAL, ENLIGHTENMENT, RELIGIOUS AND ATHLETIC ACTIVITIES ORGANISED FOR PERSONS SENTENCED TO CERTAIN TERM OR LIFE IMPRISONMENT

Article 85. Labour in correctional institutions

1. If possible, convicts shall be provided with job or entitled to find a job by themselves in accordance with the procedure and conditions laid down by the internal regulations of correctional institutions. When engaging convicts in work, the administration of the correctional institution shall take into consideration their gender, age, work capacity, health status and, as far as possible, their profession. The labour activities of convicts may not obstruct the correctional institutions to accomplish their tasks.

2. While providing with a job, priority shall be given to the convicts who have pecuniary liabilities or face a complicated financial situation.

3. Convicts' work may not pursue the aim of obtaining an income for the correctional institution.

Article 86. Working conditions of the convict

1. The labour relations of convicts shall be regulated by the labour legislation of the Republic of Armenia, with the exception for the cases provided for by law.

2. The Government of the Republic of Armenia shall define the list of jobs prohibited for convicts.

Article 87. Remuneration of the work of the convict

1. In accordance with the legislation of the Republic of Armenia, the convict shall have a right to remuneration of his or her work.

2. Monthly remuneration of the work of convict may not be less than the minimum salary.

Article 88. Engaging convicts in unpaid work

1. By the decision of the head of the correctional institution, convict may be engaged in unpaid work aimed at improving the correctional institution and its adjacent areas.

2. Convicts shall be engaged in unpaid work interchangeably, provided that such engagement is not at the time of rest, and does not last more than two hours a day.

3. It shall be prohibited to engage in an unpaid work the convict who is recognised as disabled of the first or second group, pregnant convict, and convict who has attained the age of retirement.

(Article 88 supplemented by HO-120-N of 1 June 2006)

Article 89. Education of convicts

1. The administration of the correctional institution shall take measures to organise the secondary education of the convict and his or her higher and post-graduate professional education by distance learning. The education to the convict shall be provided as prescribed by the internal regulations of correctional institutions.

2. A convict, who is a student, shall be released from work with regard to taking exams as prescribed by labour legislation of the Republic of Armenia.

Article 90. Vocational education of a convict

1. Primary vocational education (handicraft education) to convicts may be provided in the correctional institution. Vocational education shall, to the degree possible, be such as to ensure that the performance of work supports maintaining or improving the convict's abilities to make a living after release from the sentence.
2. Primary vocational education of a juvenile convict shall be provided during the working day.

Article 91. Cultural, religious, enlightenment and athletic activities in correctional institutions

1. Convicts may form cultural, enlightenment and athletic amateur unions that shall function under the control of the administration of the correctional institution. Such unions may cooperate with relevant unions and organisations. Participation of a convict in the activities of amateur unions shall be encouraged and shall be taken into account in determining his or her correction degree. A convict, who is a member of amateur unions, shall not have any additional privileges.
2. The main tasks of amateur unions of convicts shall be the development of the convict's mental, professional, physical skills, having a positive impact on the convict's correction, involvement of such unions into the organisation of labour, everyday life and rest of the convict and provision of social assistance to the convict and his or her family. Amateur unions of convicts may also have other tasks that shall not contradict the objectives, procedure and conditions for executing the sentence.
3. The procedure for setting up and functioning of amateur unions of convicts shall be established by the internal regulations of correctional institutions.
4. Conditions shall be provided in correctional institutions in order to allow convicts to manage their free time effectively. For this purpose, a library, a reading hall, a gym or other place of entertainment shall be established in correctional institution.

5. A priest may be invited to the correctional institution. It shall be permitted to organise religious service, to use objects of worship and religious literature. The administration of the correctional institution shall allocate appropriate space for this purpose.

6. The administration of the correctional institution shall, with the support or direct involvement of non-governmental or other organisations, organise educational, cultural, enlightenment, religious and athletic activities.

Article 92. Contact of the convict with his or her family and with the external world

1. The administration of the correctional institution shall provide appropriate conditions to ensure the contact of the convict with his or her family and with the external world. For this purpose, short-term and long-term visit rooms, communication stations and possible conditions for the access to mass media shall be created in the correction institution.

2. At least one short-term visit at least per month, for up to four hours, shall be granted to close relatives or others, except for the cases provided for by law. At least one long-term visit per two months, for up to three days, and including the right to stay together, shall be granted only to close relatives. Long-term visit shall also be granted to the person not married to the convict but having a common child with the latter. At the request of the convict, a long-term visit may be replaced with a short-term, except for the cases provided for by law. At least three short-term visits and one long-term visit shall be provided to persons sentenced to a certain period of imprisonment or life imprisonment for committing a particularly grave crime. This restriction shall be eliminated, if the convict has actually served the term of the sentence, which, according to the Criminal Code of the Republic of Armenia, is set for conditional release from the sentence. The procedure for granting short-term and long-term visits shall be defined by the internal regulations of correctional institutions.

3. The convict shall be allowed to receive and, at his or her own expense, send parcels, deliveries or packages, make and receive cash remittances without any restriction and maintain correspondence at his or her own expense without any limitation on the number of letters or telegrams. The procedure for sending and receiving parcels, deliveries, packages and letters, as well as for handing them over to the convict, shall be defined by the internal regulations of the correctional institution.

4. The procedure and number of using communication means, including the telephone, shall be defined by the internal regulations of the correctional institutions.

5. Correspondence shall be maintained through the administration of the correctional institution and shall be subject to external examination, without examining the contents of the correspondence, in order to exclude the transfer of prohibited objects or substances. Letters received for convicts, while they are absent, shall be forwarded to their new whereabouts.

