

Report

On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Executive Summary

A.) National level

1-2. National Coordination Agency and Point of Contact

The National Point of Contact is the Conventional Arms Control Division of the Arms Control and International Security Department of the Ministry of Foreign Affairs.

There also exists an interaction and cooperation mechanism between appropriate ministries and state agencies in the field of arms control and disarmament and the politico-military dimension of security.

3. Legislation, regulations, administrative procedures, which also cover the legal relationships regulating the circulation of arms and bullets /ammunition in the Republic.

- ⇒ *Law of the Republic of Armenia on Arms*
- ⇒ *Decision of the Government of the Republic of Armenia on the "Rules and procedures of the Licensing the Arms Production in the Republic of Armenia"*
- ⇒ *Decision of the Government of the Republic of Armenia on "Regulating the Circulation of Service and Civilian Weapons and Their Bullets on the Territory of the Republic of Armenia"*
- ⇒ *Order of the Minister of Interior of the Republic of Armenia on "Rules and Procedures of the Control Over Service and Civilian Arms by the Bodies of Internal Affairs"*
- ⇒ *Decree of the President of the Republic of Armenia on Surrender of Arms and Other Military Inventory Illegally Held by Citizens or by Organizations*
- ⇒ *RA Government Decision of 29.12.1995 on "Licensing of Arms' Import and Export"*
- ⇒ *RA Government Decision of 05.12.2002 on "Arms' Production Licensing"*
- ⇒ *RA Government Decision of 07.31.2003 on "Arms' Transfer threw the State Border"*

The Law on Arms of the Republic of Armenia provides the definition of the following 3 categories of Arms: **Civilian Arms, Service Arms and Combat Arms.**

Civilian arms are foreseen for the self-protection of the citizens of the Republic of Armenia, as well as for hunting and sports. Civilian arms must exclude the possibility of rapid gun fire, and its cartridge must not exceed 10 bullets. The law also enlists all possible types of civilian arms.

Service Arms are foreseen for the usage by officials of state bodies and of the employees of legal persons, who have the right under existing legislation to possess and use those arms for self-protection, or for the fulfillment of tasks envisaged by law such as the protection of the civilians' life, their health, property and other obligations provided by law.

Service arms must have possibility of rapid gunfire and their cartridge should not exceed the capacity of 10 bullets.

Combat arms are foreseen for usage by the Ministries of Defense and National Security, as well as by the Police, the State Courier Service and armed units of the Civil Emergency Department. They are intended for the fulfillment of combat-operative tasks. These agencies are called *State Paramilitary Agencies*. The rules and procedures of the circulation of arms and their bullets by these State Agencies are defined by a decision of the Government.

The Law on Arms also regulates *inter alia* the following aspects regarding civilian possession of arms:

- ⇒ ***the right of the citizens of the Republic of Armenia to obtain arms;***
- ⇒ ***the restrictions applying to the circulation of civilian arms;***
- ⇒ ***the certification of civilian arms as well as their bullets;***
- ⇒ ***the state cadastre of the civilian arms and their bullets;***
- ⇒ ***the rules and procedures of obtaining, import or export of arms by foreign citizens on the territory of the Republic of Armenia.***

Article 13 of the Law on Arms defines the rules and procedures for possession of arms by citizens of Armenia. The possession of arms by citizens above 18 years of age is a subject to licensing. Citizens are allowed to own arms on the basis of a license, which must be registered with the appropriate internal affairs agency within two weeks of acquisition. The license is valid for a limited period and is at the same time considered a permit to possess a weapon if it has a certificate of registration by the internal affairs agencies. The license application for possession can be refused if it does not meet the requirements enlisted in the law, such as age, appropriate medical conclusions /evaluation/, document of residence, document confirming the knowledge of safety rules, etc.

4. Law enforcement / criminalization

The below mentioned articles of Criminal Code (entered into force on 1 August, 2003) are dealing directly with the criminal offences on illegal manufacture, possession, stockpiling, acquisition, sales, transportation, theft of arms and ammunition or explosives, as well as inaccurate or careless stockpiling of arms:

Article 235. Illegal procurement, transportation or carrying of weapons, ammunition, explosives or explosive devices.

