



Strasbourg, 2 March 2009

Opinion no. 520 / 2009

CDL(2009)040
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT AMENDMENTS

**OF FEBRUARY 2009
TO THE CRIMINAL CODE**

OF THE REPUBLIC OF ARMENIA

**(adopted in the first reading
on 26 February 2009)**

CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>ARTICLE 300. USURPATION OF STATE POWER</p> <p>1. Usurpation of the State power - actions directed towards violent takeover of the State power or towards its violent retaining in breach of the Constitution of the Republic of Armenia, as well as actions directed towards violent overturning of the constitutional order of Republic of Armenia or towards violent infringement of the territorial integrity of the Republic of Armenia shall be punishable by deprivation of liberty for a term of ten to fifteen years.</p> <p>2. The person having voluntarily informed the governmental bodies about the actions mentioned in this Article shall be released from criminal liability if in result of measures taken pursuant to such informing the implementation of the respective actions has been prevented.</p>	<p>Article 300. USURPATION OF POWER</p> <p>1. Seizure of power - assuming or seizing the powers of the President of the Republic, National Assembly, Government or Constitutional Court through violence or threat of violence, as well as in any other way not envisaged by the Constitution - shall be punishable by ten to fifteen years of imprisonment.</p> <p>2. Holding power – continuing to exercise powers of President of the Republic, member of parliament, prime minister, minister after the powers have been terminated shall be punishable by ten to fifteen years of imprisonment.</p> <p>3. The person, who voluntarily informed the law enforcement bodies on the crime under part 1 of this article at its preparation stage, shall be released from criminal liability under part 1 of this article.</p> <p>Article 300 1. OVERTHROW OF THE CONSTITUTIONAL ORDER</p> <p>1. Overthrow of the constitutional order – actual elimination of the provisions envisaged in articles 1 or 2 of the Constitution - shall be punishable by ten to fifteen years of imprisonment.</p> <p>2. The person who voluntarily informed the law enforcement bodies on the crime under this article at its preparation stage shall be released from criminal liability under this article.</p> <p>Article 300 2. VIOLATION OF TERRITORIAL INTEGRITY</p> <p>Actions towards breach of the territorial integrity - secession of part of the territory of the Republic of Armenia or transfer of the territory or a part of it to other state through violence or threat of violence - shall be punishable by ten to fifteen years of imprisonment.</p>

CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>ARTICLE 301. PUBLIC CALLING DIRECTED TOWARDS VIOLENT CHANGING OF CONSTITUTIONAL ORDER OF THE REPUBLIC OF ARMENIA</p> <p>Public calling directed towards violent takeover of the State power, violent changing of the constitutional order of the Republic of Armenia shall be punishable by a fine amounting from three hundred to five hundred minimum wages or by arrest for a term of two to three months or by deprivation of liberty for a maximum term of three years.</p>	<p>Article 301. PUBLIC CALLS TO USURP THE POWER, OVERTHROW THE CONSTITUTIONAL ORDER OR BREACH OF THE TERRITORIAL INTEGRITY</p> <p>Public calls to usurp the power, overthrow the constitutional order, breach the territorial integrity shall be punishable by a fine in the amount of threehundred fold to five hundred fold of the minimum salary or detention for two to three months, or maximum three years of imprisonment.</p>
CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>Not existing</p>	<p>Article 301.1. COERCION AGAINST THE PRESIDENT OF THE REPUBLIC, NATIONAL ASSEMBLY, GOVERNMENT AND THE CONSTITUTIONAL COURT</p> <p>Coercion to do (commit) or not to do (commit) any act within the framework of the powers of the President of the Republic, National Assembly, Government or the Constitutional Court through violence or threat of violence against them, when the purpose of such coercion is not the usurpation of power, shall be punishable by three to fifteen years of imprisonment.</p>
CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>Article 225. Mass Disorder</p> <p>3. Acts envisaged in part 1 or 2 of this Article accompanied with murder, is punished with imprisonment for 6-12 years.</p>	<p>Article 225. Mass Disorder</p> <p>3. Null and void</p>
<p>Not existing</p>	<p>5. Participation in mass disorders shall be punished with a fine in the amount of 200 to 600 of the minimum salary or detention for a maximum of three months if the essential elements under parts 1, 2 and 4 of this article lack in the act committed by a person. In case any event turns into mass disorders, the person who has immediately left the venue shall not be subject to criminal liability under this part.</p>

CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>Article 225.1. ORGANIZATION AND HOLDING OF A PUBLIC EVENT IN VIOLATION OF THE PROCEDURE PRESCRIBED BY LAW</p> <p>1. Organization and holding of a public event in violation of the procedure prescribed by law shall be punishable with a fine in the amount of 200 to 600 minimal salary or detention for a maximum of two months.</p> <p>2. Calls for not obeying the demands of the decision to terminate the public event, held in violation of the procedure prescribed by law, shall be punishable with a fine in the amount of 200 to 500 of the minimum salary or detention for up to three months.</p>	<p>Article 225.1. ORGANIZATION AND HOLDING OF A PUBLIC EVENT IN VIOLATION OF THE PROCEDURE PRESCRIBED BY LAW</p> <p>1. Organization and holding of a public event in violation of the procedure prescribed by law shall be punishable with a fine in the amount of 200 to 600 minimal salary or detention for a maximum of two months.</p> <p>2. Calls for not obeying the demands of the decision of the relevant representative of the police to terminate the public event shall be punishable with a fine in the amount of 200 to 500 of the minimum salary or detention for up to three months.</p>
CURRENT CRIMINAL CODE	PROPOSED AMENDMENTS
<p>Article 104. MURDER</p> <p>1. Murder is illegal willful deprivation of one's life punished with imprisonment for 6 to 12 years.</p> <p>2. Murder:</p> <p>1) of 2 or more persons,</p> <p>2) of the person of close relative of the latter, due to service and public duty of the person;</p> <p>3) combined with kidnapping or taking hostage;</p> <p>4) pregnant woman;</p> <p>5) with particular cruelty;</p> <p>6) committed in a way dangerous for the life of many people;</p> <p>7) by a group of people or by an organized group;</p> <p>8) out of mercenary motives and combined with extortion and banditry;</p> <p>9) combined with terrorism;</p>	<p>Article 104. MURDER</p> <p>1. Murder is illegal willful deprivation of one's life punished with imprisonment for 6 to 12 years.</p> <p>2. Murder:</p> <p>1) of 2 or more persons,</p> <p>2) of the person of close relative of the latter, due to service and public duty of the person;</p> <p>3) combined with kidnapping or taking hostage;</p> <p>4) pregnant woman;</p> <p>5) with particular cruelty;</p> <p>6) committed in a way dangerous for the life of many people;</p> <p>7) by a group of people or by an organized group;</p> <p>8) out of mercenary motives and combined with extortion and banditry;</p> <p>9) combined with terrorism;</p>

<p>10) out of hooliganism;</p> <p>11) to conceal another crime or to facilitate the committal of the latter;</p> <p>12) combined with rape or violent sexual actions;</p> <p>13) out of motives of national, race or religious hate or fanaticism;</p> <p>14) for the purpose of utilization of the parts of the body or tissues of the victim;</p> <p>15) by a person who previously committed a murder, except actions envisaged in Articles 105-108 of this Code, is punished with 8-15 years of imprisonment or for life.</p>	<p>10) out of hooliganism;</p> <p>10.1) combined with mass disorders;</p> <p>11) to conceal another crime or to facilitate the committal of the latter;</p> <p>12) combined with rape or violent sexual actions;</p> <p>13) out of motives of national, race or religious hate or fanaticism;</p> <p>14) for the purpose of utilization of the parts of the body or tissues of the victim;</p> <p>15) by a person who previously committed a murder, except actions envisaged in Articles 105-108 of this Code, is punished with 8-15 years of imprisonment or for life.</p>
---	---