6. The administration of the correctional institution shall provide appropriate conditions for using newspapers, journals and other literature.

7. A convict shall be photographed, videotaped, and interviewed upon his or her consent, as prescribed by the internal regulations of correctional institutions. The consent may be given in writing.

(Article 92 supplemented by HO-182-N of 15 November 2006, HO-15-N of 8 April 2008)

CHAPTER 17

INCENTIVES AND PENALTIES APPLIED WITH RESPECT TO PERSONS SENTENCED TO CERTAIN TERM OR LIFE IMPRISONMENT

Article 93. Incentives applied with respect to persons sentenced to imprisonment

1. In accordance with the prescribed procedure the following incentives may be applied with respect to the persons sentenced to imprisonment in cases of demonstration of law-abiding behaviour, conscientious attitude to work and studies, active participation in the activities and work of convicts' amateur unions, and demonstration of positive behaviour:

- (1) Granting additional short-term or long-term visits, but no more than two short-term or two long-term visits within a year;
- (2) Extension of outdoor walk time of convicts held in closed-type correctional institutions for up to two hours for a period of one month; and
- (3) Early cancellation of a penalty imposed earlier.

2. As an incentive, a convict may be recommended for transfer to continue the serving of the sentence in a correctional institution in which the level of isolation is lower than in his current institution.

Article 94. Procedure for applying incentives with respect to the persons sentenced to imprisonment

All incentives shall be applied in writing, by the decision of the head of correctional institution or the person who carries out his or her duties.

Article 95. Penalties applied with respect to persons sentenced to imprisonment

1. In accordance with the prescribed procedure, the following penalties may be applied with respect to persons sentenced to imprisonment who violate the procedure for serving the sentence:

1) reprimand,

(2) strict reprimand; and

3) transfer to a punishment cell for up to 15 days, or up to 10 days in case of juvenile convicts.

2. Penalties prescribed in part 1 of this Article shall be imposed in the cases and according to the procedure prescribed by the internal regulations.

Article 96. Malicious breaches of the procedure for serving the sentence by person sentenced to imprisonment

1. The following shall be considered malicious breaches of the procedure for serving the sentence by persons sentenced to imprisonment: misdemeanours, threats to the representatives of the administration of correctional institution, disobedience or contemptuous conduct or organising or actively participating in other group riots, organising or actively participating in groups for the purpose of committing the mentioned breaches, as well as two or more breaches of the procedure for serving the sentence within a year, if the convict was subjected to a penalty for each of those breaches.

2. In case of malicious breaches of the procedure for serving the sentence, the convict may be recommended for transfer to a correctional institution with a higher degree of isolation for continuing to serve the remainder of the sentence.

Article 97. Procedure for applying penalties with respect to a person sentenced to imprisonment

1. When applying penalties with respect to convicts, the circumstances in which the breach was committed and the personality and conduct of the convict prior to the commitment of the breach shall be taken into account. The penalty applied must correspond to the graveness and nature of the breach. A penalty shall be exclusively applied with respect to the person who committed the breach, no later than within 15 days of revealing the breach and, as a rule, shall be executed immediately. No more than one penalty shall be imposed for a breach.
2. All penalties shall be applied in writing, by the decision of the head of correctional institution or the person who carries out his or her duties.
3. A convict shall be transferred to a punishment cell and the term of confinement therein must be specified.
4. A convict who has child in the children's home of the correctional institution, as well as a nursing mother, a pregnant woman, or a convict in pre-delivery or post-delivery period shall not be transferred to a punishment cell.
5. In case a convict is transferred from the punishment cell to a medical correctional institution, the period of the convict's confinement in the medical correctional institution shall be calculated in the term of serving the penalty.
6. A convict shall be deemed to have no penalty, if he or she is not subjected to a new penalty within six months upon serving the penalty, or if the penalty imposed earlier is removed.
7. The application of a penalty with respect to the convict may be appealed to the authorities exercising control and supervision over the execution of sentences.

Article 98. Conditions of convict confinement in punishment cell

1. During their stay in punishment cell, convicts shall be prohibited from having visits, with the exception for the cases provided for by law, using the telephone, receiving and sending cash remittances, deliveries and parcels, maintaining correspondence, making use of literature and the mass media, working, participating in civil law transactions.
2. As a penalty, a convict transferred to a punishment cell shall have a right:
 - (1) to purchase food and basic necessities by spending from his or her personal account an amount of up to 10-fold of the minimum salary as defined in the legislation of the Republic of Armenia; and
 - (2) to one hour of outdoor walk per day.
3. The housing conditions of a convict held in a punishment cell shall be defined by the internal regulations of correctional institutions.
4. Convicts held in punishment cell shall be under medical supervision.
5. A penalty applied with respect to a convict held in a punishment cell may be terminated earlier upon the opinion of a doctor.

(Article 98 amended by HO-15-N of 8 April 2008)

CHAPTER 18

EXECUTION OF IMPRISONMENT IN CORRECTIONAL INSTITUTIONS

Article 99. Types of correctional institutions

The types of correctional institutions, according to the degree of their isolation, shall be as follows:

- (1) Open correctional institution;
- (2) semi-open correctional institution;

- (3) semi-closed correctional institution;
- (4) closed correctional institution;
- (5) medical correctional institution.

Article 100. Determination of the type of a correctional institution for executing the sentence

1. For the purposes of execution of the sentence, the type of correctional institution shall be determined by a Distribution Commission established within the Central Body of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia (hereinafter referred to as “the Central Body of Penitentiary Service”) as prescribed by part 2 of this Article and taking into account the requirements of Article 68 of this Code.

