

THIRD READING

LAW
OF THE REPUBLIC OF ARMENIA
ON THE FIGHT AGAINST TERRORISM

CHAPTER 1

GENERAL PROVISIONS

Article 1. The Subject of Regulation of the Law

This law shall define the legal and organizational framework of the fight against terrorism in the Republic of Armenia and regulate the relations relating to the conduct of the fight against terrorism.

Article 2. Goals of the Fight against Terrorism

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

- 1) Preventing, detecting, forestalling and curbing the terrorist activities and eliminating the consequences thereof,
- 2) Protecting the humans, the public and the state against terrorism,
- 3) Detecting and eliminating the causes and conditions sustaining terrorist activities.

Article 3. Legal Framework of the Fight against Terrorism

The legal framework of the fight against terrorism shall be comprised of the Constitution of the Republic of Armenia, criminal, criminal proceedings and civil codes, this law, other laws and normative legal acts as well as the international treaties of the Republic of Armenia.

Article 4. Main Principles of the Fight against Terrorism

The main principles of the fight against terrorism shall be:

- 1) Legitimacy,
- 2) Prevalence of the preventive measures,

- 3) Unified management of the involved forces and means when conducting anti-terrorist operations,
- 4) Inevitability of punishment in case of commission, preparation and financing of an act of terrorism,
- 5) Minimum concessions to terrorists in cases of emergency,
- 6) Combined use of the overt and secret methods of the fight against terrorism,
- 7) Complex use of preventive, legal, political, socio-economic and promotional means,
- 8) Prevalence of the protection of the rights of the people in danger of an act of terrorism,
- 9) Minimum transparency in the matters related to the methods of the conduct of anti-terrorist operations, practice (tactics) and the persons involved.

Article 5. Main Concepts Used in the Law

The following main concepts shall be used in this law:

- 1) ***Act of terrorism:*** direct commission of an offence of terrorist nature via an explosion, arson, use or the threat to use nuclear explosive, radioactive, chemical, biological, explosive, toxic, virulent or poisonous substances, destruction or seizure of or damage to the means of transport or other objects, trespassing against any state or public official, any representative of a national, ethnic, religious or other social group, causing a danger to the life, health or property of any person by means of taking hostages, kidnapping of humans, creation of conditions supportive of technogen accidents and disasters or causing a real threat of such a danger, spreading threats by any means, human victims, significant damage to the property or other acts entailing dangerous consequences for the public.
- 2) ***Terrorist activity:*** organization, preparation and implementation of an act of terrorism, incitement of violence against natural persons and organizations and destruction of physical objects for terrorist purposes, formation of an illegitimate armed unit or criminal group for the commission of an act of terrorism, as well as participation in such an act, recruitment, armament, training of terrorists, financing or any other assistance to a terrorist organization or a terrorist group.
- 3) ***Terrorist:*** any person having committed an act of terrorism, or having prepared or attempted such.
- 4) ***Fight against terrorism:*** activities aimed at detecting, preventing and curbing terrorist activities or reducing the consequences thereof.

5) ***Anti-terrorist operation***: special measures directed at detecting and preventing an act of terrorism, as well as ensuring the state interests and security of natural persons, neutralizing the terrorists and reducing the consequences of the acts of terrorism,

6) ***Zone of conduct of an anti-terrorist operation***: special sections of an area, means of transport, a house, a building, a construction and the premises thereof where the operation in question is conducted.

7) ***Hostage***: any person kidnapped or hidden with the purpose of enforcing a state, an organization or an individual to commit an act or refrain from committing such.

Article 6. International Cooperation of the Republic of Armenia in the Area of the Fight against Terrorism

In the area of the fight against terrorism the Republic of Armenia has been cooperating with foreign countries, as well as international organizations fighting against terrorism on the basis of the international treaties of the Republic of Armenia.

CHAPTER 2

ORGANIZATION OF THE FIGHT AGAINST TERRORISM

Article 7. Bodies Conducting the Fight against terrorism

The fight against terrorism shall be conducted by the state bodies authorized by the Government of the Republic of Armenia within the power granted to them by the law.

The entities immediately responsible for conducting the fight against terrorism shall be:

- 1) The republican executive body of the 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 the defense of the Republic of Armenia:

Other republican bodies of the executive power shall, within the power granted by the law, take part in the fight against terrorism.

