

Armenia – National Procedures for Extradition
Updated 28/10/2014

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	<p>General Prosecutor's Office of the Republic of Armenia (regarding execution of enquires to conduct procedural steps related to cases in pre-trial stage)</p> <p>V.Sargsyan 5, 0010, Yerevan, Armenia</p> <p>tel: 374 10 511-599</p> <p>Ministry of Justice of the Republic of Armenia (regarding execution of enquiries to conduct procedural steps, including execution of judgments, related to cases in court proceedings)</p> <p>RA Ministry of Justice</p> <p>Halabyan 41a, 0078, Yerevan, Armenia</p> <p>e-mail: armenuhi.harutyunyan@moj.am</p> <p>tel/fax: 374 10 380-384</p>
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	N/A
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Channels of communication for the request for extradition may be received directly or through diplomatic channels
Means of communication (e.g. by post, fax, e-mail ¹):	By e-mail: armenuhi.harutyunyan@moj.am

¹ Please indicate if encryption or electronic signature is required.

	<p>By fax: 374 10 380-384</p> <p>By post: RA Ministry of Justice</p> <p>Halabyan 41a, 0078, Yerevan, Armenia</p> <p>Note: Requests sent by e-mail or by fax should be sent also by post.</p>	
Language requirements:	<p>With the Declaration contained in the instrument of ratification deposited on 25 January 2002 the Republic of Armenia declared, that “the request for extradition and documents to be produced shall be accompanied by a certified translation into the Armenian language or into one of the official languages of the Council of Europe.”</p>	
Documentation required:	<p>No specific documentation is required other than provided by the Article 12 of the Convention.</p>	
Provisional arrest:	<p>Time limit for presentation of formal extradition request if the person is in provisional arrest</p>	<p>The provisional arrest and time limits for presentation of formal extradition request are regulated by Article 478.2 of the Criminal Procedure Code of the Republic of Armenia.</p> <p>The Article is as follows:</p> <p>1. Persons who have committed crimes outside the territory of the Republic of Armenia and have been arrested within the territory of the Republic of Armenia shall be subject to provisional arrest for up to 40 days or for any other term provided for by an international treaty, for the</p>

		<p>purpose of receiving a request for extradition and clarifying the circumstances excluding extradition. Where a request for extradition is not received within the maximum term envisaged for temporary detention, or the court of the Republic of Armenia rejects the motion for detention for extradition, or circumstances excluding extradition are established, the person shall be released. Release of a person from temporary detention on the ground of failure to file a timely request for extradition shall not impede his or her further detention for extradition.</p> <p>2. Before receiving a request for extradition of a person, the motion of the competent body of the foreign state for provisional arrest or the decision or criminal judgment thereof on selecting detention as a measure of restraint shall be delivered by mail, including by electronic mail or wire or any other technical means, as well as through Interpol or any other international organisation conducting the prosecution of the person that the Republic of Armenia is a member to.</p>
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	<p>Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?</p>	<p>No, because in any case the provisional arrest could not exceed the term of 40 days.</p>
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p>Extradition procedure is normal:</p> <ol style="list-style-type: none"> 1. Formal request on extradition from the competent authority of the foreign state to the competent authority of the Republic of Armenia. 2. Dual criminality definition 3. The offender whom extradition is requested is not a national of the Republic of Armenia, asylum seeker or refugee. 	
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>Detention for extradition shall be imposed for two months. The prosecutor or the Minister of Justice of the Republic of Armenia, 10 days prior to the expiry of the term of detention, shall file a motion before the court on extending the term of detention of the person. The term of detention for extradition may not exceed 8 months.(Article 478.3, para 5 CPC)</p>	
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>Statutes of limitation for the purpose of prosecution according to the national legislation</p> <ol style="list-style-type: none"> 1. The person is exempted from criminal liability, if the following periods of time have elapsed after the committal of the crime: <ol style="list-style-type: none"> 1) 2 years, since the day of committal of not grave crime; 2) 5 years, since the day of committal of medium-gravity crime; 3) 10 years, since the day of committal of grave crime; 4) 15 years, since the day of committal of particularly grave 	

	<p>crime.</p> <p>2. The prescription period is calculated from the day of committal to the moment when the sentence comes into legal force.</p> <p>3. The prescription period is disrupted, if prior to the expiry of these period, the person commits a new medium gravity crime, grave crime or particularly grave crime. In this case the calculation of the prescription period begins from the moment of committal of the new crime.</p> <p>4. The prescription period is suspended, if the person avoids investigation or trial. In this case the prescription period resumes from the moment of arrest or surrender. Particularly, the person can not be subjected to criminal liability, if 10 years have elapsed since the day of committal of the not grave or medium-gravity crime, and 20 years have elapsed, in the case of a grave or particularly grave crime, and no the prescription period was not disrupted with new crimes.</p> <p>5. The court decides the issue of application of the prescription period to a person who committed a crime punishable by a life sentence. If the court does not deem possible to exempt the person from criminal liability due to the expiry of the prescription period, the life sentence is not applied.</p> <p>6. The expiry of the prescription period is not applicable to persons who committed crimes against peace and human security envisaged in Articles 384, 386-391, 393-397 of the Criminal Code. Prescription periods are not applied to the persons who committed crimes envisaged in the RA international agreements, provided the agreement prohibits the application of the prescription period.</p> <p>Statutes of limitation for the execution of sentences according to the national legislation</p> <p>1. The person convicted for crime is exempted from serving the punishment, if after coming into legal force, the accusatory court sentence has not been carried out within the following deadlines:</p> <ol style="list-style-type: none"> 1) 2 years, in case of being convicted for not grave crime; 2) 5 years, in case of being convicted for medium-gravity crime; 3) 10 years, in case of being convicted for grave crime; 4) 15 years, in case of being convicted for particularly
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	<p>grave crime.</p> <p>2. The expiry period is terminated if prior to the expiry of this period, the person commits a new willful crime. In this case the calculation of the expiry period begins from the committal of a new crime.</p> <p>3. The expiry period is terminated, if the convict evades from serving the punishment. In this case the expiry period is renewed from the moment of capturing of the person or his surrender. Also, an accusatory sentence can not be implemented, if 10 years have elapsed since the sentence for the committal of the not grave or medium-gravity crime was adopted, and in the case of grave and particularly grave crime, 20 years have elapsed since the sentence, and the expiry period was not disrupted with a new crime.</p> <p>4. The court decides the issue of application of the expiry date to the person who was convicted as a life-server. If the court does not find possible to apply the expiry date, then this punishment is replaced with an imprisonment for a certain term.</p> <p>5. The expiry date is not applicable to the persons who committed crimes against peace and human security, envisaged in Articles 384, 386-391, 393-397 of the Criminal Code.</p>
Provisions concerning extradition of nationals:	The Article 30.1 of the Constitution of the Republic of Armenia prohibits the extradition of RA nationals.
Surrender (e.g. deadlines):	The term of detention for extradition may not exceed 8 months, so surrender should be within 8 months.
Other particularly relevant information (such as, specific requirements concerning double criminality):	According to Article 487(2): “Extradition for subjecting to criminal liability shall be carried out with regard to acts which are deemed punishable under the laws of the foreign state sending the request and the Republic of Armenia and entailing punishment by imprisonment for a period of not

	less than one year.”
Links to national legislation, national guides on procedure,	www.parliament.am www.moj.am www.genproc.am