2. The type of correctional institution for executing the sentence shall be determined upon the following peculiarities:

- (1) open correctional institution in cases of being sentenced to certain term imprisonment for a crime committed by negligence;
- (2) semi-open correctional institution in case of being sentenced to certain term imprisonment for the first time to intentional minor, medium graveness or grave crime;
- (3) semi-closed correctional institution in case of being sentenced for the first time to a particularly grave crime for a term of less than ten years or in case of recidivism or dangerous recidivism;
- (4) closed correctional institution in case of being sentenced for a term of more than ten years or to life imprisonment for a particularly grave crime and in case of particularly dangerous recidivism;
- (5) medical correctional institution in case of being sentenced for a certain term of imprisonment, where there is a need for providing medical and sanitary care and medical and preventive care.

3. The composition of Distribution Commission and the procedure of activities thereof shall be approved by the Minister of Justice of the Republic of Armenia.

(Article 100 amended, supplemented by HO-161-N of 8 July 2005)

Article 101. Changing the type of correctional institution for executing the sentence

The type of correctional institution for executing the sentence shall be changed by the Distribution Commission provided for by Article 100 of this Code with regard to the behaviour demonstrated by the person sentenced to a certain term or life imprisonment, the appropriateness of the degree of isolation and the requirements of Article 68 of this Code.

(Article 101 amended by HO-161-N of 8 July 2005)

Article 102. The cases of changing the type of correctional institution for executing the sentence

1. The type of correctional institution for executing the sentence may be replaced with an institution with lower degree of isolation, taking as a basis the positive behaviour demonstrated by the person sentenced to a certain term or life imprisonment, particularly:

(1) the following persons may be transferred to an open correctional institution:

(a) the convict who has been sentenced to a certain term imprisonment for a crime committed by negligence and who is serving the sentence in a semi-open institution;

(b) the convict who has been sentenced to a certain term imprisonment for the first time for minor or medium graveness or for a grave intentional crime and who is serving the sentence in a semi-open correctional institution upon serving at least one third of the imposed sentence, whereas in case of juvenile convict – upon serving one quarter of the imposed sentence;

(c) the convict who has been sentenced to imprisonment for the period of up to ten years for the first time for particularly grave crime or for a recidivism or dangerous recidivism and who is serving the sentence in semi-open correctional institution upon serving at least one half of the imposed sentence , in case of juvenile convict – upon serving one quarter of the imposed sentence;

(d) the convict who has been sentenced to imprisonment for a term of more than ten years for a particularly grave recidivism or a particularly grave crime and who is serving the sentence in a semi-open correctional institution upon serving at least two thirds of the imposed sentence, whereas in case of juvenile convict – upon serving at least half of the imposed sentence;

(2) the following persons may be transferred to a semi-open correctional institution:

(a) in case of recidivism the convict who is serving the sentence in semi-closed correctional institution upon serving at least one third of the imposed sentence, whereas in case of juvenile convict – upon serving at least one quarter of the imposed sentence;

(b) the convict who has been sentenced to imprisonment for a period of up to ten years for the first-time for a dangerous recidivism or particularly grave crime and who is serving the sentence in a semi-open correctional institution upon serving at least one half of the imposed sentence, whereas in case of juvenile convict – upon serving at least one third of the imposed sentence;

(c) the convict who has been sentenced to imprisonment for a term of more than ten years for a particularly dangerous recidivism or a particularly grave crime and who is serving the sentence in a semi-closed correctional institution upon serving at least one half of the imposed sentence, whereas in case of juvenile convict – upon serving at least one third of the imposed sentence;

(d) the convict who has been sentenced to life imprisonment and who is serving the sentence in a semi-closed correctional institution upon serving at least 25 years of the imposed sentence.

(3) the following persons may be transferred to a semi-closed correctional institution:

(a) the convict who has been sentenced to imprisonment for a term of more than ten years for a particularly dangerous recidivism or a particularly grave crime and who is serving the sentence in a closed correctional institution, upon serving at least one quarter of the imposed sentence ;

(b) the convict who has been sentenced to life imprisonment and who is serving his or her sentence in a closed correctional institution upon serving at least 20 years of the imposed sentence.

2. The type of correctional institution for executing the sentence may be replaced with an institution with a higher degree of isolation at any time of executing the sentence taking as a basis the negative behaviour demonstrated by the person sentenced to a certain term or life imprisonment or the written request thereof. For a person sentenced to a certain term imprisonment for a crime committed by negligence, the type of correctional institution may not be replaced with semi-closed or closed correctional institution. For a juvenile, who has been sentenced to a certain term imprisonment for a crime committed by negligence, the type of correctional institution may not be changed into institution with a higher degree of isolation.

(Article 102 supplemented, amended by HO-120-N of 1 June 2006)

Article 103. Open correctional institution

1. In an open correctional institution, the convict shall be held in a living space provided for up to ten persons.

2. In accordance with the internal regulations of the correctional institutions, the convict may move around an open correctional institution within the area of the correctional institution provided for that purpose in night-time, whereas in the daytime – within the territory of the correctional institution and, upon the permission of the Head of the Correctional Institution - also outside the territory of the institution.

3. The principles defined in Article 68 of this Code with regard to separate confinement of convicts shall not apply to open correctional institutions and the convicts shall be held in accordance with the rules of social cohabitation.

4. Peculiarities of the conditions of the convict confinement in an open correctional institution shall be defined by internal regulations of correctional institutions.

Article 104. Semi-open correctional institution

1. In a semi-open correctional institution, the convict shall be confined in a living space provided for up to six persons.

2. In the daytime the convict may move around a semi-open correctional institution within the area of the correctional institutions provided for that purpose.

3. Peculiarities of the conditions of the convict confinement in a semi-open correctional institution shall be defined by internal regulations of correctional institutions.

