

LAW OF THE REPUBLIC OF ARMENIA

Adopted on 22 March 2005

ON THE FIGHT AGAINST TERRORISM

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject matter of this Law

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

Article 2. Objectives of the fight against terrorism

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

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

Article 3. Legal grounds for the fight against terrorism

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

Article 4. Main principles of the fight against terrorism

General principles of the fight against terrorism shall be:

- (1) lawfulness;
- (2) precedence of warning measures;
- (3) single-handed administration of forces and means involved when carrying out anti-terrorist operations;
- (4) inevitability of punishment for conducting as well as preparing and financing acts of terrorism;
- (5) making minimal concessions to the terrorist in cases of extreme necessity;
- (6) combination of overt and secret methods of the fight against terrorism;
- (7) complex use of preventive, legal, political, socio-economic and agitation measures;

(8) precedence of protection of the rights of persons exposed to danger as a result of an act of terrorism;

(9) minimum publicity of the ways, practice (tactics) and the composition of the participants of anti-terrorist operations.

Article 5. Main concepts used in the Law

The following main concepts are used in this Law:

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

(2) "terrorist activity" – organisation, preparation and carrying out of an act of terrorism, inducement of application of violence towards natural persons or organisations, of destruction of physical objects for terrorist purposes, organisation of an illegal armed unit, criminal group for the purpose of conducting an act of terrorism, as well as participation in such action, recruitment, arming, training of terrorists, financing of, or other support to, a terrorist organisation or a terrorist group;

(3) "terrorist" – person having conducted, prepared or attempted to conduct an act of terrorism;

(4) "fight against terrorism" – activity aimed at detecting, preventing, disrupting terrorist activities, diminishing the consequences thereof;

(5) "anti-terrorist operation" – special measures aimed at detecting, preventing an act of terrorism, as well as at securing the interests of the State and safety of natural persons, neutralising terrorists and diminishing the consequences of acts of terrorism;

(6) "zone of carrying out an anti-terrorist operation" – certain parts of a locality, means of transportation, buildings, premises, structures and areas adjacent thereto, within the boundaries of which the referred operation is carried out;

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

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

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

CHAPTER 2

ORGANISATION OF THE FIGHT AGAINST TERRORISM

Article 7. Bodies carrying out fight against terrorism

The fight against terrorism shall be carried out by the state bodies authorised by the Government of the Republic of Armenia, within the scope of the powers vested in them by law.

The subjects directly carrying out the fight against terrorism shall be:

- (1) the republican executive body of national security of the Republic of Armenia;
- (2) the republican executive body of the police of the Republic of Armenia;
- (3) the republican executive body of defence of the Republic of Armenia.

Other republican bodies of executive power shall also take part in the fight against terrorism, within the scope of their powers established by law.

Article 8. Operative headquarters of anti-terrorist operations

For the purpose of coordinating the actions of the subjects immediately carrying out the fight against terrorism and of other republican bodies of executive power, the President of the Republic of Armenia may, when necessary, establish operative headquarters of anti-terrorist operations, and the heads of the state bodies listed in Article 7 of this Law shall be *ex officio* included in its composition.

Heads of other republican bodies of executive power may also be included in the composition of the headquarters of anti-terrorist operations.

The overall command of the headquarters of anti-terrorist operations shall be carried out by the President of the Republic of Armenia, and immediate command – by the head of the headquarters.

Based on the nature of measures to be undertaken in connection with the anti-terrorist operation, the head of one of the republican executive bodies listed in Article 7 of this Law shall be appointed as the head of the anti-terrorist headquarters in every particular case.

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

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

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

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

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

CHAPTER 3

CARRYING OUT OF ANTI-TERRORIST OPERATIONS

Article 11. Forces and means used while carrying out anti-terrorist operations

Anti-terrorist operations shall be carried out by the state bodies authorised by the Government of the Republic of Armenia, with the involvement of special services, their specialised subdivisions for the fight against terrorism, including anti-terrorist combat groups.