Illegal procurement, transportation, keeping or carrying of weapons, explosives or explosive devices, except smooth-bore long-barrel hunting guns, ammunition, is punishable by detention for the term of up to 3 months, or with imprisonment for the term of up to 3 years, with or without a fine in the amount of up to 500 times the minimal salaries.

The actions envisaged in part 1 of this Article which were committed by a group with prior agreement, are punished with imprisonment for the term of 2 to 6 years.

The actions envisaged in part 1 of this Article which were committed by an organized group, are punished with imprisonment for the term of 3 to 8 years.

Illegally carrying of gas weapons, cold steel, or throwing weapons, is punished with correctional labor for 1-2 years, or arrest for the term of 1-3 months, or with imprisonment for the term of up to 2 years, with or without a fine in the amount of up to 200 times the minimal salaries.

The person who voluntarily surrendered the items mentioned in this Article is exempt from criminal liability, if there are no other elements of crime in his/her actions.

Article 236. Illegal manufacture of weapons.

Illegal manufacture or repair of fire-arms, fire-arm components or illegal manufacture of ammunition, explosives or explosive devices is punishable by an imprisonment for the term of up to 3 years.

The same action, which was committed by a group with prior agreement, is punishable by an imprisonment for the term of 2 to 6 years.

The actions envisaged in part 1 of this Article which were committed by an organized group, are punishable by an imprisonment for the term of 4 to 8 years.

The person who voluntarily surrendered the items mentioned in this Article is exempt from criminal liability, if there are no other elements of crime in his/her actions.

Article 237. Improper performance of the duties of safekeeping of weapons, ammunition, explosives and explosive devices or failure thereof.

Improper performance of the duties of safekeeping of weapons, ammunition, explosives and explosive devices by the person in charge, if this resulted in theft or destruction, or other grave consequences, is punishable by correctional labor for the term of up to 2 years, or with arrest for the term of 1-3 months, or with imprisonment for the term of up to 2 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

The acts envisaged in part 1 or 2 of this Article, if they negligently caused human death, are punishable by an imprisonment for the term of 5 to 10 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

Article 238. Theft or extortion of weapons, ammunition, explosives and explosive devices.

Theft or extortion of fire-arms, fire-arm components, ammunition, explosives and explosive devices, is punishable by an imprisonment for the term of 3 to 5 years.

Actions envisaged in parts 1 or 2 of this Article, if they were committed:

- a) by a group of persons with prior agreement;
- b) by abuse of official position;
- c) by use of violence which does not pose danger to life or health, or by a threat of using such violence;
- d) in large amounts,

are punishable by an imprisonment for the term of 6 to 10 years, with or without property confiscation.

4. Actions envisaged in parts 1, 2 or 3 of this Article, if they were committed:

- a) by an organized group;
- b) by use of violence, which poses danger to life or health, or with a threat of using such violence;
- 3) particularly in large amounts,

are punishable by an imprisonment for the term of 8 to 12 years, with or without property confiscation.

Article 239. Negligent warehousing of fire-arms.

Negligent warehousing of fire-arms or ammunition which created conditions for others to use these fire-arms or ammunition, as well as to transfer the weapons or ammunition to another person, in case it had grave consequences, is punishable either by correctional

labor for the term of up to 2 years, or by arrest for the term of up to 3 months, or by an imprisonment for the term of up to 2 years.

5. Stockpile management and security

The stockpiling of SALW by the Armed Forces is regulated by the Joint military service regulations of the Republic of Armenia. The management of the stockpiles is carried out by army commanders, while the general supervision is carried out by the appropriate departments of the Ministry of Defense. The security of the stockpiles of SALW is guaranteed by the 24-hour guard service, as well as by the application of technical safety and fire safety measures (Guard Service Code of the Armed Forces of RA, part 3). Control over the armaments of state paramilitary agencies is carried out in accordance with the rules and procedures defined by the Government of the Republic of Armenia.