Article 105. Semi-closed correctional institutions

1. In a semi-closed correctional institution, the convict shall be confined in an isolated cell provided for up to six persons.

2. In a semi-closed correctional institution, the convict may move around at certain daytime hours for at least three hours within the area of the correctional institutions provided for that purpose.

3. Peculiarities of the conditions of the convict confinement in a semi-closed correctional institution shall be defined by the internal regulations of correctional institutions.

Article 106. Closed correctional institution

1. In a closed correctional institution, the convict shall be confined in an isolated cell provided for up to four persons. Upon a substantiated decision of the head of the institution, the convict may be confined in a cell alone.
2. Peculiarities of the conditions of the convict confinement in a closed correctional institution shall be defined by internal regulations of correctional institutions.

Article 107. Medical correctional institution

1. The convict shall be confined in a medical correctional institution in the conditions provided for by this Code and other legal acts for semi-open correctional institutions, except for the peculiarities provided for by this Code and other legal acts for the medical correctional institution. A separate subdivision or a living space or a cell may be established within a medical correctional institution for confining the convicts in the conditions with different degrees of isolation.
2. In medical correctional institutions, the convict shall be confined in accordance with the requirements of Article 68(2) of this Code on separate confinement of convicts.
3. Peculiarities of the conditions for the convict confinement in a medical correctional institution shall be defined by internal regulations of correctional institutions.

Article 108. Peculiarities of serving the sentence by a person sentenced to life imprisonment

1. Persons sentenced to life imprisonment shall be confined in cells provided, as a rule, for not more than four convicts. At the request of the convict or in the event of a threat to his or her personal security, the convict may be confined in a solitary confinement cell by the decision of the head of the correctional institution. The work of such convict shall be organised with regard to the requirements defined by the internal regulations of the correctional institutions on the confinement of the convict in a cell.

2. The convict shall have a right to one hour of outdoor walk per day.
3. During the walk of the convict, the requirements defined by Article 68 of this Code on separate confinement shall be preserved.

Article 109. Peculiarities of serving the sentence of a juvenile convict

1. A juvenile sentenced to a certain term imprisonment shall serve the sentence in the same correctional institution until the term of the sentence expires, but not more than he or she attains the age of twenty one.
2. Where a convict, who has attained the age of eighteen, demonstrates a negative behaviour, the peculiarity provided for by part 1 of this Article shall not have effect.
3. The transfer of a juvenile, sentenced to a certain term imprisonment in a closed correctional institution for the purpose of serving the sentence, shall be prohibited.

Article 110. Transferring a person sentenced to imprisonment to a closed correctional institution or leaving him or her in detention facilities for performing logistical and household work

1. A person sentenced to an imprisonment for a maximum term of seven years for an intentional crime, and who has to serve or is serving his or her sentence in a semi-open or semi-closed correctional institution, may be transferred to a closed or semi-closed correctional institution or left in detention facility for the purposes of performing logistical and household work.
2. The convict shall be transferred to a closed or semi-closed correctional institution or left in the detention facility for performing logistical and household work upon the decision of the Distribution Commission referred to in Article 100 of this Code and with the written consent of the convict taking into account his or her law-abiding behaviour.

3. The convict, transferred to a closed or semi-closed correctional institution or left in the detention facility for performing logistical and household work, shall be confined in a semi-open correctional institution under conditions provided for by this Code and internal regulations of the correctional institutions, in isolation and separate from other convicts.

(Article 110 edited, supplemented by HO-120-N of 1 June 2006)

Article 111. Temporary confinement of the convict in detention facilities

1. The convict may be transferred from a correctional institution to a detention facility on grounds provided for by law.
2. The convict shall be temporarily confined in a detention facility under the conditions defined by law for detainees and the internal regulations of detention facilities.

SECTION 4

RELEASING FROM THE SENTENCE SUPERVISION IN CASES OF RELEASE FROM THE SENTENCE AND CONDITIONAL NON-APPLICATION OF THE SENTENCE

CHAPTER 19

RELEASE FROM SENTENCE

Article 112. Grounds for releasing from sentence

1. Grounds for releasing from sentence shall be the following:
 - (1) full serving of the sentence imposed upon a judgement of conviction of a court;
 - (2) remitting the judgement of conviction of a court through striking out the proceedings of the case;

- (3) conditional release from the sentence;
 - (4) replacement of the remainder of the sentence with a lesser sentence;
 - (5) pardon;
 - (6) amnesty;
 - (7) a serious illness obstructing the serving of the sentence;
 - (8) emergency circumstances.
2. Other grounds for releasing from the sentence may also be provided for by law.

Article 113. Procedure for releasing from the sentence

1. Types of the sentences served in the form of deprivation of the right to hold certain positions or to engage in certain activities, detention, or of confinement in a disciplinary battalion, or of imprisonment for a certain term, shall be terminated on the last day of the term of sentence, taking into account the amendments which can be included in the term of the sentence as prescribed by law.
2. A person sentenced to detention, confinement in a disciplinary battalion and to a certain term imprisonment shall be released from sentence during the first half of the last day of the term of sentence. If the sentence term expires on a non-working day, the convict shall be released from sentence on the day preceding that day. If the term of the sentence is calculated by months, it shall expire on the relevant day of the last month, and if the given month has no such date - on the last day of that month.
3. The administration of the institution executing the sentence shall explain to the persons, released from the sentence by virtue of termination of criminal proceedings in case because of remitting the judgement of conviction, their rights to restore their property, labour and other rights suspended during the term of serving the sentence. Documents concerning the release from the sentence by virtue of termination of criminal

proceedings in the event of remitting the judgement of conviction shall include an official apology to the convict on behalf of the state.

4. The convict shall be conditionally released from the sentence on the day of receiving the relevant documents, and if the documents are received after the end of the working day - in the next morning.