Article 8. The Operational Headquarters of an Anti-terrorist Operation

In order to coordinate the activities of the entities immediately responsible for the fight against terrorism and other republican bodies of the executive power the President of the Republic of Armenia may, upon necessity, establish an operational headquarters of an anti-terrorist operation with the heads of the state bodies listed in Article 7 of this law *ex officio* included in it.

The operational headquarters of an anti-terrorist operation may also include other heads of the republican bodies of the executive power.

The President of the Republic of Armenia shall be responsible for the general command of the anti-terrorist operational headquarters, while the head of the headquarters shall be in charge of the immediate command.

In view of the nature of the measures to be taken against the act of terrorism one of the heads of the republican executive bodies listed in Article 7 of this law shall be appointed head of the headquarters in each special case.

Article 9. Main Functions of the Bodies Conducting the Fight against Terrorism

The state bodies conducting the fight against terrorism shall within the power granted to them:

- 1) Develop and implement measures aimed at detecting, preventing, curbing the acts of terrorism and reducing the consequences thereof, as well as organizational, regime, preventive, educational and other measures directed at detecting and eliminating the causes and conditions supporting their commission,
- 2) Establish specialized subdivisions for the fight against terrorism,
- 3) Take part in the preparation of the international treaties of the Republic of Armenia in the area of the fight against terrorism,
- 4) Develop recommendations on the improvement of the legislation of the Republic of Armenia in the field of the fight against terrorism and submit them to the Government of the Republic of Armenia.

Article 10. Assistance to the Bodies Conducting the Fight against Terrorism

The bodies of public administration and local self-government, citizens of and organizations (irrespective of their organizational and legal form as well as form of ownership) in the Republic of Armenia shall be obliged to show assistance to the bodies conducting the fight against terrorism in the process when the latter discharge their responsibilities.

CHAPTER 3

CONDUCT OF ANTI-TERRORIST OPERATIONS

Article 11. Forces and Means Used when Conducting Anti-terrorist Operations

The anti-terrorist operations shall be conducted by the state bodies authorized by the Government of the Republic of Armenia with the involvement of special services and their subdivisions specialized in the fight against terrorism, including the anti-terrorist battalions.

Whilst conducting anti-terrorist operations different means, including the means of transport, communications and other material and technical means shall be used.

Article 12. Legal Regime of the Zone of Conduct of an Anti-terrorist Operation

The persons conducting anti-terrorist operations in the zone of conduct of anti-terrorist operations shall be entitled to:

- 1) If necessary take measures to limit or prohibit the traffic of the means of transport and pedestrians in the streets and on the roads not to allow the entrance of citizens and means of transport, including those belonging to diplomatic representative and consulates, to special sections and objects in the area, or to remove the citizens and the means of transport from special sections and objects in the area.
- 2) Check the identities of any citizen including the officials and in case of the absence of the identities, take measures to the extent of calling upon these persons to find out their identity.
- 3) Arrest and convey to the state bodies conducting anti-terrorist operations or special services the persons having committed or attempted to commit actions directed at obstructing the lawful claims of the persons conducting anti-terrorist operations, as well as such related to the penetration into the zone of conduct of anti-terrorist operations without permission or else an attempt thereof.
- 4) In cases and in conformity with the procedure defined by the Constitution and the law of the Republic of Armenia freely enter (penetrate into) the residential and other buildings belonging to natural and legal persons, adjacent areas, means of transport except the buildings, premises and means of transport belonging to the diplomatic and consulate representatives, to prevent the terrorist activities and to prosecute the persons having committed acts of terrorism or attempted such.
- 5) When entering or exiting the zone of conduct of an anti-terrorist operation conduct a personal examination of citizens as well as a check of the objects, means of transport and the items transferred by such in their possession with the application of technical devices.
- 6) With official purposes use the means of communications of organizations and natural persons.
- 7) In cases of emergency and with official purposes use the means of transport belonging to natural and legal persons except the means of transport belonging to diplomatic and consulate representatives and international organizations.

Article 13. Conduct of Negotiations with Terrorists

With the purposes of protection of the life and health of the citizens, preservation of the material values, as well as analysis of the possibility to prevent an act of terrorism without the application of force whilst conducting anti-terrorist operations it shall be allowed to conduct negotiations with the terrorists.