Those bodies which are authorized to have control over arms and ammunition of the state paramilitary agencies have the right to:

- ⇒ *conduct a comprehensive on site examination of arms;*
- ⇒ *to confiscate and destroy arms which are banned in the Republic of Armenia, as well as illicit arms and ammunition;*
- ⇒ *to initiate and implement other measures envisaged by the law.*

Stocks of other authorized bodies such as individual holders (importers, exporters) are controlled by Police, on the basis of the rules of procedures defined by the appropriate Government Decision.

The Government keeps records of the numbers of combat, civilian and service arms and weapons. The Law on Arms of the Republic of Armenia has a section dealing with information on civil and service arms and their bullets, which must be recorded with the State Cadastre. In accordance with the law, the State Cadastre of information on civil and service arms and their bullets is considered the official compendium of categorized information on civil and service arms permitted for circulation. The Cadastre is published on the basis of the list of the models of the civil and service arms. The Cadastre is managed by the Republic's body of standardization and certification on the basis of the rules and procedures defined by the Government of the Republic of Armenia.

The legislation provides a range of measures for the destruction of SALW. The Decision of the Government on regulating the arms circulation asserts that the destruction of weapons is executed by the State Commission which ultimately produces a report on destruction. The weapons subject to destruction are transformed to scrap via mechanical deformation, slicing, disassembling and melting. The bullets are destroyed by being burnt in special designated areas.

The existing web of legislative acts also covers stockpile management and security of SALW. The Law on Arms as well as Government Decision of 26.10.1999 "Regulating the circulation of service and civilian weapons and their bullets on the territory of the Republic of Armenia" deals with stockpile management and security of SALW.

6. Collection and disposal

The Armenian Government declared combating small arms proliferation a priority for its national security from the very first years of its regained independence, at a time when a large number of spontaneously formed paramilitary groups existed in the country. The effective disarmament of these groups and integration of ex-paramilitaries either in the newly formed regular army or in the civil society attests to the Republic of Armenia's success in establishing strict state control over small arms and light weapons on its territory.

According to the *Decree of the President of the Republic of Armenia* of 19.12.1991, arms, ammunition, combat equipment and other military inventory illegally held by citizens or by organizations were subject to surrender. Proceeding from the aforementioned Decree:

- ⇒ *The citizens of the Republic of Armenia were obliged to surrender to the Ministry of Defense of the RA arms, ammunition, combat equipment illegally possessed by them;*
- ⇒ *Those who surrendered arms, ammunition and military equipment prior to the dates set by the authorities would be absolved of criminal persecution;*
- ⇒ *The citizens who did not surrender their weapons and ammunition would be held responsible in accordance with the legislation of the Republic of Armenia;*
- ⇒ *The Ministries of Defense and National Security, as well as the Police Department were tasked with the implementation of the above-mentioned Decree to.*

7. Export controls

The export policy of the Republic of Armenia is based upon respect for and commitment to international law, and the purposes and principles enshrined in the Charter of the United Nations. Although Armenia itself is not a member of various multilateral export control regimes, it strongly adheres to the goals of these regimes.

The rules and procedures for licensing arms exports are stipulated in the Law on Arms, as well as in the Government decisions and the Order of the Minister of Interior of Armenia on. In accordance with the Law on Arms, export and import of combat arms must be carried out on the basis of the rules and procedures defined by the Government.

In accordance with the Decision of the Government, for the export of any consignment of weapons and bullets, the manufacturer must provide the Police Service with the following documentation:

- ⇒ *Application for permission to export arms and containing information on the type, model and quantity of weapons to be exported;*
- ⇒ *a copy of the purchase contract signed with foreign customer;*
- ⇒ *certificate of conformance for models not registered in State Cadastre;*
- ⇒ *three samples of the records compendium of exported weapons, including information on the type, model and serial number.*

In case of transit of arms and weapons, the owner, in accordance with the legislation, must present to the Police Department the following documents:

- ⇒ *application for permission to import and export;*
- ⇒ *a copy of an agreement with the Guards Division of the Police Department;*
- ⇒ *the third copy of customs declaration which should have the notation on "transit" by the customs service of the Republic of Armenia;*
- ⇒ *a list of the arms confirmed by the customs service and containing information about the types of the arms, models, their caliber, series, as well as information about the caliber of the bullets, their quantity etc.*

The trade in SALW is subject to licensing by the Police Service. It is forbidden to suppliers (trade organizations) on the territory of the Republic of Armenia to sell:

- ⇒ *arms to legal and physical persons who do not have license for obtaining certain kinds of arms,*
- ⇒ *arms and bullets which are not certified on the basis of the legislation of the Republic of Armenia, and which do not have marking and numbering.*

8. Brokering

The General Principles, Registration / Authorization, Enforcement, as well as other Provisions on Small Arms and Light Weapons' brokering control in Armenia are regulated by the following legislative acts:

- ⇒ *RA Government Decision of 29.12.1995 on "Licensing of Arms' Import and Export";*
- ⇒ *The RA Law on Arms of 03.07.1998;*
- ⇒ *RA Government Decision of 26.10.1999 on "Regulating the circulation of service and civil weapons and their bullets on the territory of the Republic of Armenia", which also deals with stockpile management and security of SALW;*
- ⇒ *RA Government Decision of 05.12.2002 on "Arms' Production Licensing";*

⇒ ***RA Government Decision of 07.31.2003 on “Arms’ Transfer threw the State Border”.***

In general, the process of SALW in/out, transfer or transit, as well as control illegal brokering is implemented according to the legal documents mentioned above and the Criminal Law of the Country.

Stocks of other authorized bodies such as individual holders (importers / exporters, as was mentioned), are controlled by the Police, on the basis of the rules of procedures defined in the Decision of the Government.

The Government keeps accurate records of the numbers of combat, civilian and service arms and weapons. The Law on Arms of the Republic of Armenia has a section dealing with information on civil and service arms and their bullets, which must be recorded with the State Cadastre. In accordance with the law, the State Cadastre of information on civil and service arms and their bullets is considered the official compendium of categorized information on civil and service arms permitted for circulation. The Cadastre is published on the basis of the list of the models of the civil and service arms. The Cadastre is managed by the Republic’s body of standardization and certification on the basis of the rules and procedures defined by the Government of the Republic of Armenia.

9. Marking, record keeping and tracing

In accordance with the Law on Arms, manufacture of weapons is subject to licensing. The Law requires detailed procedure for the issuance of a license for producing arms and weapons. The license for the production of arms and weapons is issued by the Government of Armenia at the presentation of the formal conclusion from the Republic's body – Police. The application for the production of weapons must contain information about the type of arms and weapons to be produced, as well as information about the safety of the entire production process and stockpiling. In accordance with Article 16 of the Law on Arms, every unit of produced arms and weapons must be individually numbered, and it should be marked on the basis of the procedures defined by the state agency for standardization, certification and marking. In accordance with the Government decision, it is forbidden in the Republic of Armenia to sell arms which are not registered by the internal affairs agencies, as well as arms which do not have individual number and marking.

In accordance with the Decision of the Government of the Republic of Armenia on the Rules and Procedures for Licensing of the Production of Arms, the application for license for production can be denied if, *inter alia*:

- ⇒ ***the documents provided by the applicant are not complete, or if they are evidently false;***
- ⇒ ***the documents do not meet the requirements of the legislation of the Republic of Armenia;***

- ⇒ *if the applying legal entity, in accordance with the legislation or in accordance with its own by-laws, does not have the right to engage in such activity;*
- ⇒ *the rules and procedures of safety of arms production, as well as the monitoring of the process of production and the stockpile do not meet the requirements of the legislation.*

The circulation of unmarked SALW in the Republic of Armenia is strictly forbidden by legislation. If relevant authorities discover unmarked arms in the course of their work, these arms are subject to examination by the appropriate expert units of the Police Department, after which they are subject to destruction.