5. The procedure for granting the convict pardon and releasing from the sentence shall be defined by the legislation of the Republic of Armenia.

6. The procedure for implementing an amnesty shall be defined by the body adopting the act of amnesty.

7. The motion on releasing from the remaining part of the sentence due to mental or other serious disease shall be filed with the court by the head of institution executing the sentence. Such motion shall be accompanied by the opinion of the relevant medical commission and personal data file of the convict. The person sentenced to confinement in a disciplinary battalion shall be released from the sentence only in case of such disease, as a consequence of which he is considered as unfit for military service.

8. Along with motion on releasing from further serving of the sentence of a person, sentenced for a crime of minor or medium graveness, due to fire, man-made or natural disaster, serious disease or death of the only capable person in the family, or other emergency circumstances, the administration of the institution executing the sentence shall submit to the court documents on the respective circumstances, and the personal data file of the convict.

9. When released from sentence, the convict shall receive his or her personal belongings, personal documents, including the documents on releasing from the sentence.

Article 114. Conditions for conditional release from the sentence or replacement of the remainder of the sentence with a lesser sentence

1. Conditional release from the sentence may be applied, or the remainder of the sentence may be replaced with a lesser sentence, if the convict has actually served the minimum term of the sentence defined by the Criminal Code of the Republic of Armenia.

Conditional release from the sentence or replacement of the remainder of the sentence with a lesser sentence shall not be applied if the committed crime has entailed infliction of harm to a human health or death, and the convict has not fully compensated the harm inflicted on the victim.

2. The procedure for considering the issues concerning recommendation for conditional release from the sentence or for replacement of the remainder of the sentence with a lesser sentence of the person sentenced to certain term or life imprisonment by the institution executing the sentence shall be defined by the Government of the Republic of Armenia, in accordance with Articles 115 and 116 of this Code

The issue concerning the conditional release from the sentence of the convict serving the sentence in the disciplinary battalion shall be presented by the command of the disciplinary battalion in accordance with 115¹ of this Code.

3. The decision of the administration of the institution executing the sentence concerning the motion on conditional release from the sentence of the person, sentenced to certain term or life imprisonment for a medium-gravity, grave or particularly grave crime, or for replacement of the remainder of the sentence with a lesser sentence, shall be approved by the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence, the procedure for the formation and activities thereof shall be defined by the decree of the President of the Republic of Armenia.

The Commission shall be comprised of representatives of respective government agencies and other representatives of the society.

(Article 114 supplemented by HO-161-N of 8 July 2005, edited, supplemented by HO-66-N of 13 June 2006, amended, supplemented by HO-268-N of 13 November 2007)

Article 115. Procedure for recommending persons sentenced to certain term or life imprisonment for conditional release from the sentence or for replacement of the remainder of the sentence with a lesser sentence

(title edited by HO-268-N of 13 November 2007)

1. If the part of the term of sentence prescribed by law expires, the administration of the institution executing the sentence shall, within a period of one month, organise on a mandatory basis a hearing on the issue of recommending a convict, who has no disciplinary penalty, for conditional release from the sentence or for replacement of the remainder of the sentence with a lesser sentence.

In case of taking a decision on filing a motion on conditional release from the sentence of a person sentenced to certain term or life imprisonment for having committed a crime of medium graveness, grave or particularly grave crime, or for replacement of the remainder of the sentence with a lesser sentence, the administration of the institution executing the sentence shall submit the decision to the approval of the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence.

The administration of the institution executing the sentence shall file a motion with the court on conditional release from the sentence of a person sentenced to a certain term or life imprisonment for having committed a crime of medium graveness, grave or particularly grave crime, or for replacement of the remainder of the sentence with a lesser sentence, in case of receiving the approval of the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence.

2. Along with the motion filed with the court for conditional release from the sentence or for replacing the remainder of the sentence with a lesser sentence, the personal data file of a convict shall also be submitted.

3. In case of receiving the decision of the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence on not approving the decision on filing a motion on conditional release from the sentence or for replacing the remainder of the sentence with a lesser sentence, the administration of the institution executing the sentence shall consider the issue of recommending the convict for conditional release from the sentence or for replacing the remainder of the sentence with a lesser sentence three months after the adoption of the decision on non-approval, except for the cases provided for by Article 116 of this Code.

In cases where the court rejects conditional release from the sentence or the replacement of the remainder of the sentence with a lesser sentence, another motion on the same ground may be filed with the court six months after the adoption of the decision on rejection, except for the cases provided for by Article 116 of this Code.

4. Decisions of the administration of the institution executing the sentence may be appealed in a judicial procedure. Decisions of the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence shall not be subject to appeal except for cases when they contradict the law, and are adopted in violation of the procedure established by a decree of the President of the Republic of Armenia.

(Article 115 edited by HO-66-N of 13 June 2006, edited, amended by HO-268-N of 13 November 2007, edited by HO-129-N of 20 May 2009)

Article 115¹. The procedure for recommending a person sentenced to confinement in a disciplinary battalion for conditional release from the sentence

1. If the part of the term of sentence prescribed by law expires, the commander of the disciplinary battalion shall, within a period of one month, file, on a mandatory basis, a

motion with the court on conditional release from the sentence of the person who has no disciplinary penalty.

2. Along with the motion on conditional release from the sentence the personal data file of the convict shall also be submitted to the court.

3. In case the motion is rejected by court, another motion on the same ground may be filed with the court not earlier than six months after the adoption of the decision on rejection.

4. The failure by the commander of the disciplinary battalion to comply with the requirement prescribed by part 1 of this Article may be appealed in a judicial procedure.