The negotiations with terrorists shall be conducted by the person(s) authorized by the head of the operational headquarters of the fight against terrorism or the official immediately in charge of the anti-terrorist operation.

The conduct of negotiations with terrorists may not be deemed grounds or condition for releasing the terrorists from responsibility.

Article 14. Restriction of Information on the Anti-terrorist Operation

Prohibited shall be the dissemination of such information on anti-terrorist operation that:

- 1) Reveals the special technical methods and practices of the conduct of an anti-terrorist operation,
- 2) May obstruct the conduct of an anti-terrorist operation and endanger the life and health of citizens,
- 3) Is directed at the propaganda and justification of terrorism,
- 4) Contains information on the state bodies, special services taking part in the anti-terrorist operation and the employees of their specialized subdivisions, as well as the persons having shown assistance in the conduct of such an operation.

Article 15. Termination of the Anti-terrorist Operation

The anti-terrorist operation shall be deemed terminated when the act of terrorism is prevented (obstructed) and the danger menacing to the life and health of citizens in the zone of conduct of an anti-terrorist operation is eliminated.

CHAPTER 4

COMPENSATION OF DAMAGE CAUSED BY AN ACT OF TERRORISM AND SOCIAL REHABILITATION OF PERSONS SUFFERED FROM AN ACT OF TERRORISM

Article 16. Compensation of the Damage Caused by an Act of Terrorism

The damage caused to natural and legal persons as a result of an act of terrorism shall be compensated at the expense of the budget resources of the Republic of Armenia in the amount and in conformity with the procedures established by the civil legislation of the Republic of Armenia.

Article 17. Social Rehabilitation of the Persons Suffered from an Act of Terrorism

The services directed at the social rehabilitation of the persons having suffered from an act of terrorism shall be delivered at the expense of the budget resources of the Republic of Armenia.

The procedure for showing legal, psychological, medical and other assistance to the aforementioned persons shall be defined by the Government of the Republic of Armenia.

CHAPTER 5

**LEGAL AND SOCIAL PROTECTION OF THE PERSONS HAVING PARTICIPATED
IN THE FIGHT AGAINST TERRORISM**

Article 18. Legal Protection Guarantees of the Persons Having Participated in the Fight against Terrorism

The acts committed by the officials and employees of the state bodies conducting the fight against terrorism, as well as the persons assisting them while performing their official duties within the scope of legitimacy and directed at the protection of the life and health of citizens and their constitutional rights and lawful interests, as well as ensuring the public and state security against criminal infringements, shall not be deemed offences.

The acts committed in conformity with the norms regulating the operations related to the fight against terrorism and stipulated in the legislation of the Republic of Armenia, which have been committed within the scope of the official duties and with the purpose to pay the public debt, and are directed at the protection of the rights and lawful interests of the citizens, as well as the prevention of the significant damage to the public and state security, provided there have been no other possibility to perform the official duties or pay the public debt, shall be deemed within the scope of legitimacy.

Whilst conducting an anti-terrorist operation and within the limits and scopes permitted by the law, it shall be allowed to cause enforced damage to the life, health and property as well as other protected interests to the terrorists.

The persons having participated in the fight against terrorism shall be released from responsibility for the damage caused when conducting an anti-terrorist operation in conformity with the legislation of the Republic of Armenia.

Article 19. Social Protection Guarantees for the Persons Having Participated in the Fight against Terrorism

The social protection of the employees of the state bodies conducting the fight against terrorism, their families and the persons showing assistance to the state bodies conducting the fight against terrorism shall be ensured in conformity with the procedures stipulated in the legislation of the Republic of Armenia.

CHAPTER 6

LEGITIMACY OVERSIGHT OF THE CONDUCT OF THE FIGHT AGAINST TERRORISM

Article 20. Oversight of the Conduct of the Fight against Terrorism

The conduct of the fight against terrorism shall be overseen in conformity with the procedure stipulated in the legislation of the Republic of Armenia.

CHAPTER 7

FINAL PROVISION

Article 21. Entering into Force of the Law

This law shall enter into force on the next day following the official publication thereof.

NA Deputies:

H. Karapetyan

L. Mkrtchyan

M. Shahgeldyan

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