

D E C I S I O N

OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF ARMENIA

ON DECLARING AMNESTY

Discussing the proposal of the President of the Republic of Armenia on declaring amnesty and acting under Article 81(1)(1) of the Constitution of the Republic of Armenia, the National Assembly of the Republic of Armenia *decides*:

1. To release from punishment:

(1) persons sentenced to punishment in the form of deprivation of liberty for a maximum term of three years;

(2) persons who have been granted conditional non-application of punishment, or whose serving of the punishment has been postponed;

(3) persons sentenced to punishment other than in the form of deprivation of liberty.

2. To release from punishment the following persons sentenced to imprisonment for a maximum term of five years:

(1) disabled persons of the first or second group;

(2) persons having attained sixty years of age;

(3) persons having committed a crime prior to attaining eighteen years of age, who have not served punishment in the form of deprivation of liberty for committing an intentional crime before, or have served such a punishment but whose conviction has expired or has been cancelled;

(4) persons who have participated in the Great Patriotic War, or in military actions carried out for the defence of the Republic of Armenia, as well as those who have an equal status with the latter in accordance with the legislation of the Republic of Armenia or have a status of a repressed person, and have not served punishment in the form of deprivation of liberty for committing an intentional crime before, or have served such a punishment but whose conviction has expired or has been cancelled;

(5) persons who are a spouse, child or parent to persons deceased in military actions carried out for the defence of the Republic of Armenia, as well as to those having an equal status to the latter in accordance with the legislation of the Republic of Armenia, and have not served punishment in the form of deprivation of liberty for committing an intentional crime before, or have served such a punishment but whose conviction has expired or has been cancelled;

(6) persons having committed a crime linked to the events that occurred in the city of Yerevan on 1-2 March 2008.

3. To release from punishment persons not having been previously convicted for committing an intentional crime, who were sentenced to:

(1) imprisonment for a maximum term of five years and have, as of the date of entry into force of the amnesty decision, served at least one third of the imposed punishment;

(2) imprisonment for a maximum term of ten years and have, as of the date of entry into force of the amnesty decision, served at least half of the imposed punishment.

4. To release from punishment for committing negligent crime:

(1) persons sentenced to imprisonment for a maximum term of five years;

(2) persons sentenced to imprisonment for a maximum term of ten years and having, as of the date of entry into force of this Decision, served at least one third of the imposed punishment.

5. Not to institute criminal prosecution based on the available files and not to conduct criminal prosecution, as well as terminate those criminal cases on crimes committed by persons before 1 June 2009 that the inquest bodies and preliminary investigation bodies or the court are seized of, upon which:

(1) persons may be or are charged with committing crimes entailing punishment in the form of imprisonment for a maximum term of three years;

(2) persons listed in point 2 of this Decision may be or are charged with committing crimes entailing punishment in the form of imprisonment for a maximum term of five years;

(3) persons may be or are charged with committing negligent crimes entailing punishment in the form of imprisonment for a maximum term of five years;

(4) persons may be or are charged with committing crimes entailing only punishment other than in the form of deprivation of liberty.

6. To terminate surveillance over the persons released on parole who – if not released on parole – would have been released from punishment under points 1 to 4 of this Decision.

7. To reduce the remaining part of the sentence by:

(1) two thirds – for persons having committed negligent crimes;

(2) one half – for persons specified in point 2 of this Decision;

(3) one third – for persons sentenced to imprisonment for a maximum term of ten years for committing intentional crime.

8. Not to apply amnesty:

(1) to persons who have maliciously violated the rules prescribed for serving the punishment, as of the date of the amnesty;

(2) to persons whose sentence has been reduced or who have been released from punishment for committing intentional crime, upon the decrees of the President of the Republic of Armenia on granting pardon or upon the decisions of the National Assembly of the Republic of Armenia on granting amnesty; or against whom no criminal prosecution has been instituted for committing intentional crime, or the criminal cases have been terminated upon the decisions of the National Assembly of the Republic of Armenia on granting amnesty, and who committed intentional crime repeatedly, except for cases where ten years elapsed from the date of expiry of conviction for such crimes;

(3) to persons who have, as of the date of applying the amnesty, repeatedly committed intentional crime in a penitentiary establishment;

(4) to persons searched for as of the adoption of this Decision, except for the persons who will, by 31 July 2009 inclusive, voluntarily appear before law enforcement bodies, and, where a court is seized of the case, before the court;

(5) in case of particularly dangerous recidivism;

(6) prior to compensating a material damage, as prescribed by the judicial act entered into force, inflicted to a victim;(7) to persons who have committed crimes provided for by Article 104, Article 112, Article 123(3), Article 126(2) and (3), Article 131(2) and (3), Article 132, Article 132.1, Article 133(2) and (3), Article 138(2) and (3), Article 139(2) and (3), Article 142, Article 163, Article 164, Article 165(3) and (4), Article 166(3), Article 168, Article 175, Article 176(2) and (3), Article 177(3), Article 178(3), Article 179(3), Article 180(3), Article 181(3), Article 182(2) and (3), Article 183(3), Article 185(3), Article 190(2) and (3), Article 202, Article 203(3), Article 208, Article 215(2), (3) and (4), Articles 217 to 224, Article 226, Article 227(2), Article 228(2), Article 229(2), Article 230(2), Article 231(2), Article 233(3), Article 234(3), Article 235(2) and (3), Article 237(2) and (3), Article 238(2), (3) and (4), Article 241(3), Article 242(3), Article 245(3), Article 246(3), Article 247(3), Article 248(3), Article 254(3) and (4), Article