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

Article 12. Legal regime of the zone of carrying out anti-terrorist operations

Persons carrying out anti-terrorist operations in the zone of anti-terrorist operations shall be entitled to:

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

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

(3) arrest and bring before the state bodies carrying out anti-terrorist operations or special services those persons who have conducted or attempted to conduct actions aimed at impeding legitimate claims of persons carrying out anti-terrorist operations, as well as actions connected with unauthorised penetration or attempt of penetration into the zone of carrying out anti-terrorist operations;

(4) in cases and in the manner prescribed by the Constitution and by law of the Republic of Armenia, have an unimpeded access (penetrate) to residential and other premises, parts of the neighbouring locality, means of transportation belonging to natural and legal persons (except for premises, areas and means of transportation belonging to diplomatic and consular representatives), for preventing an act of terrorism, pursuing persons having conducted or suspected of having conducted an act of terrorism;

(5) carry out a personal inspection of citizens in cases of entering into or leaving the zone of carrying out anti-terrorist operations, as well as a check — by using technical means — of items they have with them, means of transportation and goods transported thereby;

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

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

Article 13. Conducting negotiations with terrorists

For the purpose of preserving the life and health of citizens, material values, as well as for examining the possibility of preventing the act of terrorism without application of force, it shall be allowed to conduct negotiations with the terrorists while carrying out anti-terrorist operations.

Negotiations with terrorists shall be conducted only by the person (persons) specifically authorised by the head of the operative headquarters of the fight against terrorism or by the official immediately commanding anti-terrorist operations.

Conducting negotiations with terrorists shall not be a ground or condition for releasing the terrorists from liability.

Article 14. Restriction of information on anti-terrorist operations

It shall be prohibited to disseminate information on anti-terrorist operations, which:

(1) reveals the special technical ways and practice of carrying out the anti-terrorist operation;

(2) may hinder the carrying out of the anti-terrorist operation and create danger for the life and health of citizens;

(3) is directed at the propaganda or justification of terrorism;

(4) contains information on the employees of the state bodies, special services and their specialised subdivisions for the fight against terrorism taking part in the anti-terrorist operation, as well as on persons having provided assistance in the carrying out of such operation.

Article 15. Completion of anti-terrorist operations

Anti-terrorist operations shall be deemed to be completed if the act of terrorism has been prevented (disrupted), and the danger to the life and health of citizens in the zone of carrying out anti-terrorist operations has been eliminated.

CHAPTER 4

COMPENSATION OF THE DAMAGE CAUSED AS A RESULT OF AN ACT OF TERRORISM AND SOCIAL REHABILITATION OF AGGRIEVED PERSONS

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

Compensation of the damage caused to natural and legal persons as a result of an act of terrorism shall be carried out at the expense of the State Budget of the Republic of Armenia, in the amounts and in the manner prescribed by the civil legislation of the Republic of Armenia.

Article 17. SOCIAL REHABILITATION OF PERSONS AGGRIEVED AS A RESULT OF AN ACT OF TERRORISM

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

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

CHAPTER 5

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

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

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

Actions carried out in compliance with the norms regulating operations of fight against terrorism and provided for by the legislation of the Republic of Armenia, which have been carried out within the scope of official duties or public duty and were directed at protecting the rights and legitimate interests of citizens, as well as at preventing a more significant damage to public safety and state security, if, under the given circumstances, there were no other possibilities to fulfil official duties or public duty, shall be deemed to be lawful.

While carrying out anti-terrorist operations, it shall be allowed to cause forced damage to the life, health and property of terrorists as well as to other protected interests, on the grounds and within the limits prescribed by law.

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

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

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

CHAPTER 6

SUPERVISION OVER THE LAWFULNESS OF CARRYING OUT FIGHT AGAINST TERRORISM

Article 20. Supervision over carrying out fight against terrorism

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

CHAPTER 7

FINAL PROVISION

Article 21. Entry into force of the Law

This Law shall enter into force on the day following [its] official publication.

President of the Republic of Armenia

R. Kocharyan

19 April 2005 Yerevan HO-79-N