(Article 115' supplemented by HO-268-N of 13 November 2007)

Article 116. Peculiarities of conditional release from the sentence of a person sentenced to life imprisonment

1. A person sentenced to life imprisonment may be recommended for conditional release from the sentence where he has not had any penalties for malicious breaches of the prescribed procedure for serving the sentence during the previous five years and has served not less than twenty years of the imprisonment.

2. In case of receiving the decision of the independent commission on conditional release from the sentence and for replacement of the remainder of the sentence with a lesser sentence on not approving the decision on filing a motion on conditional release from the sentence of a person sentenced to life imprisonment, the administration of the institution executing the sentence shall consider the issue of recommending the convict for conditional release from the sentence one and a half years after the adoption of the decision on non-approval.

Where the court rejects the motion on conditional release from the sentence, another motion on the same ground may be filed with the court only three years after the adoption of the decision on rejection.

(Article 116 edited by HO-66-N of 13 June 2006)

Article 117. Procedure for delaying the serving of the sentence and for releasing from the sentence

1. Where the convict is a pregnant woman, or has a child under the age of three, or suffers from a serious illness that obstructs the serving of the sentence, and where the further serving of the sentence may inflict grave consequences upon the convict or his or her family members (fire or other natural disaster, serious disease or death of the only member of the family with labour capacity, or other exceptional circumstances), the motion for delaying the serving of the sentence or conditionally releasing from the sentence shall be filed with the court by the head of the body or of the institution executing the sentence. The motion shall be enclosed with documents on the convict's personal characteristics, the consent of the convict's relative to accommodate him or her and his or her child and to provide them with housing and other necessary living conditions, or a statement confirming that the convict is provided with housing and the necessary conditions for living with the child, or a medical opinion on the fact of pregnancy, or a copy of the child's birth certificate, or statements on other circumstances, as well as the convict's personal data file.
2. On the day of release of the convict, the administration of the correctional institution shall forward the copy of the court decision on delaying the serving of the sentence to the Subdivision for Execution of Noncustodial Sentences and shall specify the release date. The administration of the correctional institution shall take a signature from the convict verifying his or her liability to register with the Subdivision for Execution of Noncustodial Sentences within three days after having been released from the sentence.
3. Within three days after the convict appears, the Subdivision for Execution of Noncustodial Sentences shall be obliged to notify thereof to the correctional institution.
4. The convict shall leave for his or her place of residence by himself or herself on his or her own account.

5. Where the circumstances provided for in part 1 of this Article cease to exist, the Subdivision for Execution of Noncustodial Sentences shall file a motion with the court requesting to release the convict from the remaining part of the sentence, or to replace the remainder of the sentence with a lesser sentence, or execute the sentence imposed upon by a judgement of conviction, taking into account the convict's behaviour, the nature of and the degree of social danger of the committed crime, the convict's attitude towards the issue of child upbringing, and the remainder of the sentence.

(Article 117 amended by HO-161-N of 8 July 2005)

Article 118. Supervision over the fulfilment of conditions by a convict for delaying the serving of the sentence

1. If, within ten days after delaying the execution of the sentence, the convict with no good reason twice consecutively fails to appear for registration with the Subdivision for Execution of Noncustodial Sentences or at the request of the latter, the Subdivision for Execution of Noncustodial Sentences shall file a motion with the court on abolishing the delay of serving the sentence and executing the sentence imposed upon by a judgement of conviction with respect to the convict. A copy of the court decision on delaying the serving of the sentence shall be attached to the motion.

Officials of the Subdivision for Execution of Noncustodial Sentences shall have the right to visit the residence and workplace of the convict with a view to implement supervision over the proper performance of responsibilities imposed on him or her by court.

2. If the convict renounces the child or, following one warning, continues to avoid bringing up and looking after the child, the Subdivision for Execution of Noncustodial Sentences shall file a motion with court on abolishing the delay of serving the sentence and executing the sentence imposed upon by a judgement of conviction with respect to the convict. A copy of the court decision on delaying the serving of the sentence shall be attached to this motion.

3. A convict shall be considered evading the bringing up of the child, if he or she does not officially renounce the child, but leaves the child in a maternity hospital or sends the child to a children's home, or leads an anti-social lifestyle and does not bring up and look after the child, or leaves the child with relatives or with other persons for a long period of time, or hides out, or takes other actions that constitute his or her evasion of bringing up the child.

(Article 118 amended by HO-161-N of 8 July 2005, supplemented by HO-120-N of 1 June 2006)

Article 119. Legal status of persons released from sentence

Persons released from sentence shall enjoy the rights and bear the responsibilities prescribed for the citizens of the Republic of Armenia, with the exception of restrictions provided for by law for persons with conviction and for foreign citizens or stateless persons.

Article 120. Supervision over persons released from sentence

In cases prescribed by law supervision over the conduct of persons released from sentence is carried out by the Subdivision for Execution of Noncustodial Sentences in accordance with the procedure established by the Government of the Republic of Armenia.

(Article 120 amended by HO-161-N of 8 July 2005)

CHAPTER 20

ASSISTANCE RENDERED TO CONVICTS RELEASED FROM THE SENTENCE

Article 121. Responsibilities of the administration of the institution executing the sentence in issues with respect to settling the work and living of the convict released from sentence

1. In regard with the issues concerning the social rehabilitation of convicts, the administration of the institution executing the sentence shall cooperate with social and other organisations and bodies. Relevant measures shall be undertaken in advance to prepare the convict for release.
2. No later than three months prior to the release date, the administration of the institution executing the sentence shall notify the local self-government body and State Employment Service in charge for the place chosen by the convict as his or her residence on the upcoming release of the convict, his or her work capacity, education, profession and availability of housing.
3. A convict who has attained pension age, or has been recognized as disabled of the first or second group may, at his or her request and by recommendation of the administration of the institution executing the sentence, be referred by social security bodies to institutions provided for the disabled or elderly people (nursing home).