The Government Decision of 26.10.1999 on regulating the circulation of civilian and service arms, states that legal entities which are producing arms are obliged to conduct monitoring on the whole production process, ensure the safety of the production, its quality, ensure the counting /record-keeping/ and stockpiling of the arms. Furthermore, the places of production and stockpiling, as well as its documentation, are subject to examination by the Police Department and by the Department of Standardization and Certification of the Republic of Armenia. State paramilitary agencies in Armenia are obliged to keep records of all arms placed within their jurisdiction. The internal affairs agencies keep records of arms and bullets possessed by physical persons or legal entities.

10. Awareness-raising

All laws in the Republic of Armenia which govern exports, imports, marking, tracing and stockpiling of SALW are published in official publications of the Government of Armenia. Furthermore, the official TV program of the Police Department called "02" while reporting to the public about the cases of illicit trafficking of SALW or their possession, also refers to the relevant laws and legislative acts related to combating illegal circulation of SALW.

B.) Regional level; and C.) Global levels

Armenia is providing information under the following international documents:

- ⇒ *OSCE Document on SALW,*
- ⇒ *Information with regard to the OSCE Principles on the Control of Brokering in Small Arms and Light Weapons,*
- ⇒ *UN Program of Action to Prevent, Combat and Eradicate the Illicit Trafficking in SALW.*

Armenia does not encounter significant illegal transfers across its borders, but is ready to cooperate with all its neighbors to ensure effective combating against all types of illicit trafficking. Combating illicit trafficking, including SALW remains a priority for the Government of Armenia and we intend to further develop the national legislation to increase the effective combating of illicit trade in SALW.

International Instruments Against Terrorism and Crime

Armenia resolutely condemns terrorism and terrorist acts and is fully committed to the international struggle against them. With the full understanding of the necessity to combat such acts, Armenia has offered unreserved assistance to the global coalition, signed the UN and Council of Europe anti-terrorism conventions, and offered military and strategic assistance in this respect.

The Republic of Armenia has acceded and is a State Party to the following international agreements on prevention of, and combating terrorism:

A. UNITED NATIONS TREATIES:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft
2. Convention for the Suppression of Unlawful Seizure of Aircraft
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.
5. International Convention against the Taking of Hostages.
6. Convention on the Physical Protection of Nuclear Material.
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.
8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.
9. Convention on the Marking of Plastic Explosives for the Purpose of Detection.
10. International Convention for the Suppression of Terrorist Bombings.
11. International Convention for the Suppression of the Financing of Terrorism.

B. COUNCIL OF EUROPE CONVENTIONS AND PROTOCOLS:

1. European Convention on the Suppression of Terrorism
2. Protocol amending the European Convention on the Suppression of Terrorism
3. European Convention on Extradition
4. European Convention on Mutual Assistance in Criminal Matters
5. European Convention on the Transfer of Proceedings in Criminal Matters
6. Additional Protocol to the European Convention on Extradition
7. Second Additional Protocol to the European Convention on Extradition
8. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
9. European Convention on the Compensation of Victims of Violent Crimes
10. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime

C. COMMONWEALTH OF INDEPENDENT STATES TREATIES:

1. Agreement on Cooperation in the Field of Protection of Civil Aviation from Illegal Interference.
2. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism.
3. Agreement on the Cooperation between the Ministries of Interior of the CIS Participating States for the Suppression of Terrorism.

The establishment of a full scale cross-border and regional cooperation to increase the effectiveness of a regional fight against illicit trafficking will be an important step forward in the overall efforts to curb the spread of illegal SALW. On a regional level, it will be useful to have a regional mechanism of dialogue and consultation between law enforcement agencies of the region on matters related to SALW. Furthermore, one of the elements of cooperation on the regional level could be the establishment of regional register of small arms and light weapons, as well as other cooperation mechanisms, such as specific sub-regional transparency and confidence-building measures with a view to combating illicit trade in SALW. Harmonization of national export control laws and regulations, as well as exchange of national lists of registered brokers can be carried out within sub-regional or regional frameworks. Such initiatives for regions, such as the South Caucasus may contribute to the conflict resolution efforts by preventing further arms race in the region and serving as an important confidence-building measure.