

ARMENIA

LEGAL BASIS

1. Has your State signed and/or ratified the *United Nations Convention on special missions (1969)*? If not, does your State intend to sign/ratify the Convention?

Armenia has not signed/ratified yet the UN Convention on Special Missions (1969). Armenia has no intention yet to sign/ratified the convention.

2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?

Yes. There are a few bilateral agreements concluded between Armenia and some countries containing some provisions granting immunities and privileges to the headquarters and staff of the missions operating in Armenia.

3. Has your State adopted a specific national legislation in the field of immunities of special missions?

- a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**

N/A

- b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

Yes. It is covered by:

- Criminal Procedural Code of the Republic of Armenia, in particular, by Chapter 51 (Articles 445-448) of the mentioned document,

- Code of the Republic of Armenia on [Administrative Infringement of Law](#), in particular, by Article 16 of the mentioned document,

- Civil Procedural Code of the Republic of Armenia, in particular, by Article 245 of the mentioned document.

4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.

No

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

N/A

6. Please provide information on the scope of the immunities of special missions, in particular:

- a. The extent of the privileges and immunities granted to special missions and to their members;**

- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);
- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;
- d. The temporal limits of the immunities accorded to special missions.

See answers for point 3 of this questionnaire and Annex 1.

NATIONAL PRACTICE AND PROCEDURE

7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).

There is no national case law in this field so far.

8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?

- a. **If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**

No. But there are informal discussions and negotiations in the frame of CIS countries to create such an agreement regulating bilateral relations in this field between CIS states.

- b. **In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

N/A

APPENDIX TO THE REPLY OF ARMENIA

Annex 1
Non-official translation

EXTRACTS FROM CRIMINAL PROCEDURAL CODE OF THE REPUBLIC OF ARMENIA

CHAPTER 51 *PECULIARITIES OF PROCEEDINGS IN CASES OF PERSONS ENJOYING PRIVILEGES AND IMMUNITY PRESCRIBED BY INTERNATIONAL TREATIES*

Article 444. Persons enjoying diplomatic immunity under jurisdiction of the Republic of Armenia

Persons enjoying diplomatic immunity may be under jurisdiction of the Republic of Armenia in case when a corresponding foreign state or international organisation will give a clear consent to it.

Article 445. Persons enjoying diplomatic immunity

The following persons shall enjoy diplomatic immunity:

- (1) heads of diplomatic representations of foreign states, members of diplomatic staff of these representations and members of their families living together, where they are not citizens of the Republic of Armenia;
- (2) based on reciprocity, workers of administrative and technical staff of diplomatic representations and members of their families living together, where they are not citizens of the Republic of Armenia;
- (3) based on reciprocity, workers of the support staff of the diplomatic representation who are not citizens of the Republic of Armenia and not permanently residing in the Republic of Armenia;
- (4) diplomatic couriers;
- (5) heads of consular offices and other officials;
- (6) representatives of a foreign state, members of parliamentary and governmental delegations and, based on reciprocity, members of the delegations of a foreign state who has arrived to participate in international negotiations, international assemblies and meetings, or they are in the Republic of Armenia in transit with other official assignments or the same purpose, family members of the above-mentioned persons who accompany them and are not citizens of the Republic of Armenia;**
- (7) heads, members and staff of representations of a foreign state in international organisations, their officials who are in the Republic of Armenia by virtue of international agreements or internationally recognised custom;**
- (8) heads of diplomatic representations in third countries, members of diplomatic staff of diplomatic representations of a foreign state who are in the Republic of Armenia in transit, and their family members who accompany the above-mentioned persons or travel alone for the purpose of joining them or returning to their state.

Article 446. Personal immunity

- 1. Persons listed in Article 445 of this Code shall enjoy the right to personal immunity. They may not be arrested or detained except for cases when it is necessary for the execution of the criminal judgement having entered into force against them.**
2. The preliminary investigation body, prosecutor or court having arrested or detained persons referred to in part 1 of this Article shall be obliged to immediately inform the ministry of foreign affairs of the corresponding state about that by telephone, telegram or other means.

Article 447. Immunity from criminal prosecution

- 1. Persons listed in Article 445 of this Code shall enjoy immunity from criminal prosecution. The issue of involving such persons as a suspect or accused shall be disposed of through diplomatic channels.**

2. Workers of the staff supporting diplomatic representation who are not citizens of the Republic of Armenia and are not permanently residing in the Republic of Armenia, heads of consular offices and other officials shall enjoy in the Republic of Armenia immunity from criminal prosecution solely while performing their official duties in the field of their activities.

Article 448. Advantage while giving testimonies

1. Persons listed in Article 445 of this Code may not give testimonies as a witness or victim, whereas, if agreed to give testimonies, shall not be obliged to appear before the investigator, prosecutor, court for that purpose.

2. When the given persons have given testimonies in the course of preliminary investigation as a witness, victim but has not appear for trial, the court may disclose their testimonies.

3. Heads of consular offices and other officials may not refuse to give testimonies as witnesses or victims except for cases in relation to giving testimonies on issues concerning the performance of their official duties. Where officials of consular offices refuse to give testimonies, coercive measures may not be imposed against them.

4. In case of receiving consent referred to in part 1 of this Article, the subpoena delivered to corresponding persons shall not contain an indication on applying coercive measures, failing to appear before the body conducting proceedings.

5. Persons enjoying diplomatic immunity shall not be obliged to submit correspondence or other documents concerning the performance of their official duties to the investigator, prosecutor, court.

EXTRACT FROM CIVIL PROCEDURAL CODE OF THE REPUBLIC OF ARMENIA

Article 245. Court immunity. 1. Bringing an action against a foreign state, involving it as a third person in the case, **imposing attachment on the property belonging to a foreign state and located in the territory of the Republic of Armenia as well as undertaking other measures for securing the claim with respect thereto, levying that property in execution through the procedure of compulsory enforcement of the judicial act shall be permitted only upon consent of the competent authorities of the respective state, unless otherwise stipulated by the international treaties of the Republic of Armenia.....**

EXTRACT FROM CODE OF ADMINISTRATIVE OFFENCES OF THE REPUBLIC OF ARMENIA

Article 16 Administrative Responsibility of Foreign Citizens and Stateless Persons

1.

2. **The issue of the administrative responsibility of a foreign citizen, who is immune from the administrative jurisdiction of the Republic of Armenia in compliance with the laws and international treaties of the Republic of Armenia and who has committed an administrative offence on the territory of the Republic of Armenia, shall be resolved in diplomatic way.**