Article 122. Assistance to the person released from sentence

1. The administration of correctional institution shall provide a person released from sentence with a free trip to his place of residence or the amount of money necessary for such a trip at least within the territory of the Republic of Armenia, as well as food necessary for such a trip, and in case of the absence of resources-the required seasonal clothing. Lump sum monetary assistance may also be provided to him or her.

2. When a person released from the sentence needs someone to look after his health, or is pregnant, or has a child under 3 years old, as well as in case of releasing a juvenile, the administration of the institution executing the sentence shall notify his or her relatives and others about the release in advance, and if there is no one to be notified, the necessary assistance shall be provided by the administration of correctional institution.
3. Convicts referred to in the second part of this Article shall be sent to the place of their residence accompanied by their relatives, other persons or an officer of the correctional institution.

CHAPTER 21

MEDICAL COERCIVE MEASURES COMBINED WITH THE EXECUTION OF THE SENTENCE

Article 123. Procedure for applying medical coercive measures combined with the execution of the sentence

1. Outpatient supervision and compulsory treatment ordered by a psychiatrist with respect to persons who have been sentenced to a certain term or life imprisonment for a crime committed in a state of mental disorder not excluding sanity, and at the same time, need treatment from alcoholism, drug addiction, toxicomania, or mental disorder not excluding sanity, shall be applied in the institutions for serving the sentence in the form of imprisonment, and for those sentenced to other types of punishment-in health care institutions which provide outpatient psychiatric assistance.
2. If the administration of the institution executing the sentence identifies a convict, who is in need of treatment from alcoholism, drug addiction, toxicomania, or mental disorder not excluding sanity, it shall, on the basis of the conclusion of relevant medical commission, file a motion with the court with the purpose of determining the issue concerning the application of medical coercive measure.

3. It shall be prohibited to subject a convict to any medical, scientific, or other experiments, regardless of his or her consent.

Article 124. Changing and terminating the enforcement of other medical coercive measures combined with the execution of the sentence

The court shall change or terminate the enforcement of a medical coercive measure combined with the execution of the sentence upon the conclusion of a medical commission of the institution enforcing another coercive measure, where the person becomes healthy, or where his or her state of health changes in a way that the further enforcement of medical coercive measure becomes unnecessary.

Article 125. The procedure for enforcing other medical coercive measures combined with the execution of the sentence

1. Upon the conclusion of an appropriate medical commission, institutions executing the sentences shall apply compulsory treatment with respect to the convict who has contagious disease or is infected, and has not completed the treatment.

2. In the event of release from the sentence prior to completion of the treatment, the administration of the health care institution shall apply to the court that has jurisdiction over its territory with the purpose of deciding the issue of further coercive treatment of released persons. The application shall be accompanied with the conclusion of the medical commission on the necessity of further stay of the person in a health care institution.

Article 126. Calculating the term of enforcement of medical coercive measures

The term for enforcing medical coercive measures with respect to a convict shall be included in the sentence term as prescribed by the Criminal Code of the Republic of Armenia.

Article 127. Actions of the administration of the correctional institution in the event of convict's serious disease or death

1. In the event of a convict's serious disease or death, the administration of the correctional institution shall immediately inform thereof the convict's close relatives and the prosecutor conducting the supervision over the lawfulness of the execution of the sentence.

2. After performance of the activities provided for by the legislation of the Republic of Armenia, the corpse of the convict shall be transferred to his or her close relatives or to the person who has submitted a relevant application for it. Where there are no such persons, the state shall organise the funeral of the convict.

CHAPTER 22

SUPERVISION IN THE EVENT OF CONDITIONAL NON-APPLICATION OF THE SENTENCE

Article 128. Supervision in the event of conditional non-application of the sentence

In the event of conditional non-application of the sentence, the person concerned shall be subject to supervision as prescribed by this Code and in accordance with the procedure established by the Government of the Republic of Armenia

(Article 128 amended by HO-120-N of 1 June 2006)

Article 129. The bodies exercising supervision over the person in the event of conditional non-application of the sentence

Supervision over the person in the event of conditional non-application of the sentence shall be exercised by the Subdivision for Execution of Noncustodial Sentences, and over a military serviceman, the command of the respective military unit.

(Article 129 amended by HO-161-N of 8 July 2005)

Article 130. Procedure for exercising supervision over a person in the event of conditional non-application of the sentence

1. In the event of conditional non-application of the sentence, the Subdivision for Execution of Noncustodial Sentences and over a military serviceman, the command of the respective military unit shall, during the probation period, implement individual registration of the person and cooperate with the respective services or non-governmental organizations to supervise whether the person complies with the public order and performs the responsibilities imposed on him by court.

2. In the event of conditional non-application of the sentence, imposing the deprivation of the right to hold certain positions or to engage in certain activities as an additional sentence, the convict shall be obliged to fulfil the requirements of Article 31 of this Code.

3. If a person is conscripted in the event of conditional non-application of the sentence, the Subdivision for Execution of Noncustodial Sentences shall forward to the military commissariat a carbon copy of the judgment of conviction of the court and, if necessary, the documents necessary for the supervision of his behaviour at the place of military service. The command of the military unit shall be obliged, within ten days, to inform the Subdivision for Execution of Noncustodial Sentences of registering the person and, once he completes the military service, of his departure from the detachment and his behaviour during the probation period.

4. If, in the event of conditional non-application of the sentence, the individual avoids the supervision over his behaviour, then the Subdivision for Execution of Noncustodial Sentences shall take measures to discover his whereabouts and reasons of evasion.

