

In cases in which article 210 does not apply, as, for instance, when there are fewer than three persons, the general provisions of the Penal Code against criminal involvement (such as aiding and abetting or complicity) apply.

Article 211 (on public intimidation) imposes a penalty of two to six years' imprisonment on anyone who, in order to frighten the public or incite disturbances or disorder, makes signs, raises alarms, threatens to commit an act that will endanger the public or uses other material means suited to producing such effects. The use of explosives, harmful chemicals or similar materials for such purposes, provided that the act does not constitute an attack against public security, is penalized by 3 to 10 years' imprisonment.

With regard to an attack against public security, article 213 of the Penal Code provides that "anyone who organizes or takes part in permanent or temporary groups not covered by article 210 of this Code whose primary or secondary purpose is to impose their ideas or combat those of others by force or threat shall be punished with three to eight years' confinement or imprisonment solely by virtue of being a member of the group"

Moreover, Argentine legislation defines terrorist acts as "Criminal acts committed by members of unlawful associations or organizations established for the purpose of creating alarm or fear, which are carried out by means of explosive or inflammable substances, weapons or other deadly items, when used to endanger the life or physical integrity of an indeterminate number of persons" (Act No. 25,241 on repentant offenders). These acts are not described for the purpose of defining a specific offence and penalty, but solely for the purposes of the application of this Act which provides for a reduced penalty for anyone who collaborates effectively in the investigation of such acts. Thus, the purpose of this provision is to obtain information in order to prevent or suppress terrorist acts.

VI. ARMENIA⁷

SUMMARY OF LEGISLATION OF ARMENIA RELATED TO TERRORISM

The National Assembly of Armenia recently adopted a new Criminal Code, which entered into force beginning 1 August 2003. Here is the outline of its main articles related to terrorism:

⁷ Transmitted to the Secretariat by that Government on 8 February 2002 (S/2002/162, enclosure), on 21 January 2003 (S/2003/146, enclosure) and on 24 October 2003 (S/2003/1044, enclosure). Information was also provided in respect of the Code of Criminal Procedure and the Law on Banks and Banking.

- Article 104 of the Criminal Code stipulates that murder in conjunction with a terrorist act is punishable by imprisonment for 8-15 years or life sentence and establishes punishment with imprisonment for 5-10 years for causing grave injury in conjunction with a terrorist act.
- Article 217 of the Criminal Code (Terrorism) establishes liability for the explosion, arson, assassination, similar acts causing mass casualties, destruction of property or other dangerous outcome for the public as well as the threat to commit such an act, aimed at disruption of public security, terrorisation of the population, influencing of the decision-making of any state body and/or official or the fulfilment of the demands of criminals. Such acts are punishable by imprisonment for 8-15 years.
- Article 222 of the Criminal Code which replaced Article 72 of the former Criminal Code, establishes legal liability for the formation and leading of the armed gangs aimed at the assault of individuals or organisations as well as participation in such groups and in their assaults. Such acts are punishable by the imprisonment for 8-15 years.
- Article 224 of the Criminal Code establishes legal liability for the formation of and participation in the illegal armed groups, which could not be convicted by Article 222. Such acts are punishable by the imprisonment for 2-10 years.
- Article 305 of the new Criminal Code, which replaced Article 62 of the former Criminal Code (Terrorist Act Directed against a Representative of a Foreign State), establishes liability for the murder of a state, public or political figure (with no specific mention of the state of belonging) committed to disrupt his/her activities. Such an act is punishable by imprisonment for 10-15 years or life sentence.
- Article 319 of the Criminal Code (International Terrorism) establishes liability for the explosion, arson, similar acts, which cause death of people, mass casualties, destruction or damage to the buildings, roads, means of transport or communication, other property, committed in the territory of foreign state and aimed at provoking of international hostilities or war, destabilizing internal situation of foreign state. Such acts are punishable by imprisonment for 10-15 years or life sentence.
- Article 388 of the Criminal Code establishes liability for the murder of a representative of a foreign state or international organisation if such acts are committed with an aim to provoke war or international tension. Such an act is punishable by imprisonment for 10-15 years. The act of violence against a representative of a foreign state or international organisation, his/her kidnapping or detention is punishable by imprisonment for 5-12 years.

In addition, the norms of the Part 7 of the new Criminal Code and particularly Article 38 also establish criminal liability for the accessories to a crime: an organizer (a person who organized or led the perpetration of felony as well as established or led a gang or criminal association), an instigator (a person who incited another person to perpetrate a felony by persuasion, financial incentive, threat or otherwise) and an abettor (a person who assisted by advice, instruction, offering an information, resources or tools, eliminating obstacles, had previously promised to conceal the offender, means or tools, traces of felony, to conceal, purchase or vend the items obtained through felony). Article 217 of the Criminal Code (Terrorism) in combination with the norms of the Part 7 of the same Code on establishing criminal liability for the accessories to a crime provides adequate legal basis for the prosecution of any involvement in terrorist activities including the provision of funds.

Furthermore, the Chapter 6 of the Criminal Code gives the definitions of a completed or unfinished offence, of an attempt or a preparation of offence, and stipulates a provision that the attempt and the preparation of offence must be convicted under the same Article of the General Part of the Code as the completed offence.

Territorial scope of application

According to Article 14 of the Criminal Code, an offence has to be considered as committed in the territory of Armenia and thus prosecuted by the Criminal Code of Armenia even if it started, continued or concluded in the territory of Armenia or it was carried out in complicity with persons committed an offence outside the country. Furthermore, the same Article stipulates that, regardless of the place of the crime commitment, a person is subject to criminal liability under the Criminal Code of the Republic of Armenia, if he/she is called for criminal liability within Armenia, and there are no other requirements by the international agreements.

Article 15 of the Criminal Code establishes liability for the citizens or residents of Armenia who committed an offence outside Armenia as long as that they have not been convicted in another country. Same Article establishes liability for foreign citizens or stateless persons who committed an offence outside Armenia providing that an offence is prosecuted by International Agreements of Armenia or is of grave nature (terrorism is considered as such) directed against the interests of Armenia or the rights or freedoms of its citizens as long as the perpetrators have not been convicted in another country.

Moreover, under current Armenian legislation an offence has to be considered as committed in the territory of Armenia and thus prosecuted by the Criminal Code of Armenia even if it started, continued or was completed in the territory of Armenia or it was carried out in complicity with persons who committed an offence outside the country.