258(3) and (4), Article 261(2) and (3), Article 262(2) and (3), Article 264(2), Article 265, Article 266(1), (2) and (3), Article 268(2) and (3), Article 269, Article 272, Article 274(2), Article 275(2) and (3), Article 280(2) and (3), Article 284(4), Article 287(4), Article 296, Article 297(2), Article 299, Articles 300 to 300.2, Article 301.1, Articles 302 to 305, Article 311(3) and (4), Article 312(3), Article 316(2), Article 319, Article 327, Article 329(2), Article 334.1(2), Article 336, Article 340(2), (3) and (4), Article 341, Article 347(4), Article 348, Article 349(3), Article 352(3), Article 355, Article 356(3), Article 357(2) and (3), Article 358(2) and (3), Article 359(3) and (4), Article 361(6), Article 362(2) and (3), Article 363(3), Article 364(3), Article 365(3), Article 366(3), Article 367(3), Article 368(3), Article 369(3), Article 371(3), Article 373(4), Article 375(2) and (3), Article 377(3), Article 378(2), Articles 379 to 397.1 of the Criminal Code of the Republic of Armenia, or to persons who have been convicted for committing such crimes.

(8) to persons having committed several crimes where this Decision does not provide for amnesty for at least one of such crimes;

(9) to persons who have been released from punishment on parole for committing intentional crime and have been convicted repeatedly for committing intentional crime during the unserved part of the punishment;

(10) to persons who have been granted conditional non-application of punishment, and have been repeatedly convicted during the probation period for committing intentional crime.

9. The amnesty decision shall not release from auxiliary punishments imposed by court judgments, except for confiscation of property, where the confiscation has not been executed at the moment of publication of the amnesty decision.

10. Amnesty to persons undergoing compulsory treatment against alcohol or drug addiction in places of imprisonment shall apply after having completed a proper course of treatment.

11. The amnesty decision to persons convicted by courts of other states, who serve their punishment in the Republic of Armenia, shall apply in accordance with the articles of the Criminal Code of the Republic of Armenia establishing liability for offences committed by them.

12. Confer the enforcement of this Decision upon:

(1) the courts:

(a) in regard with persons whose cases are in courts but have not been examined before the entry into force of this Decision or persons whose cases have been examined but the judgments have not entered into force;

(b) in regard with persons who have been granted conditional non-application of punishment, or where the punishment has been postponed. The issue of applying amnesty to the mentioned persons shall be settled by the court upon the motion of the unit responsible for the execution of alternative punishments, or of the competent authority carrying out surveillance over the convict's behaviour;

(2) the Criminal Court of Appeals of the Republic of Armenia – in regard with persons convicted by courts of the Republic of Armenia, who serve their punishment outside of the territory of the Republic of Armenia;

(3) inquest bodies and preliminary investigation bodies – in regard with persons whose cases or files are examined by the mentioned bodies;

(4) heads of penitentiary establishments – in regard with persons who serve their punishment in penitentiary establishments;

(5) units responsible for the execution of alternative punishments – in regard with persons who:

(a) have been convicted to punishment other than in the form of deprivation of liberty;

(b) have been released from punishment on parole, and their behaviour is under surveillance;

(6) commander of a disciplinary battalion – in regard with persons who serve the punishment in a disciplinary battalion;

(7) Judicial Acts Compulsory Enforcement Service – in regard with persons who have been sentenced to confiscation of property.

13. Decisions on applying amnesty – issued by inquest bodies and preliminary investigation bodies, heads of penitentiary establishments, heads of units responsible for the execution of alternative punishments, heads of units of Judicial Acts Compulsory Enforcement Service, and the commander of a disciplinary battalion – shall be approved by the Prosecutor.

14. This Decision shall apply to persons who have committed a crime before 1 June 2009 inclusive.

15. This Decision, on the ground of disability and age, shall apply to persons who have been recognised as disabled of the first or second group, prior to 1 June 2009 inclusive, or who will attain the age of sixty till 30 September 2009 inclusive.

16. In case of applying amnesty, the issue of expiry of conviction shall be settled in the manner prescribed by law.

17. The amnesty decision shall be subject to execution till 30 September 2009 inclusive, in regard with persons kept in disciplinary battalions, penitentiary establishments of the Ministry of Justice of the Republic of Armenia, as well as in regard with persons released from punishment on parole, persons whose serving of punishment has been postponed, or who have been granted conditional non-application of punishment, or who have been sentenced to punishments other than in the form of deprivation of liberty.

**Chairperson of the National Assembly of
Republic of Armenia**

H. Abrahamyan

19 June 2009

Yerevan

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