(Article 130 amended by HO-161-N of 8 July 2005, supplemented, edited by HO-120-N of 1 June 2006)

Article 131. Calculation of probation period

1. The probation period shall be calculated from the moment of registering the convict with the Subdivision for Execution of Noncustodial Sentences, and for the military serviceman, from the moment of registering him by the command of respective military unit.

2. In the event of conditional non-application of the sentence, supervision over the person's behaviour shall be terminated after the end of the probation period, and he or she shall be withdrawn from the registration with the Subdivision for Execution of Noncustodial Sentences.

(Article 131 amended by HO-161-N of 8 July 2005, supplemented, amended by HO-120-N of 1 June 2006)

Article 132. Liability for failure to perform responsibilities in the event of conditional non-application of the sentence

1. If in the event of conditional non-application of the sentence, the person evades to perform the responsibilities imposed on him by court, or commits an offence for which he or she is subjected to an administrative penalty, and for the military serviceman, to disciplinary penalty, then the body exercising supervision over his or her behaviour, shall notify him or her in writing of the possibility of abolishing the conditional non-application of the sentence.

2. If in the event of conditional non-application of the sentence, the individual regularly or maliciously fails to perform the responsibilities imposed on him or her by court or evades the supervision during the probation period, then the head of the body exercising supervision over his or her behaviour shall file a motion with the court on abolishing the conditional non-application of the sentence and executing the sentence imposed by a judgment of conviction.

3. Regular failure to perform responsibilities shall be considered the performance by the person of two or more prohibited actions during one year or the failure by the person to perform his or her responsibilities twice or more in a year, or the failure by the person to perform the responsibilities imposed on him by court for more than 30 days.

4. In the event of conditional non-application of the sentence, a person shall be considered to evade supervision, if his or her whereabouts are not discovered during a period of 30 days.

(Article 132 amended by HO-161-N of 8 July 2005, supplemented, amended by HO-120-N of 1 June 2006)

SECTION 4.1

(section supplemented by HO-78-N of 19 June 2013)

CIRCUIT COURT SITTINGS AT PENITENTIARY INSTITUTIONS

CHAPTER 22.1

CIRCUIT COURT SITTINGS AT PENITENTIARY INSTITUTIONS

Article 132.1. Decision on holding a circuit court sitting at a penitentiary institution

1. The court shall take a decision in the form of an individual act on holding a circuit court sitting at a penitentiary institution which shall contain information on the time,

venue of the circuit court sitting, reasons for holding a circuit court sitting, the position of the court with regard to holding an open or closed circuit court sitting.

2. For reasons of ensuring public order, security in the penitentiary institution, protecting personal life of participants of the procedure and the interests of justice, the court may decide to hold a circuit court sitting behind closed doors.

3. The court sitting at a penitentiary institution shall be held not earlier than after seven days following the delivery of the decision on holding a court sitting.

(Article 132.1 supplemented by HO-78-N of 19 June 2013)

Article 132.2. Participation of the representatives of society in sittings held at penitentiary institutions

1. Persons wishing to participate in a circuit court sitting at a penitentiary institution shall apply to the administration of the penitentiary institution for the purpose of acquiring the right to access the penitentiary institution in order to participate in the court sitting as prescribed by part 1 of Article 22 of this Code on the third day before the sitting, by indicating in the application their phone number, as well as electronic mail address, if available.

2. Within a period of one day following the receipt of the application, the administration of the penitentiary institution shall decide whether to authorise or reject the participation of persons having applied for participating in circuit court sitting to be held at a penitentiary institution, by taking a written decision thereon, which shall be forwarded to the address of persons having filed the application, whereas in case of availability of an electronic mail address and phone number in the application, it shall also be forwarded to the electronic mail address or notified through the phone number.

3. The application filed shall be rejected where the participation of these persons in the court sitting is impossible due to conditions for serving the sentence at the penitentiary institution, or where it will endanger the security in the penitentiary institution.

(Article 132.2 supplemented by HO-78-N of 19 June 2013)

SECTION 5

FINAL PART

CHAPTER 23

FINAL PROVISIONS

Article 133. Entry into force of this Code

1. This Code shall enter into force on the tenth day following its official publication.
2. Upon the entry into force of this Code, the Correctional Labour Code of the Republic of Armenia and the Law of the Armenian Soviet Socialist Republic “On approving the Armenian SSR Correctional Labour Code” [adopted on July 7, 1971 by the Supreme Council of the Armenian Soviet Socialist Republic], and the Statute “On the procedure and conditions for executing convicts’ criminal sentences not related to correctional labour in the Republic of Armenia” approved by the Decree of Armenian Soviet Socialist Republic Supreme Council Presidency on 30 January 1985, shall be repealed.

President of the Republic of Armenia

R. Kocharyan

Annex

LIST OF THE PROPERTY NOT SUBJECT TO CONFISCATION UPON A JUDGMENT OF CONVICTION OF A COURT

The following property belonging to the convict shall not be subject to confiscation:

- (1) household items, cloths, shoes, linens, bedding and children's items, except for luxury items and those items that are made of expensive materials or constitute a historical or artistic value;
- (2) items, manuals and books necessary for professional training courses of the convict, except where the convict is deprived of the right to engage in certain activities by a judgment of conviction of a court, as well as the items, which are made of expensive materials or constitute a historical or artistic value;
- (3) domestic animals (2 units), domestic birds (10 units), feedstuff, seeds necessary for regular sowing of such persons, whose main occupation is agriculture;
- (4) other property of insignificant value and of up to 5000 AMD, unless they are a single group;
- (5) special means of transport for disabled persons.

(annex edited by HO-17-N of 16 December 2005)

President of the Republic of Armenia

R. Kocharyan

Yerevan

18 January 2005

HO-60-N