

INFORMATION

**ON THE PRINCIPLE OF UNIVERSAL JURISDICTION OF THE OPERATION
OF CRIMINAL LAW**

The application of the universal principle of operation of the criminal law is conditioned by the need to fight against international crimes and certain crimes of international nature. It is presented in Article 15 of the Criminal Code of the Republic of Armenia, according to part 3 whereof, foreign nationals and stateless persons not permanently residing in the Republic of Armenia, having committed a criminal offence outside the territory of the Republic of Armenia, shall be subject to criminal liability under the Criminal Code of the Republic of Armenia, where they have committed:

- (1) crimes which are provided for by international treaties of the Republic of Armenia.

At the same time, according to part 4 of the same Article, rules stipulated in part 3 of this Article shall apply, where foreign nationals and stateless persons not permanently residing in the Republic of Armenia have not been convicted of the crime concerned in another state and are being subjected to criminal liability in the territory of the Republic of Armenia.

As a result of the combined analysis of the provisions of parts 3 and 4 of Article 15 of the Criminal Code of the Republic of Armenia, it can be concluded that the principle of universal jurisdiction applies in case of simultaneous existence of the following conditions:

- (1) the person having committed the criminal offence is a foreign national or a stateless person not permanently residing in the Republic of Armenia;
- (2) the offence has been committed outside the territory of the Republic of Armenia;
- (3) the crime is provided for by international treaties of the Republic of Armenia;
- (4) the person having committed the criminal offence has not been subjected to criminal liability in another state;
- (5) the person having committed the criminal offence is in the Republic of Armenia for some reasons and he/she has been caught and is being subjected to criminal liability in the territory of the Republic of Armenia.

The Republic of Armenia has ratified a number of international treaties, which provide for an

obligation on member states to criminalise certain crimes. For the performance of international obligations, crimes have been provided for by the Criminal Code of the Republic of Armenia, in case of committing whereof foreign nationals and stateless persons not permanently residing in the Republic of Armenia, having committed a criminal offence outside the territory of the Republic of Armenia, will — by virtue of universal principle of operation of the criminal law — be subjected to criminal liability according to the Criminal Code of Republic of Armenia.

Thus, the jurisdiction of the Republic of Armenia will extend to the following crimes: illegal circulation of human organs and/or tissues (Article 125.1), trafficking in or exploitation of human beings (Article 132), trafficking in or exploitation of a child or a person deprived of the possibility to realise the nature and significance of his or her act or to direct it as a result of mental disorder (Article 132.1), rape that has been committed against a minor (point 3 of part 2 of Article 138), violent actions of sexual nature which have been committed against a minor (point 3 of part 2 of Article 139), compelling a person below the age of sixteen to sexual intercourse or actions of sexual nature (part 2 of Article 140), sexual intercourse with a person below the age of sixteen or committing actions of sexual nature against a person below the age of sixteen (Article 141), lecherous actions (Article 142), violation of legal equity of a human being and a citizen (Article 143), infringement of copyright and related rights (Article 158), infringement of patent right (Article 159), engaging a child in the commission of actions related to pornography or preparation of pornographic materials or objects (Article 166), money laundering (Article 190), commercial bribe (Article 200), terrorism (Article 217), financing of terrorism (Article 217.1), hostage-taking (Article 218), public calls for terrorism, terrorism financing and international terrorism, publicly justifying or propagating the commission of the mentioned criminal offences (Article 226.1), public calls to use violence, publicly justifying or propagating the violence (Article 226.2), accessing (penetrating into) a computer information system without an authorisation (Article 251), modification of computer information (Article 252), computer sabotage (Article 253), unlawfully taking possession of computer information (Article 254), preparation or sale of special means for unlawfully accessing (penetrating into) computer information (Article 255), development, use and dissemination of hazardous programs (Article 256), violating the rules of operation of a computer system or network (Article 257), destruction of or damage to historical and cultural monuments (Article 264), illegal trafficking of narcotic drugs, psychotropic (psychoactive) substances and precursors thereof for the purpose of sale or preparation or the illegal sale

thereof (Article 266), illegal trafficking of narcotic drugs or psychotropic (psychoactive) substances without the purpose of sale (Article 268), unlawful taking or extortion of narcotic drugs or psychotropic (psychoactive) substances (Article 269), illegal trafficking of drastic or toxic substances for the purpose of sale or the illegal sale thereof (Article 275), violating safety rules within atomic energy facilities (Article 227), piracy (Article 220), hijacking or capturing an aircraft, vessel or railway rolling stock (Article 221), forming or leading a criminal organisation or participating in a criminal organisation (Article 223), illegal acquisition, sale, storage, transportation or carrying of weapons, ammunition, explosive substances or explosive devices (Article 235), illegal preparation of weapons (Article 236), unlawful taking or extortion of weapons, ammunition, explosive substances or explosive devices (Article 238), illegal engagement in private medical or pharmaceutical practice, preparation or production or sale of false medicine (Article 280), illegal production or sale or use of medical products or false medical products (Article 280.2), abuse of official powers (Article 308), torture (Article 309.1), receiving a bribe (Article 311), giving a bribe (Article 312), organisation of illegal migration (Article 329.1), aggressive war (Article 384), public calls for aggressive war (Article 385), proliferation of weapons of mass destruction (Article 386), employing prohibited means and methods of warfare (Article 387), terrorist act against a representative of a foreign state or an international organisation (Article 388), international terrorism (Article 389), grave violations of the rules of international humanitarian law in time of armed conflicts (Article 390), failure to act or issuing a criminal order in time of armed conflicts (Article 391), crimes against the safety of humanity (Article 392), genocide (Article 393), direct and public incitement to genocide (Article 393.1), ecocide (Article 394), mercenarism (Article 395), attacking persons or an establishment enjoying international protection (Article 396), illegal use of distinctive emblems protected by international treaties (Article 397), denying, mitigating, approving or justifying genocide and other crimes against peace and safety of humanity (Article 397.1).